

Members:
Vickie Mullins, Chairman
George Lott, Vice-Chair
George Turner
Alfonso Ferguson Sr.
Winton McHenry



Alternates:
Robert E Davis
Nathan Galbreath
Stacy Michael Long
Alberta Ortiz
Gregory Parks

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

TENTATIVE AGENDA
JANUARY 18, 2018
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, January 18, 2018, at 7:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. INVOCATION & PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. SWEAR IN STAFF
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE SEPTEMBER 21, 2017 MINUTES
6. APPROVAL OF THE 2018 DEADLINE/MEETING SCHEDULE
7. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
8. PUBLIC HEARING DEFERRALS/WITHDRAWALS
9. POLICY STATEMENT REGARDING APPEAL PROCESS
10. PUBLIC HEARING(S):
 - A. **P18-01-C:** CONSIDERATION OF A VARIANCE TO ALLOW A 1.5 FOOT SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED AND TO ALLOW A 14 FOOT FRONT YARD SETBACK WHERE 30 FEET IS REQUIRED IN A R10 DISTRICT ON 0.25 +/- ACRES, LOCATED AT 4374 WUYCIK ROAD; SUBMITTED BY JAMES E AND BERNADINE A COLEMAN JR (OWNERS).
 - B. **P97-31-C:** REVOCATION OF A SPECIAL USE PERMIT (NEE SPECIFIED CONDITIONAL USE PERMIT) TO ALLOW A SOLID WASTE DISPOSAL FACILITY IN A RR DISTRICT ON 14.56 +/- ACRES, LOCATED WEST OF SR 2212 (DOC BENNETT ROAD), SOUTH OF I-95 BYPASS; STAFF SUBMITTAL.
11. DISCUSSION/UPDATE(S)
12. ADJOURNMENT

Members:

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CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
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MINUTES

September 21, 2017

7:00 PM

Members Present

Alfonso Ferguson Sr.
George Lott
Winton McHenry
George Turner
Stacy Michael Long, Alternate Voting

Absent Members

Vickie Mullins

Staff/Others Present

Betty Lynd
Patricia Speicher
Hope Ward Page
Robert Hasty, Jr. (Assistant
County Attorney)

Chairman Lott called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse. Chairman Lott stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded. Although there are no set time limits for any speaker addressing the board, the board asks speakers to not repeat what has been previously stated. If there is no new evidence to offer please make the board aware of your agreement with the previous speakers. If any board member wishes to speak or ask any questions please ask to be recognized by the Chairman before speaking.

1. INVOCATION

Chairman Lott.

PLEDGE OF ALLEGIANCE

Recited by all.

During the addressing of the audience on procedural matters, a citizen asked Chairman Lott to please speak up and speak into the microphone as she could not hear.

2. ROLL CALL

Mrs. Lynd called the roll and stated a quorum was present. For the audience Mrs. Lynd introduced, Mr. Robert Hasty, Assistant County Attorney, also alternate non-voting members of the board, Mr. Galbreath and Mr. Davis.

3. SWEAR IN STAFF

Chair Lott swore in staff.

4. ADJUSTMENTS TO THE AGENDA

There were none.

5. APPROVAL OF THE AUGUST 17, 2017 MINUTES

CHAIR LOTT: The motion has been made, motion of a second has been made, all those in favor of approval?

Mr. Turner made a motion to approve the minutes from the August 17, 2017 meeting, seconded by Mr. Ferguson. The motion passed unanimously.

	IN FAVOR
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
LONG	YES

6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

8. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Lynd read the policy statement.

9. PUBLIC HEARING(S)

- **P17-05-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A 290 FOOT TOWER IN AN A1 AGRICULTURAL DISTRICT ON 10.199+/- ACRES, LOCATED AT 3400 SWAMP ROAD; SUBMITTED BY CAROLE A. MCCOY ON BEHALF OF ATLANTIC COAST PIPELINE LLC (OWNERS)**

Chair Lott read the case heading for Case No. P17-05-C.

MRS. LYND: Thank you Chairman. Before I begin the staff presentation, I'd like to take a moment to ensure everyone is aware the purpose of this hearing is to address the tower application and whether or not the application complies with the County Zoning Ordinance and if so, can the board make the necessary findings and render a final decision on the request for the Special Use Permit. The required findings are listed behind the Special Use Permit tab in your binder. This hearing is not a hearing on the construction, viability, safety, environmental impacts or any other matter related to the Atlantic Coast Pipeline. It is not a hearing to determine whether or not the pipeline is necessary or should be constructed in its current proposed location. This hearing is also not a hearing to determine whether or not a tower should or should not be allowed within the A1 zoning district upon approval of a Special Use Permit. That determination was made when the County Commissioners adopted the tower ordinance initially in January 1996 with a few amendments unrelated to tonight's meeting adopted since that date.

Mrs. Lynd reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Lynd stated the property owner has agreed to all ordinance related conditions.

MRS. LYND: The application is for a 290 foot tall, three-legged lattice design tower. In the A1 district, setbacks for towers are foot for foot of the height of the tower. So we have 339 feet, 327, 317 and 348. All other structures or storage is required to meet the standard A1 setbacks, which are 50 feet for front and

rear yards, 20 feet on the sides. The site plan does not include any outside storage areas for material. The site of the proposed tower will also house Atlantic's Fayetteville Metering & Regulation station. Shown on the detailed site plan submitted by the applicant is the required 10 foot high chain link fence surrounding the tower compound as well as the required 20 foot wide buffer. This area was initially zoned A1 in 1990 and the Wade Land Use Plan calls for planned industrial on this parcel. The complete application is contained within your meeting packet material. Staff has verified that each provision of Section 927 of the County Zoning Ordinance, which regulates proposed tower, is addressed within the application, site plan and the Ordinance Related Conditions. Condition #7 (Exhibit 1) in the conditions that were mailed in the board packet was cleaned up to clarify that because this property is located in the County's watershed, the phase II storm water approval is not required. This is because the storm water regulations and watershed regulations generally mirror each other. I have a copy for you all, of the revised conditions. I also will give a copy to the applicant and I can provide copies to interested parties in the audience as well.

MR. TURNER: Is this different than what was in the packet?

MRS. LYND: Condition number 7 is, yes sir.

MR. TURNER: Okay.

MRS. LYND: Staff requests that the County Zoning Ordinance definition of "tower" which is page 28 of the ordinance (EXHIBIT 2) and Section 927 which is page 100 (EXHIBIT 2) along with the meeting packet material and the revised Ordinance Related conditions be accepted for the official record of this meeting. Do you all accept it into the record?

CHAIR LOTT: I'm sorry?

MRS. LYND: Will you accept the packet material as well as the revised conditions into the record?

CHAIR LOTT: Yes.

MRS. LYND: I would also like to tell you at this time that the applicant has agreed to the entire ordinance related conditions you all are reading.

CHAIR LOTT: Okay.

MRS. LYND: The applicant is requesting two years or more to initiate the project; this request is consistent with the staff processing of Special Use Permits. Since once approved and recorded with the Register of Deeds, Special Use Permits run with the land and staff would be required to process a formal public notice revocation for the board's final ruling to revoke a Special Use Permit. Chair you have the list of individuals who are signed up to speak and I'm available if you all have any questions.

CHAIR LOTT: Okay.

MR. TURNER: Can I just ask one question, your statement was two years or more?

MRS. LYND: Yes sir.

MR. TURNER: Is there any limit to any of that?

MRS. LYND: Once a special use permit is approved and recorded it runs with the land, so they could construct it.

MR. TURNER: I understand that, but there is no limit to the two years? They can do it within two years; your "or more" threw me off.

MRS. LYND: Yes. Two, three as long as they've recorded the special use permit.

MR. TURNER: Okay. Thank you.

CHAIR LOTT: Okay we will now recognize speakers.

MRS. LYND: Yes Chairman you may call.

MR. TURNER: Open public hearing?

MR. KITCHIN: Mr. Chairman...

CHAIR LOTT: Yes sir.

MR. KITCHIN: Members of the Board, good evening my name is Hal Kitchin and I'm a lawyer from Wilmington and I represent your applicant, Atlantic Coast Pipeline, LLC and before I get started I have some slides on a flash drive and good old fashioned paper that I'd like to submit for the record, if acceptable.

MR. HASTY: Chair can we swear him in?

CHAIR LOTT: Yes. I think we need to swear you in I believe.

MR. KITCHIN: Yes sir.

CHAIR LOTT: Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

MR. KITCHIN: I do.

CHAIR LOTT: Thank you.

MRS. LYND: Chairman will you accept his presentation into the records?

CHAIR LOTT: Yes.

MR. KITCHIN: Thank you Mr. Chairman. Again, my name is Hal Kitchin and I'm a lawyer from Wilmington and I represent the applicant Atlantic Coast Pipeline, LLC we're here tonight to, as Mrs. Lynd explained requesting a special use permit for the construction of a telecommunications tower at location on Swamp Road West of Wade. The second page of the presentation shows you the essentials 3400 Swamp Road. The current zoning is A1 we don't seek a change in the zoning we don't seek a change in the zoning of course. They site acreage is ten acres the proposed use is a tower. Specifically it's a 3-legged lattice tower that we propose to build the applicant is Atlantic Coast Pipeline LLC that's a joint venture between Duke Energy, Piedmont Natural Gas, both headquartered in Charlotte. Southern companies which owns and operates, Virginia Natural gas which serves the Hampton Roads area of Virginia. As well as Dominion Energy headquartered in Richmond. Now Dominion Energy is the lead partner in the partnership and so many of the gentlemen that I have here with me to answer any questions that you may have are actually employees of Dominion Energy or one of its subsidiaries. Just very briefly these gentlemen are Kevin Zink who is Director of Pipeline Operations, Leesburg, Virginia. Mr. Stephen McBrayer, Site Design Manager is here from Bridgeport, West Virginia. Matt Wylie and Spencer Simmons are with the Tower Infrastructure group for Dominion Energy, they do own towers and communications networks. We also have Paul Bastine, who is also an engineer with a company located in West Virginia. We have with us a local colleague Mr. Brandon Wills from Tom J. Keith & Associates, commercial appraiser here in town. Also, Mr. Bruce McKay who is in public affairs with the company and Andy Harris with the general counsel's office of Dominion Energy. Also have some other team members here as well. They are all available to answer any technical questions you may have, because I would not be the right person to answer those questions. The tower site location you can't see it right there exactly

but the location is on Swamp Road, it's South of the road, West of Wade. The next slide shows a little closer in view of the tower site location. Currently there, it is mostly a field there is some timber on the rear of the property there, the 10 acre square and that slide shows the site plan super imposed on top of the area. The blue done if you can see it, right in the middle is the base of the tower that we're here to talk about tonight. Some of the other equipment around the base of the tower is metering and regulation equipment that equipment is permitted by right under the zoning ordinance. It's not something that we're here tonight to discuss with the board unless there are question of course. There's another site plan on the next page, be glad to answer any questions about that but there again the tower base is right there in the center of the parcel. It's a 290 foot tower; the next page is an example of what this tower would look like. That is a 3-legged lattice designed telecommunications tower with microwave equipment on the top. That's what we proposed to build here with the special use permit issued by this board. The next slide shows the tower that we propose to build is multipurpose. The primary function of this tower is to talk to other towers in the network all up and down the pipeline. The microwave communication is the primary means by which the equipment along the pipeline will talk to what they call a gas control center back in West Virginia. Which is a manned, 24/7, 7 days a week, 365 days a year manned facility. That monitors a number of different pipelines throughout the Dominion Energy pipeline network. Many of you know microwave is a line of sight technology, so the height of the tower is designed in order to make sure the tower can see all the other towers it needs to see, so that those communications will never be interrupted. Microwave is the primary mode of communication in this network, but there will be redundant additional systems as well so if one system fails, another system will be able to make sure that the communication is not broken. The next slide is an image of the gas control center in Bridgeport, West Virginia. Again, manned 24/7, 365. Just to bear to that, your standards, you're very familiar with these obviously the standards for special use permit. We believe we comply with these standards we believe that the application, we hope was thorough and informative, and we try to set out the reasoning for each element that we've met. The first element obviously is the public health and safety element, this element is satisfied in a number of different ways. Our site plan shows that there's good security on the site. There is a required 10 foot fence that will actually be topped with razor wire, nobody's going to be getting into this tower area. Safety and security monitoring is 24/7 and actually the next slide actually...thank you

MRS. LYND: Sure.

MR. KITCHIN: The tower fall radius is entirely within our own property. As required by the zoning ordinance and of course the tower itself, will be fully FAA complainant. The next condition, C2 is the use meets all required conditions and specifications. It certainly will meet all those specifications. Our application sets out the ways in which Section 927 requirements are being met and of course some of those requirements being met will be met before building permits are being issued we know we have to comply with all those or we don't get a building permit. And as Mrs. Lynd noted all the staff proposed conditions as revised as well as condition seven are acceptable to my client. The next element is C3, the use will maintain or enhance the value of the adjoining or abutting or property or that the use is a public necessity. We would point out that this tower use is no way inconsistent with the current use of this property the surrounding property is agricultural and timber properties. There's no damage to nearby property values, is

there's any question about that, Mr. Wills, prepared a damage assessment where he has concluded, that proximity to a tower of this kind in this part of the county would not decrease property values and of course we are installing an extensive vegetative buffer not just around the tower base but the entire site to enhance the aesthetics and finally C4 is harmony and conformity you see the standard there, I'm sure you're very familiar with it. We meet that standard because the tower is not inconsistent with the surrounding agricultural and timber uses. And this use is in conformity with all the applicable land use plans. That would include the 2030 Growth Vision plan which calls for a more diversified economy and infrastructure that keeps place. Also the 2008 Land Use Polices plan if this were going to be rezoned to light industrial it would comply with the requirements of the land use policy plan for such a rezoning, we don't seek that tonight obviously, but that does describe the extent of which it is consistent. And finally the Wade Study Area plan, which calls for this area in the future to be an industrial or manufacturing area. So we believe we've met the standards in the ordinance not only the standards in special use permit but the standards in section 927 we'd be happy to answer any questions that anyone has either now or on rebuttal after the others have had their chance so speak. But we do appreciate the opportunity to come speak with you tonight about this tower that we seek to have permitted.

CHAIR LOTT: Okay, board have any questions?

MR. TURNER: None at this time.

CHAIR LOTT: Okay. Thank you. Any other speakers or opponents?

MRS. LYND: (addressing Chair Lott) you can continue on with the next speaker on the list.

CHAIR LOTT: Stephen McBrayer.

MR. KITCHIN: I think the others signed up with the applicant will defer unless there are specific questions we need to address.

CHAIR LOTT: Okay. Thank you. In this case we'll go to Anne Schrader. I hope I pronounced your name right. I apologize if not. Be sworn in please.

MS. SCHRADER: I'm sorry?

CHAIR LOTT: Be sworn in please.

MS. SCHRADER: I can't hear you sir.

CHAIR LOTT: Can you be sworn?

MS. SCHRADER: Yes I can. Yes.

CHAIR LOTT: Raise your...do you swear to tell the whole truth and nothing but the truth so help you God?

MS. SCHRADER: Absolutely, so help me God, absolutely.

CHAIR LOTT: Thank you.

MS. SCHRADER: Okay so my name is Anne Schrader, can you hear me. I'm going to take this out (referring to the microphone) I'm a citizen of Fayetteville, North Carolina and I am very grateful that you are allowing me to speak here today. This is a very serious issue as I am hoping you each realize. I have read and reviewed the Cumberland County packet about this pipeline specific to Duke Energy and Dominion the partners and these cell towers and these M & R stations. I've reviewed that and so

what I will be talking about is directly related to that packet. Alright it will be within the confines of that packet. First and foremost one of the things that was stated in that packet, (let me put my glasses on) is that, the Atlantic Coast and its partners are committed to safe operations. Now I would like to speak to that. One of the partners of this pipeline as well know is Duke Energy. And as a citizen of Cumberland County, I am going to be referring to this packet by saying, "this". That I have a very difficult time believing that Atlantic Coast and Dominion are committed to safe operations based on their most recent and past behaviors. Specifically that Duke Energy illegally and criminally dumped a mass of 82 thousand tons of toxic coal ash into the Dan River, resulting in the largest and most disastrous federal, criminal fine in North Carolina history. According to the DENER this illegal toxic dumping was the result of repeated failures and it lured warnings by Duke Energy to exercise control over coal ash facility and around the very same time sir...

MR. TURNER: Ma'am.

MS. SCHRADER: North Carolina...yes? Yes?

MR. TURNER: Could you address the issue of the towers construction.

MS. SCHRADER: I'm addressing what is in the package that I received regarding Duke Energy's own language that they are committed to safe operations. This is in that package and I as a citizen am responding to that. By letting you all and reminding you all know that their past and most recent behavior demonstrated time and time again if you would let me finish. Because they also, thank you sir. Another indication, another something that Duke did that they all may realize...

CHAIR LOTT: (Gavel) Ma'am.

MS. SCHRADER: Yes sir.

CHAIR LOTT: We've restated that at the beginning of this meeting...

MS. SCHRADER: Yes sir.

CHAIR LOTT: That this meeting is contingent with the building of this tower site.

MS. SCHRADER: I understand that sir and this is about safety, it is not. Isn't it about safety that's one of the first concerns that you have.

CHAIR LOTT: It is and I will give you a chance to address the engineers concerning the safety of this tower and the tower only and the site.

MS. SCHRADER: And I say to you that in expressing and they opened up their statement by saying that they are committed to safety, they opened up themselves up to what they are essentially saying sir, is we are promising in the future we are committed to safety and if they are opening themselves up to something that has not yet occurred I think that it is justifiable for me to also remind them of what they have done in the past, if they are talking about the future. I think it is very clear and fair for me to remind you all that they are not committed to safety, because they have dumped millions and millions of gallons of toxic coal ash into our rivers and I think that speaks to their behavior in the future.

CHAIR LOTT: Ma'am I'm going to have to ask you to refrain from any other further comments unless it is dealing with the safety of the tower itself.

MS. SCHRADER: Well then I'd be happy to move on to that because there's plenty to say. There's plenty to say.

CHAIR LOTT: ...not what they've done in the past and I'm sure this is not the only tower that they own.

MS. SCHRADER: I'm sorry?

MR. TURNER: Could I ask a question?

MS. SCHRADER: I'm sorry?

MR. TURNER: Could I just ask you a question?

MS. SCHRADER: You sure can.

MR. TURNER: What our concern is with this here, with what you're saying is, are you concerned that the construction of the tower will be inferior and maybe fall down or something?

MS. SCHRADER: Sir, this entire pipeline...

MR. TURNER: Yes, we're not here for the pipeline. We're here for the tower.

MS. SCHRADER: I understand that. Yes To answer your question, yes I do. Yes I do.

MR. TURNER: You think that...

MS. SCHRADER: Yes I do.

MR. TURNER: It will fall down, okay.

MS. SCHRADER: Yes I do.

MR. TURNER: Okay.

MS. SCHRADER: Okay. So I just wanted to open it up by letting you know they've opened themselves up by saying they're committed and they clearly were not committed in the very recent past. In fact they were intentionally harmful.

MR. TURNER: Could I ask you one other thing?

MS. SCHRADER: Yes, sir.

MR. TURNER: I don't want to hold you up...

MS. SCHRADER: No sir. No problem.

MR. TURNER: Do you have any instances where you are factually aware that their towers have fallen? I mean, we're trying to address the issue tower construction so, you're saying now that you're leery that their tower will be properly constructed and I guess may fall down. I...

MS. SCHRADER: You're putting words into my mouth, you're putting words into my mouth no I didn't say that, I didn't have an opportunity to say that.

MR. TURNER: I'm trying to follow you is what we're trying to do.

MS. SCHRADER: Okay and that's fine.

MR. TURNER: But it doesn't relate to the pipeline

MS. SCHRADER: Okay.

MR. TURNER: It relates to the tower.

MS. SCHRADER: I'm sorry I didn't hear you somebody else was talking to me.

MR. TURNER: Ok I'll let you...

CHAIR LOTT: Our main concern is the tower here, regardless of any other facts to the pipeline itself

MS. SCHRADER: Okay.

CHAIR LOTT: We are not concerned with the pipeline.

MS. SCHRADER: You're not concerned with the pipeline?

CHAIR LOTT: No ma'am that's not our concern.

MS. SCHRADER: This is part of the pipeline.

CHAIR LOTT: Even though, we have no...

MS. SCHRADER: So this is part of the pipeline. I'm happy to talk about the tower. I came prepared completely to talk about the tower to the best of my ability.

CHAIR LOTT: Yes ma'am

MS. SCHRADER: You know when I prepared this I read that package and I'm using the very language in that package. So I apologize for being a little thrown off here. I thought that was absolutely pertinent, that my using the very language in that package I can then respond to, but you're saying, no.

CHAIR LOTT: We're here to discuss the tower only, the merits of the tower itself.

MS. SCHRADER: And the tower is built by a company who has been harmful to this state and I think that would be applicable but I'm moving on. I'm moving on specifically to the tower.

CHAIR LOTT: We have no control over that part of it.

MS. SCHRADER: Okay. This tower this 290 foot tower the world's leading experts on cell tower and microwave radiation. So we're looking at a 290 foot tower it's a microwave tower alright that emits radiation. And exposure to that form of radiation that's an enormous tower that's going to put out an enormous amount of radiation. That type of radiation when exposed to it causes a number of health challenges and illness. Are you open to listening to that? As that's a health and human safety issue from the tower.

CHAIR LOTT: (Gavel) No ma'am it's not.

MS. SCHRADER: No ma'am it's what?

CHAIR LOTT: The Chair will recognize.

MS. SPEICHER: Federal and state statutes prohibit local government boards from addressing or receiving, issuing opinions on the emissions from towers.

CHAIR LOTT: Okay. Did you hear her? (Addressing Ms. Schrader)

MS. SCHRADER: No I did not hear her.

MRS. LYND: I'll repeat it. Federal...

MS. SCHRADER: Sir if I could move forward with my concern, my concern with the public health and safety specific to this cell tower?

CHAIR LOTT: Can you let...

MRS. LYND: If I may federal and state laws prohibit local board from issuing opinions on emissions from towers.

MS. SCHRADER: This is not my opinion this is a leading expert. This is a leading expert's opinion.

MR. HASTY: The expert would have to be here to testify.

CHAIR LOTT: Ma'am I'm going to have to ask you to bring this to an end.

MS. SCHRADER: You know what I'm gonna do right now? I'm a citizen of Fayetteville North Carolina...

CHAIR LOTT: Ma'am you're...

MS. SCHRADER: And if you make it this hard for a citizen to stand up for our community and our safety's well-being and our environmental well-being then I will not finish this. Because you are stifling a citizen who came here to speak against this and I'm speaking specifically against radiation from cell towers. This is not something I just came up with you and can google this and look at any leading expert on radiation education and it's clear a 290 foot tall foot cell tower is going to be radiating a lot of things that are going to help, hurt people's health and you're not letting me speak about that?

CHAIR LOTT: No ma'am.

MR. TURNER: Ma'am?

MS. SCHRADER: Then I'm done.

MR. TURNER: What you...

MS. SCHRADER: This forum...

MR. TURNER: What you...

MS. SCHRADER: This forum is not just. What just happened here we "pledged allegiance to the flag of the United States of America" where is the democracy in you shutting me down? Where is the democracy in that? That's hypocritical. And when you say prayers to God we are supposed to be protectors of our environment how is you shutting me down....

CHAIR LOTT: I... (Gavel)

MS. SCHRADER: ...doing the right thing for the environment? I'm done.

CHAIR LOTT: I told you as long as you speak about the tower itself...

AUDIENCE MEMBER: We're going to have to sue them, okay

MS. SCHRADER: You should be ashamed of yourself.

CHAIR LOTT: you're more than welcome....okay.

MS. SCHRADER: I'm done.

AUDIENCE MEMBER: We're going to have to sue them.

MS. SCHRADER: I'm done.

CHAIR LOTT: I would like to ask the proponents to rebuttal to her statements.

MR. LONG: Can I, can I say something?

CHAIR LOTT: Sure.

MR. LONG: They (referring to Ms. Speicher and Mrs. Lynd) basically said if we agreed 100% with that lady we have no ...

CHAIR LOTT: No authority.

MR. LONG: ...jurisdiction over that what so ever any ways and it really doesn't matter.

MR. TURNER: And I was hoping before we could tell her that before she left.

CHAIR LOTT: But for the information of these other people (Addressing Mr. Kitchin) I would ask you to address that, if you would like.

MR. KITCHIN: Well, Mr. Chairman we wouldn't really have any other thing to add other than your own ordinance contains some requirements about certifications regarding the construction of the tower and the energy associated with the use of tower and the electromagnet fields and that sort of thing and we're fully prepared to comply with the county's requirements on that.

CHAIR LOTT: Okay. Thank you. Tom Clark.

MR. TURNER: Before we go on though could we make it very clear that we have no ability...

CHAIR LOTT: Or authority.

MR. TURNER: ...based on what you said (Addressing staff) to pass any judgement on that.

MS. SPEICHER: As far as emissions?

MR. TURNER: Is that, can that at least be a part of the record?

MS. SPEICHER: As far as emissions?

MR. TURNER: Yes.

MS. SPEICHER: Not as a local government board.

MR. TURNER: Okay I just want it part of the record. Okay that we have no authority to pass judgement on that.

MS. SPEICHER: No sir.

MRS. LYND: No sir.

MR. TURNER: Okay that's all I'm asking.

CHAIR LOTT: Mr. Clark would you please be sworn in raise your right hand. Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

MR. CLARK: Yes sir.

CHAIR LOTT: Thank you. State your name and address for the record please?

MR. CLARK: My name is Tom Clark. I live at 4643 Goldsboro Road, in Wade North Carolina. First of all is do you have to have a lot of money to come speak to people in government because we go to the county and speak and they say we don't have no jurisdiction, that doesn't affect us. But you could have people like Duke come in here with their big suit and talk about all the good they do but they never talk about the bad, I wouldn't say bad, but the mistakes they've made. Everybody makes mistakes. I'm not picking on Duke I've make mistakes, but I'm man enough to stand up to it. One question I have why are these people even here tonight? Why are we here tonight? Because the North

Carolina Department of Environmental Quality just got through postponing their permits they don't even have their permits yet. They talk like this, these people like this pipeline is going to be something to be, I'm talking about the cell tower, I'm talking about the cell tower. They want a tower well what if they don't get the pipeline, what are they going to do with this tower? You know what this gentleman stood here, everything he said was it's going to be monitored from West Virginia. Well you know what I'm living next door to a 1.5 billion cubic feet of nitro gas going by my house every day depending on someone in West Virginia to tell me something's wrong, no. This tower, we're talking about the tower how is there going to be anybody? They (referring and addressing opponents) want to come in here talking about jobs, jobs, jobs but everything is going to be monitored from West Virginia, we don't have any people in here on the ground telling me that there's a gas leak?

CHAIR LOTT: (Gavel)

MR. CLARK: or am I going to have to wait for somebody from West Virginia?

CHAIR LOTT: You have to address the Board.

MR. CLARK: Or, am I going to have to wait for somebody from West Virginia. No, tonight when you go home, would you feel safe, sitting there, you depending on somebody in West Virginia to tell you that your house is safe or not?

CHAIR LOTT: Mr. Clark?

MR. CLARK: Yes sir.

CHAIR LOTT: We're here to speak about...

MR. CLARK: I'm speaking about the tower.

CHAIR LOTT: ...the tower.

MR. CLARK: I want to know why is there gonna be somebody in West Virginia telling me that my house is safe from some tower, this tower. This tower is connected to the ACP, the Atlantic Coast Pipeline. That's part of this tower.

CHAIR LOTT: (Gavel)

MR. CLARK: That's what this tower is for, we don't want to talk about the pipeline but the tower is for the pipeline. So why can we not talk about the pipeline, when the tower is part of the pipeline?

CHAIR LOTT: (Gavel) Mr. Clark I'm going to ask you to take a seat please sir.

MR. CLARK: Just answer then. They don't even have the permits yet.

CHAIR LOTT: We can't discuss the pipeline.

MR. CLARK: I'm not discussing the pipeline. I'm discussing the tower. I want to know is there going to be people on site with this tower, telling me that it is safe or not? You can put a fence up; we got, we got prisons full of prisoners that you can't get in there. Don't tell me you can't get in there if I wanted to get in there I would get in there and anybody else would get in there. But why is there going to be somebody, this tower, is there just going to be a tower in the sky, why? Is there going to

be people there? Is there going to be people there? Because there are mistakes, the Titanic sunk, The Challenger blew up, and this tower could fall.

MR. TURNER: Holy mackerel.

CHAIR LOTT: (Gavel)

MR. TURNER: I was going to ask that question. I wanted to ask you a question if I could. Do you, you live out here?

MR. CLARK: I live in Wade. No sir. No, you know what; do you want to talk about do I live out there?

MR. TURNER: No I'm trying to figure out how close you are. You're telling me you're close.

MR. CLARK: I'm close to the pipeline. That's part of the pipeline. That's part of the workings of the pipeline. That's part of the safety of the pipeline, right? The tower's part of the safety, that's what this tower is for, is for the safety of the pipeline right?

CHAIR LOTT: Mr. Clark that's why people get permits they have engineers they get...

MR. CLARK: Yeah...mmhmmm

CHAIR LOTT: To do these things

MR. CLARK: There's a lot better engineers that engineered the Challenger than these people ever will have.

CHAIR LOTT: If you have evidence...

MR. CLARK: Where's the Challenger at?

CHAIR LOTT: If you have evidence pertaining to

MR. CLARK: Okay. I'm not going to, I want evidence. I want evidence that there's going to be somebody on site telling me that my family is safe tonight.

CHAIR LOTT: I hope they are.

MR. CLARK: The tower...

MR. TURNER: I'm sorry to keep asking this.

MR. CLARK: No, no that's fine.

MR. TURNER: If this tower fell, would it fall on your property?

MR. CLARK: If that tower fell and if there was a leak in this pipeline, it would affect my property. You don't want to talk about that?

MR. TURNER: I'm trying figure out how close you are to the tower, that's all I'm trying to do.

MR. CLARK: Okay.

MR. TURNER: How.

MR. CLARK: If it falls it's not going to affect my house, no.

MR. TURNER: I ...

MR. CLARK: Probably 10 miles.

MR. TURNER: 10 miles?

MR. CLARK: 900 feet from the pipeline that this part of the safety of that pipeline.

MR. TURNER: Okay.

MR. CLARK: That's like you giving me a car with no brakes.

MR. TURNER: You answered my question. Thank you.

MR. CLARK: Would you get in a car with no brakes? No, you're going to just talk about brakes.

MR. TURNER: No I was just trying to figure how close you are...

MR. CLARK: Okay. I understand.

MR. TURNER: ...that's all I was trying to do.

MR. CLARK: Well what it is, this is such a raw thing it's because and I apologize to you all tonight. I won't apologize to them (referring to the opponents) but I apologize to y'all tonight because this is such a raw thing because when you lay down tonight and you don't know whether you are going to wake up all because of an explosion or you go out to feed your animals and look at your animals and you don't know if they are going to have cancer or something to die from or the air...

CHAIR LOTT: We have no control over that all we're here to do...

MR. CLARK: You got control over the tower though. You got control over the tower. If there's going to be somebody monitoring this tower. Do we have to, you're missing what I'm saying like I'm missing what you're saying and I apologize but this tower is part of ACP. And the ACP is something that it affects us all. We just had last month that the Mayor told us it don't affect him and it don't affect the City of Fayetteville, so therefore we can't talk about it in public forum. Well the idiot didn't know that the ACP is going to go over the Cape Fear River, twice that's where he gets his water from. And then this tower is a safety for that. That's why I'm, I didn't even really know nothing about coming here I didn't know about towers. But you got people going to great heights and they want to sit up there and talk about Duke has done this and Duke has done that and all the things Duke's giving but they don't want to talk about what Duke's already done. But this tower part of the safety of the ACP. You can't talk about the tower without talking the ACP and I don't see how you people don't see that.

CHAIR LOTT: Okay.

MR. CLARK: And I know you don't...

CHAIR LOTT: (Gavel)

MR. CLARK: ... have jurisdiction over that.

CHAIR LOTT: (Gavel) Mr. Clark I'm going to ask you to end your discussion please, thank you

MR. CLARK: They get to talk and we don't. I guess have to go to school to be a lawyer, a crooked lawyer at that to talk.

MR. FERGUSON: But before you go sir, but you know microwave is being used right here on Fort Bragg.

MR. CLARK: I'm not, I don't care about microwaves. I'm talking about somebody sitting on a switch that's telling me. We're talking about a pipe bomb. You want to depend on a tower that's

being monitored from Virginia on a pipe bomb that can go off. By the time they tell me it's going to go off I'd probably be dead and my family will be dead. Microwave is great...

CHAIR LOTT: (Gavel)

MR. CLARK: But you can't talk about the tower with talking about the ACP but once again I apologize.

CHAIR LOTT: (Gavel)

MR. CLARK: Y'all I wouldn't want your job, unless you're just paid off...

CHAIR LOTT: David Gy. Would you place your hand on the Bible and raise our right hand, do you swear to tell the truth the whole truth and nothing but the truth so help you God?

MR. GY: I do.

CHAIR LOTT: Thank you.

MR. GY: Alright my name is Dave Gy I'm a citizen at Cumberland County and I just wanted to be here to state the fact that I've got supreme confidence in Dominion Energy, Duke Energy, Atlantic Coast Pipeline, that they will get this done. That they will do it in with ...

MR. CLARK: (addressing Mr. Gy) Do you live close to it?

MR. GY: I'm not going to answer him. And you know I got supreme confidence in the fact that they've done their homework they're going to make sure they're gonna look after the community and do it in a safe manner. And you know I got supreme confidence in them and everything they do so thank you for your time, y'all have a good evening.

CHAIR LOTT: Thank you.

MRS. LYND: Chairman if I may, can he state his address for the record as well.

CHAIR LOTT: Yes please I'm sorry your address.

MR. GY: 305 Woodcrest Road, Fayetteville 28305.

CHAIR LOTT: Okay. I apologize to the proponents. I meant to ask you if you wanted to reply to Mr. Clark, anything he had to say.

MR. TURNER: I think the question I would have is he keeps asking over and over you say it's monitored in Virginia is there anybody here?

MR. KITCHIN: They're like every other site I'm aware of; there won't be anybody on the site of the tower itself. There will be a regional office for Atlantic Coast Pipeline located in Smithfield.

MR. TURNER: Smithfield?

MR. KITCHIN: Smithfield.

MR. TURNER: That's a long way away.

CHAIR LOTT: This is a continuation of a series of towers. Is that not correct?

MR. KITCHIN: That's correct. Yes, yes sir Chairman.

CHAIR LOTT: They all link together.

MR. KITCHIN: They're all linked together and they link back to the gas monitoring center. So as to make sure there's professional oversight at all times and again there's redundant communication networks that go back to that center.

CHAIR LOTT: Thank you sir. Reverend Mac Legerton.

(Audience Mr. Clark – opens door calls Mr. Reverend Legerton)

CHAIR LOTT: Reverend Legerton not here? Sandra Clark. Sandra Clark.

MR. TURNER: That's his wife.

CHAIR LOTT: Ma'am would you raise your right hand and put your left hand on the Bible please?

MRS. CLARK: Can I affirm please?

REVEREND LEGERTON: Here sir.

MRS. CLARK: Can I affirm?

CHAIR LOTT: You affirm?

MRS. CLARK: Yes sir.

CHAIR LOTT: Give your name and address please.

MRS. CLARK: Okay. Can he (referring to Reverend Legerton) go ahead and go. I'm sorry I apologize.

REVEREND LEGERTON: I'm sorry I was in the restroom.

MR. LONG: Is she deferring?

REVEREND LEGERTON: I have a request first I'm missing one page of the application, could I get a copy of it? I printed it but I'm missing page 5 actually of 12. Let's see this is the one that's got the main application.

MS. SPEICHER: This page 5 sir?

REVEREND LEGERTON: Yes that's the one thank you. I'm going to try to sound like a lawyer tonight, rather than a preacher.

CHAIR LOTT: I'd like to swear you in please sir.

REVEREND LEGERTON: Yes.

CHAIR LOTT: Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

REVEREND LEGERTON: I affirm. Yes.

CHAIR LOTT: State your name and address for the record.

REVEREND LEGERTON: I'm Reverend Mac Legerton. 123 West 4th Street, Lumberton.

CHAIR LOTT: Thank you.

REVEREND LEGERTON: Okay, I would like to start by just sharing with you a little bit about myself, because sometimes we wonder why preachers are speaking about such things. My home church is Eutaw United Church of Christ here in Fayetteville and I been very much involved in regional civic life. I'm also on the board of the community advisory board of our Fayetteville Observer. And I was ordained to community ministry by the United Church of Christ back in 1982

through Eutaw Church here in Fayetteville, to do ministry in Robeson County in the region. And I've been engaged in community and economic development for over 40 years. I've helped leverage over 50 million dollars in community economic development programs in Robeson County Southeastern North Carolina over 40 years. I'm co-founder of the following organizations and programs, center for community action, peace outreach, the regional food system that started at UNC Wilmington, the Southeast entrepreneur loan started at UNC Pembroke, the sustainable agricultural program started at UNC Pembroke, Robeson County family support program at the Robeson County health department, the Southeastern re-entry program and Robeson county career pathways program. All of my ministry I've been really focused on poverty reduction, economic development, education and equity which I consider those the four arms of restorative development. So I'm going to focus my comments on the application and its content and I'll begin with the time line that you are faced with, with this zoning permit. There's actually no need for the zoning board to rush your investigation, assessment and decision on this zoning permit. Regardless of what has been said in the media the proposed Atlantic Coast Pipeline is a very, very long way from being permitted and has a good chance of never seeing the dark soil and water of Eastern North Carolina. There are many reasons for this that are beyond the scope of this zoning hearing we've already seen evidence of that but be assured of all those who know economic development particularly the growing controversy of methane gas pipelines throughout this country and throughout the world. We all regardless of our opinion on this project have a long process ahead of us. It is dishonest and deceitful for anyone to state otherwise particularly developers so I ask this zoning board to do a full due diligence of your civic, legal and well responsivity to access this proposed project and bring in additional experts to assist you in making a reliable decision. So now I will start with the application before us tonight and I would like to start with a question to you first if we need to we can ask our friends here we've been together, been in relationships at other hearings (referring to opponents). My question is, is there an existing M & R station at this location? And before you answer do any of y'all know if there is?

MR. HASTY: Sir.

REVEREND LEGERTON: Can I just have a yes or no?

MR. HASTY: Do not question the Board. Just present your evidence. This is a hearing...

REVEREND LEGERTON: Well I need to know that first because it's not evident. I'm just asking is it a present M & R station at this site.

MR. HASTY: Well, the applicants may be able to get that, but I'm advising the Board to not answer questions from the audience.

REVEREND LEGERTON: Alright let's ask...

CHAIR LOTT: Reverend, we're here, is this discussion carrying forward to the tower itself and not the gas line?

REVEREND LEGERTON: Well.

CHAIR LOTT: We are not involved with the gas line. This is to determine whether or not they can build the tower.

REVEREND LEGERTON: Well wait a minute this is what you've said to the others, I know, but I'm a little different. I speaking of the tower and its relationship, I'm asking a question about the existing M & R station let me tell you why. If you read this application and I hope all of you have.

CHAIR LOTT: Yes sir.

REVEREND LEGERTON: After the words station I mean tower comes M & R station. And one of the central positions of this application is there's no need for them to come to you about an M & R station. That is one of the central points from this application. So my question about the M & R station relates directly to their application tonight. So I'm asking again is there an existing, M & R, it sounds like there is but then on page...in the application on page 8 it says it's proposed.

MR. LONG: Mr. Chairman...

CHAIR LOTT: (Gavel)

MR. LONG: If I may ask a clarifying question to the ladies (referring to staff). I just want to make sure that I have clarity. We are not here to decide whether this tower will or will not happen that's already decided. Our job is to decide whether it meets the special use standards or not correct?

MS. SPEICHER: No sir. You are here to decide whether or not the tower application meets the standards of the zoning ordinance if the board can make the findings that are required.

MR. LONG: Right.

MS. SPEICHER: The tower is not a done deal. It is not approved. They are not going to run out there and build it, regardless. What you are ruling tonight effects whether they can pull their zoning permit which is the initial permit required for tower construction.

MR. LONG: Okay right, right.

MR. TURNER: We're here to control the permit. To clarify beyond that which might help him a little bit. It's my understanding that the only way we would know what is on the site would be for us to visit and actually see that.

REVEREND LEGERTON: It's in your material sir.

MR. TURNER: I mean we're not allowed to go out and look at the site.

REVEREND LEGERTON: It's in your material. Just, let me turn ... I'm going to act like a lawyer here and I know you won't fuss at lawyers too much, just turn to page eight of the application.

CHAIR LOTT: (Gavel) Sir, we're not here to answer questions.

REVEREND LEGERTON: Okay then I'll keep going then on page eight of the application under economic impact the first paragraph it says in the proposed M & R station, just circle that. Then on page one of the very first paragraph, let me get all my paper right, it states sentence number two and number three the proposed tower will be constructed as a part of Atlantic Fayetteville metering and regulation station other than the tower the remainder of the metering and regulations station is already permitted by right in the A1 agricultural district as a public utility station. So my testimony is, I have

a question you don't have to answer it tonight but it will be answered later and it's on you to answer it, but I have an assumption of why you won't answer it, besides the fact that your lawyer advised you not to. There's a discrepancy in the application between those two sentences. I also want to produce as evidence from the ACP itself another document that states nine new metering and regulating stations have receipt and or delivery points along the new pipelines will be built. Number five, Fayetteville M & R station at Fayetteville interconnect, MP 132.9 and MP2 in Cumberland County North Carolina. If this is a new M & R station or if it is an expansion of an existing M & R station there are two questions your zoning board needs to answer. The first is how much gas presently goes through, the present metering station?

CHAIR LOTT: (Gavel) We are not here to discuss the pipeline in any way shape, form or fashion. We will ask you to keep your comments to the building of this tower and this tower only.

REVEREND LEGERTON: Alright I wish I had my lawyer here to speak for me. But my understanding, let me say this please and then I'll stop and you can have your response, my understanding is if anything that they submitted not us that is in this application I as a citizen have right and a responsibility to respond to anything that's in your application before you tonight including the M & R station and if you don't want me to speak I will certainly sit down but you will have to face this in a court of law if you don't allow me to continue.

CHAIR LOTT: (Gavel)

REVEREND LEGERTON: It's your choice.

CHAIR LOTT: Sit down, please sir.

REVEREND LEGERTON: Thank you.

CHAIR LOTT: Again I'm going to ask proponents if they.

REVEREND LEGERTON: I just like to see one ear that's not attached to the rest of our bodies.

CHAIR LOTT: Any rebuttal?

REVEREND LEGERTON: And you know that I wish you... (Addressing Mr. Kitchin) we relate to each other we respect the adversarial relationship.

CHAIR LOTT: (Gavel) Reverend please.

REVEREND LEGERTON: But you're not respecting it or the rights of citizens. You know it. It's in the application. If it's in the application I have a right and responsibility, you know that Mr. Lawyer.

MR. TURNER: Let's let him address sir. Step back and let him address it.

REVEREND LEGERTON: Yeah you answer it, don't you, first just take off your hat if working for Duke and answer the question, if it's in your application.

MR. KITCHIN: Okay.

REVEREND LEGERTON: Shouldn't I have the right and responsibility to respond?

CHAIR LOTT: (Gavel) Reverend.

REVEREND LEGERTON: And I'm ready to hear this answer too.

MR. KITCHIN: Mr. Chairman I wasn't able to ascertain what the question was. I'm happy to answer any questions the board might have.

CHAIR LOTT: Okay. Thank you I just want to give you the opportunity.

MR. KITCHIN: Thank you.

CHAIR LOTT: Mrs. Clark?

MRS. CLARK: Yes sir.

CHAIR LOTT: I think I've already sworn you in.

REVEREND LEGERTON: Please straighten your lawyers.

CHAIR LOTT: (Gavel)

MRS. CLARK: Sir.

REVEREND LEGERTON: And I'm testifying now as a minister and I'll be out of your way. Thank you.

CHAIR LOTT: Mrs. Clark did you give us your name and address?

MRS. CLARK: Yes sir my name is Sandra Clark. It's 4643 Goldsboro Road, Wade North Carolina.

CHAIR LOTT: Thank you. You may speak.

MR. TURNER: You may want to pull the mic down a little if that's working.

MRS. CLARK: I don't know you all might not want me. Is that better can you hear me?

MR. TURNER: We just want to be sure we get it recorded.

MRS. CLARK: Yes thank you. I appreciate the fact of being able to be here, because as a public person we don't always get the opportunity because a lot of time things above us never get to us. So I appreciate the fact that you all allowing us to do that.

CHAIR LOTT: Thank you

MRS. CLARK: My question and you're gonna have to help me because it's kind of new to me. So if I do something wrong just tell me what I'm doing wrong. I'm kind of speaking from my heart, and the question that I have is about the tower and when the gentlemen showed the slide, (addressing proponents) you did not show that there was a subdivision behind close to that tower and didn't know why.

MR. TURNER: Address the board please.

MRS. CLARK: Oh I'm sorry. My question is the gentlemen that showed the shot of where the tower was there is a subdivision within vicinity of the tower.

CHAIR LOTT: Ma'am I'm quite familiar with that area and I don't recall any subdivision.

MRS. CLARK: McAllister Farms is not close to that? McAllister Farms subdivision, is not close to there?

CHAIR LOTT: That's in the town of Wade.

MRS. CLARK: But sir I'm asking you it's concerning to me because that's a subdivision, I guess I'm supposed to be speaking to you (Addressing Chair Lott)

CHAIR LOTT: Yes please.

MRS. CLARK: That to me is a safety feature that to me is a safety feature. There is a subdivision with children, with people. That is a safety feature. He did not mention that, he did not mention that and another thing before I get off, I won't get off on that tangent. I just wanted you to address that question, because I didn't anything in there. They didn't even say that there were families close by.

CHAIR LOTT: Do you see the R30 up there; that is the subdivision you are questioning.

MRS. CLARK: Right, right. It looks like it's a long way but for safety feature it's not. If you go out there I mean to me...

CHAIR LOTT: Let's address the safety feature you are concerned about.

MRS. CLARK: The safety feature is the tower and the radiation within that was already spoken so I can't speak about that basically.

CHAIR LOTT: Ma'am I would like to remind you I'm not here for safety features...

MRS. CLARK: Sir.

CHAIR LOTT: ...of the pipeline. We are here to determine whether this tower meets all the specifications and regulations to get a permit to be built. That is all we are concerned with we have no control over any other...

MRS. CLARK: Who has control sir? Who has control, Dominion, Duke? Who has control?

CHAIR LOTT: People that issue the permits.

MRS. CLARK: Who issues the permits?

CHAIR LOTT: The County.

MRS. CLARK: Okay so the county has control.

CHAIR LOTT: If all the permits are met the safety requirements have to be met they engineers that design these things after you get through speaking I will ask again the proponents to rebuttal you and maybe answer your question, that would ease your mind some.

MRS. CLARK: Sir the pipeline does not ease my mind and the tower where it's at does not ease my mind but thank you for trying to address it. Thank you for trying to answer my question.

MR. TURNER: For the record if we use this scale here this subdivision is about 1500 feet away based on a straight line.

MRS. CLARK: mmhmmm.

MR. TURNER: Probably drive it that fast but.

MRS. CLARK: But he did not mention that there were families there. That's what bothers me. That's what bothered me so I guess that's just my own thought. So, basically I guess when you are fighting big corporations, I guess the sad part is that you feel like you don't have a voice and that's, that I wish that it was different. I wish that it was different. So I guess cause, I can't speak about the radiation. The tower, also, there's not a manned person down here that to me is a problem; there's not a manned person. We're getting microwave feeds and things could happen in between you getting signals. Radom, I mean just look at the hurricanes and stuff. I guess that's all I have to say. Thank you for your time.

CHAIR LOTT: Thank you, again, any rebuttal from the proponents?

MR. KITCHIN: Mr. Chairman, I'll just point out, or hope I made clear in my initial remarks which is the tower fall radius is entirely within our own property. So even if the tower fell straight down it would not fall on any other property. It's also of a design that's designed; if it were to fail it would fail midway up so it would actually more than likely not even hit the ground. Finally I believe that corner of RR zoning there I had measured it before I came in, and I measured that from our site the corner of our site to the corner to that RR zoning is about 2700 feet so it's a substantial amount of distance away from any residential houses.

CHAIR LOTT: Thank you. Is there any one might could answer her question as far as the radiation? Would we need an engineer for that? Not that we need it here for what we're doing here tonight. But I'm trying to please some of the opponents tonight.

MR. KITCHIN: I understand Mr. Chairman there are a number of engineers here, I don't know if any of them would call themselves engineers in the field of radio.

CHAIR LOTT: I understand.

MR. KITCHIN: Radio wave emissions what I do know in addition to complying with FAA rules and your own county rules they will comply with FCC regulations regarding that sort of thing as well.

CHAIR LOTT: Thank you. That's all the speakers that have been signed up. Board any questions or comments?

MS. SPEICHER: You may want to close the public hearing.

CHAIR LOTT: I'm sorry?

MS. SPEICHER: You may want to close the public hearing.

CHAIR LOTT: The public hearing is closed. Thank you.

MR. TURNER: Sir could I ask you one thing (addressing Mr. Kitchin); your map here shows three other towers in that area do they exist. It shows three cell towers I think its Tom Keith's.

MR. KITCHIN: Sir if you're referring to a map then Mr. Wills' damage report, is that correct?

MR. TURNER: Yes, I'm just saying those three towers within in the area, that are, is that correct?

CHAIR LOTT: Well they got numbers on them don't they?

MR. TURNER: Yes, one appears to be very close to this tower.

MS. SPEICHER: If the board could have Brandon, formerly state his name and address for the record

MR. TURNER: Would you like to be sworn in so I can ask you a couple of things?

CHAIR LOTT: Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

MR. WILLS: Yes sir.

MR. TURNER: The towers that you're talking about here, these are strictly cell towers, they have nothing to do with anything that they are going to use them for?

MR. WILLS: Yes sir that is correct.

MR. TURNER: Assuming that the tower they build will not have, they will not be for cell phones anyway will it? I mean do you all plan to put cell towers there?

MR. KITCHIN: No we do not.

MR. TURNER: Well if the whole thing went bust and no body put a pipeline in the ground would you make this permit has nothing to do with any of that, but I'm thinking if we're going to give the permit, this permit gives you to put the tower up and more cell towers out there. Is that a reasonable statement assuming that the thing we can't talk about doesn't work.

MR. KITCHIN: I believe in answering your question we would say it's not our intention to build a tower unless there is a need rising out of the construction of the pipeline.

MR. TURNER: So the purpose the of the permit tonight is to just see if it's applicable in the event you got to the point that you needed it.

MR. KITCHIN: Yes sir these gentlemen are not in the cell phone tower building.

MR. TURNER: Okay. (Addressing Mr. Wills) In your business do you do any kind of study on these cell towers to see if the microwaves from those are affecting anyone? Is that part of what you do?

MR. WILLS: That is included in our study in a very indirect way. Since as you said, no one can actually speak to that point the FCC has already decided that in their review the radiation is not harmful and so from the Federal government they pushed that down on us. However, if in the back of the buyer's mind just if some sort of health effects were in their mind and if it was affecting what they would pay for the properties that would show up in our studies. We wouldn't be able to pinpoint it if it was exactly radiation or it was help or what it was we would just know it was something negative in their mind associated with it.

MR. TURNER: Based on what you've showed us here in your study, I hope everyone has a copy of this (EXHIBIT 4); there are a number of fairly new residential districts very close to the towers that exist.

MR. WILLS: Yes, sir. Yes sir. And I've spoke with several of the residents in those neighborhoods and most of them did not worry about the towers at all.

MR. TURNER: Most of them?

MR. WILLS: One of them enjoyed the tower because it sort of created a buffer space in her back yard, give her a little extra back yard; it was sort of an abnormal response. But most people ignore them.

MR. TURNER: Okay. So other than what the Federal government said, we really don't have any report that says microwaves, do or don't hurt us.

MR. WILLS: No, I mean we've got towers around town, so far as we know it hasn't started getting anybody or any effects and that's as much as I could testify to.

MR. TURNER: Okay thank you.

MS. SPEICHER: For the record if we could have Brandon at the very least state his position or his title and his business address.

MR. WILLS: Yes ma'am I'm a General Real Estate Appraiser. From 121 South Cool Springs Street in Fayetteville North Carolina 28301.

MS. SPEICHER: Thank you.

CHAIR LOTT: Thank you.

AUDIENCE MEMBER: Can I testify one more time?

CHAIR LOTT: No.

MR. LONG: Can I ask a question?

CHAIR LOTT: Yes.

MR. LONG: To one of these gentlemen? One of these things that we need to determine that this is a public necessity I guess, since there's other towers around it, why is this tower necessary?

CHAIR LOTT: Those are not. Go ahead, I'm sorry.

MR. KITCHIN: I was just going to say I don't believe that you have to find that it is a public necessity. I think that condition is in or you can either find that it doesn't injure adjoining property

MR. LONG: Right.

MR. KITCHIN: Or property values or you can find even if it did injure adjoining property values you could still approve this even if you found this was a public necessity.

MR. LONG: Right.

MR. KITCHIN: So in answering your question I think if you're asking, why aren't we going to use one of the other towers for this use, the answer to that would be because we frankly being in the safety business cannot afford to rely on somebody else's tower. We can't rely on a fiber optic cable running to some other tower somewhere else that might get cut by some guy with a backhoe. This is important enough that they are willing to build their own tower to make sure they've got that microwave link at all times sir.

MR. LONG: Okay, got it, thank you.

CHAIR LOTT: Findings of facts?

MR. TURNER: Well just a statement on what he said from my side I think some degree of public necessity does need to come into this when you consider the amount of dissent there is against it. It has been an unusual meeting.

CHAIR LOTT: Yes, but I would think that the very fact that the pipeline even when it's put in, then the tower will become necessary for the safety of that pipeline.

MR. LONG: Yes. true.

MR. TURNER: We're not really talking about the pipeline. I'm looking a deed from these folks own land where they bought land two years ago, and they want to put a tower on it. What if the tower, if the permit did not pass, what would be the purpose of owning the land which appears they paid a fair sum for, just to the point of saying, I understand the preparation of it but if this does come to fruition, if this was not allowed would there be a public need for the safety purposes of this one not being there?

CHAIR LOTT: From what I understand if the pipeline is not put in the tower would not be necessary.

MR. TURNER: Okay.

CHAIR LOTT: But if it is put in, it would be very necessary to the safety of running.

MR. TURNER: I think that was my question, what if it wasn't. I mean if this tower wasn't ever going to exist, would it be an issue from safety purposes? I mean, I'm not, based on what Mr. Wills is give us, I don't think it's going to affect the property values around it. We can fulfill that without much trouble, but if and when it wasn't used, if that pipeline was in the ground, which we can't talk about, and then the tower was not allowed to be constructed, would there be a safety issue with that void? That's my question.

MR. KITCHIN: Yes sir. I think I would agree with you. These gentleman are very good at the pipeline business and they are very safe.

MR. TURNER: And I'm not making any against anybody. I'm asking if it wasn't there would it be a safety issue.

MR. KITCHIN: I think we would agree with you. It's certainly a lot safer if you have these kinds of towers and this kind of microwave network. Whether or not there would be other ways to increase the height of other towers to take the place of the missing tower here, I'm not an engineer I can't address that issue. But I think it's certainly safer with the tower than without it for no other reason than redundancy.

MR. TURNER: Okay I wasn't making a statement for anyone to agree with. I was just simply saying if and when this tower was not allowed to be built does the one over here and the one over here without this one in the middle, can they communicate without it.

MR. KITCHIN: No, not under the current design. The answer would be no.

MR. TURNER: I'm sorry, I'm off base.

CHAIR LOTT: Alright number one the use will not materially endanger the public health or safety if located according to the plan submitted and recommended. I understand...

MR. TURNER: Are you making a motion?

CHAIR LOTT: No, I'm looking at the case facts here.

MR. TURNER: Okay.

CHAIR LOTT: I would say that the case fact is if and when the pipeline is...

MR. TURNER: Let me stop you there, the outside of the pipeline, I don't care about the pipeline right this second. Based on what they've submitted and the construction of the tower. The tower will not materially endanger the public health.

CHAIR LOTT: No it will not.

MR. TURNER: Or safety the way it's constructed if it is constructed as they submitted it.

CHAIR LOTT: The tower will never be built, I don't think unless the pipeline is ever put in.

MR. TURNER: I understand but that's not our problem.

CHAIR LOTT: Right.

MR. TURNER: I'm just saying based on what they've submitted okay for number one if they do what they said they're gonna do the pipeline would not, the tower would not endanger the public health.

CHAIR LOTT: I agree with that.

MR. TURNER: Do you all agree with that?

MR. MCHENRY: I agree with it.

MR. FERGUSON: Yes.

MR. LONG: Yes sir.

CHAIR LOTT: Number two that the use meets all required conditions and specifications.

MR. HASTY: Mr. Chairman, the applicants did address each of these factors in their presentation and their materials.

CHAIR LOTT: Yes they did.

MR. HASTY: So, if you agree with the evidence they presented you can incorporate it, simply incorporate that.

CHAIR LOTT: Do we agree with that? (Addressing the board)

MR. HASTY: That's obviously up to you...

CHAIR LOTT: The evidence...

MR. HASTY: ...to use to make it more smoothly.

CHAIR LOTT: And the use will maintain or enhance the value of the adjoining and abutting properties and that the use is a public necessity. I think that also has been addressed.

MR. FERGUSON: I see it.

CHAIR LOTT: And that the location and character of the use if developed according to the as plan submitted and recommended will be in harmony in the area in which it is to be located and is in general conformity with Cumberland County's most recent land use plan, which it does meet.

MR. TURNER: Are we all in agreement with it?

CHAIR LOTT: Are we all in agreement with that?

MR. LONG: Yes.

MR. TURNER: Then I'm assuming that based on your statements I'll make a motion that we award the permit based on everything that's been submitted.

CHAIR LOTT: I have a motion.

MR. MCHENRY: I second.

MR. LONG: Second.

MR. HASTY: Will you, as part of your motion incorporate the evidence presented by the applicant as to the findings.

CHAIR LOTT: Yes it does.

MR. TURNER: Including the change in number seven.

CHAIR LOTT: Yes.

MR. TURNER: In the draft, the draft that we got originally was not like number seven in this draft.

CHAIR LOTT: Yes.

MR. TURNER: So we'll incorporate that into it.

CHAIR LOTT: Yes. Is that motion and second all that in favor? Motion passes.

MR. HASTY: Was there any opposition?

CHAIR LOTT: Any opposition?

MR. TURNER: Yes.

CHAIR LOTT: It passes, the vote was unanimous.

MR. FERGUSON: It passes.

MR. LONG: I think there was.

MR. FERGUSON: One dissent. (Referring to himself)

CHAIR LOTT: One in opposition. Okay.

MR. FERGUSON: Alright.

CHAIR LOTT: Motion passes.

Mr. Turner made a motion to grant the request of a special use permit, incorporated with the evidence submitted by the applicant, also including the subject related conditions, to include condition draft change of condition number seven, to allow a 290 foot tower in an A1 district on 10.199+/- acres, located at 3400 Swap Road, seconded by Mr. Long. The motion passed four in favor, one opposed.

	IN FAVOR
LOTT	YES
FERGUSON	NO
MCHENRY	YES
TURNER	YES
LONG	YES

CHAIR LOTT: Meeting is...

MRS. LYND: Chairman you can dismiss the parties for that case if they desire to leave.

CHAIR LOTT: I'm sorry?

MRS. LYND: We're going to continue with some administrative things on the agenda they can leave if they so desire.

CHAIR LOTT: Thank you gentleman, ladies and gentlemen, I'm sorry. What we need to do now (Addressing staff)?

10. DISCUSSION/UPDATE(S)

MRS. LYND: Item ten on your agendas is discussion or updates. The only update from staff at the moment is there will be no October Board of Adjustment meeting. I don't know if Mr. Hasty has any updates.

MR. HASTY: I don't have anything.

CHAIR LOTT: That It?

MRS. LYND: You may make a motion to adjourn.

MR. TURNER: I'll make a motion that we adjourn the meeting.

MR. MCHENRY: Second.

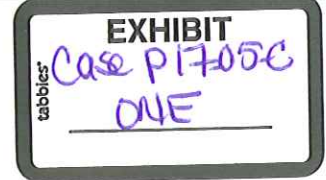
Mr. Turner made motion to adjourn, seconded by Mr. McHenry. The motion passed unanimously.
Meeting adjourned at 8:15pm.

	IN FAVOR
LOTT	YES
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

Hope W. Page, Clerk to the Board

George Lott, Chairman

DRAFT



Case: P17-05-C
September 21, 2017

REVISED (Condition 7 only)
Special Use Permit – Board of Adjustment
DRAFT
Ordinance Related Conditions
Tower

Pre- Permit Related:

1. This conditional approval is not approval of the site plan for the Piedmont Metering and Regulation area (public utility station/substation). Three copies of a revised plan must be submitted for staff review and approval prior to commencement of construction of this portion of the development.

Watershed-Related:

2. An application for watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits. (Note: This approval may require additional conditions restricting the development of this property.) A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.
3. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for this development.

Permit-Related:

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
5. Upon any future development requiring utilities on the subject property, the County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. New development where the developer will disturb or intends to disturb more than one acre of land may be subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environmental Quality. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, either (i) a copy of the State's *Post-Construction Permit* or (ii) written confirmation from NCDEQ or other evidence satisfactory to the County establishing that the State's Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) is not applicable to the subject site must be provided to County Code Enforcement.
8. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDEQ approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
9. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.

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10. Prior to issuance of a building permit for the tower, the applicant/owner or developer must submit to Code Enforcement, drawings sealed by a licensed engineer and a certification letter from the licensed engineer who prepared the plans that the tower will meet all applicable Federal, State and local building codes and structural standards. (Section 927.H, Towers, County Zoning Ordinance.)
11. Prior to issuance of building permits for the tower, if lighting is required by the FAA, the applicant/developer/owner shall submit documentation from the FAA that the proposed lighting is the minimum lighting required by the FAA. (Section 927.P, Towers, County Zoning Ordinance.)
12. Prior to issuance of the final occupancy permit for the tower, the owner/operator of the tower shall submit a sign and seal engineer's statement that the tower is structurally sound. (Section 927.R, Towers, County Zoning Ordinance.)
13. The final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
14. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, the copies of a revised site plan must be submitted for staff review and approved prior to permit application.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

Site-Related:

15. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the A1 zoning district for the tower, to include the contents of the application and site plan, must be complied with, as applicable.
16. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan for staff review and approval is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
17. "Swamp Road" must be labeled as "SR 1717 (Swamp Road)" on all future plans.
18. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
19. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
20. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
21. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.

22. The tower base shall be enclosed by a chain link fence that is at least 10 feet in height. (Section 927.E, Towers, County Zoning Ordinance.)
23. A 25 foot wide buffer shall surround the tower compound area and that no structures be erected within the buffer this buffer area. Note: The developer is required to obtain an owner's statement granting permission to maintain this buffer area outside the actual lease lot area. The buffer area shall be planted with evergreen trees that will attain a minimum height of 25 feet spaced no greater 20 feet apart. The inner fringe of the buffer area shall be planted with an evergreen hedge with an initial height of three feet and an expected attainment of six feet in height within four years of planting. This buffer shall be maintained for the duration of the lease. (Section 927.F, Towers, County Zoning Ordinance.)
24. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
25. In the event the tower is not used for a period of six months, the tower shall be considered abandoned and must be removed. The owner of the tower is required to remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice requiring removal. The Code Enforcement Coordinator may establish a shorter period of time for removal in the event the tower is determined to be structurally unsound. (Section 927.Q, Towers, County Zoning Ordinance.)

Advisories:

26. All applicable conditions from subdivision Case No. 15-086 (subdivision case) apply.
27. Swamp Road is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
28. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
29. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
30. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Betty Lynd at 910-678-7603 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Watershed Review Officer:	Jeff Barnhill	678-7765	jbarnhill@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Gary Faulkner	321-6648	gfaulkner@co.cumberland.nc.us
County Engineer's Office:	Wayne Dudley	678-7636	wdudley@co.cumberland.nc.us
County Health Department:	Daniel Ortiz	433-3680	dortiz@co.cumberland.nc.us
Ground Water Issues:	Daniel Ortiz	678-7625	dortiz@co.cumberland.nc.us
Town of Wade:	Cindy Burchett (Town Clerk)	485-3502	townofwade@nc.rr.com
County Public Utilities/NORCRESS:	Amy Hall	678-7637	ahall@co.cumberland.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov

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US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Ron Gonzales	678-7616	rgonzalez@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	tlbaker@ncdot.gov

cc: Cindy Burchett, Town of Wade (MIA purposes only)

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SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Tower: Any fabricated structure or device including, but not limited to, relay stations for commercial operations, such as cable television, telecommunication, radio, television stations and the operation of such uses. "Tower" shall not include structures that support antennae or similar devices that support or facilitate HAM radio or Citizen Band communication. (Section 927)

SECTION 927. TOWERS.

A. A communication tower and associated equipment totally concealed within a building or structure so as to be architecturally indiscernible shall not be regulated as a tower under this section.

B. The applicant, owner, or developer of a tower that is to be at least 75 feet in height shall submit a site plan with the application for permits to authorize construction or erection of the tower. The site plan shall include:

1. Identity of the proposed or intended user(s) of the tower.
2. The certification of a registered engineer that the tower has the structural integrity and/or capacity to support or to accommodate more than one use or user.
3. The statement and supporting information and documentation by the applicant, owner, or developer that no structures or facilities suitable for collocation are available within the coverage area.
4. The statement of the owner indicating the intent and willingness to permit shared use of the tower and the potential for or limitations on the number of other users that the proposed tower can accommodate.
5. Elements and design that meet all requirements of this ordinance and the County Subdivision Ordinance.

C. Setbacks as prescribed below are intended for the assurance of public safety and protection of the property rights of adjacent property owners and shall not be less than the minimum required and shall not be varied by the Board of Adjustment:
(Amd. 01-19-10)

1. Residential/Agricultural Zones. Towers in any residential or agricultural district shall be set back from all adjacent property lines and/or lease lines a distance not less than the height of the tower. The distance shall be measured from the base of the tower.
(Amd. 01-19-10)

2. Commercial/Industrial Zones. Any tower shall be set back from property and/or lease lines a minimum of 50 feet or one foot of setback for each two feet of tower height, whichever is greater.

D. Structures located near towers shall not encroach upon the setbacks of the towers, unless such towers are of monopole design and construction, in which case buildings and structures may be located within the setback distances.

E. A chain link fence at least ten feet in height and located at least ten feet from the base of the tower shall enclose the tower base.

F. A buffer area at least 25 feet wide shall surround the tower compound. The buffer shall shield the compound area from the entire tract. No structures, including guyed wires or anchors, may be constructed or located within the buffer. The buffer area shall be planted with evergreen trees that will attain a minimum height of 25 feet within four years, and be spaced no greater than 20 feet apart. The inner fringe of the buffer area shall be planted with an evergreen hedge that shall have an initial height of

at least three feet and an expected attainment of six feet in height within four years of planting. The hedge shall constitute a complete shield or visual blockage. If the Coordinator determines that a natural buffer already exists on site that substantially complies with the purpose and intent of this performance standard to an equal or greater degree, such an alternative natural buffer shall be considered adequate. If an alternative natural buffer is used, the user shall be responsible to ensure that the buffer remains compliant for as long as the tower remains. If a buffer is altered to an extent where it no longer serves to shield or obscure the compound from view, the applicant or tower user(s) shall install buffers as required by this section.

(Amd. 02-19-08)

G. The applicant, owner or developer shall certify that the proposed tower will be constructed and operated in accordance with all applicable Federal, State and local laws and ordinances, including but not limited to all Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and guidelines.

H. Prior to the issuance of a building permit for a tower, the applicant, owner or developer shall submit drawings sealed by a licensed engineer and a certification letter from the licensed engineer who prepared the plans that the tower will meet all applicable Federal, State and local building codes and structural standards.

I. Repealed.

(Amd. 02-19-08)

J. The tower's height shall not exceed 450 feet. When a tower is located on a building or structure, the combined height of the building or structure and the tower shall not exceed 450 feet, except in the A1 Agricultural District. The height of a tower located in the A1 Agricultural District shall not be restricted. However, a tower located in the A1 Agricultural District must meet all applicable setbacks.

K. The exterior appearance of any building or structure associated with a tower and located in a residential zone shall maintain a residential architectural quality including, without limitation, a pitched roof and frame or brick veneer construction.

L. No building or structure associated with a tower and located in a residential zone may be used as a work site for any worker. However, periodic maintenance, inspection and renovation of the facility shall be permitted.

M. Each applicant, owner or developer shall demonstrate that the use will not be detrimental or injurious to the property values of the surrounding neighborhood. In zoning districts where the tower is a use by right, the applicant, owner or developer may satisfy the requirement by submitting a statement signed by a licensed appraiser or real estate broker which expresses an opinion that the use will not be detrimental or injurious to the property values of the surrounding neighborhood.

N. Repealed.

(Amd. 02-19-08)

O. To protect the public from unnecessary exposure to electromagnetic radiation, the applicant, developer, owner or operator of the tower shall document that the power density levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever is stricter.

P. If lighting is required by the FAA, it shall meet or exceed the FAA standards. To the extent allowed by FAA regulations and standards, strobes shall not be used for nighttime lighting. To the extent permitted by Federal statutes, regulations and standards, the lights shall be oriented so as not to project directly onto surrounding residential property. Prior to issuance of a building permit, the applicant, developer or owner shall submit documentation from the FAA that the proposed lighting is the minimum lighting required by the FAA.

Q. A tower not used for a period of at least six months shall be determined to be abandoned and shall be removed. The owner of the tower shall remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice requiring removal. The Coordinator may establish a shorter period of time for the removal of a tower that is structurally unsound.
(Amd. 02-19-08)

R. The owner or operator of a tower shall submit a statement signed and sealed by a licensed engineer that the tower will be structurally sound.

S. If the Coordinator determines a tower is not structurally sound, the owner or operator of the tower shall, within 60 days or a shorter time period if required by the Coordinator, complete repairs to restore the structural soundness of the tower.
(Amd. 02-19-08)

T. The owner, applicant, or developer shall camouflage the tower so that it blends into the surrounding area. Methods of camouflage include paint, architectural design or structure, and other means.

U. No outside storage on the site of the tower shall be permitted.

V. All tower sites shall comply with the provisions of the County Subdivision Ordinance.
(Amd. 02-19-08)

Atlantic Coast Pipeline - Telecommunications Tower

Presentation to the Cumberland County
Board of Adjustment

September 21, 2017

Special Use Permit Request

Address: 3400 Swamp Road

Zoning : A1

Acreage: 10 acres

Use: Tower

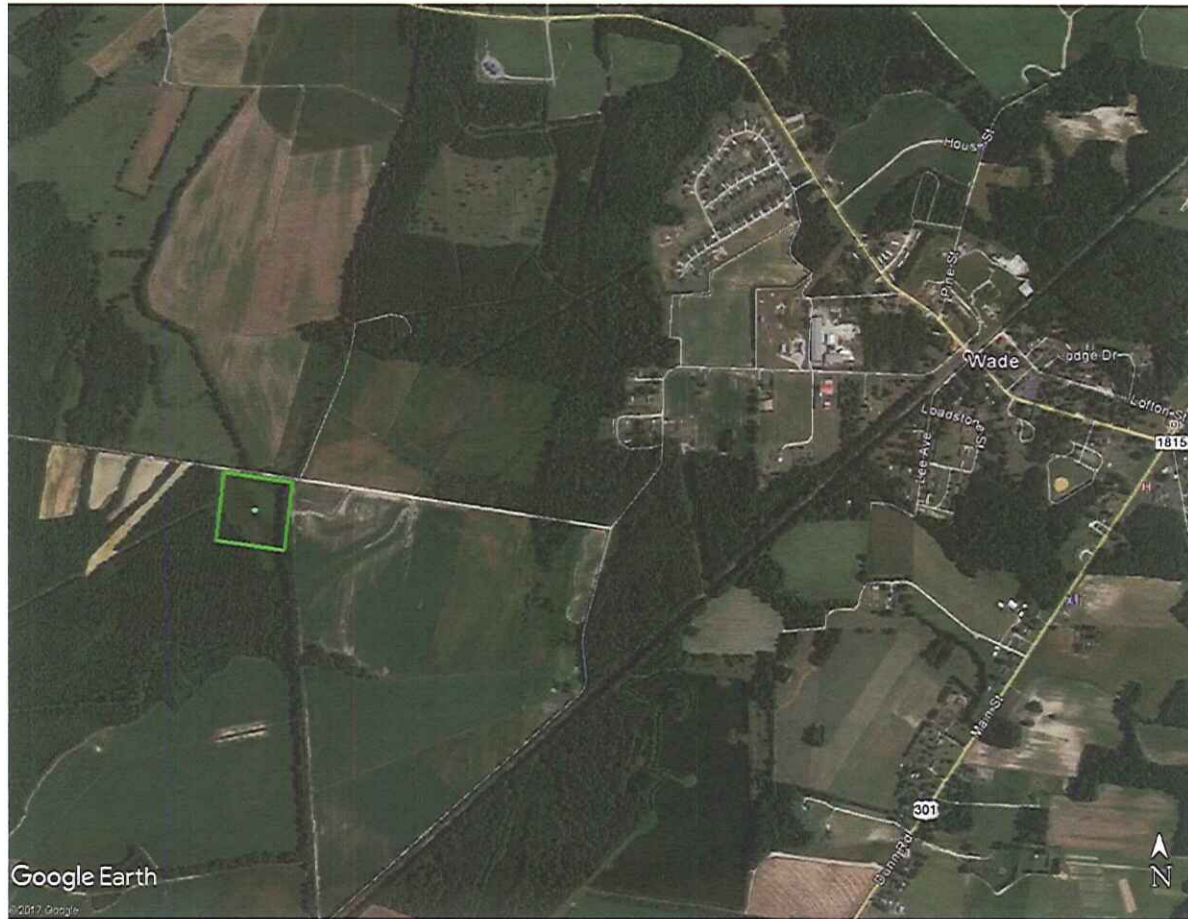
Applicant: Atlantic Coast
Pipeline LLC



Here to Answer Your Questions

- Kevin Zink – Director of Pipeline Operations
- Steve McBrayer – Site Design Manager
- Matt Wylie – Tower Infrastructure
- Spencer Simmons – Tower Infrastructure
- Brandon Wills – Tom J. Keith & Associates
- Bruce McKay – Dominion Public Affairs
- Andy Harris – ACP General Counsel's Office

Tower Site Location



Tower Site Location



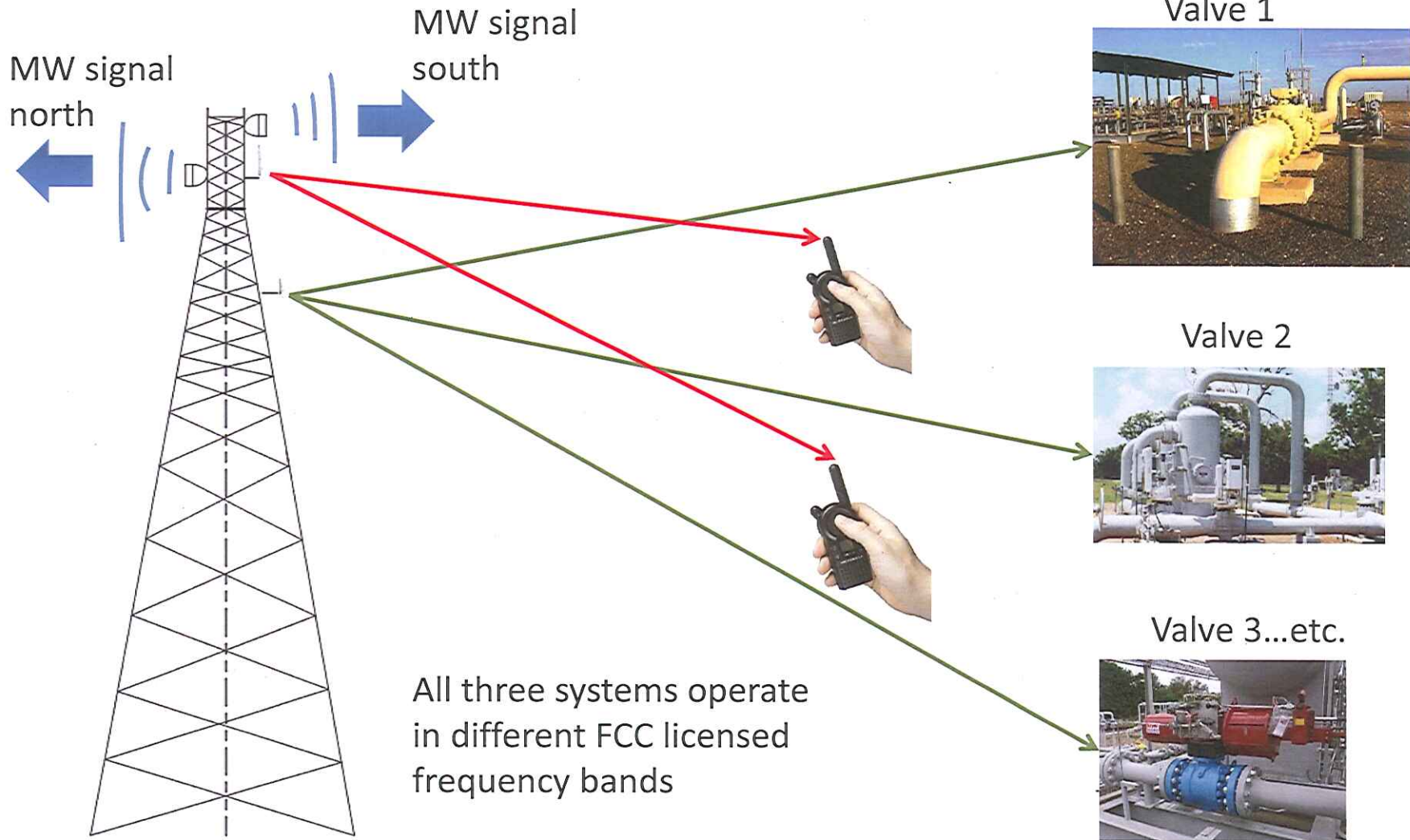
Tower Site Location



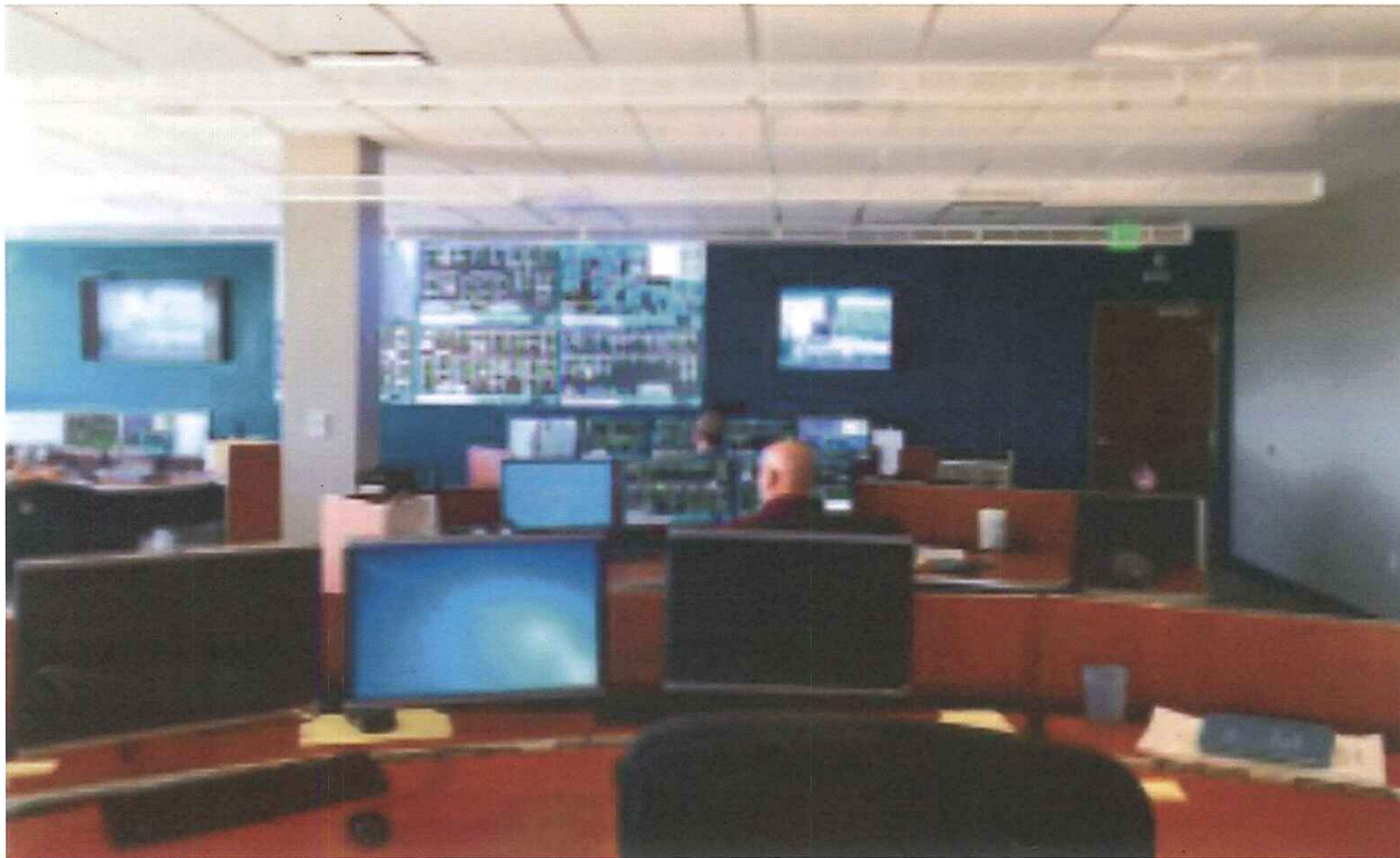
Telecommunications Tower example



THE TOWER IS MULTI-PURPOSE



Gas Control Center – Bridgeport, WV



Atlantic
Coast
Pipeline

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Section 1606(C) - Standards

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this article and may grant or deny the Special Use Permit requested. In granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed;

2. The use meets all required conditions and specifications;

3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and

4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan.

(Amd. 02-19-08)

(C)(1) – Public Health and Safety

1. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed:
 - 10-foot tower base fence; fence around entire M&R site
 - Safety/security monitoring 24/7
 - Tower fall radius entirely on Atlantic's property
 - Fully FAA compliant

(C)(2) – All Required Conditions

2. The use meets all required conditions and specifications:

- Atlantic's proposed tower meets all Section 927 requirements
 - Setbacks, lighting, fencing, buffers/landscaping, etc.
- Atlantic agrees with all of Staff's proposed conditions

(C)(3) – Will not affect property value

3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity:
 - Not inconsistent with adjoining properties used for agriculture and silviculture
 - No damage to nearby property values – Tom J. Keith & Associates Report
 - Extensive vegetative buffer (natural and installed) around site

(C)(4) – In Harmony and Conformity

4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan.
- Tower use is not inconsistent with agricultural/silvicultural uses
 - In conformity with applicable land use plans
 - 2030 Growth Vision Plans – “A More Diversified Economy,” “Infrastructure that Keeps Pace”
 - 2008 Land Use Policies Plan – Consistent with Light Industrial Category
 - Wade Study Area Plan – Calls for future Industrial development of Swamp Road

QUESTIONS?

tabbies
EXHIBIT
Case P17-05-C
FOUR

ATTACHMENT 7

P1860

Impact Study
Measuring the Impact of
Telecommunication Tower Sites
On the Property Values of the Surrounding Neighborhoods
Proposed Tower to be Located on Swamp Road
Near Wade in Cumberland County, North Carolina

PREPARED FOR:
McGuireWoods, LLP

EFFECTIVE DATE:
May 16, 2017

INSPECTION DATE:
May 16, 2017

PREPARED BY:
Tom J. Keith & Associates, Inc.
121 South Cool Spring Street
Fayetteville, North Carolina 28301
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File # 1713643



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Matthew K. Adams
Alexander Keith
James Keith

Fred R. Keith, LLD 1900 – 1988

Impact Study
June 15, 2017

Henry L. Kitchin, Jr.
MrGuireWoods, LLP
300 N. Third Street – Suite 320
Wilmington, North Carolina 28401

RE: Impact Study determining the impact of telecommunications towers on the property values of the surrounding neighborhoods.

Dear Mr. Kitchin:

I have completed a study determining if telecommunications towers in Cumberland County, such as the proposed tower, are detrimental or injurious to the property values of the surrounding neighborhoods. This study determines any impact to the values of residential properties & by extension less sensitive industrial, commercial & agricultural properties. The results & data used in this study are summarized in this report.

The overall scope of work & the extent of the data collection process included identifying & mapping the parcel on which the proposed tower is to be located. This was done using plans for the proposed tower provided by the client & Cumberland County GIS information.

The appraiser used data from the Federal Communications Commission (FCC) GIS & Antenna Structure Registration systems to identify & research existing towers with similar characteristics to the proposed tower. Sales of properties near the existing towers were researched using data from the Cumberland County GIS system. Both local & federal GIS sources were able to provide the large amounts

of data needed for the graphing and analysis used to determine if towers in Cumberland County are detrimental or injurious to the property values of the surrounding neighborhoods.

To determine any possible impact to the property values of the surrounding neighborhoods, the appraiser analyzes the sales of properties within various distances from existing tower sites. Sales of similar residences are compared with each other based on their distance from the nearest tower. The sales are grouped based on their distance from the tower in tenth of a mile increments or buffer rings up to five tenths of a mile (0.5) from each tower site.

Sales prices within each buffer ring are averaged based on their price per square foot to account for size differences impacting price indications. Then the results of each buffer ring are analyzed & compared to see if there is a relationship between a property's sales price & its proximity to a tower. A clear trend of prices significantly increasing as their distance from an existing tower increases is looked for as an indication that the tower is detrimental or injurious to the values of the surrounding neighborhood. This process is repeated with multiple towers & multiple neighborhoods.

The appraiser physically inspects the existing tower sites (if accessible) & surrounding neighborhood(s) to understand the towers' relationships to their surrounding neighborhoods & when possible, speaks with local residents & real estate agents to determine if the tower impacts their decisions to buy/rent their homes &/or the price they pay. Local appraisers & tax departments may also be contacted to see if they have observed towers impacting their valuations.

The results of the buffer ring studies & discussions with local market participants are compared & reconciled into a final conclusion. The details and data of each one of the towers studied, the sales prices for the homes in each of the buffer rings & summaries of any interviews performed are included in this report.

The intended user of this report is McGuireWoods, LLP who may share the information with the Cumberland County Planning/Zoning Department & their legal counsel.

The intended use of this study is to determine if telecommunication towers, such as the proposed tower, are detrimental or injurious to the property values of the surrounding neighborhoods.

In summary, the results of the buffer ring analyses indicated no significant increase in sales price for those dwellings located farthest from the tower sites, up to a half mile away, compared with those located closest to the tower sites. Also, interviews with local residents indicated that the nearby towers did not impact the prices they paid for their homes.

These results are consistent with similar research the appraiser has completed in multiple counties & jurisdictions across North Carolina including: Hoke, Robeson, Moore, Wake, Wilson, Franklin, Onslow, Cabarrus, Caldwell, Mecklenburg, Gaston, Union & Stanly counties as well as the firm's research into possible impacts to property values from telecommunication towers dating back over the past 20 years.

Therefore, it is the consultant's opinion that telecommunications towers, such as the proposed tower to be located on Swamp Road near Wade in Cumberland County, are not be detrimental or injurious to the property values of the surrounding neighborhood(s).

Respectfully Submitted,

TOM J. KEITH & ASSOCIATES, INC.

By: Brandon T. Wills, A7513,
Candidate for Designation, Appraisal Institute

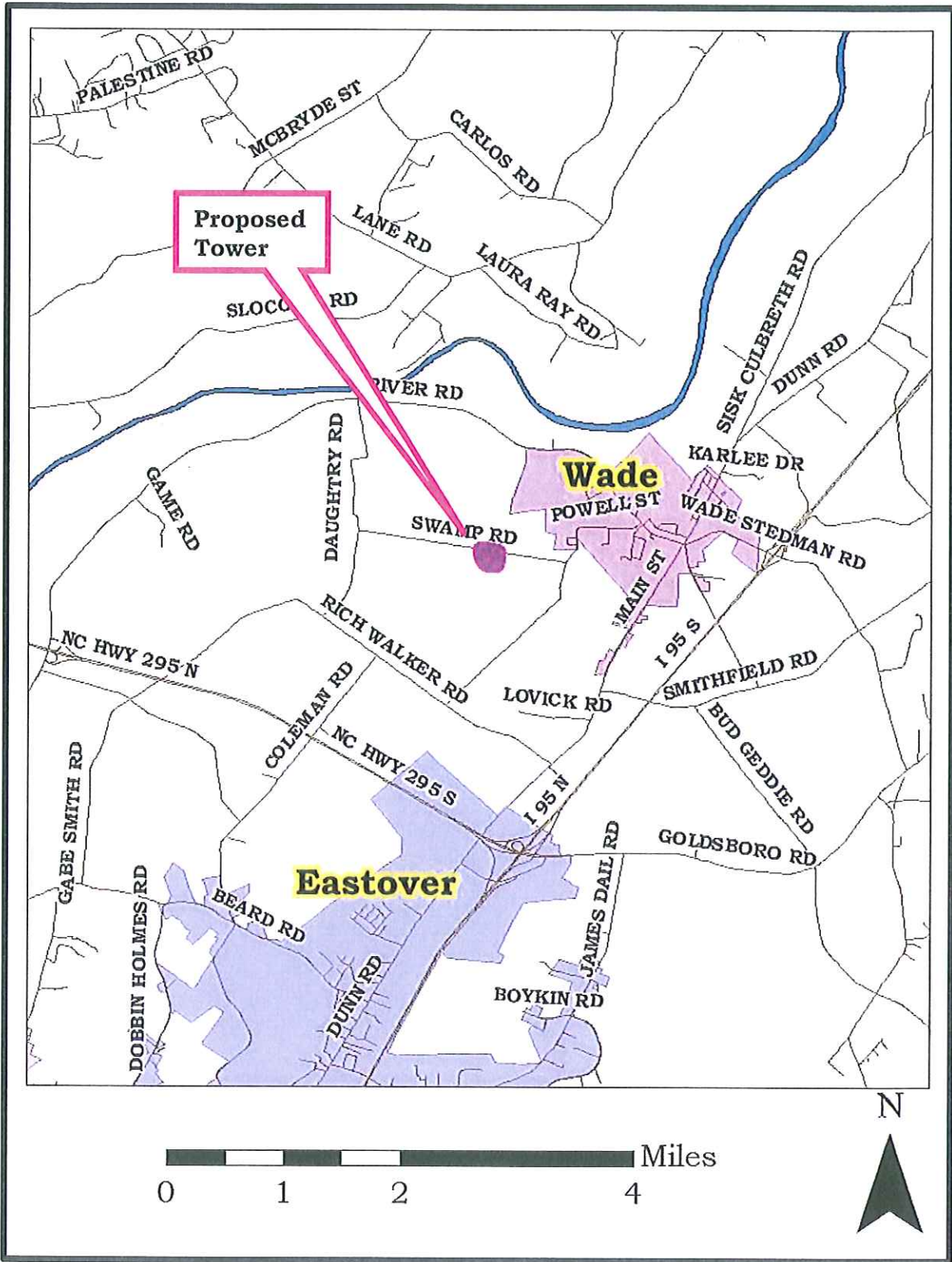




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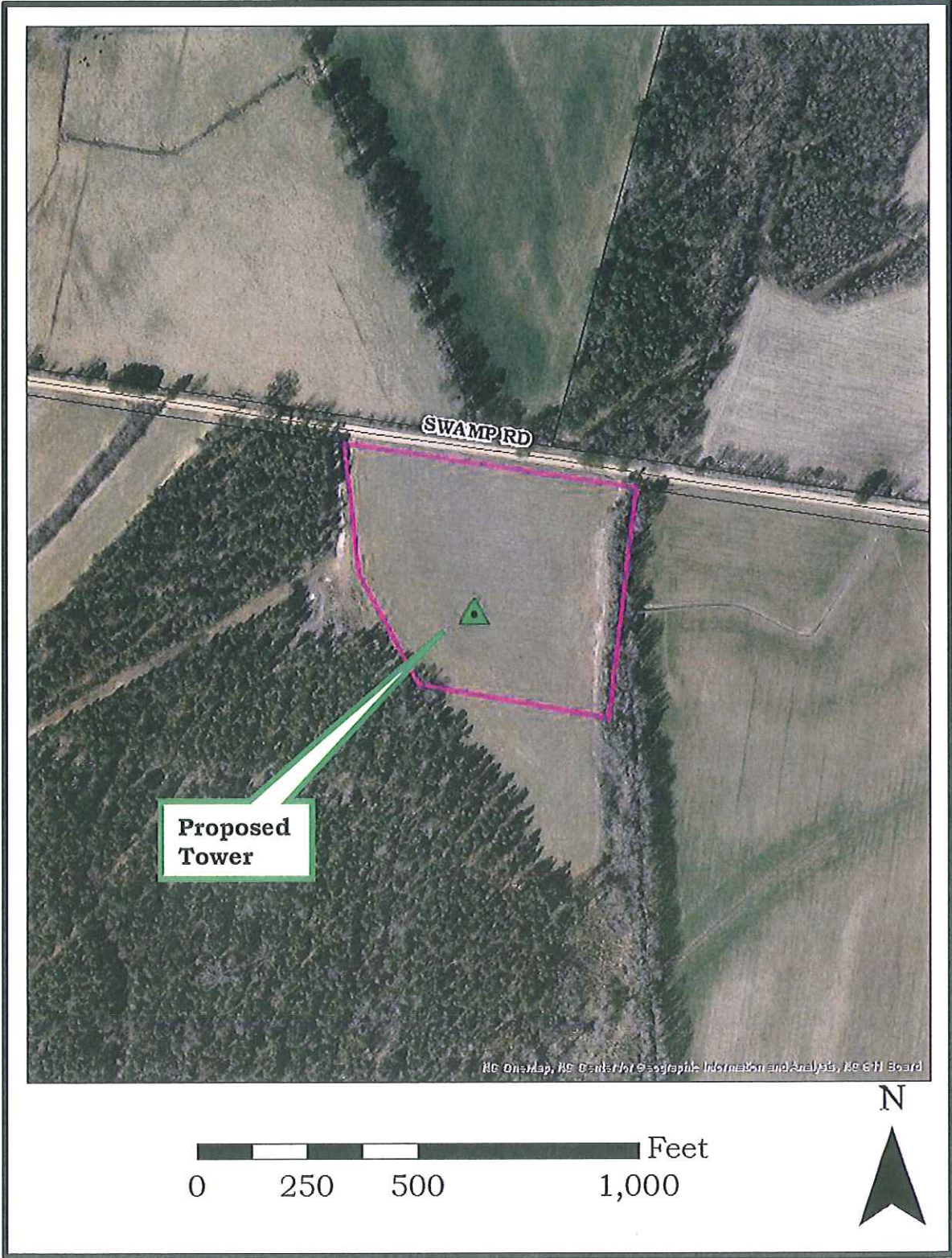
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Tower & Site Plans (Partial)	
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Tower 1000237	12
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Certification of Consulting Report
Assumption & Limiting Conditions
Consultant's Credentials



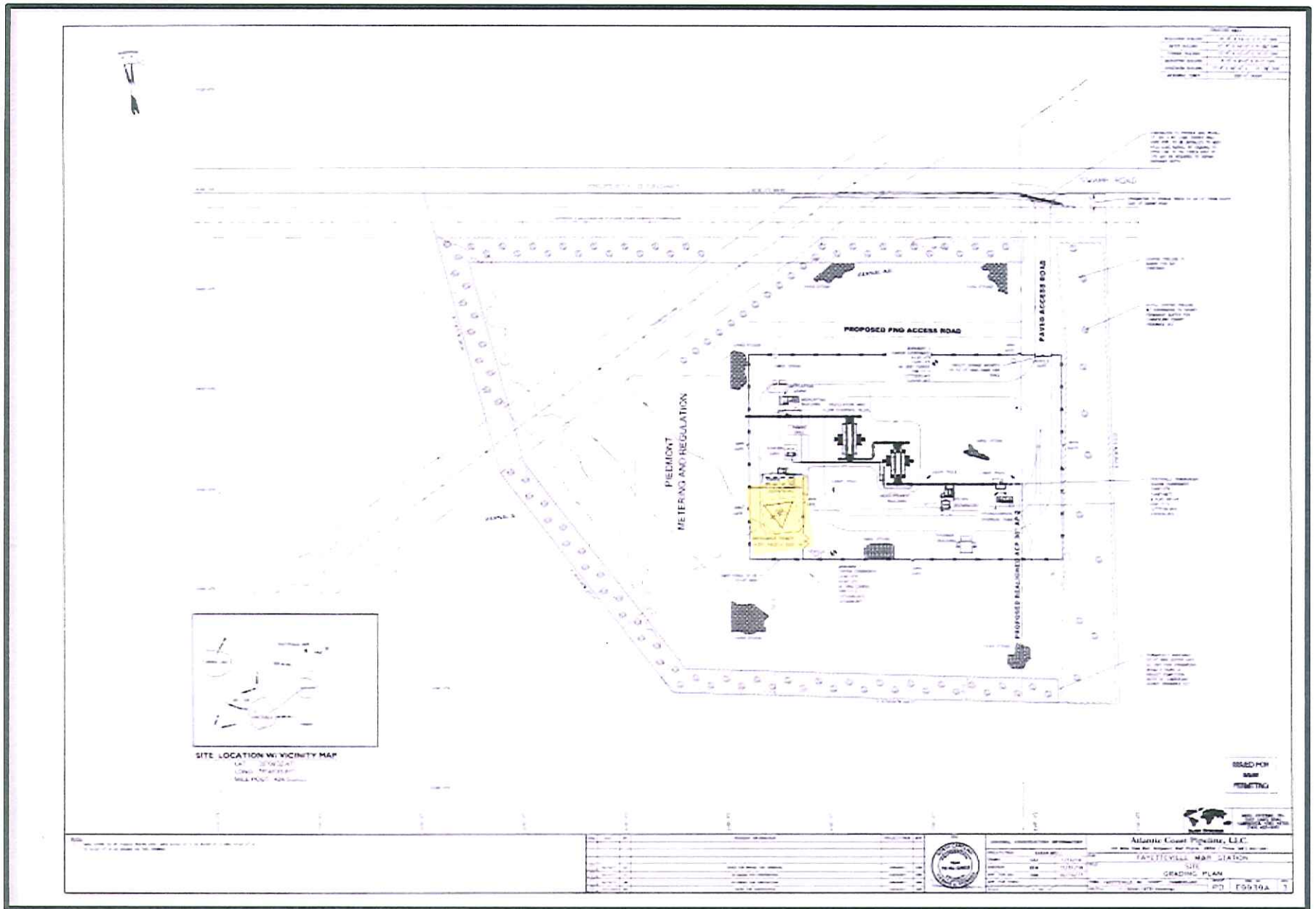
Location Map of Proposed Tower Site

P7860



Aerial Map of Proposed Tower Site

P 8 B60



Subject Property & Proposed Tower Location

PP 860



Subject



Subject



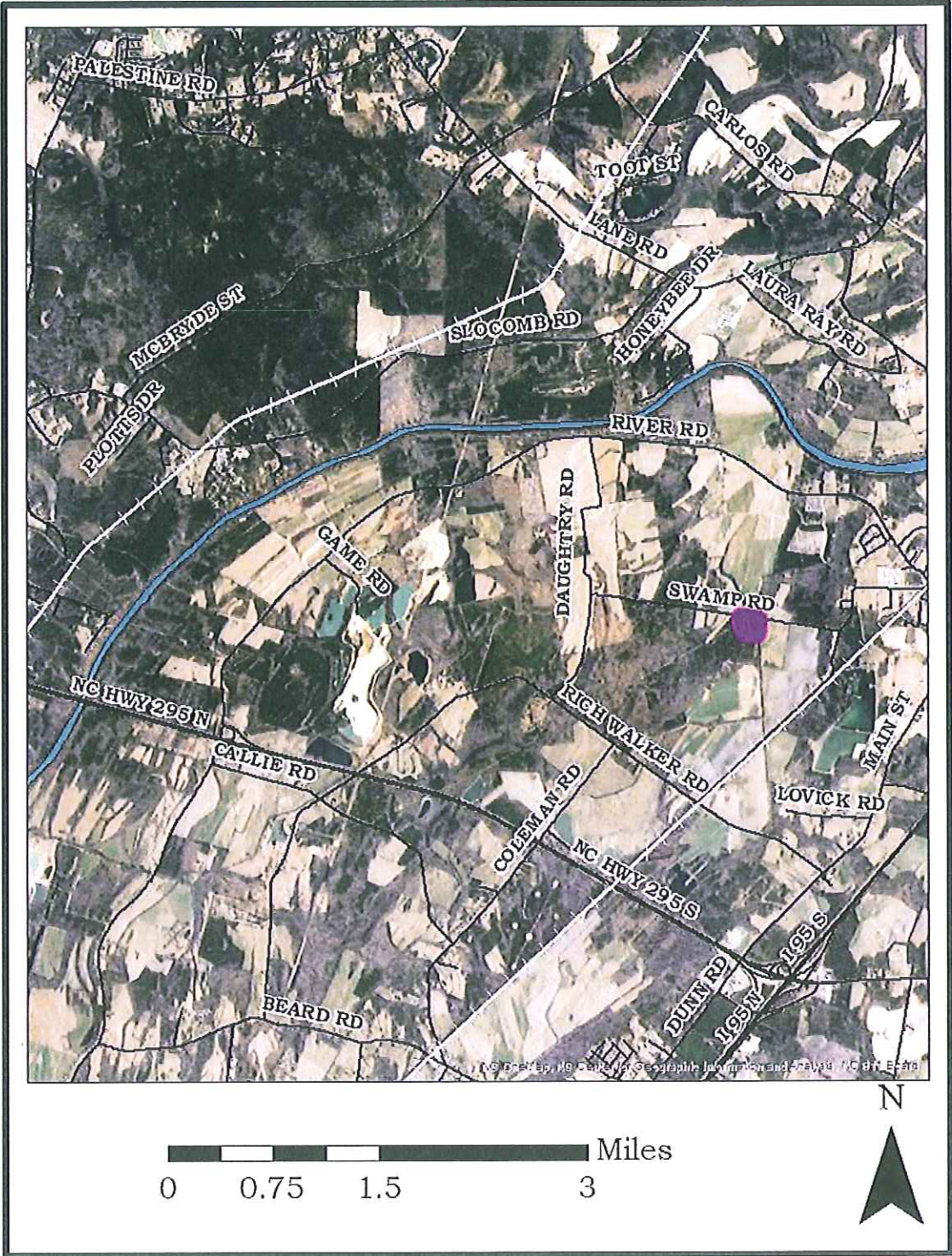
Subject



Swamp Road - East



Swamp Road - West



Neighborhood Map

PII 660

NEIGHBORHOOD DESCRIPTION

A neighborhood is defined as a complementary group of land uses in The Dictionary of Real Estate Appraisal, Sixth Edition published in 2015 by the Appraisal Institute. The following analysis will help to define the geographical and economic boundaries of the neighborhood and to pin point any detrimental or beneficial influences noted within these boundaries. Within these boundaries, trends in the use of the available land and improved properties will be discussed to offer an indication of the direction in which these factors are moving and affecting the subject.

Location (Distance and Direction from Employment Centers and other Main Landmarks) The subject's neighborhood is an agricultural area approximately 6.5 miles east of Fort Bragg & 6.5 miles north of downtown Fayetteville, NC.

Boundaries..... The neighborhood is roughly bounded by the Cape Fear River on the north & west; the Town of Wade & the CSX rail line on the east & Interstate 295 on the south. The subject is less than half a mile southwest of the town of Wade; population 561.

Traffic Arteries Through Neighborhood..... Interstate 295, River Road & Rich Walker Road.

Railroads Through Neighborhood..... CSX

Type and Amount of Street Traffic 12,000 to 14,000 average annual daily traffic (AADT) on Interstate 295. 410 to 630 AADT on River Road & 120 to 200 AADT on Rich Walker Road.

P12 860

**Proximity to Expressways,
Tollroads, and Airports.....**

Interstate 295 runs along the southern border of the neighborhood & connects the area with Fort Bragg & the Cross Creek Mall area to the west. Interstate 95 parallels the eastern edge of the neighborhood approximately one (1) mile east of the CSX rail line & connects the area with downtown Fayetteville to the south & Interstate 40 approximately 20 miles to the north. The Fayetteville Regional Airport is approximately ten (10) miles south of the neighborhood.

**Adequacy of Utilities and
Street Improvements**

Adequate for agricultural & rural uses.

**Proximity to Shopping
Proximity to Schools.....**

Some small retail shops & dollar stores located in the Town of Eastover along US 301 approximately two (2) miles away. Larger anchored shopping centers & retail stores located in the City of Fayetteville along US 401 approximately two (2) miles away. The Cross Creek Mall, a major regional mall, is located approximately 8.5 miles southwest of the neighborhood accessible via Interstate 295 & the All American Expressway.

Public elementary schools located within approximately one (1) mile of the neighborhood. Public high school, private Christian school (pre k-12) & Methodist University within approximately three (3) miles of the neighborhood.

P13 460

Proximity to Parks and Recreational Areas Old Bluff At McAllister Farms Park located within the neighborhood. Wade Community Park, Eastover Recreation Center & Fayetteville RV Resort & Cottages approximately one (1) mile from the neighborhood.

Old Bluff Presbyterian Church is less than two (2) miles northeast of the neighborhood. It is a historic church built before the Civil War & listed on the National Register of Historic Places

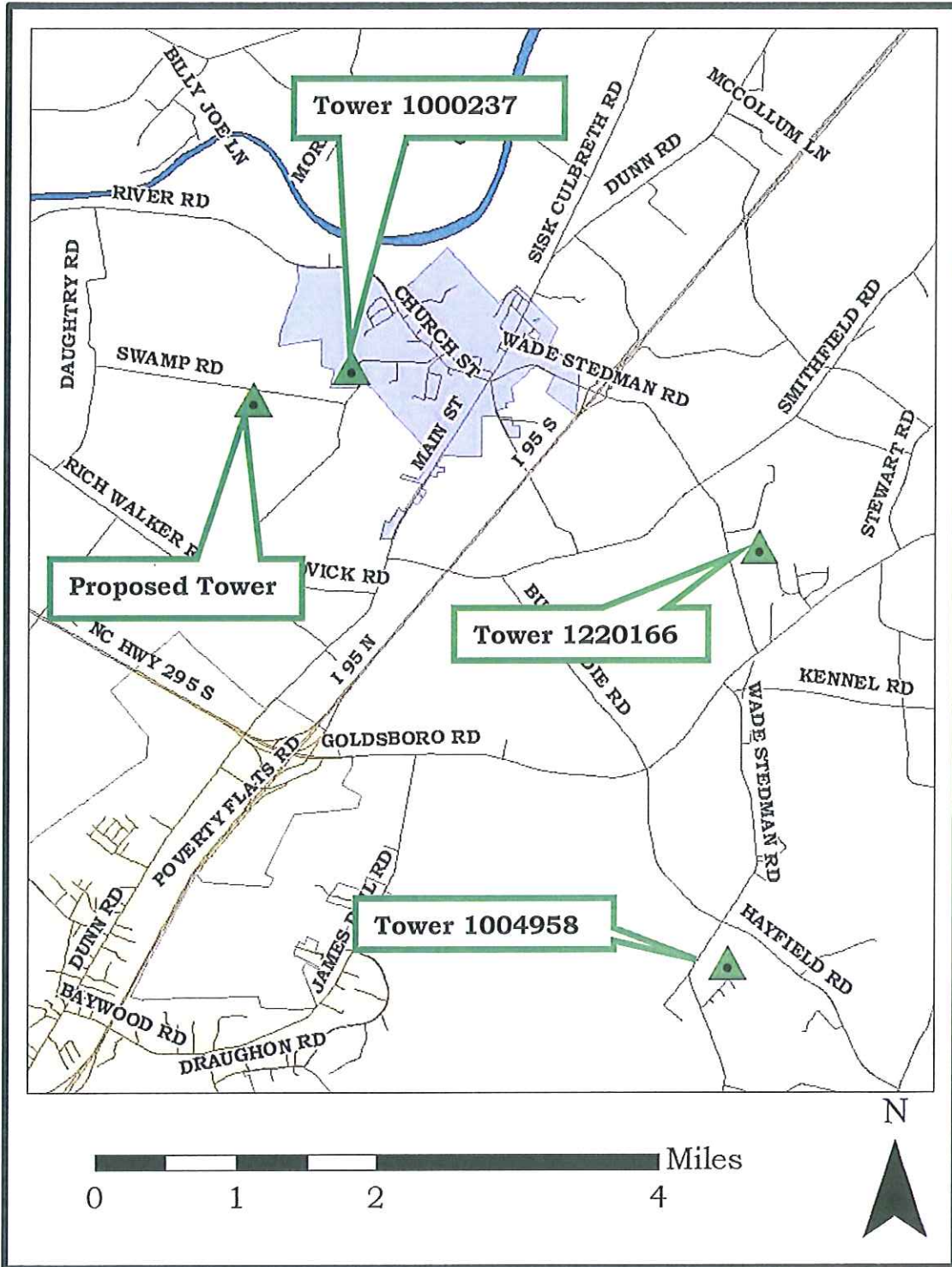
Trends and Development Trends, if any, in the Neighborhood or District Agricultural area with some mixed rural development in the towns of Wade & Eastover.

Population Trends..... Very rural area, population mostly stable. Town of Wade (558) grew approximately 1.5% from 2000 to 2010, the Town of Eastover (3,640) shrunk approximately 5% & The City of Fayetteville (200,856) shrunk approximately 1.5% from 2000 to 2010. The state of North Carolina grew at a rate of approximately 20% during that time period.

New Construction Activity ... None noted

Changing Land Uses None noted

Conclusion about Neighborhood and Trends in Neighborhood..... The recent connection of Interstate 295 with Fort Bragg & the All American Expressway increases this area's prospects for development, however, the low to negative population growth indicates that this area will remain a mainly agricultural area for the foreseeable future.



Comparable Cell Tower Location Map

P15 060

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Tower # 1220166

5442 Wade Stedman Road, Wade, NC

Tower #1220166



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SITE SPECS

MSA/RSA: Fayetteville, NC
Address: 5442 Wade Stedman Road
City: Wade
State: North Carolina
Zip Code: 28395
Latitude: 35°08'35.7" N
Longitude: 78°41'44.5" W
Datum: NAD83
County: Cumberland
Region: USA
Comments: Lights
Driving Instructions: Take Exit 61 on Interstate 95 & head east on Wade Stedman Road. Go approximately 1.6 miles & the tower will be on your left.

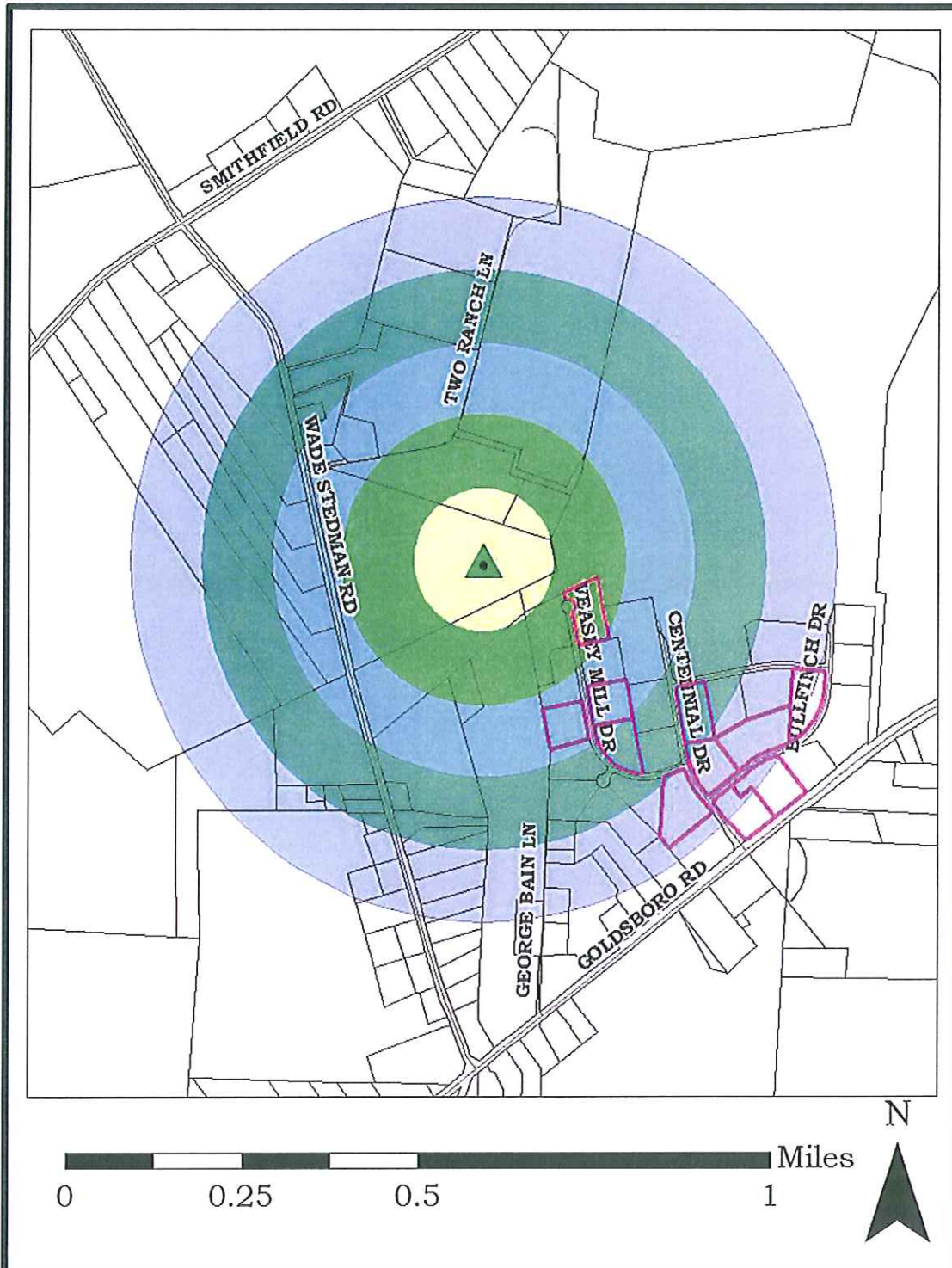
UTILITY INFORMATION

Telco Provider: Unknown
Power Provider: Unknown

TOWER DATA

Tower Number: 1220166
Structure Height (AGL): 250 ft.
Total Height (AMSL): Unknown
Type: Self-Supporting Lattice
FCC #: 1220166
Tower Status: Active

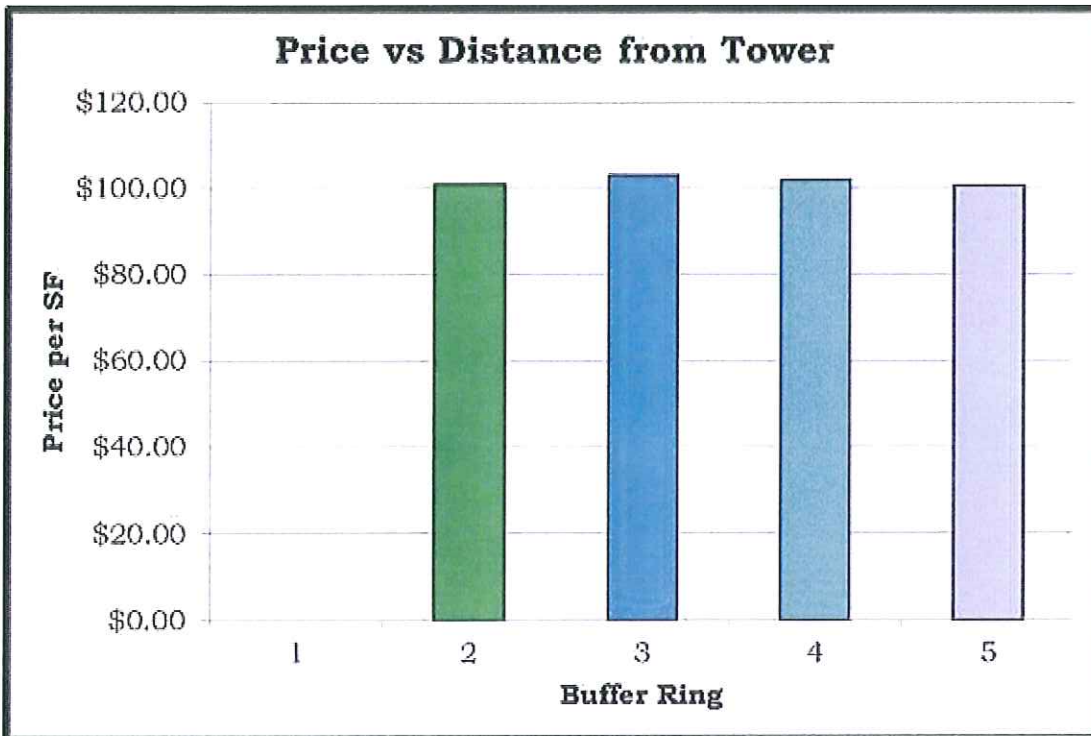
Tower #1220166



Location of Sales within Buffer Rings of Tower Site

TOWER # 1220166
AVERAGE SALES PRICE PER SF

Buffer Ring 1 1/10 Mile From Tower	Buffer Ring 2 2/10 Mile From Tower	Buffer Ring 3 3/10 Mile From Tower	Buffer Ring 4 4/10 Mile From Tower	Buffer Ring 5 5/10 Mile From Tower
NA	\$ 100.84	\$ 101.57 \$ 104.39	\$ 104.58 \$ 99.46	\$ 89.72 \$ 99.46 \$ 107.76 \$ 98.09 \$ 102.90 \$ 106.54
NA	\$ 100.84	\$ 102.98	\$ 102.02	\$ 100.74



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We have averaged the price per square foot for dwellings located within each of the buffer rings.

Buffer Ring 1=	NA
Buffer Ring 2=	\$100.84
Buffer Ring 3=	\$102.98
Buffer Ring 4=	\$102.02
Buffer Ring 5=	\$100.74

As you can observe from the charts and data above for tower #1220166, there does not appear to be any significant or consistent change in prices based on their distance from the tower. This indicates the tower does not impact property values.

The appraiser also spoke with the owners of 4881 Veasey Mill Dr., 4821 Veasey Mill Dr., 5710 Hallen Dr. & 5781 Bullfinch Dr.

4881 Veasey Mill Dr. is located the closest to the tower of any home in the neighborhood. The owner stated the nearby tower did not impact the price she paid for her home. She stated that it is not her carrier & she did not notice the tower.

4821 Veasey Mill Dr. is located in the third & fourth buffer rings. The owner stated he did not notice the tower when purchasing his home & it did not impact the price he paid for his home. He stated he is on the board of the neighborhood homeowners' association (HOA) & has not heard any complaints about the tower, but thought anyone who would complain about the tower would be "crazy".

5710 Hallen Dr. is located in the fourth buffer ring & the owner stated she did not notice the tower when she purchased her home & that it did not impact the price she paid as they are necessary for cell service. She stated she did not think the tower was built when she purchased her home. The tower did exist & was built in 2002, the home was purchased in 2016.

5781 Bullfinch Dr. is located in buffer ring 5. The owner also stated she did not notice the tower when purchasing her home & that she did not think it was built at the time. The tower did exist & was built in 2002, the home was purchased in 2014.

Since the sales prices do not indicate a consistent pattern of significantly increasing as their distance from the tower increases & the owners all stated the tower did not impact the prices they paid for their homes, it is the appraiser's opinion that this tower is not detrimental or injurious to the property values of the surrounding neighborhood.



House in Buffer Ring 2



House in Buffer Ring 3



House that sold in Buffer Ring 4



House that sold in Buffer Ring 5

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P25 B60

Tower # 1000237

3829 Sparky Drive, Wade, NC

Tower #1000237



MSA/RSA: Fayetteville, NC
Address: 3829 Sparky Drive
City: Wade
State: North Carolina
Zip Code: 28395
Latitude: 35°09'39.7" N
Longitude: 78°44'49.7" W
Datum: NAD83
County: Cumberland
Region: USA
Comments: Lights
Driving Instructions: Take Exit 61 on Interstate 95 & head west on Wade Stedman Road. Cross over US 301/Main Street & the road becomes Church Street. Go approximately 0.4 miles & turn left after the railroad tracks onto Powell Street. In approximately 0.6 miles the tower will be on your right.

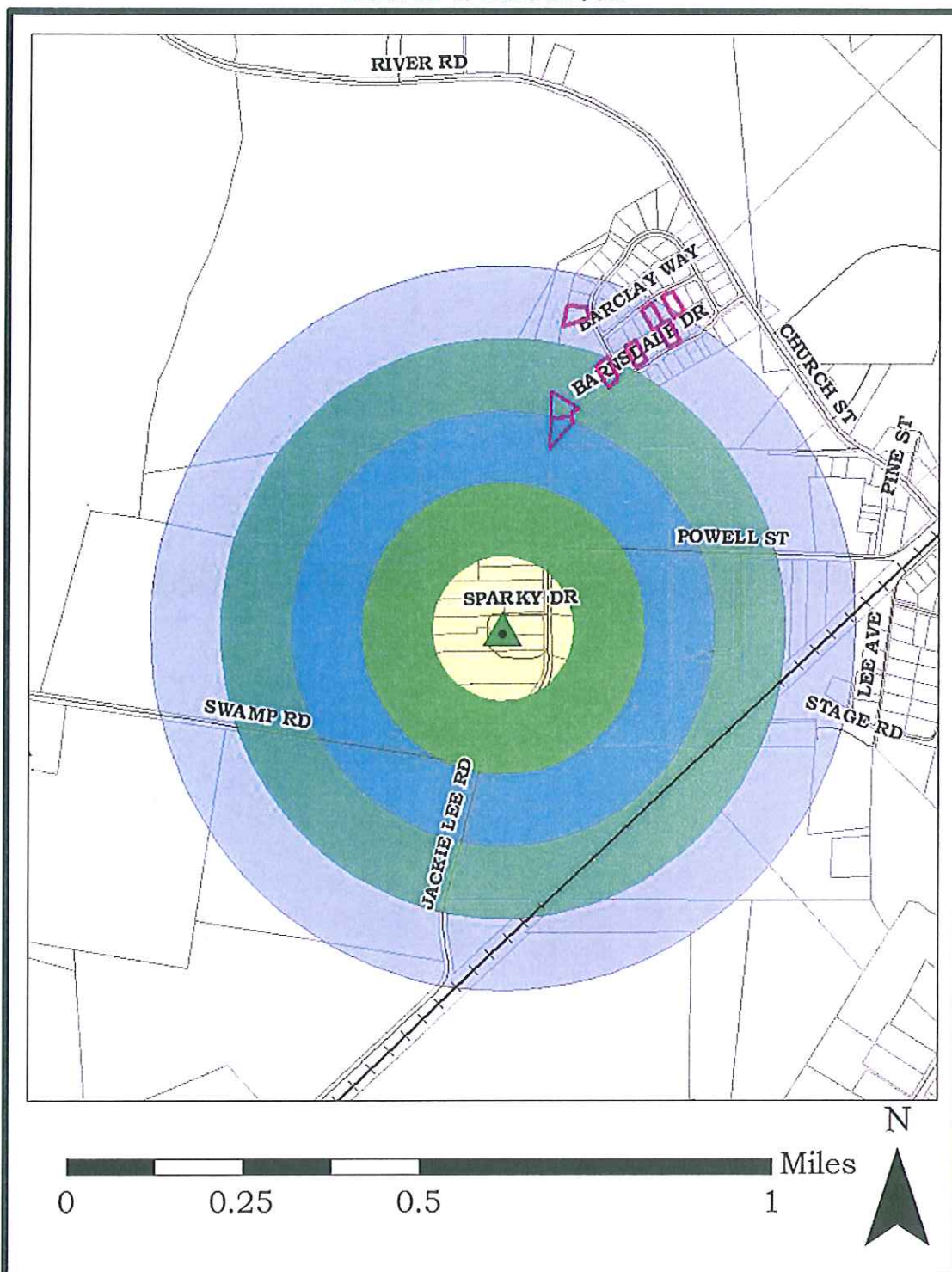
UTILITY INFORMATION

Telco Provider: Unknown
Power Provider: Unknown

TOWER DATA

Tower Number: 1000237
Structure Height (AGL): 285 ft.
Total Height (AMSL): Unknown
Type: Self-Supporting Lattice
FCC #: 1000237
Tower Status: Active

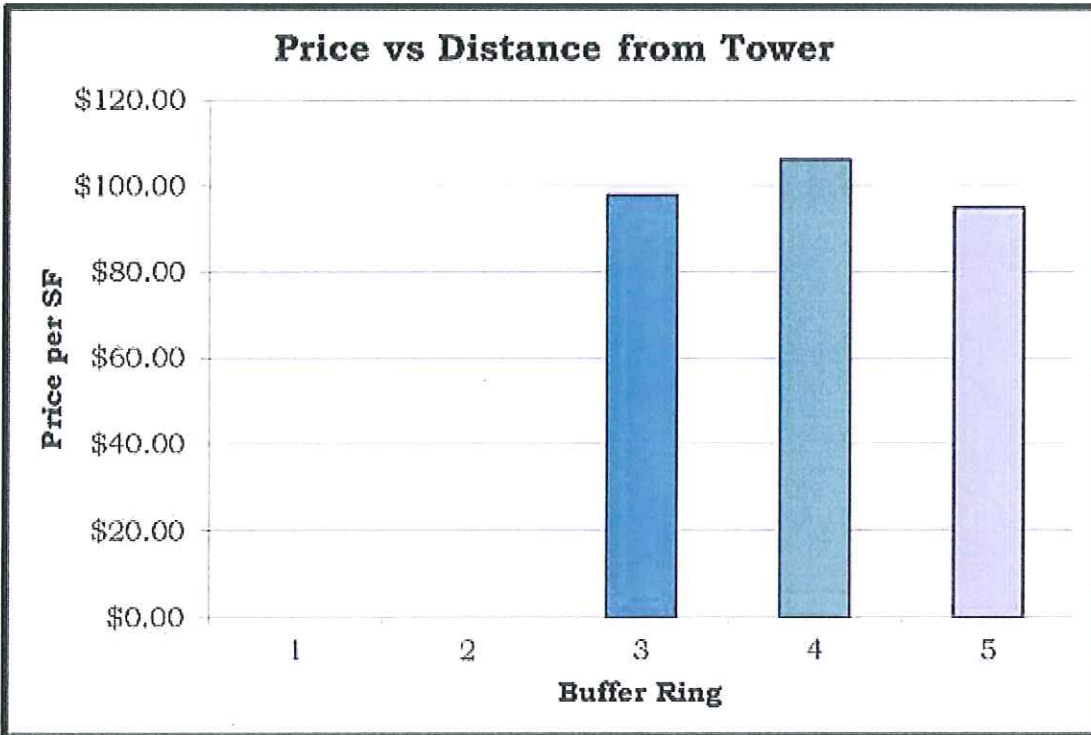
Tower #1000237



Location of Sales within Buffer Rings of Tower Site

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TOWER # 1000237				
AVERAGE SALES PRICE PER SF				
Buffer Ring 1 1/10 Mile From Tower	Buffer Ring 2 2/10 Mile From Tower	Buffer Ring 3 3/10 Mile From Tower	Buffer Ring 4 4/10 Mile From Tower	Buffer Ring 5 5/10 Mile From Tower
NA	NA	\$ 98.09	\$ 109.88 \$ 102.36	\$ 84.98 \$ 95.74 \$ 98.06 \$ 113.11 \$ 83.16
NA	NA	\$ 98.09	\$ 106.12	\$ 95.01



P 31 6 60

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We have averaged the price per square foot for dwellings located within each of the buffer rings.

Buffer Ring 1=	NA
Buffer Ring 2=	NA
Buffer Ring 3=	\$ 98.09
Buffer Ring 4=	\$106.12
Buffer Ring 5=	\$ 95.01

As you can observe from the charts and data above for tower #1000237, there does not appear to be any significant or consistent change in prices based on their distance from the tower. This indicates the tower does not impact property values.

The appraiser also spoke with the owners of 3800 Barnsdale Dr., 3812 Barnsdale Dr., & 3817 Barnsdale Dr.

3800 Barnsdale Dr. is located the closest to the tower of any home in the neighborhood. The owner stated the nearby tower did not impact the price she paid for her home. She stated that she "did not care" about the tower.

3812 Barnsdale Dr. is located in the third buffer ring. The owner stated the tower did not impact the price she paid for her home & that the tower's red lights do not bother her.

3817 Barnsdale Dr. is located in the third buffer ring & the owner stated the tower did not impact the price he paid for his home & that he likes having the tower in the neighborhood because he gets good cell phone service in his home.

Since the sales prices do not indicate a consistent pattern of significantly increasing as their distance from the tower increases & the owners all stated the tower did not impact the prices they paid for their homes, it is the appraiser's opinion that this tower is not detrimental or injurious to the property values of the surrounding neighborhood.



House Buffer Ring 3



House that sold in Buffer Ring 3

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House that sold in Buffer Ring 4



House that sold in Buffer Ring 5

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**Cumberland County
Tower #1004958**

3926 Wade Stedman Road, Wade, NC

Tower #1004958



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SITE SPECS

MSA/RSA: Fayetteville, NC
Address: 3926 Wade Stedman Road
City: Wade
State: North Carolina
Zip Code: 28395
Latitude: 35°06'06.1" N
Longitude: 78°42'00.2" W
Datum: NAD83
County: Cumberland
Region: USA
Comments: Lights
Driving Instructions: Take Exit 58 on Interstate 95 & head east on Goldsboro Road/NC 13. Go approximately 2.5 miles & turn right onto Hayfield Road. Travel approximately 1.3 miles on Hayfield Road & turn right onto Wade-Stedman Road. The tower will be on your left in approximately 0.2 miles.

UTILITY INFORMATION

Telco Provider: Unknown
Power Provider: Unknown

TOWER DATA

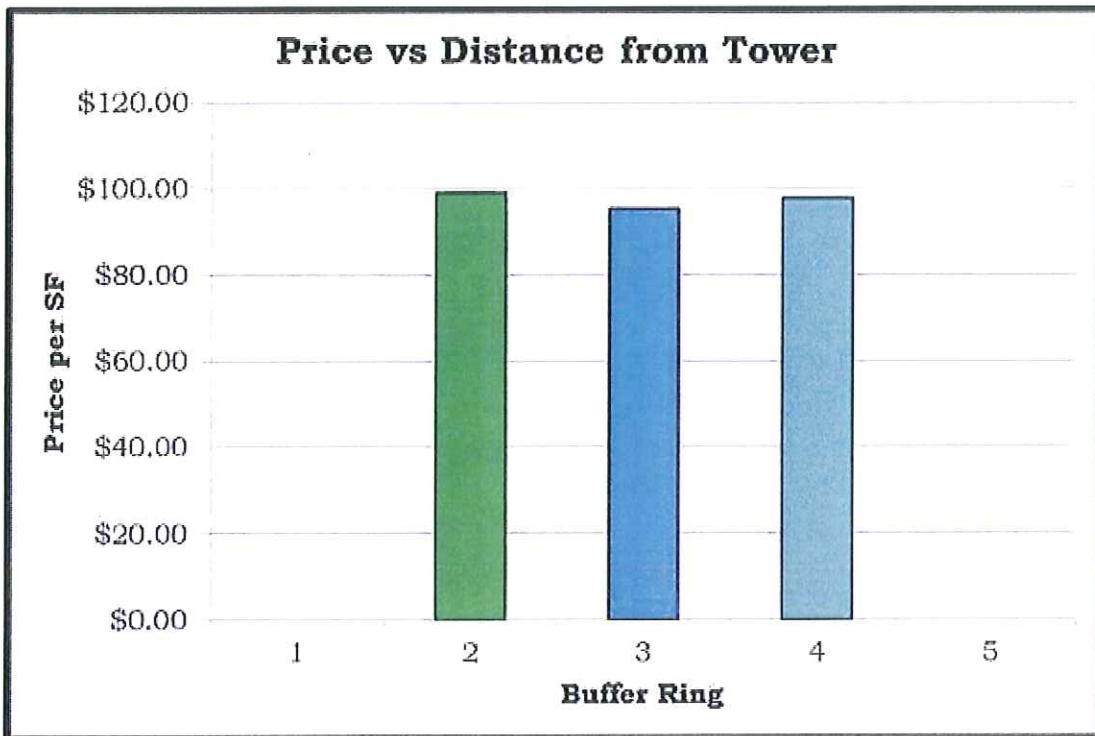
Tower Number: 1004958
Structure Height (AGL): 250 ft.
Total Height (AMSL): Unknown
Type: Self-Supporting Lattice
FCC #: 1004958
Tower Status: Active

Tower #1004958



Location of Sales within Buffer Rings of Tower Site

TOWER # 1004958				
AVERAGE SALES PRICE PER SF				
Buffer Ring 1 1/10 Mile From Tower	Buffer Ring 2 2/10 Mile From Tower	Buffer Ring 3 3/10 Mile From Tower	Buffer Ring 4 4/10 Mile From Tower	Buffer Ring 5 5/10 Mile From Tower
NA	\$ 101.57	\$ 95.85	\$ 98.60	NA
	\$ 98.17	\$ 88.12	\$ 97.17	
	\$ 97.35	\$ 103.56		
		\$ 93.03		
		\$ 93.89		
		\$ 97.24		
NA	\$ 99.03	\$ 95.28	\$ 97.88	NA



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We have averaged the price per square foot for dwellings located within each of the buffer rings.

Buffer Ring 1=	NA
Buffer Ring 2=	\$99.03
Buffer Ring 3=	\$95.28
Buffer Ring 4=	\$97.88
Buffer Ring 5=	NA

As you can observe from the charts and data above for tower # 1004958, there does not appear to be any significant or consistent change in prices based on their distance from the tower. This indicates the tower does not impact property values.

The appraiser also spoke with the owners of 3239 Bonita Farms Rd. & 3205 Bonita Farms Rd.

3239 Bonita Farms Rd. is located the closest to the tower of any home in the neighborhood in buffer ring 1. The owner stated the nearby tower did not impact the price she paid for her home. She stated that she liked having it there because it "gave her a bigger backyard"; a reference to the fact that the land immediately behind her could not be developed due to the tower being so close.

3205 Bonita Farms Rd. is located in the second buffer ring. The owner stated the tower did not impact the price he paid for his home

Since the sales prices do not indicate a consistent pattern of significantly increasing as their distance from the tower increases & the owners all stated the tower did not impact the prices they paid for their homes, it is the appraiser's opinion that this tower is not detrimental or injurious to the property values of the surrounding neighborhood.



House in Buffer Ring 1



House that sold in Buffer Ring 2



House that sold in Buffer Ring 3



House that sold in Buffer Ring 4

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CONCLUSION

Summary Tables

Price of Homes per SF by Buffer Ring (Distance from a Tower)

Buffer Ring	Tower #1220166	Tower #1000237	Tower #1004958
1- (1/10 mile)	NA	NA	NA
2- (2/10 mile)	\$100.84	NA	\$99.03
3- (3/10 mile)	\$102.98	\$ 98.09	\$95.28
4- (4/10 mile)	\$102.02	\$106.12	\$97.88
5- (5/10 mile)	\$100.74	\$ 95.01	NA

In conclusion, you will note that the properties' average sales prices do not significantly increase as their distance from the tower sites increases. There is no discernable pattern or correlation indicating telecommunication towers are detrimental or injurious to the property values of the surrounding neighborhoods based on this price versus distance/buffer ring analysis.

This is supported by interviews the appraiser had with residents of the subdivisions used in this analysis. The residents interviewed all indicated that the nearby towers did not impact the prices they paid for their homes.

The appraiser has performed similar buffer ring analysis & interviews of subdivision residents in several other counties across North Carolina & has also interviewed brokers & county tax departments in many of those counties; the results of those analysis & interviews also indicated that telecommunications towers are detrimental or injurious to the property values of the surrounding neighborhoods.

Therefore, it is the appraiser's opinion that telecommunication towers, such as the proposed tower to be located on Swamp Road near Wade in Cumberland County, are not detrimental or injurious to the property values of the surrounding neighborhoods.

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ADDENDA

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ATTACHMENT 8

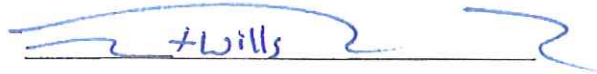
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CERTIFICATE OF CONSULTING REPORT

The undersigned does hereby certify that, to the best of my/our knowledge and belief except as otherwise noted in this Consulting report:

1. The statements of fact contained in this consulting report upon which the analyses, opinions, and conclusions expressed herein are based, are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
4. I have no bias with respect to any property that is the subject of this report or to the parties involved with this assignment.
5. My compensation is not contingent upon an action or event resulting from the analyses, opinions, or conclusions in, or the use of this report.
5. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with The Uniform Standards of Professional Appraisal Practice.
6. As of the date of this report, Brandon T. Wills, has completed the Standards and Ethics Education Requirements for Candidates of the Appraisal Institute.
7. No one provided significant professional assistance to the person(s) signing this report
8. I have not performed any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

I have made a personal inspection of the property that is the subject of this report.



I have not made a personal inspection of the property that is the subject of this report.

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is based upon the following assumptions and limiting conditions:

1. The information contained in this report was gathered from reliable resources, but the appraiser in no sense guaranteed its validity.
2. I assume no responsibility for matters legal in character, nor do I render my opinion as to the title, which is assumed to be good. All existing liens and encumbrances have been disregarded and the property is appraised as though free and clear and under responsible ownership and competent management.
3. The sketch in this report is included to assist the reader in visualizing the property. I have made no survey of the property and assume no responsibility for its accuracy. Any maps, plats, or drawings reproduced and included in this report are intended only for the purpose of showing spatial relationships. The reliability of the information contained on any such map or drawing is assumed by the appraiser and cannot be guaranteed to be correct. It is assumed that the utilization of the land and improvements is within the boundaries of the property lines of the property described and that there is no encroachment or trespass unless noted in the report.
4. Disclosure of the contents of this appraisal report is governed by the Bylaws and Regulations of the Appraisal Institute (AI) and the American Society of Appraisers (ASA).
5. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm of which he is connected, or any reference to the Appraisal Institute or the MAI or SRA designation) shall be disseminated to the public through advertising media, public relations media, sales media, or any other public means of communication without the prior written consent and approval of the appraiser.
6. I am not required to give testimony or attendance in court by reason of this appraisal, with reference to the property in question, unless arrangements have been previously made therefore. By accepting delivery of this appraisal report the client agrees that in the event the appraiser is subpoenaed to testify with regards to this appraisal report and/or the subject property involved, the client will compensate the appraiser for the appraiser's time and expenses at the appraiser's current billing rate.
7. The distribution of the total valuation in this report between land and improvements applied only under the existing program of utilization. The separate valuation for land and/or building must not be used in conjunction with any other appraisal and are invalid if so used.
8. The final conclusion of value expressed in this appraisal is the appraiser's opinion, which is based upon careful investigation and analysis of all the known facts and conditions, which are believed to influence or affect the market value (as defined elsewhere in this report) of the property under appraisement. The market price of the property may differ from its market value depending upon the motivations and the knowledge of the buyer and/or seller. The market value of the subject property expressed herein is the appraiser's opinion of the probable price at which it would sell in the open market free of abnormal conditions.
9. Unless otherwise noted in this appraisal, the final conclusion of value for special purpose type properties such as industrial, commercial, fraternal, religious, governmental, theaters, chemical plants, and other such types of real estate which cannot be converted to other uses without large capital investments or which have limited marketability due to market conditions existing within the area or the economy at the particular time, are based on the assumption that continued occupancy and use for that particular purpose existing at the time of the appraisal will continue to exist for a period of time long enough to permit adequate recapture of the investment.

-
-
10. In the appraisal of vacant land tracts unless otherwise noted in the appraisal, the final conclusion of value expressed herein is based on the assumption that sufficient tree cover will be maintained on an undeveloped tract of land sufficient to enhance the value of the property for its highest and best use.
 11. The physical condition of the improvements described herein was based on visual inspection. No liability can be assumed for the soundness of structural members as no engineering test has been made.
 12. The appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The appraiser assumes no responsibility for such conditions, or for engineering, which might be required to discover such factors.
 13. On all appraisals subject to satisfactory completion, repairs or alterations, the appraisal report and value conclusion are contingent upon completion of the improvements in a workmanlike manner.
 14. Sub-surface rights (mineral, oil and water, etc.) were not considered in this report, unless otherwise noted.
 15. Before any loan or commitments are made predicated on value conclusions reported in this appraisal, the mortgagee should verify facts and valuation conclusions contained in this report with the appraiser(s).
 16. This report meets the general appraisal standards of the Appraisal Institute (AI) and the American Society of Appraisers (ASA) and is performed and completed to those standards using the appraiser's best judgment and experience. Should any user of this appraisal find that it does not meet their specific guidelines or specific investment criteria for any reason, the user agrees to contact only the appraiser, in writing, and explain the reason(s) for it not being acceptable. If the client furnished a written copy upon initial contact with the appraiser of the guidelines to follow and the appraiser did not follow them, then this appraiser will revise the appraisal to conform to the client's guidelines, if within the code of ethics of the AI and ASA.
 17. If no written guidelines were furnished by the client upon initial contact with the appraiser, the appraiser then may charge for revising the appraisal to meet the client's particular needs, if within the code of professional ethics of the AI and ASA. The user of this report agrees not to cast any doubt to anyone about the appraiser's professional integrity by rejecting the appraisal for any of the above reasons.
 18. My investigation makes it reasonable to assume, for appraisal purposes, that no insulation or other product banned by the Consumer Product Safety Commission or any other governmental agency has been introduced into the appraised premises.
 19. If I have attached a certificate (letter, form, etc.) of the property owner (agent, trustee, etc.) to the effect that the property has not been treated with urea formaldehyde foam insulation (UFFI) I assume, for appraisal purposes, that this representation is accurate.
 20. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired. This appraisal is based upon the assumption that there is no hazardous waste on or near the subject site and, if this is not a valid assumption, then we reserve the right to revise the appraisal accordingly.
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21. If operating statements were included within the report, they were accepted at face value by the appraiser even if furnished by the owner, operator, manager, accountant, broker, attorney, or any other party. The user of this report should make their own investigation as to the reliability of the data furnished to the appraiser and included within the report. An audited financial report prepared by a CPA should provide the most valid data available.

22. If the subject property or any of the comparable sales contain wetlands, environmentally sensitive areas, endangered species, etc, the appraiser has taken them into consideration if they were readily recognizable and interpretable by the appraiser. The definitions of these areas are subject to varying definitions and interpretation from time to time and the appraiser is not qualified or even able to keep current as to the various definitions and interpretations used by the multitude of agencies regulating this area.

23. I have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the Americans with Disabilities Act (ADA). It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

24. To the best of the Appraiser's knowledge and based upon a field inspection, the subject appears to be in compliance with the relevant zoning codes, unless otherwise noted. However, the Appraiser is not qualified to determine the precise location of the improvements and their compliance with setback and other dimensional requirements. In order to determine exact compliance with the code, a plot plan and survey performed by a Registered Land Surveyor or Professional Engineer, in conformance with Chapter 89-C of the General Statutes of North Carolina would be necessary.

25. The liability of the appraiser and the firm is limited to the client only and to the fee actually received by the Appraiser. Further, there is no accountability, obligation or liability to any third party. If this report is placed in the hands of anyone other than client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The Appraiser is in no way responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally. In the case of limited partnerships or syndication offerings or stock offerings in property, client agrees that in case of lawsuit (brought by lender, partner or part owner in any form of ownership, tenant, or any other party), any and all awards, settlements of any type in such suit, regardless of outcome, client will hold appraiser completely harmless in any such action.

26. Acceptance of, and/or use of, this appraisal report by client or any third party constitutes acceptance of the above conditions. APPRAISER LIABILITY EXTENDS ONLY TO STATED CLIENT, NOT SUBSEQUENT PARTIES OR USERS, AND IS LIMITED TO THE FEE RECEIVED.

27. The observed condition of the foundation, roof, exterior walls, interior walls, floors, heating system, plumbing, insulation, electrical service, and all mechanicals and construction is based on a casual inspection only and no detailed inspection was made. For instance, we are not experts on heating systems and no attempt was made to inspect the interior of the furnace. The structures were not checked for building code violations and it is assumed that all buildings meet the building codes unless so stated in the report.

28. Some items such as conditions behind walls, above ceilings, behind locked doors, or under the ground are not exposed to casual view and, therefore, were not inspected. The existence of insulation (if any is mentioned) was found by conversation with others and/or circumstantial evidence. Since it is not exposed to view, the accuracy of any statements about insulation cannot be guaranteed.

29. Because no detailed inspection was made, and because such knowledge goes beyond the scope of this appraisal, any observed condition comments given in this appraisal report should not be taken as a guarantee that a problem does not exist. Specifically, no guarantee is made as to the adequacy or condition of the foundation, roof, exterior walls, interior walls, floors, heating system, air conditioning system, plumbing, electrical service, insulation, or any other detailed construction matters. If any interested party is concerned about the existence, condition, or adequacy of any particular item, we would strongly suggest that a construction expert be hired for a detailed investigation. This appraisal is based upon the assumption that the building components are in good working order, unless a contrary condition is specifically mentioned, if this is not a valid assumption, then we reserve the right to revise the appraisal accordingly.

30. No survey was furnished showing the delineation of wetlands areas. I am not an expert in the field of delineation of wetlands areas. It is recommended that a qualified engineer be obtained in order to delineate any wetlands areas that might be located on the property. This appraisal assumes that the development of the subject property is not negatively affected by the location of wetlands areas on the property and I reserve the right to revise the appraisal accordingly if this is found not to be the case.

31. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless non-compliance is stated, defined and considered in the appraisal report. It is assumed that all applicable zoning and use of regulations and restrictions have been complied with, unless a non-conformity has been stated, defined, and considered in the appraisal report.

32. It is assumed that all required licenses, consents or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

33. No engineering survey was made or caused to be made by the appraiser, and any estimate of fill or other site work was based on visual observation and the accuracy of required fill is not guaranteed. No test borings or typing and analysis of subsoils were made or caused to be made by the appraiser, and the appraiser assumes no responsibility for the presence of any adverse conditions, or for any engineering, which might be required to discover such a condition.

34. This appraisal should not be considered a report on the physical items that are a part of this property. Although the appraisal may contain information about the physical items being appraised (including their adequacy and/or condition), it should be clearly understood that this information is only to be used as a general guide for property valuation and not as a complete or detailed physical report. The appraisers are not construction, engineering, or legal experts, and any opinion given on these matters in this report should be considered preliminary in nature.

35. Engineering analyses of the subject property were neither provided for use nor made a part of this appraisal contract. Any representation as to the suitability of the property for uses suggested in this analysis is therefore based only on a rudimentary investigation by the appraiser and the value conclusions are subject to said limitations.

36. All values shown in the appraisal report are projections based on our analysis as of the date of the appraisal. These values may not be valid in other time periods or as conditions change. Since the projected mathematical models are based on estimates and assumptions that are inherently subject to uncertainty and variation depending upon evolving events, we do not represent them as results that will actually be achieved.

37. This appraisal is an estimate of value based on an analysis of information known to us at the time the appraisal was made. We do not assume any responsibility for incorrect analysis because of incorrect or incomplete information. If new information of significance comes to light, the value given in this report is subject to change without notice.

38. Any before-tax investment analysis and resulting measures of return on investment are intended to reflect only possible and general market considerations, whether used to estimate value or return on investment given a purchase price. Please note that the appraiser does not claim expertise in tax matters and advises client to seek competent tax advice.

39. Proposed improvements, if any, on or off-site, as well as any repairs or alterations required are assumed for purposes of this appraisal to be completed in good and workmanlike manner according to information submitted and/or considered by the appraiser. In cases of proposed construction, the appraisal is subject to change upon inspection of property after construction is completed. This estimate of market value is as of the date shown, and if proposed, assuming completed and operating at levels shown and projected.

40. Acceptance of and/or use of this report constitutes acceptance of all of the foregoing assumptions and limiting conditions.

41. This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or approval for a loan.

42. The contents of this appraisal are copyrighted by Tom J. Keith & Associates, Inc. and no part of this report may be reproduced without the written permission of the publisher.

43. If the subject property being appraised is a multi-tenant property, an attempt to inspect all units will be made; however, if it is not possible or practical to inspect all units, an attempt to inspect one of each type of unit will be made.

44. The appraiser is not an expert in wetland determinations, building codes, soils, endangered species, or any other government regulations or disciplines. The appraiser has attempted to simulate the actions of the typically informed buyers or sellers in the market and relied on data that typical buyers and sellers would rely on to value the property or make a decision to buy or sell the property. It is assumed that the buyers and sellers are assumed to be reasonably informed or advised and that they may not engage the services of experts in every aspect of the property or the regulations affecting the property for to do so would be too costly and excessively time consuming. Therefore the appraiser assumes no responsibility for a changing interpretation or a change in government regulations that may affect the value of the property.

45. If this is a Business Valuation Report it is an economic report designed to provide a review of the market value as well as the economic impact of a variety of purchase structures. It is not an accounting report, and it should not be relied on to disclose hidden assets or to verify financial reporting. It is an opinion of value of the specific assets and liabilities considered by this appraiser.

46. If this is a Business Valuation Report the appraiser has accepted the financial statements of the entity without additional verification. The statements consist of Balance Sheets, Income Statements, and Statements of Cash Flows. The statements have not been audited by us, and their accuracy is the sole responsibility of management.

47. The appraiser has relied on representations made by the owner about the background, history and potential performance of the business. These representations are believed to be reliable, but no responsibility is assumed for their accuracy.

48. The report and its conclusion are subject to review upon the presentation of data that may have been undisclosed or not available at this writing.

49. This valuation was based in part on forecasts of revenues, earnings, and other matters as estimated by the management of the Company. Some assumptions inevitably will not prove true, and numerous unanticipated events and circumstances may occur. Therefore, the actual performance in the areas forecasted will vary from the forecast, and the variations may be material. Tom Keith & Associates, Inc. expresses no assurance whatsoever on the likelihood of achieving the forecasts or on the reasonableness of the assumptions, representations, and conclusions. Any such forecasts are presented as part of the appraisal for valuation purposes only, and are not intended to be used separately or for any other purpose, including to obtain credit, make investment or purchase decisions, or solicit investors. Any third parties must independently examine the outlook for the Company and make their own separate determinations and should employ qualified advisors to assist them in doing so.

50. No "fairness opinion" of any kind is expressed regarding the stock in the Company or for any pending or contemplated transaction of any kind. This valuation and its findings are not valid for use in a forced redemption of shares held by any of the Company's shareholders.

51. Trade Secrets: This appraisal was obtained from Tom J. Keith & Associates, Inc. and consists of "trade secrets and commercial or financial information" which is privileged and confidential and exempted from disclosure under 5 U.S.C. 552(b)(4). Notify the appraiser signing the report of any request to reproduce this appraisal in whole or part.

Brandon T. Wills
General Real Estate Appraiser
Candidate for Designation, Appraisal Institute
Fayetteville, North Carolina
Curriculum Vitae



Employment

Tom Keith & Associates..... 2007 – Present
Aaims Property Management..... 1996 – 2007

Professional Licenses

North Carolina State-Certified General Real Estate AppraiserA7513
North Carolina State-Licensed Real Estate Broker.....267753

Presentations/Speeches

“Appraising Cell Towers” (webinar), Appraisal Institute.....December 5, 2013
“Lunch & Learn – Real Estate”, Fayetteville Young Professionals..... March 28, 2013
“Market Trends”, Fayetteville Regional Association of Realtors.....April 26, 2011
“Local Economic Trends”, Kiwanis Club of Fayetteville NC..... April 22, 2011
“Your Estate Planning Team”, Methodist University January 20, 2011
Business Succession Forum Network

Appraisal Experience – Mainly Southeastern & Eastern North Carolina

Expert witness – adjacent & adjoining property values, commercial appraising

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Before & after appraisals – conservation easements, right of ways, other easements
 Estates & charitable gifts – large portfolios with varied property types
 Fractional interests
 Fair market rental rates
 Rezoning – special use, conditional use, mines, cell towers, adjacent & adjoining values
 Impact/Damage study – proximity to cell tower, proximity to mine, adjacent & adjoining values
 Market study
 Property tax revaluation
 Industrial – 40,000+ SF, manufacturing, warehouse, distribution, subdivisions
 Commercial – hotel/motel, shopping centers, multi-tenant, small & rural markets
 Agricultural – farm cost approach, conservation easements
 Residential – subdivisions, multi-family, large portfolio
 Special use – cell tower, emergency services building, asphalt plant, oil terminal
 Subdivision – residential, commercial, industrial, absorption rates
 Miscellaneous – discounted cash flow analysis (DCF), interstate highway interchange, solar farm, contaminated property, land in transition, lot value, rear land, property located at an airport

Memberships

Cape Fear Regional Appraisers Group – Vice President
 North Carolina Real Estate Appraisers Association – Chapter Vice President
 Methodist College Center for Entrepreneurship
 Manna Church

Education

University of North Carolina at Chapel Hill2003
 BA School of Journalism & Mass Communication, Advertising
 Durham Technical Community College – R1, R2, R3.....2004
 Triangle Appraisal School – G1, G2, G3.....2007
 JY Monk Real Estate School – Real Estate Broker Licensing.....2009

Continuing Education

Appraisal Institute (AI)
 Quantitative Analysis*..... 8/7/2015
 Advanced Market Analysis & Highest & Best Use* 7/8/2015
 Advanced Concepts & Case Studies* 11/21/2014
 IRS Valuation Summit.....10/21/2014
 Business Practices & Ethics 10/9/2014
 Supervising Appraisal Trainees 6/2/2013
 Using Your HP12C Financial Calculator 5/30/2013

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National USPAP Update 2012-2013	1/18/2012
Rates & Ratios: Making Sense of GIMs, OARs, and CFs	10/14/2011
Advanced Income Capitalization*	10/2/2010
Advanced Spreadsheet Modeling for Valuation Applications.....	9/13/2010
The Discounted Cash Flow Model: Concepts, Issues & Applications	1/22/2010
Evaluating Commercial Construction	5/2/2008
National USPAP Update 2008-2009.....	3/6/2008
Office Building Valuation: A Contemporary Perspective	1/18/2008
Internet Search Strategies for Real Estate Appraiser.....	8/10/2007
*Educational Requirement for MAI Designated Membership	

American Society of Farm Managers and Rural Appraisers (ASFMRA)	
Advanced Sales Confirmation & Analysis.....	3/7/2008

North Carolina Appraisal Board	
Trainees/Supervisors.....	11/15/2013

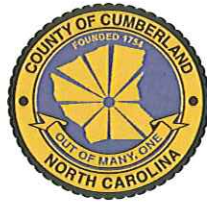
Bright Path Education Services	
National USPAP Update 2016-2017.....	3/18/2016
National USPAP Update 2014-2015.....	12/6/2013
National USPAP Update 2010-2011.....	12/1/2009

Lorman Education Services	
Law of Easements: Legal Issues and Practical Considerations	1/29/2008

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End of Report

Members:
Vickie Mullins, Chairman
George Lott, Vice-Chair
George Turner
Alfonso Ferguson Sr.
Winton McHenry



Alternates:
Robert E Davis
Nathan Galbreath
Stacy Michael Long
Alberta Ortiz
Gregory Parks

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

2018

COUNTY BOARD OF ADJUSTMENT DEADLINE/MEETING SCHEDULE

Application Deadline

Thursday, December 7, 2017

Thursday, January 11, 2018

Friday, February 9, 2018

Tuesday, March 13, 2018

Wednesday, April 11, 2018

Tuesday, May 15, 2018

Tuesday, June 12, 2018

Friday, July 13, 2018

Tuesday, August 14, 2018

Wednesday, September 12, 2018

Thursday, October 11, 2018

Friday, November 9, 2018

Thursday, December 6, 2018

Meeting Date

Thursday, January 18, 2018

Thursday, February 15, 2018

Thursday, March 15, 2018

Thursday, April 19, 2018

Thursday, May 17, 2018

Thursday, June 21, 2018

Thursday, July 19, 2018

Thursday, August 16, 2018

Thursday, September 20, 2018

Thursday, October 18, 2018

Thursday, November 15, 2018

Thursday, December 20, 2018

Thursday, January 17, 2019

NOTE: Generally, deadlines are set 24 working days prior to the Board meeting date.

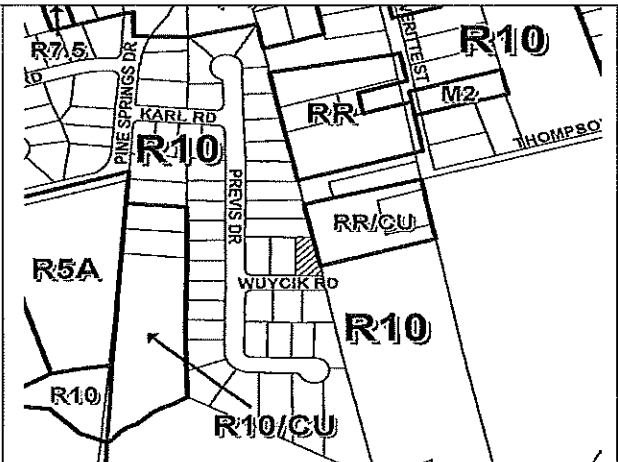
SITE PROFILE: P18-01-C

P18-01-C: CONSIDERATION OF A VARIANCE TO ALLOW A 1.5 FOOT SIDE YARD SETBACK WHERE 10 FOOT IS REQUIRED AND TO ALLOW A 14 FOOT FRONT YARD SETBACK WHERE 30 FOOT IS REQUIRED IN A R10 DISTRICT ON 0.25 +/- ACRES, LOCATED 4374 WUYCIK ROAD; SUBMITTED BY JAMES E AND BERNADINE A COLEMAN JR (OWNERS).

Cumberland County Zoning Ordinance Reference: Section 1104 R7.5 District Dimensional Provisions (Pgs. 129-130)

Notes:

- Requesting a 20'x20' addition to an existing dwelling



<p>INITIAL ZONING R10 – November 17, 1975 (Area 4)</p> <p>JURISDICTION Cumberland County</p> <p>MUNICIPAL INFLUENCE AREA Fayetteville</p>	<p>ADJACENT PROPERTY No</p> <p>CURRENT USE Residential</p>	<p>NONCONFORMITIES None</p> <p>ZONING VIOLATIONS None</p>	<p>WATER/SEWER AVAILABILITY PWC/PWC</p> <p>SOIL LIMITATIONS No</p> <p>WATERSHED No</p> <p>SPECIAL FLOOD HAZARD AREA No</p>	<p>DIMENSIONS</p> <p>Frontage & Location: 85.5' on Wuycik Rd</p> <p>Depth: 152.3'</p> <p>Acreeage: 0.25 +/-</p>
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<p>SURROUNDING ZONING</p> <p>North: O&I(P), RR, M2, R5A, R10, C1(P), R7.5, C3, R6, R6A/CU (CU – to allow for a cabinet shop) , RR/CU (CU – allow for office and open space)</p> <p>East: R10, M2, R6A, C3, RR, C1(P), RR/CU (CU – allow for office & open space),</p> <p>South: R6A, R7.5,R10, R10/CU (CU – allow for motor vehicle salvage & junkyard)</p> <p>West: R10, R6A, R6, R7.5, C1(P), C3, O&IP</p>	<p>SURROUNDING LAND USE</p> <p>Residential (including manufactured homes) Multi-family dwelling</p>
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<p>COMPREHENSIVE PLANNING:</p> <p>2030 Growth Strategy Plan: Urban</p> <p>Southwest Cumberland Plan: Low Density Residential</p>	<p>TRANSPORTATION PLANNING:</p> <p>The subject property lies on Wuycik Road. Wuycik Road is identified as a Local Road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The property will have no impact on the Transportation Improvement Plan.</p>
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OTHER PROPERTY INFO:

School Capacity/Enrolled: Cumberland Road Elementary 457/411; Ireland Drive (6) 340/293; Douglas Byrd Middle (7-8) 700/573; Douglas Byrd High School 1280/1149

Subdivision/Site Plan: If the property to the west is ever developed into a residential subdivision in the future then Wuycik Road would become a main entrance street to the development and would increase the traffic flow.

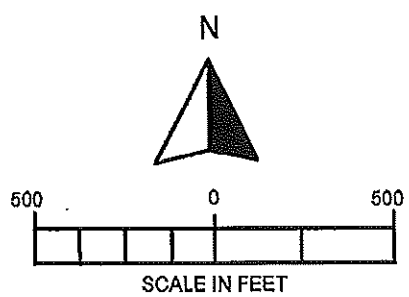
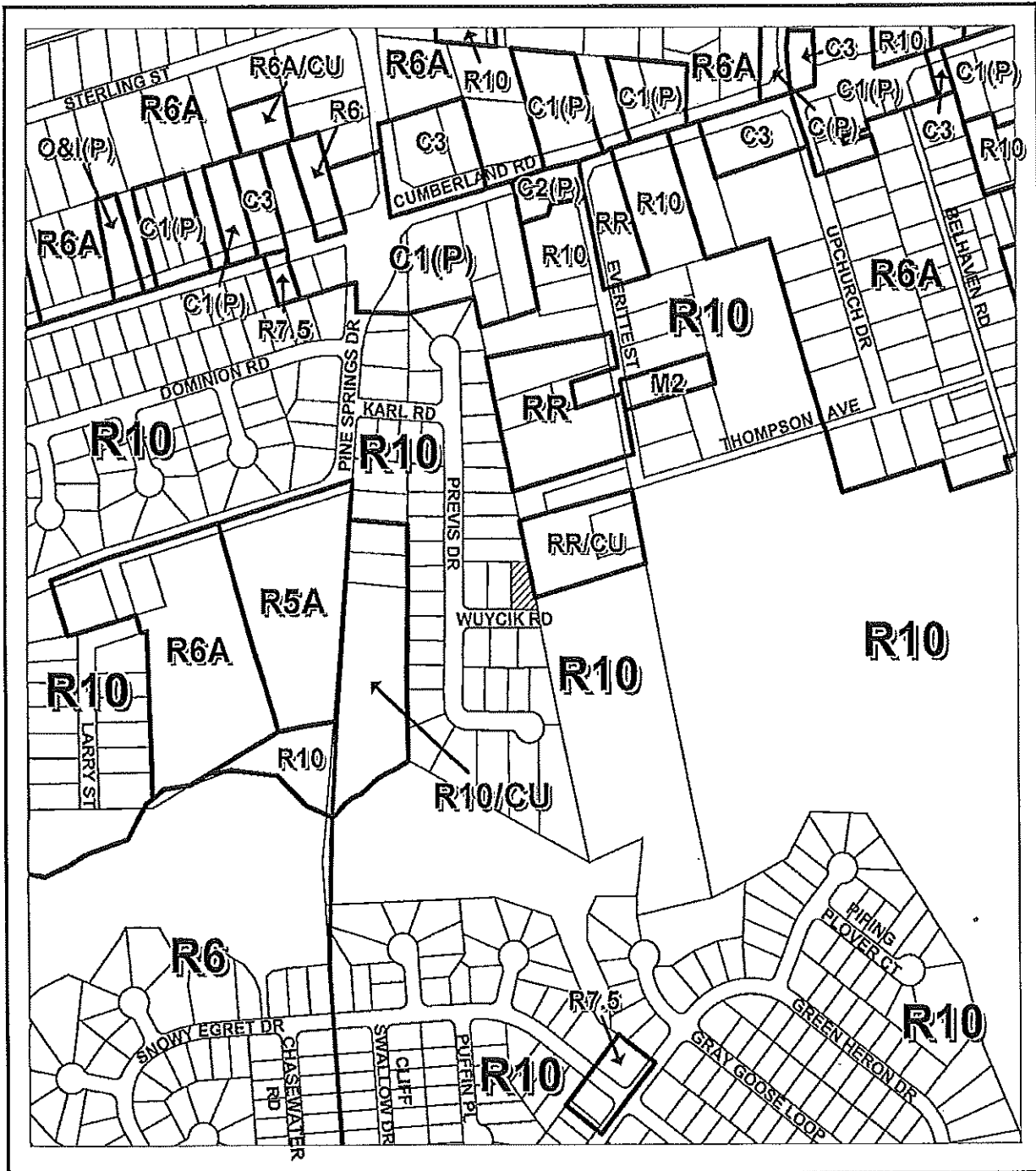
Average Daily Traffic Count (2016): 18,000

US Fish & Wildlife: No Comment

RLUAC: No issue or identified military impact

Attachments: Sketch map, Site plan, Application

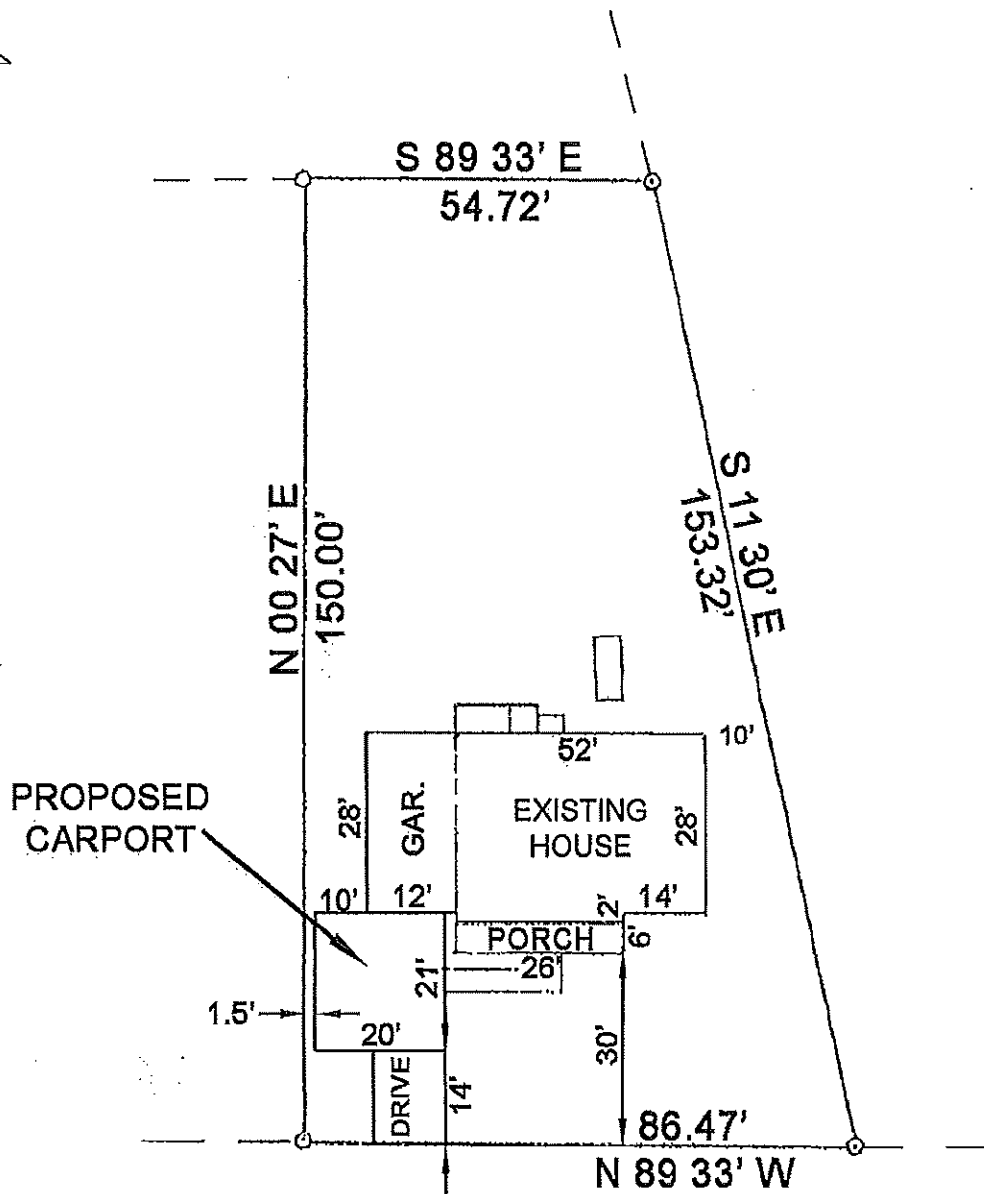
All documentation required by the ordinance is attached to the application or contained within the case file, and is available for review upon request.



BOARD OF ADJUSTMENT VARIANCE

ACREAGE: 0.25 AC.+/-	HEARING NO: P18-01-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

MB



WUYCIK RD. 60' R/W

BOARD OF ADJUSTMENT VARIANCE

REQUEST: A 1.5 FOOT SIDE YARD SETBACK WHERE
10 FOOT IS REQUIRED AND TO ALLOW A 14 FOOT
FRONT YARD SETBACK WHERE 30 FOOT IS REQUIRED

CASE: P18-01-C ACREAGE: 0.25 AC +/-

ZONED: R10 SCALE: N.T.S.

*SCALED DETAILED SITE PLAN AVAILABLE FOR REVIEW UPON REQUEST

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: Woodlea Neighborhood, Fayetteville, N.C.

OWNER: Bernadine A. & James E. Coleman JR.

ADDRESS: 4374 Wuycik Road ZIP CODE: 28306-2780

TELEPHONE: HOME (910) 322-7909 WORK (910) 432-7368

AGENT: _____

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

E-MAIL: _____

APPLICATION FOR A VARIANCE
As required by the Zoning Ordinance

0415-58-4561

A. Parcel Identification Number (PIN #) of subject property: 0415-58-4561
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 0.25 Frontage: 86.41 Depth: 153.32

C. Water Provider: PWC

D. Septage Provider: PWC

E. Deed Book 39, Page(s) 20, Cumberland County

F. Existing and/or proposed use of property: Residential Living (TO
have carport install & store vehicles under).

G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: Section 1002, E

H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: R-10 - Request an exception to have a
carport install on permanent property. My
husband and I are current occupants &
owners.

Proposed Carport location requires a side &
front yard variance.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Bernadine A. & James E. Coleman Jr.
NAME OF OWNER(S) (PRINT OR TYPE)

4374 Wycik Road, Fayetteville, N.C. 28306-2780
ADDRESS OF OWNER(S)

berniecoj@embarqmail.com
E-MAIL

(910) 322-7909 HOME TELEPHONE # (910) 432-7368 WORK TELEPHONE #

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE # WORK TELEPHONE #

Bernadine A. Coleman _____
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

James E. Coleman Jr.
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

STATEMENT OF ACKNOWLEDGMENT

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all argument for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case;
- If the board's action is to deny the matter before them, the course of appeal to their decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from proper notification which to serve notice of appeal).

Signed acknowledgment that the County Planning Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) Bernadine A. Coleman & James E. Coleman Jr.

PRINTED NAME OF OWNER(S) Bernadine A. & James E. Coleman Jr.

DATE November 29, 2017

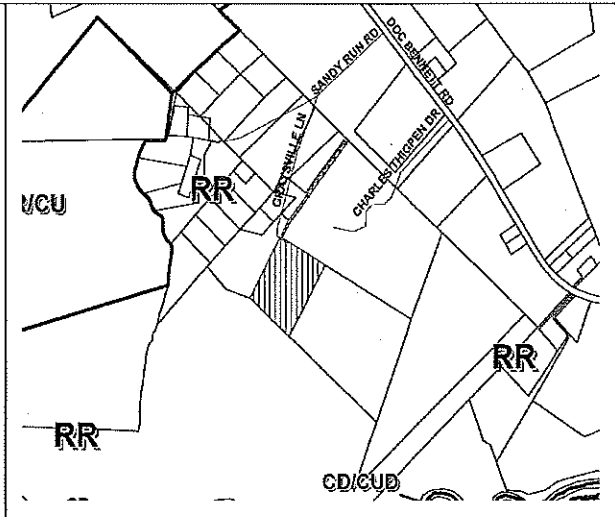
SITE PROFILE: P97-31-C

P97-31-C: REVOCATION OF A SPECIAL USE PERMIT (NEE SPECIFIED CONDITIONAL USE PERMIT) TO ALLOW A SOLID WASTE DISPOSAL FACILITY IN A RR DISTRICT ON 7.06 +/- ACRES, LOCATED WEST OF SR 2212 (DOC BENNETT ROAD), SOUTH OF I-95 BYPASS; STAFF SUBMITTAL.

Cumberland County Zoning Ordinance Reference: Section 1609, C. Reversal/Revocation of Decision (Pg. 166)

Notes:

- Staff is requesting to have a previously approved Special Use Permit (Neè specified Conditional Use Permit) granted March 16, 1997 for a solid waste disposal facility (now classified as an "Inert Debris Landfill") revoked on portion of PIN 0444-10-0269, as the use is no longer occurring.
- NC Department of Environmental Quality shut down operations, plat map Book 0140, Page 059, recorded on November 15, 2017 Cumberland County Register of Deeds.



<p>INITIAL ZONING RR – March 15, 1979 (Area 6)</p> <p>JURISDICTION Cumberland County</p> <p>MUNICIPAL INFLUENCE AREA Sewer Service Area (AOD)</p>	<p>ADJACENT PROPERTY Yes</p> <p>CURRENT USE Closed Inert Debris Landfill</p>	<p>NONCONFORMITIES None</p> <p>ZONING VIOLATIONS No</p>	<p>WATER/SEWER AVAILABILITY N/A</p> <p>SOIL LIMITATIONS No</p> <p>WATERSHED N/A</p> <p>SPECIAL FLOOD HAZARD AREA N/A</p>	<p>DIMENSIONS:</p> <p>Frontage & Location: 20.93' +/- on Graysville Ln</p> <p>Depth: 860' +/-</p> <p>Acreage: 7.06 +/-</p>
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<p>SURROUNDING ZONING</p> <p>North: C(P), M(P), RR, RR/CU (CU – to allow for demolition landfill)</p> <p>East: A1, MP, RR, CD/CUD (CUD – to allow for special flood hazard area and no tree cutting unless for utilities), R15/CUD (CUD – to allow restrictive development for 312 lots)</p> <p>South: RR, CD, R15, R6A, A1, CD/CUD (CUD – to allow for special flood hazard area and no tree cutting unless for utilities), R15/CUD (CUD – to allow restrictive development for 312 lots)</p> <p>West: C(P), M(P), RR, CD, R15, A1, R15, R6A, RR/CU (CU – to allow for demolition landfill)</p>	<p>SURROUNDING LAND USE</p> <p>Residential (including manufactured homes), Woodlands & Farmland</p>
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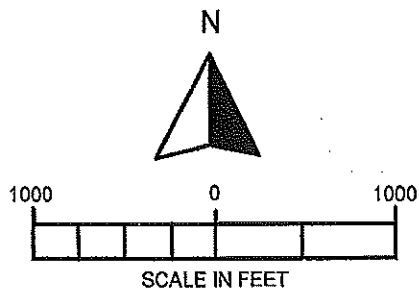
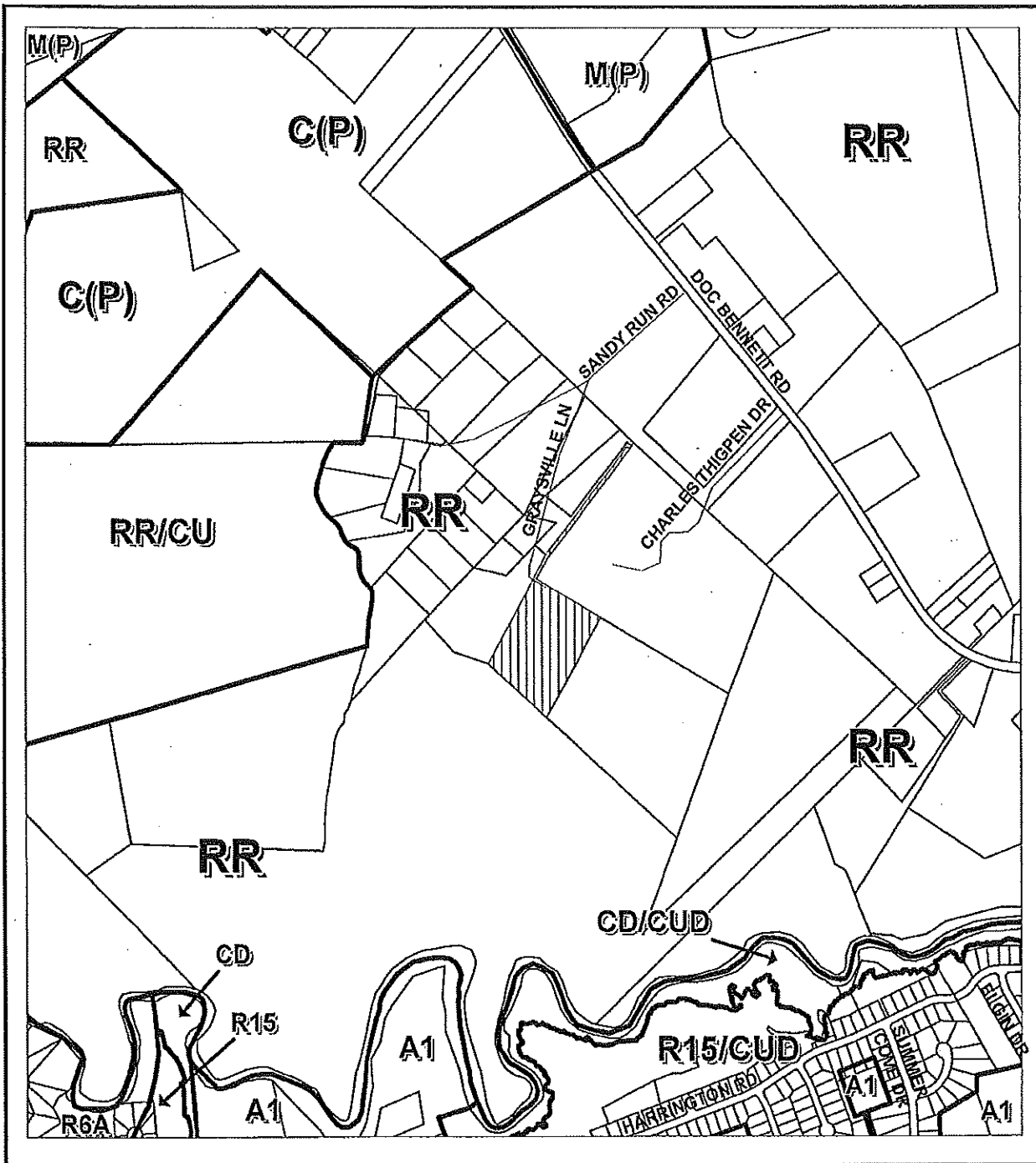
Attachments: Sketch map, Site plan

All documentation required by the ordinance is attached to the application or contained within the case file, and is available for review upon request.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.

NOTE: IN AOD AREA



**BOARD OF ADJUSTMENT
REVOCATION
SPECIFIED CONDITIONAL USE PERMIT**

ACREAGE: 7.06 AC.+/-	HEARING NO: P97-31-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

MB

PORTION OF PIN: 0444-10-0269

REVOCATION JANUARY 18, 2018

SPECIFIED CONDITIONAL USE PERMIT

CASE NO: P97-31-C ACREAGE: 7.06 AC±
REQUEST: TO ALLOW A PRIVATELY OWNED &
OPERATED SOLID WASTE DISPOSAL FACILITY
SCALE: 1"=200' ZONED: RR

