

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 JUNE 21, 2018 7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, June 21, 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 MAY 17, 2018 MINUTES
6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
7. PUBLIC HEARING DEFERRALS/WITHDRAWALS
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):
 - **P18-04-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A RECREATION VEHICLE PARK AND/OR CAMPGROUND IN AN A1 AGRICULTURAL DISTRICT ON 11.81+/- ACRES, LOCATED AT 1965 JOHN MCMILLAN ROAD, SUBMITTED BY SHANE TAYLOR (OWNER) AND STEPHEN M. CAIN (AGENT).
10. WATER SUPPLY WATERSHED
 - **WS18-01:** HIGH DENSITY REVIEW OF THE GRAYS CREEK VOLUNTEER FIRE DEPARTMENT FOR UP TO 35% IMPERVIOUS LAND AREA UNDER THE TERMS OF THE COUNTY WATER SUPPLY WATERSHED MANAGEMENT AND PROTECTION ORDINANCE, SECTION 31A-60; HIGH DENSITY DEVELOPMENTS; ZONING: A1; TOTAL ACREAGE: 2.62 +/-; LOCATED AT 6975 FIRE DEPARTMENT ROAD (SR 2255); OWNERS: GRAYS CREEK VOLUNTEER DEPARTMENT.
11. DISCUSSION/UPDATE(S)
12. ADJOURNMENT

Members:

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



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CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
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MINUTES
May 17, 2018
7:00 PM

Members Present

George Turner
Alfonso Ferguson Sr.
Winton McHenry
Stacy Long

Absent Members

Vickie Mullins
George Lott

Staff/Others Present

Hope Ward Page
Patricia Speicher
Dena Smith
Robert Hasty, Jr. (Assistant
County Attorney)

Chairman Turner called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse. Chairman Turner 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 Turner.

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mrs. Page called the roll and stated a quorum was present. For the audience Mrs. Page introduced, Mr. Robert Hasty, Assistant County Attorney.

3. VOTE FOR ACTING CHAIR

Mr. Ferguson made a motion to appoint Mr. Turner as acting Chairman for the May 17, 2018 Board of Adjustment meeting, seconded by Mr. McHenry. The motion passed unanimously.

IN FAVOR

FERGUSON	YES
MCHENRY	YES
LONG	YES

4. SWEAR IN STAFF

Chair Turner swore in staff.

5. ADJUSTMENTS TO THE AGENDA

There were none from staff.

6. APPROVAL OF THE FEBRUARY 15, 2018 MINUTES

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

Mr. Ferguson made a motion to approve the minutes from the February 15, 2018 meeting, seconded by Mr. McHenry. The motion passed unanimously.

IN FAVOR	
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

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

There were none.

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

9. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Page read the policy statement.

10. PUBLIC HEARING(S)

P18-02-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BORROW SOURCE IN AN A1 AGRICULTURAL & CD CONSERVANCY DISTRICT ON 103.90+/- ACRES, LOCATED SOUTHEAST OF I-95, WEST OF SR 2215 (FIELDS ROAD), SUBMITTED BY DEBORAH BROWNING ON BEHALF OF WINTER PARK APARTMENTS INC (OWNER) AND MICHAEL BLAKLEY ON BEHALF OF DRAFTING AND DESIGN SERVICES INC (AGENT).

Mr. Ferguson read the case heading for Case No. P18-02-C.

Mrs. Page reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Page asked if the section of the zoning ordinance Section 904 regarding borrowed source operation which are referencing on page 84. Speakers are signed up to speak.

Public Hearing Open. Chair Turner swore in the first speaker Brian Raynor.

CHAIR TURNER: You're Mr. Brian Raynor.

MR. RAYNOR: Yes sir.

CHAIR TURNER: What do you do?

MR. RAYNOR: Yes. Good evening board, my name is Brian Raynor and I am a partner in Highland Paving Company, a local asphalt company and highway construction company here in Fayetteville, we are looking to put this site in to supply construction jobs on and around the Cumberland County area. We have discussed with the adjoining property owner in the rear at the time does not have a deeded easement to their property but we have agreed to deed them an easement to the rear, the adjoining property to the rear of this property which will be a 60' deeded easement that we are going to deed to the adjoining property owner and we have discussed that with the adjoining property owner.

CHAIR TURNER: You're gifting them that?

MR. RAYNOR: Yes sir.

CHAIR TURNER: Anything else?

MR. RAYNOR: No sir that's it.

MR. TURNER: Any questions from anyone?

MRS. PAGE: Excuse me Chair Turner, if you would please ask Mr. Brian if he could state his address for the record?

CHAIR TURNER: What's your address Mr. Raynor?

MR. RAYNOR: 2204 Bayview Dr., Fayetteville.

CHAIR TURNER: Good enough:

MRS. PAGE: Yes sir.

MR. RAYNOR: And I have an engineer of record here if there's any technical questions.

CHAIR TURNER: Okay Anything else?

MR. RAYNOR: That's it.

CHAIR TURNER: We may call you back. Anybody have any questions? Out next speaker's Franklin Johnson

MR. LONG: Can you define the rear of the property? Where this house is located?

MR. RAYNOR: Do you have the pin number that you could pull up? Where it says A1? (Pulled up and shown on projection)

MRS. PAGE: It is right there do you see where my cursor is? My apologies it's down here (showing property on sketch map)

CHAIR TURNER: Yes. The next speaker is Mr. Franklin Johnson. Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

MR. JOHNSON: I do.

CHAIR TURNER: And you are Franklin Johnson and where do you live?

MR. JOHNSON: Yes Good evening I'm Franklin Johnson, I reside at 370 Valley Road, Fayetteville, NC. I'm the commercial real estate broker that represents the sale of this piece of property, she couldn't be here tonight she's rather old. One thing for the record, I want to state, in the previous years, a long time ago, there have been many other borrowed source operations on Fields Road located on the Evans property where the cell tower is, just east of there. Also I have one other neighbor, the Evans family, who owns a lot of property at the far end of Fields Road called me up, had some concern, I told them that we were going to do, they were rather relieved they had rather see this operation than it be developed. I am here to answer any questions you may have. I also talked to the Catlett's who own the property about the buffering that was required per the plan and the 60' easement.

CHAIR TURNER: Anybody have any questions?

MR. MCHENRY: I have a question. This is essentially a pit, right?

MR. JOHNSON: Correct.

MR. MCHENRY: So where is the water table at? Is the water table going to be where it will make a pond?

MR. JOHNSON: I'm going to let the engineer address that question. I don't believe I'm qualified to answer that.

CHAIR TURNER: Okay do you have anything else?

MR. JOHNSON: That's it.

CHAIR TURNER: Okay, we may call you back. Michael Blakeley. Do you swear or affirm the testimony you will give our Board will be the truth the whole truth and nothing but the truth so help you God?

MR. BLAKELY: I do.

CHAIR TURNER: And you are Michael Blakely and you are an engineer?

MR. BLAKELY: Yes sir.

CHAIR TURNER: Okay and what is your address?

MR. BLAKELY: Michael Blakely, Drafting Design Services, 346 Willow Road, Sanford, NC 27330.

CHAIR TURNER: Did you hear his (Mr. McHenry) question?

MR. BLAKELY: I did. The water table is like 5 to 6 feet, so at the time of reclamation, it will be an issue during the actual removal because most the time you are doing it as a wet removal but it is anticipated a 5 to 6 foot pond below existing grade and a prime example is in the area she had up you can see the previous borrowed pit that's up under the subject party property is full of water and this pit will look very similar to that. Now the state also requires as part of the permit that we have to put 3 to 1 slopes from the base of the berm that's going to be around the outside of the pit which will also have a fence around the outside at reclamation that indicates that there is a pit beyond this point and basically to get in the pit you're going to have to climb through a fence, over a berm, to get into the water but in case you do get that far there would be a 3 to 1 slope most like you would in a farm pond in case somebody falls in it they can get back out. It won't just be a straight slope or straight wall into the pond. And that's required as part of the reclamation plan.

CHAIR TURNER: So when it's all said and done there will be a pond there?

MR. BLAKELY: Yes sir exactly.

MR. LONG: I have a question; this has size of property depth 3,820 is that inches or feet?

MR. BLAKELY: Where's that?

MR. LONG: Here on the site profile on the right hand side of the page.

MR. BLAKELY: That's the length of the property line.

MR. LONG: Length, okay. How deep will the pit be?

MR. BLAKELY: Potentially they are 35 feet, maximum 35 feet.

CHAIR TURNER: Any other questions? Yes, no. Want to add anything?

MR. BLAKELY: I know that speaking with Hope and Patti, one of the questions was about contacting DOT on the relocation of Grants Borrow, which is basically a dirt path now; in their preliminary review they've approved the location. We did not file for the driveway permit tangent on this meeting; we talked about it being a condition, that's something we are going to do anyway. It would be a condition of our approval.

CHAIR TURNER: Any further questions, we may call you back.

MR. BLAKELY: Okay. Thank you.

CHAIR TURNER: Russ Patterson?

MR. BLAKELY: He's only going to speak if you had any questions. He's a geologist and if you had any questions pertaining to that.

CHAIR TURNER: Any questions for him? Okay, we may call you back sir. Marie Catlett. Do you swear or affirm the testimony you will give our Board will be the truth the whole truth and nothing but the truth so help you God?

MRS. CATLETT: Yes.

CHAIR TURNER: Okay tell us your name and where you live.

MRS. CATLETT: My name is Marie Catlett, I live at 344 Courtyard Lane, Fayetteville, NC. My husband and I, we own the property that A1 and CD, I'm curious what the CD stands for?

CHAIR TURNER: It is Conservancy District.

MRS. CATLETT: Okay you have answered some of my questions and I appreciate that. I am concerned about the dust that this will produce. I'm just wondering how much we will notice for people who live along Fields Road or for myself we have just started a business on our property, we are renting it out for event venues like there is a wedding this Saturday, I'm just curious and I would appreciate the honesty of how much dust this would produce, am I going to need to be out there wiping things down every day.

CHAIR TURNER: So you're holding events on your property which I'm assuming is at the back.

MRS. CATELETT: Yes , we're on the river.

CHAIR TURNER: You're on the river and you are just wondering about the dust.

MRS. CATLETT: Right, about the dust and the gravel along Fields Road, and wondering what problems that can cause driving up and down. If gravel is spilled

CHAIR TURNER: You mean they spill.

MRS. CATLETT: Yes,, I am also wondering when a business like this is made what it does to the property values around and I'm curious how many years they'll be digging out there.

CHAIR TURNER: Anything else?

MRS. CATLETT: That will do it. Oh one more thing, you had mentioned we spoke with Mr. Johnson earlier and had mentioned if it would be possible for them to close on Friday's at 5 pm and he thought that would be ok.

CHAIR TURNER: Anything else? Anybody have any questions for her?

MR. MCHENRY: What is the name of your business?

MRS. CATLETT: The Catlett Farm on the Cape Fear.

MR. MCHENRY: The Catlett Farm.

MRS. CATLETT: The Catlett Farm on the Cape Fear, yes okay. Thank you.

CHAIR TURNER: Mr. Johnson who would you like to address those questions?

MR. JOHNSON: If I can, tell me what you are asking me to address? The property values?

CHAIR TURNER: Well how will it affect the property values, what is the likelihood of any gravel being spilled on Fields Road and at what level, would there be a dust issue during this operation?

MR. JOHNSON: I would rather let Brian address that. I will tell you about the property values, in my opinion; I don't see it affecting the property values. A lake, most of that property, over the years, I'm talking 50 or 75 years, it's all been borrowed at some time, had a borrowed source there, most people would rather see that, that I've talked to then have more homes or mobile home parks or whatever out there. They would rather see this operation so I don't see much negative effect to it.

CHAIR TURNER: That would be your professional opinion?

MR. JOHNSON: That would be my professional opinion.

CHAIR TURNER: Any questions here? Who would you have answer the other questions? The question of gravel if it gets spilled on the road, do you clean that up and what would the dust level be?

MR. RAYNOR: The dust level, we would follow all OSHA regulations, as far as dust, we will keep the dust down for safety for our employees also for the neighbors. As far as the gravel on the road we will be following all DOT regulations, we won't have any spillage, trucks will be tarped, just as we haul through town daily so that there will not be any spillage. In the event that there is any spillage, we would clean it up immediately.

CHAIR TURNER: So the question then, if you did have a spill y'all take responsibility?

MR. RAYNOR: Yes sir.

CHAIR TURNER: And take care of it?

MR. RAYNOR: Yes, sir.

CHAIR TURNER: Were you aware of her operation when you started this?

MR. RAYNOR: We found out after we contacted them to discuss the easement issue. And that is the property that we are gifting the deed easement to.

CHAIR TURNER: I guess the direct question would be – you answered it well – would there be any issue of dust? I mean you're going to follow the guidelines but will she notice dust if you're following the guidelines?

MR. RAYNOR: No sir.

CHAIR TURNER: There will be none?

MR. RAYNOR: No sir, and also the permit require us to follow that on a state level.

MR. LONG: How long will you be digging?

MR. RAYNOR: That's a loaded question, depending on the market, we could be there 3 years, we could be there 10 years. I don't know it just depends on how much business we do, but a minimum of 3.

MR. LONG: So this isn't for a specific highway project or just selling sand?

MR. RAYNOR: No sir – we are using it for our own projects.

CHAIR TURNER: So the answer would be a minimum of 3 years probably not more than 15.

MR. RAYNOR: Absolutely.

CHAIR TURNER: Any other questions? Thank you sir. If no other speakers I will close that public hearing and open it up for discussion or a motion.

MR. LONG: Mr. Chair, did she get all her questions answered?

CHAIR TURNER: You good? MRS. CATLETT: Yes.

CHAIR TURNER: Okay. Anything else you want?

MRS. CATLETT: As long as they are building that barrier, between the property and their site, and I know they have to, so that's great.

CHAIR TURNER: So effectively you are satisfied.

MRS. CATLETT: Yes.

CHAIR TURNER: Okay. Thank you.

MR. FERGUSON: So factors relevant to the issuance of a special use permit. The Board of Adjustment has discretionary review in deciding whether to grant or deny a Special Use Permit for land uses that cannot be adequately controlled by the general zoning regulations. The Board may authorize and set forth conditions, when deemed necessary, on the Special Use Permit if in its judgment the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured. Special uses, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and the neighborhood, shall be permitted only upon approval by the Board in accordance with the four (4) standards and conditions as set forth in the Zoning Ordinance of Cumberland County, Article XVI, Section 1606, as follows:

The use will not materially endanger the public health or safety of located according to the plan submitted and recommended. (discuss case facts)

CHAIR TURNER: Based on everyone who spoke in favor of it their following all regulations, all laws, doing everything they can and they've added additional information to satisfy the neighbors. Want to add anything?

MR. LONG: I agree.

CHAIR TURNER: Okay two.

MR. FERGUSON: The use meets all required conditions and specifications. (case facts)

CHAIR TURNER: I think basically we just went through that. Understand is there some conditions you said in the packet that we're suppose to include? I didn't find those.

MS. SPEICHER: Yes chair they're about half way into your packet. You have 41 conditions of approval. Some of which they can't meet until after they get their initial zoning permit, it's a process. If it's your wish, their approval will be subject to all 41 conditions.

MR. FERGUSON: What we should do is initiate each one of these conditions upon approval of the facts that we need in here, right?

CHAIR TURNER: This special use permit would be contingent on them accepting all 41 of these and agreeing to abide by them?

MRS. PAGE: Yes and the owner has accepted and agreed to all the conditions.

CHAIR TURNER: I'm assuming y'all have seen all that? No problem? Okay,

MR. FERGUSON: The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and (case facts) we know it's not a necessity but for the company and it wouldn't enhance the value of the property.

CHAIR TURNER: It wouldn't devalue the property and they're providing access in the back and satisfy the neighbor's questions. Based on the expert opinion of the real estate broker it will not diminish the value.

MR. FERGUSON: Okay, number 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. And that's where we come in with this 41.

CHAIR TURNER: There were other borrowed pits out there so this basically complies with they're doing what others have already done. And they're in agreement with the 41 items.

MR. FERGUSON: Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Cumberland County Zoning Ordinance for the development proposed, and that therefore the application to make use of the property described within this case for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the application and site plan submitted to and approved by this Board, a copy of which is filed in the Cumberland County Planning & Inspections Office.
2. The applicant/property owner is the responsible-party for the information contained within the site plan, including but not limited to the property boundaries, easement locations, and right- of-way boundaries.
3. The applicant/property owner is the responsible party to ensure compliance with all other related Federal, State, and local regulations, including but not limited to the NC Building Code.
4. The applicant/property owner is responsible for meeting all ordinance related conditions set forth by the planning staff.

MR. LONG: Is this where we put that they agree to close by 5 PM on Fridays?

MR. FERGUSON: Do we need to add that in here?

MS. SPEICHER: It's in the record I mean you could add it.

CHAIR TURNER: Do you have any problem closing by 5PM on Fridays?

MR. RAYNOR: No sir. I will add that we will communicate with the owner and not operate when they have events at the venue.

CHAIR TURNER: I understand, you will be a good neighbor.

MR. RAYNOR: Yes. sir.

CHAIR TURNER: All those are set forth in it and we'll consider that a motion, is there a second.

MR. LONG: I'll second it.

Mr. Ferguson made a motion to approve the consideration for a special use permit to allow a borrow source, seconded by Mr. Long. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

P18-03-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAYCARE FACILITY IN A R10 RESIDENTIAL DISTRICT ON 5.90+/- ACRES, LOCATED AT 1620 LILLINGTON HWY, SUBMITTED BY WANDA CHAVIS ON BEHALF OF UNITED PENTECOSTAL CHURCH OF SPRING LAKE (OWNER).

Mrs. Page reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Cumberland County zoning reference page 86 section 906 for daycare facility. The applicant is requesting before and after school daycare. Owner has agreed to all the ordinance related conditions. The private school was approved on this site by site plan on April 24th, 2018. Staff has asked that when you make your motion if you were to please subject to the conditions that are in your packet. I am available for any questions.

CHAIR TURNER: This is going to be new construction?

MRS. PAGE: No sir the private school was already there, the building was already there, it was approved for that use on April 24th, 2018 by site plan review. Staff permitted it for that use.

CHAIR TURNER: It's a little confusing, how does this relate to the next case? It looks like we are giving them something and taking it away.

MRS. PAGE: The next case is a revocation. On September 17, 2009, they applied for a special use permit which was granted and they were planning to use the sanctuary as the daycare. The daycare is not being operated in that facility; it is being operated in this facility. So for administrative paperwork we are cleaning up the files, having that special use that was granted in September revoked and here to apply for the new special use in the building for which they plan on using it in.

CHAIR TURNER: So basically just a change in the building?

MRS. PAGE: Yes sir

CHAIR TURNER: That's awful complicated. There's bound to be a simpler way. I understand.

MRS. PAGE: I have to do my technical explanation.

CHAIR TURNER: I understand. Anything else?

MRS. PAGE: No I am done; if you have anything else for me I am available.

Public Hearing Open. Chair Turner swore in the first speaker_Christy Brown.

CHAIR TURNER: I'll open the public hearing, our first speaker is Christy Brown. You swear and affirm the testimony you will give our board will be the truth, the whole truth and nothing but the truth so help you God?

MS. BROWN: Yes I do.

CHAIR TURNER: You're Christy Brown and where do you live?

MS. BROWN: At 34 Coswell Court, Cameron, North Carolina 28326. Basically, I am just here to address this and present it as noted by the application the property is now being used by the church. We use it as an educational building for Sunday School and it's what we'll use for private school as well as our fellowship area. Proposing to use the facility for primetime before and after school daycare for the private school students as stated our hours of operation would be from 7 AM to 8 AM Monday through Friday and 3 PM to 6 PM on those same days. We expect to have 10 employees, with ample parking for the employees and adequate loading and unloading parking. We will have clear signage designating the entrance to the daycare area. We are located directly across the street from Waterford Apartments and Cliffs at Waterford less than an eighth of a mile from the Heritage Luxury apartments. We feel that the facility will serve the immediate community as well as any Spring Lake residents who work at Ft Bragg or Fayetteville. Other than signage there will not be a lot of difference in the appearance of our present facility, not adding on to the building the only addition would be the fence play area as noted on the plot plan.

CHAIR TURNER: Any questions here? Add anything? We may call you back. Tom Brooks. Sir do you swear and affirm the testimony you will give our board will be the truth, the whole truth and nothing but the truth so help you God?

MR. BROOKS: I do.

CHAIR TURNER: You're Tom Brooks and where do you live sir?

MR. BROOKS: I live at 8195 McCormick Bridge Road, I'm the managing partner of McCormick Farms, we own that large track labeled R10 that's immediately below the writing subject property. I came down here tonight not because I oppose or even in favor of them doing what they've been doing. My concern is a little broader. Our farm, we have a very large long leaf pine plantation and following North Carolina State best mandate practices for forestry we conduct controlled burns every 3 to 5 years on any particular track of land that we have over time as development encroaches on our property, it limits our ability to do the things that we need to do to maintain our long leaf pine forest. That's an issue because those long leaf pine forest, I mean we've followed all the rules for agriculture and using our property for farm land, we got it in the agriculture program, we've got it registered as special use, present use value, but as property develops around ours then it's basically causing us to relook at how long we can keep our property in farm land. As encroachment occurs it becomes more and more difficult to keep trespassers out, poachers, vandals, thieves, whole nine yards. In this particular case by having a school immediately adjacent to our property it cuts in half the number of opportunities we have to burn in the woods. I'm not recommending that you disapprove that because it's bigger than this school that these guys have there. It's a much broader issue but it's one that presumably y'all will address over time. I don't have a solution, I'm not smart enough to do that, but I thought I would at least bring to your attention that if you want McCormick Farms to continue to be an agricultural property and you want us to continue to buffer the rest of suburbia from Ft Bragg then we will need your help to be able to sustain that position.

CHAIR TURNER: I am not really sure that this Board would be the one that would help with that. Let me ask you about something you said. You used the term encroached, these folks aren't actually and no one else is actually encroaching on you, their just getting right next to you

MR. BROOKS: I'm using it the way Ft Bragg does.

CHAIR TURNER: Sure. I understand.

MR. BROOKS: This is wrong but that's the way they use it and I have a bad habit of using it the same way they do.

CHAIR TURNER: And you used the term that limited and halved the number of burns that you could have would that be something that would be regulated by somebody?

MR. BROOKS: North Carolina State smoke management guidelines say that if you're less than ½ mile from a smoke sensitive area you must be down wind of that area if you're going to burn and so if we're immediately adjacent to it then half of the time the wind is going to be blowing from them the other half towards them so roughly speaking it would cut down our opportunity to burn because of that close proximity to the school.

CHAIR TURNER: Are there definitions for smoke sensitive areas?

MR. BROOKS: Yeah generally there are but generally they are hospitals, nursing, daycare facilities like these guys, nursing homes, schools those are the kind of things that fit into that category. I don't have a complete list.

CHAIR TURNER: That was kind of new to me, I was asking for myself I guess. What would you suggest we would do here?

MR. BROOKS: Like I said, I'm not smart enough to know, y'all are.

CHAIR TURNER: We may not be.

MR. BROOKS: Well you may not be but I'm not gonna presume that.

CHAIR TURNER: I see your problem. I'm just not sure how to resolve it here.

MR. BROOKS: And that's the thing even if we knew what the solution was I don't know that it would be appropriate to try to do that with these folks now, I mean they already have a daycare there.

CHAIR TURNER: They're basically moving from one building to another with what they do so I understand your problem, I just don't know how to address it. I don't know that we are in a position to address it. And I don't even know – who would address it?

MR. MCHENRY: Maybe the Planning Board?

CHAIR TURNER: Maybe the Planning Board would be the place to start. I mean it seems like something you would want to address before you got so far down the line you couldn't address it.

MS. SPECIHER: I have noted it and will bring it up in our next staff meeting.

CHAIR TURNER: Your next Planning Board?

MS. SPECIHER: Planning staff meeting

CHAIR TURNER: Okay. Would that be something he could come and offer you information on or is that just a staff meeting?

MS. SPECIHER: It's just staff only but we could give him feedback and we would report to the Planning Board and of course Mr. Brooks he knows where to find us on Planning Board meeting.

CHAIR TURNER: Okay. Does that help at all sir?

MR. BROOKS: Yeah, I'm not dissatisfied

CHAIR TURNER: Y'all swap phone numbers before you leave. That way we can follow up.

MS. SPECIHER: We have it.

CHAIR TURNER: Want to add anything else? Any questions?

MR. BROOKS: Please give these guys every consideration, they are fine neighbors. Thank you. Appreciate the consideration.

CHAIR TURNER: There was no one else signed up to speak for or against, so I'll close the public hearing, open it up for discussion of a special use permit.

MR. MCHENRY: I have a question, what is this little green spot here on the site plan? That right there, see there's a line that come down through the area. Stop right there.

MS. SPEICHER: That's the creek.

MRS. PAGE: That's the creek, It's a creek.

MS. SPEICHER: It's a creek.

MR. MCHENRY: It's a creek?

MS. SPEICHER: Or a blue line stream is how we refer to it.

MRS. PAGE: It's right here, it's blue on your screen.

MR. MCHENRY: So it just goes there and terminates there?

MS. SPEICHER: It's a small pond at the end.

MR. MCHENRY: Oh ok. Just curious.

MR. FERGUSON: SPECIAL USE PERMIT Findings of Fact: The Board of Adjustment has discretionary review in deciding whether to grant or deny a Special Use Permit for land uses that cannot be adequately controlled by the general zoning regulations. The Board may authorize and set forth conditions, when deemed necessary, on the Special Use Permit if in its judgment the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured.

Special uses, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and the neighborhood, shall be permitted only upon approval by the Board in accordance with the four (4) standards and conditions as set forth in the Zoning Ordinance of Cumberland County, Article XVI, Section 1606, as follows: 1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended. (case facts)

CHAIR TURNER: Well I think on what's been stated they're doing the same operation, from one building to the next, we're not really changing anything there are 31 requirements attached to this. Have you seen those?

MS. BROWN: I have not, but I am speaking on behalf of Wanda Chavis and she has.

CHAIR TURNER: So we are assuming there's no issues with any of those.

MS. BROWN: No sir there are not

MRS. PAGE: The owner had agreed to all the conditions prior to

CHAIR TURNER: The owner agrees to all of it. Okay.

MR. FERGUSON: 2. The use meets all required conditions and specifications.(case facts) They are already doing all this and they've already been zoned for it anyway. That's good. According to those 31 items there.

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

CHAIR TURNER: There has been any evidence that they're doing now and moving to a new building to do would devalue property anywhere, basically moving from one building to the next.

MR. FERGUSON: 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. (case facts) and that's with the 31 factors we have here that they accept. Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Cumberland County Zoning Ordinance for the development proposed, and that therefore the application to make use of the

property described within this case for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the application and site plan submitted to and approved by this Board, a copy of which is filed in the Cumberland County Planning & Inspections Office.
2. The applicant/property owner is the responsible-party for the information contained within the site plan, including but not limited to the property boundaries, easement locations, and right- of-way boundaries.
3. The applicant/property owner is the responsible party to ensure compliance with all other related Federal, State, and local regulations, including but not limited to the NC Building Code.
4. The applicant/property owner is responsible for meeting all ordinance related conditions set forth by the planning staff.

CHAIR TURNER: I'll consider that a motion, is there a second?

MR. LONG: Second.

Mr. Ferguson made a motion to approve the consideration for a special use permit to allow a daycare facility in R10 zoning, seconded by Mr. Long. The motion passed unanimously.

IN FAVOR

TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

P09-07-C: REVOCATION OF A SPECIAL USE PERMIT TO ALLOW A DAYCARE FACILITY LOCATED AT 1620 LILLINGTON HWY IN A R10 RESIDENTIAL DISTRICT ON 5.90+/- ACRES, UNITED PENTECOSTAL CHURCH OF SPRING LAKE (OWNER), STAFF SUBMITTAL.

MRS. PAGE: Chair if you would on the revocation it was the same sight, if the Board desires to make a motion on the revocation as well so we can have that on record for cleanup of our files. Case # P09-07-C

CHAIR TURNER: Are you saying there is no one to speak for or against?

MRS. PAGE: No it's just the same sight and its just administrative files cleanup, we would just need a motion on the revocation.

MR. FERGUSON: I make a recommendation(motion) that we proceed with the revocation for the Special Use Permit for the Daycare for that property.

MR. LONG: Second.

CHAIR TURNER: So there is a motion, properly seconded to approve revocation of the original Special Use Permit and let the record reflect there is no one to speak for or against so we had no public hearing

Mr. Ferguson made a motion to approve the revocation for a special use permit to allow a daycare facility, seconded by Mr. Long. The motion passed unanimously.

IN FAVOR

TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

11. ELECT CHAIR AND VICE CHAIR FOR 2018/2019

MRS. PAGE: Next on our agenda is to elect a chair and vice chair for 2018/2019. If it's the Boards pleasure normally in the past practice the current vice chair would be elected as the chair, we have spoken with Mr. Lott and he would be okay with that but it's at the Boards discretion, whatever you decide.

CHAIR TURNER: I make a motion we elect George Lott as chair for that time.

MR. FERGUSON: Second that.

Mr. Turner made a motion to elect George Lott as chair for 2018/2019, seconded by Mr. Ferguson. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

MRS. PAGE: Vice Chair?

MR. FERGUSON: I make a motion we elect Mr. Turner as the Vice Chair.

MR. LONG: I second that.

Mr. Ferguson made a motion to elect George Turner as vice chair for 2018/2019, seconded by Mr. Long. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

12. DISCUSSION/UPDATE(S)

MRS. PAGE: We do have a case for June, so we will be reconvening June 21st. Mr. Hasty anything?

MR. HASTY: I don't have anything. Nothing to report.

CHAIR TURNER: We haven't done anything wrong lately? All is well.

MR. HASTY: All is well.

CHAIR TURNER: I was chairman of this board 20 years ago and I do like to try and have a little fun.

13. ADJOURNMENT

Mr. Ferguson made a motion to adjourn, seconded by Mr. Long. The motion passed unanimously.

Meeting adjourned at 8:05 pm.

	IN FAVOR
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

Dena L Smith, Clerk to the Board

George Turner, Chairman

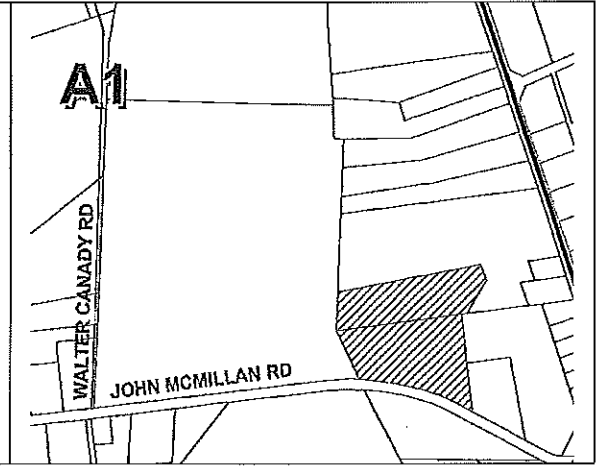
SITE PROFILE: P18-04-C

P18-04-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A RECREATION VEHICLE PARK AND/OR CAMPGROUND IN AN A1 AGRICULTURAL DISTRICT ON 11.81+/- ACRES, LOCATED AT 1965 JOHN MCMILLAN ROAD, SUBMITTED BY SHANE TAYLOR (OWNER) AND STEPHEN M. CAIN (AGENT).

Cumberland County Zoning Ordinance Reference: Section 921 Recreational Vehicle Park and/or Campground (Pgs. 101-103)

Notes:

- In addition to the existing use, the applicant is requesting to operate a recreation vehicle park and/or campground operation with 19 recreational vehicle sites.
- Attached are the ordinance related conditions



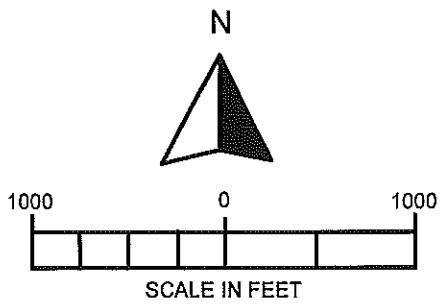
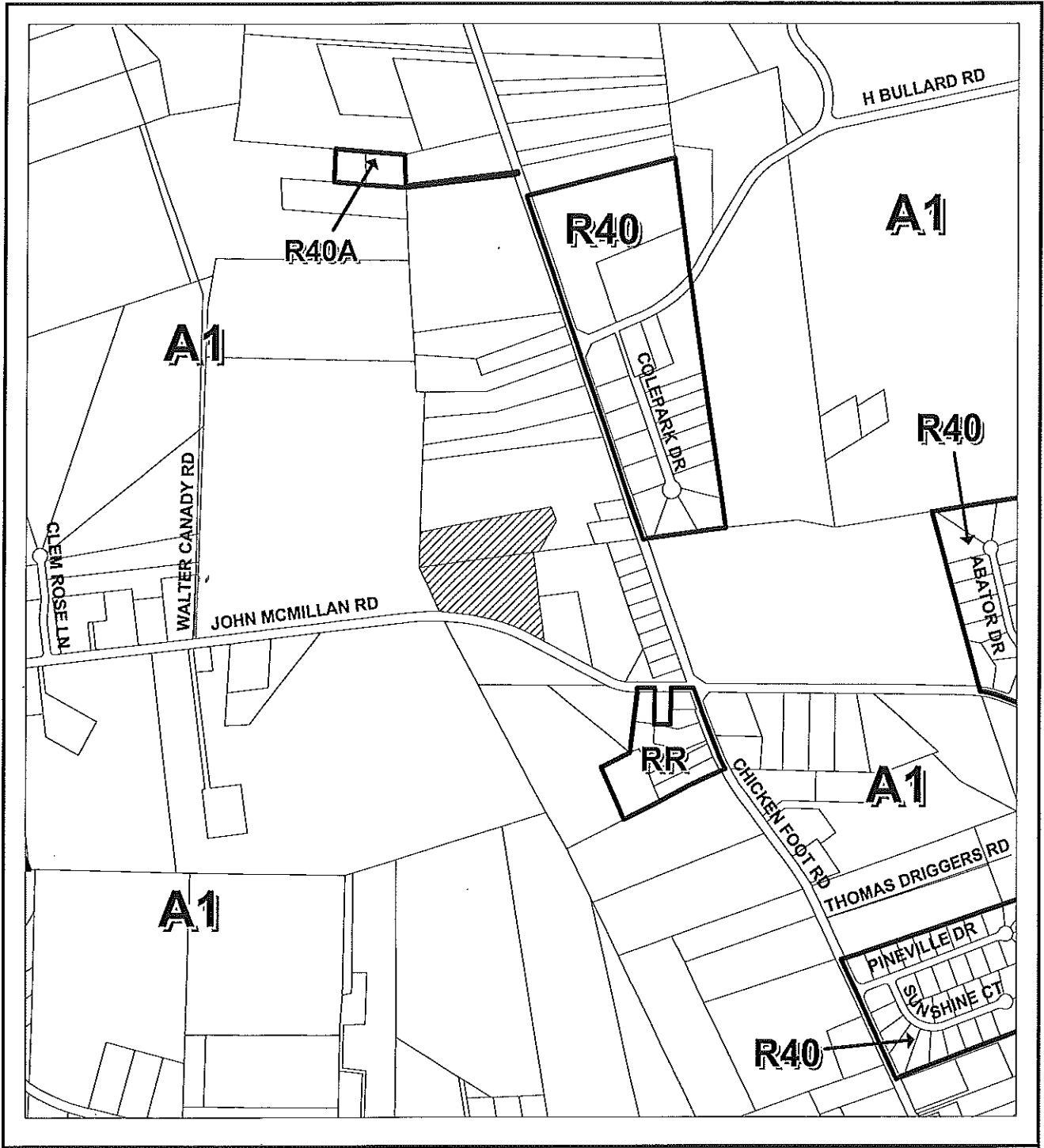
INITIAL ZONING A1 - June 25, 1980 (Area 13)	ADJACENT PROPERTY None	NONCONFORMITIES None	WATER/SEWER AVAILABILITY Well/Septic	SIZE OF PROPERTY Frontage & Location: 720' +/- John McMillan Rd (SR2244)
JURISDICTION County	CURRENT USE Assembly w/incidental catering, manufactured home & "stick built" dwelling	ZONING VIOLATIONS None	SOIL LIMITATIONS Yes Hydric Soil: TR - Torhunta and Lynn Haven	Depth: 920' +/-
MUNICIPAL INFLUENCE AREA None			WATERSHED No	
			SPECIAL FLOOD HAZARD AREA None	

SURROUNDING ZONING North: A1, R40, R40A West: A1 East: A1, R40 South: A1, R40, RR *All surrounding zoning is in the County, unless otherwise noted*	SURROUNDING LAND USE: 1. Religious worship facility 2. Residential (including manufactured homes) 3. Mini-warehousing w/outside motor vehicle storage 4. Farmland 5. Woodlands
COMPREHENSIVE PLANNING: South Central Land Use Plan: Farmland 2030 Growth Strategy: Urban Fringe	TRANSPORTATION PLANNING: John McMillan Road is identified as a Thoroughfare Existing in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned, no impact on the Transportation Improvement Plan.

OTHER PROPERTY INFO:

School Capacity/Enrolled: Comment requested, none received
Subdivision/Site Plan: See Ordinance Related Condition
Average Daily Traffic Count (2016): 1,100 SR2244 (John McMillan Rd)
US Fish & Wildlife: No comment

Attached: Sketch Map, Site Plan, Application, Conditions

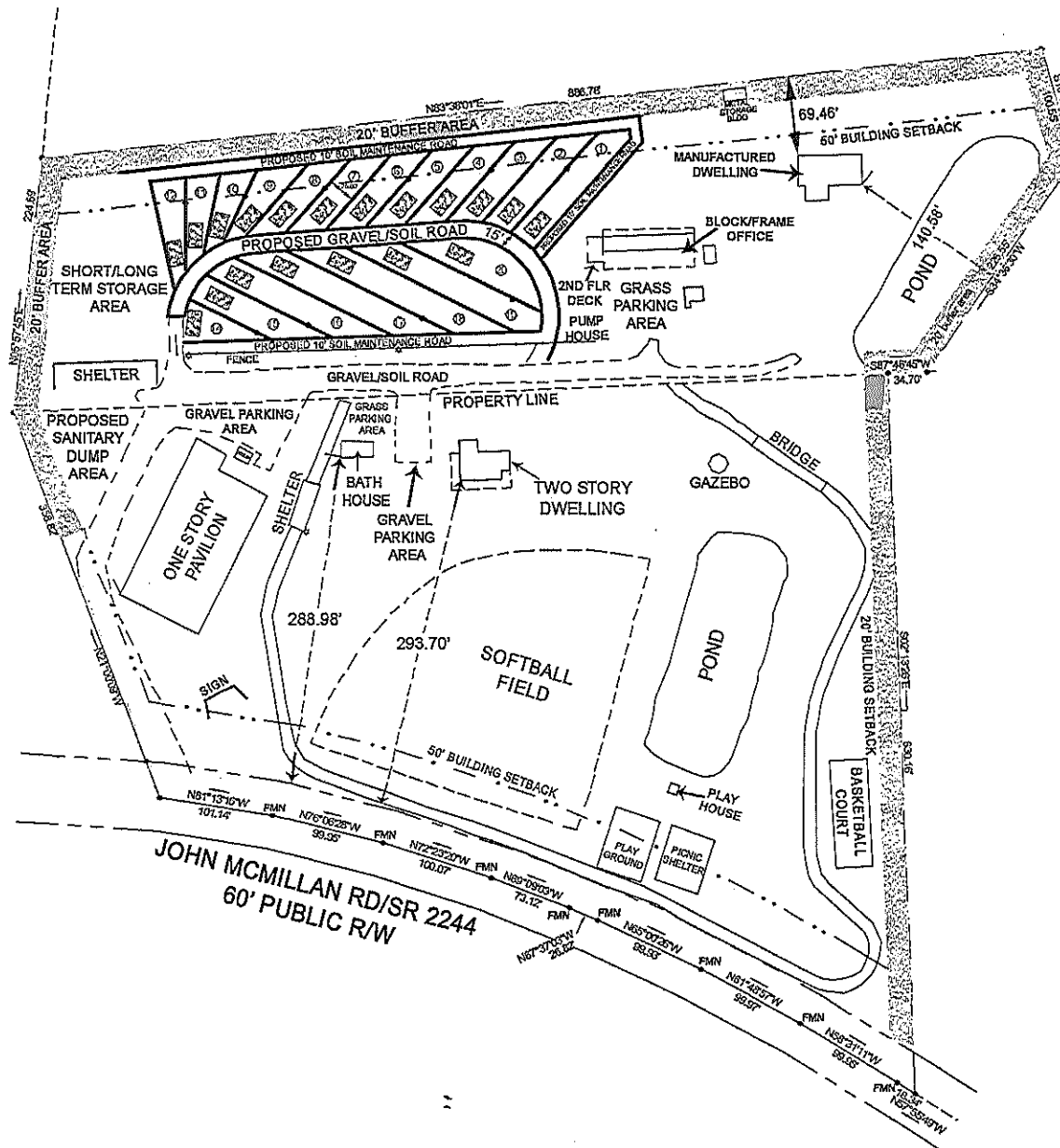


BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 11.81 AC +/-	HEARING NO: P18-04-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

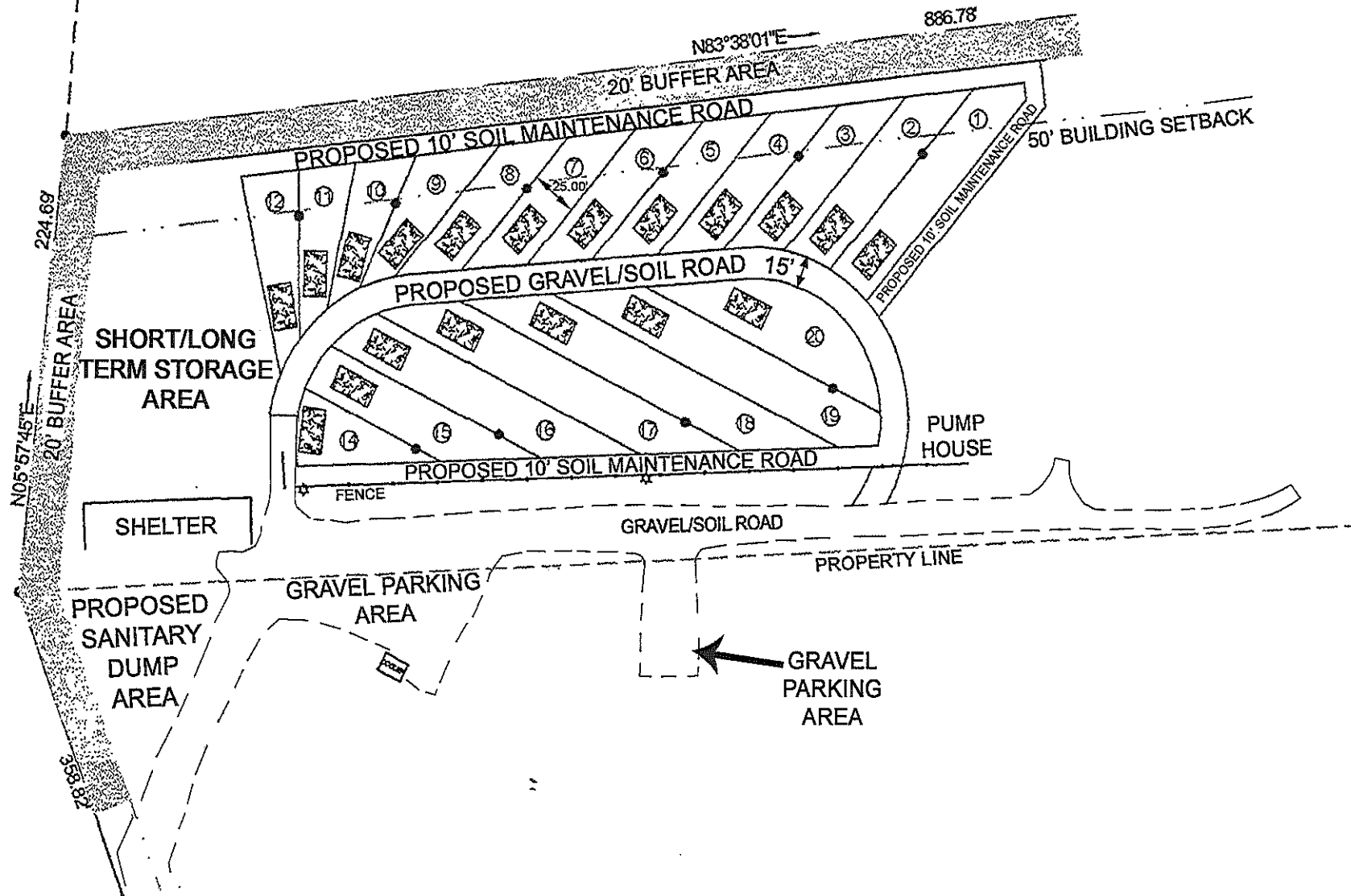
PIN: 0421-88-6955
PIN: 0421-88-6651

AKJ



BOARD OF ADJUSTMENT
SPECIAL USE PERMIT
REQUEST: A RECREATION VEHICLE PARK AND/OR CAMPGROUND
CASE: P18-04-C ACREAGE: 11.81 AC +/-
ZONED: A1 SCALE: NTS
19 RECREATIONAL/VEHICLE CAMP SITES

*SCALED DETAILED SITE PLAN IN FILE AVAIL ABIF FOR REVIEW UPON REQUEST



P18-04-C

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 1965 John McMillan Rd. Hope Mills, NC 28348

OWNER: Shane Taylor

ADDRESS: 1965 John McMillan Rd. Hope Mills, NC ZIP CODE: 28348

TELEPHONE: HOME 910-424-2779 WORK 910-624-6071

AGENT: Stephen Cain

ADDRESS: 3205 High Plains Drive, Hope Mills, NC 28348

TELEPHONE: HOME 910-717-8177 WORK 910-580-4496

E-MAIL: smcainpls@yahoo.com

APPLICATION FOR A SPECIAL USE PERMIT

As required by the Zoning Ordinance

0421-88-6955
0421-88-6651

11.81 AC
B
A

Parcel Identification Number (PIN #) of subject property: (also known as Tax ID Number or Property Tax ID)

Acreage: 12.3 Frontage: 700'± Depth: 700'±

C. Water Provider: PRIVATE WELL

D. Septage Provider: PRIVATE SEPTIC TANK

E. Deed Book 1723, Page(s) 740, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: PARADISE ACRES (PRIVATE EVENTS/ CATERING)

G. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail including hours of operation, number of employees, signage, parking, landscaping, etc.)

RV PARK
W/ CONTINUATION OF PARADISE ACRES EVENTS

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.

Shane Taylor

NAME OF OWNER(S) (PRINT OR TYPE)

1965 John McMillan Road, Hope Mills, NC 28348

ADDRESS OF OWNER(S)

tcparadiseaces@aol.com

E-MAIL

910-424-2779

HOME TELEPHONE #

WORK TELEPHONE #

STEPHEN M. CAIN

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

3205 HIGHPLAINS DR HOPE MILLS NC 28348

ADDRESS OF AGENT, ATTORNEY, APPLICANT

smcainpls@yahoo.com

E-MAIL

910-717-8177

HOME TELEPHONE #

910-580-4496

WORK TELEPHONE #

Shane Taylor

SIGNATURE OF OWNER(S)

Step M. Cain

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

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 approve, deny, or defer the request for additional information to be provided;
- If the petitioner or their representative for this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case.
- If the board's decision is to deny the matter before them, the aggrieved party shall file a **"Notice to Intent to Appeal" with the Planning & Inspections Staff on the next business day following the meeting in which the board's decision was made final, or the next business day following receipt of the written copy thereof.**
- Any petition for review by Superior Court shall be file with the Clerk of Superior Court within 30 days after the decision of the board is made final.

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

SIGNATURE OF OWNER(S) Shane Taylor

PRINTED NAME OF OWNER(S) Shane Taylor

DATE May 14, 2018

Special Use Permit – Board of Adjustment

DRAFT

Ordinance Related Conditions *Recreational Vehicle Park and/or Campground*

(Group development being developed in conjunction with a residential dwelling, manufactured home, assembly and incidental catering business; and Zero Lot Line development)

Pre- Permit Related:

1. A recorded plat is required prior to permit application, see Plat-Related conditions below.
2. Three copies of a revised site plan must be submitted for staff review and approval prior to application for permits. The revised plans must address the following:
 - a. All recreational vehicle sites must comply with the minimum setback requirement of 50' from the northern (rear) property line. Note: Each individual site must be a minimum of 1,200 sf in area.
 - b. The existing septic system(s) must be shown on the site plan.
 - c. The proposed and/or existing driveway locations must be included on the site plan.
 - d. If any new or changes to the existing freestanding sign is desired, this information must be included on the site plan.
 - e. The recreational vehicle park must be enclosed by a fence, wall, landscape screening, earthen mounds or other measures in a manner that compliments the landscape and assures compatibility with the adjacent environment. Note: This requirement is not intended to apply to the entire site, only to that area of the site adjacent to residential. The existing vegetation may be adequate; however, whatever means is chosen to enclose the park it must be so indicated on the site plan.
 - f. All required off-street parking spaces are required to be a minimum of 9' x 20' and included on the site plan. A minimum of ten off-street parking spaces is required for the recreational vehicle office. The off-street parking for the existing uses must also be included. Contact Ed Byrne for method of calculation for off-street parking to ascertain the total number of spaces prior to submission of the revised plan.
 - g. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the assembly area and this loading space must be included on the site plan.
 - h. Dumpster, garbage and utility areas must be included on the site plan. These areas must be located on concrete pads and screened on a minimum of three sides. The proposed location(s) must be included on the site plan. Note: Accessory buildings/structures cannot be located in the front yard.
 - i. The revised plan must include the property lines as shown on the recombination plat which is necessary to separate the manufactured dwelling from the subject property where the recreational vehicle park and assembly are located. Only one dwelling is permitted on the same property as the recreational vehicle park.
3. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.

Permit-Related:

4. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

6. Driveway Permit Required.

Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.

Change of use (or additional uses) of subject properties shall require an approved Driveway Permit. 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.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00/\$50.00 revision fee) 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.

7. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan must be submitted and approved by Planning & Inspections.)
8. The County Health Department must approve water and sewer plans. Lots not served by public water and/or sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (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)

Note: The "Proposed Sanitary Dump Area" must be designed by a professional registered engineer and approved by the State's Raleigh office. Contact Fred Thomas at the local Environmental Health office for more information concerning this note.

9. The building 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.

Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the A1 zoning district for a recreational vehicle park and the existing assembly/catering business, in addition to the residential dwelling and manufactured home, to include the contents of the application and site plan, must be complied with, as applicable.
11. The recreational vehicle park must provide at least one telephone for public use.

12. The recreational vehicle park/campground cannot allow for permanent occupancy of any RV or campsite within this development; the same RV cannot remain on the same site for a continuous period of time exceeding 90 days.
13. No individual recreation vehicle/camping site can be permitted for individual on-site septic systems.
14. Each recreational vehicle must be equipped with a holding tank and each park/campground must have an approved dumping station or pump-out facilities on the premises.
15. Recreation vehicle parks/campgrounds can only be used for travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.
16. The internal drives serving the recreation vehicle park are to be constructed with a minimum 18 feet in width if providing two way streets and 12 feet in width for one way drives and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes.
17. This conditional approval is not approval of any new or changes to the existing freestanding sign. 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.)
18. "John McMillan Road" must be labeled as "SR 2244 (John McMillan Rd)" on all future plans.
19. 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)
20. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
21. 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.
22. Turn lanes may be required by the NC Department of Transportation (NCDOT).

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.

23. 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.
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.

Plat-Related:

25. If the developer opts for a "Zero Lot Line" development, the title block must contain the words "Zero Lot Line." This type of development is recommended so that setbacks of the existing structures from the new internal property line(s) do not become an issue.
26. Metes and bounds with bearings and distances must be provided on all property lines. In addition a lot identifier and the acreage of each lot must be reflected on the plat.
27. The bearings and distances and solid property lines for the right-of-way line must be shown on the final plat.
28. "John McMillan Road" must be labeled as "SR 2244 (John McMillan Rd)" on the final plat.

29. If the developer opts for a "Zero Lot Line" development, the builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
30. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
31. The NC Department of Transportation (NCDOT) may not allow a driveway for each individual lot. If a joint driveway is required, the joint driveway must be reflected on the final plat.
32. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.

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.

33. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
34. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

35. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision and Development Ordinance):

"The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording."

36. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat (Section 2504 B, Farmland Protection Area Disclosure, County Subdivision and Development Ordinance):

"This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides."

37. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

"Nonconforming structures have not been created by this subdivision plat."

Other Relevant Conditions:

38. The subject property lies on John McMillan Road. John McMillan Road is identified as a Thoroughfare Existing 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.
39. 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.

40. Under current standards, if any existing structure not in compliance with the ordinance standards is ever removed or destroyed more than 50%, any replacement structure must meet the setback requirement for the A1 district.

Note: The existing accessory structures such as the "Picnic Shelter" and "Playground" cannot be permitted in the front yard setback.

41. An internal street system most likely will be required to serve any future divisions of the subject properties.
42. 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.
43. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
44. 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.

Thank you for choosing Cumberland County for your home and business location!

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Hope Page at 910-678-7602 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):

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:	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Rodney Ward	321-6625	rward@co.cumberland.nc.us
County Engineer’s Office:	Wayne Dudley	678-7636	wdudley@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Food & Lodging Env. Health:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Ground Water Issues:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
County Public Utilities:	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
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7616	wphipps@co.cumberland.nc.us
Street Naming/Signs:	Diane Shelton	678-7665	nameit2@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	elocklear@ncdot.gov
Transportation Planning:	Greg Shermeto	678 7615	gshermeto@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Vacant
Wade, Falcon &
Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

June 14, 2018

MEMORANDUM

TO: Cumberland County Board of Adjustment

FROM: Jeff Barnhill, Watershed Review Officer *JB*

SUBJECT: CASE WS18-01 (CONSIDERATION FOR HIGH DENSITY DEVELOPMENT WATERSHED)

WS18-01. HIGH DENSITY REVIEW OF THE GRAYS CREEK VOLUNTEER FIRE DEPARTMENT FOR UP TO 31% IMPERVIOUS LAND AREA UNDER THE TERMS OF THE COUNTY WATER SUPPLY WATERSHED MANAGEMENT AND PROTECTION ORDINANCE, SECTION 31A-60; HIGH DENSITY DEVELOPMENTS; ZONING: A1; TOTAL ACREAGE: 2.62 +/-; LOCATED AT 6975 FIRE DEPARTMENT ROAD (SR 2255); OWNERS: GRAYS CREEK VOLUNTEER FIRE DEPARTMENT.

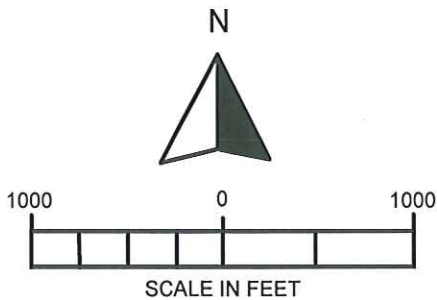
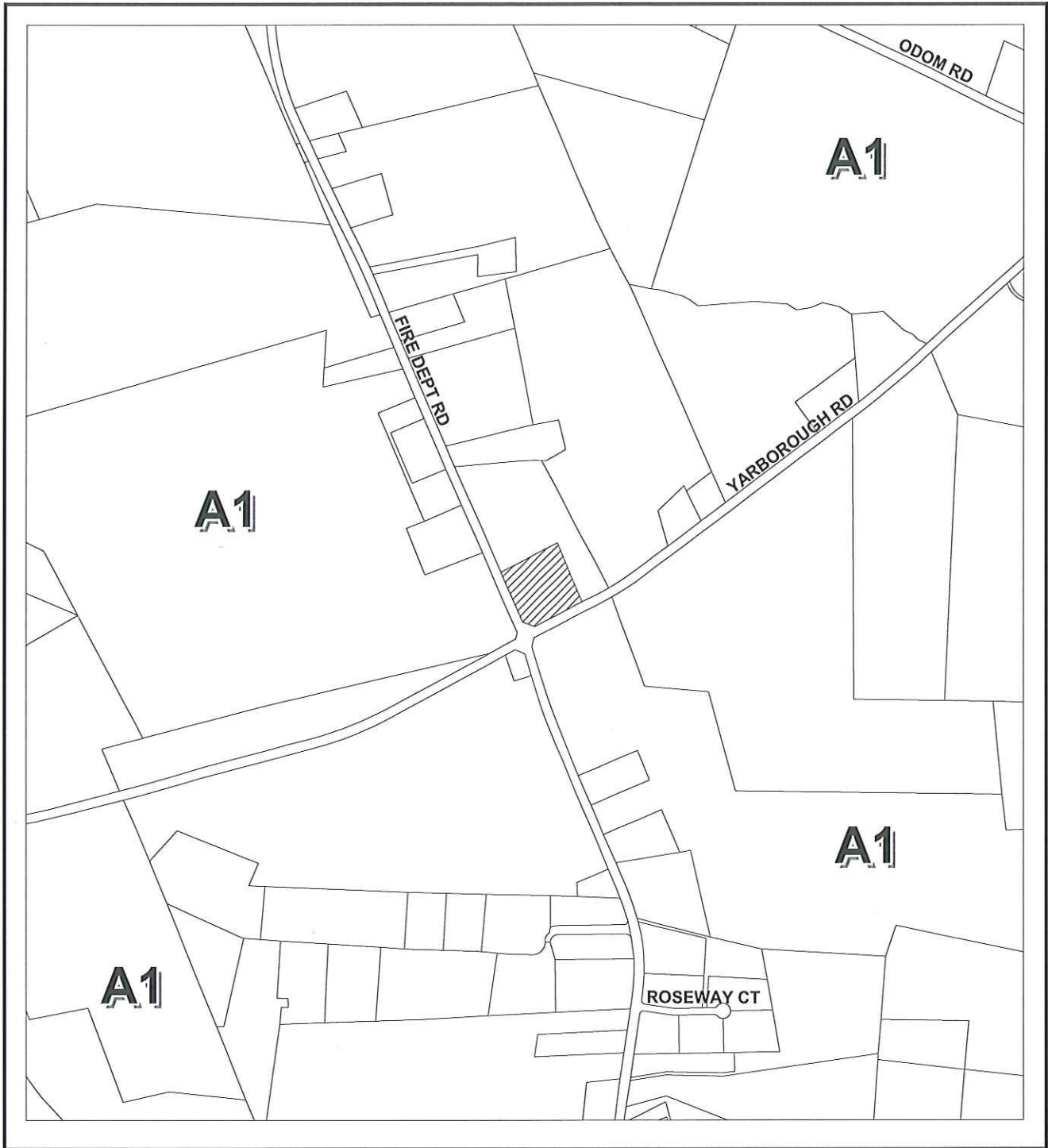
The attached documents have been submitted for your review and approval under the terms of the Cumberland County Water Supply Watershed Management and Protection Ordinance. This case is not a public hearing matter.

Please contact me at 910-678-7765 or by email: jbarnhill@co.cumberland.nc.us if you have any questions.

Attachments:

1. Sketch Map
2. Site Plan
3. Application
4. Draft Conditions of Approval
5. Checklist with sample motions
6. Watershed Ordinance High Density Requirements

cc: Mr. David Pulliam, Owner/Applicant
Mack Summey Jr. PE, Summey Engineering Associates, PLS
Rob Hasty, Assistant County Attorney
Patti Speicher, Land Use Codes



HIGH DENSITY WATERSHED

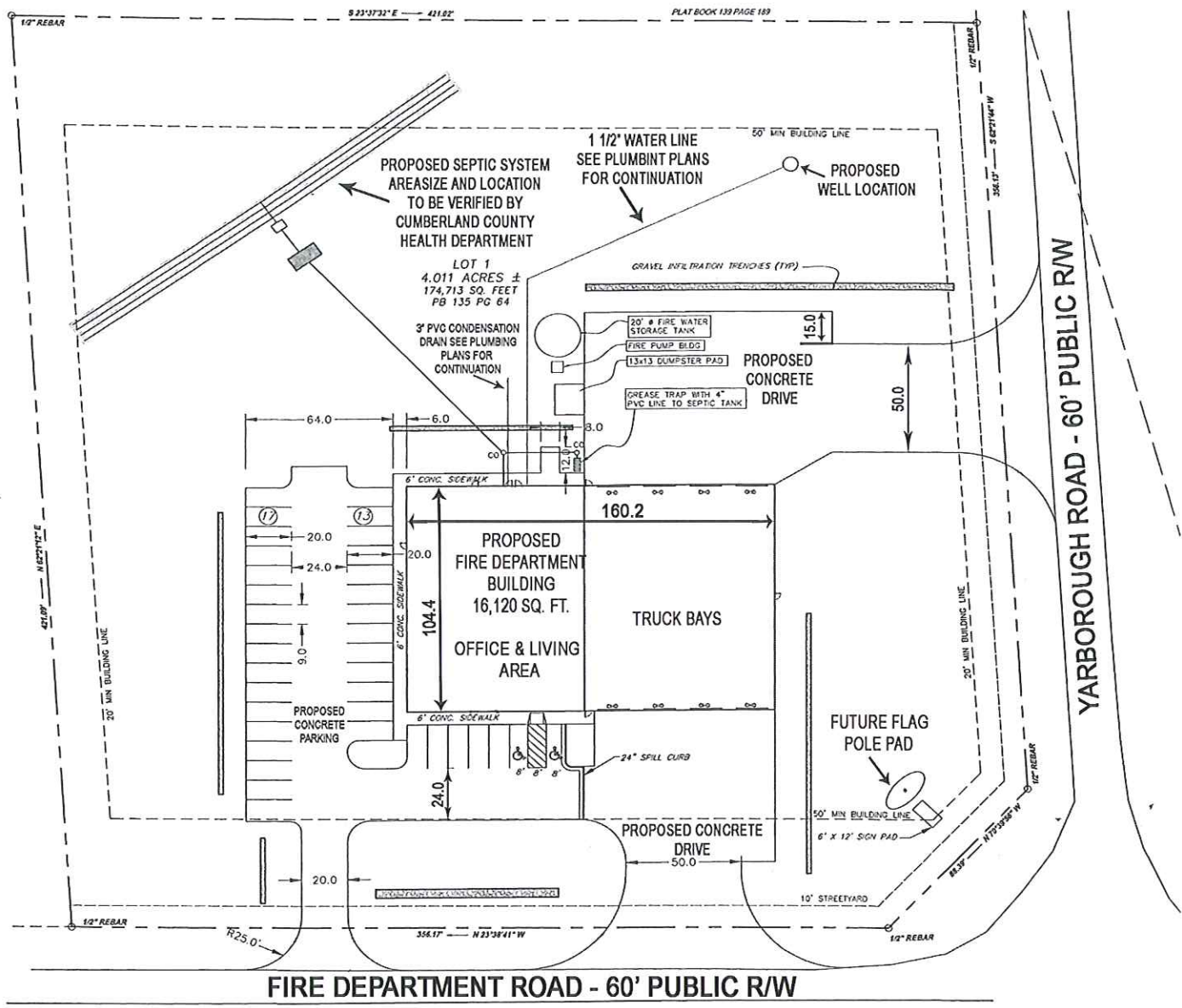
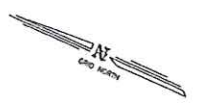
ACREAGE: 4.01 AC.+/-

HEARING NO: WS18-01

ORDINANCE: COUNTY
GOVERNING BOARD

HEARING DATE

ACTION



IMPERVIOUS AREAS

BUILDING AREA = 16716 SF
 SIDEWALK/DRIVES = 37958 SF

IMPERVIOUS AREA

1.25 ACRES
 31% IMPERVIOUS

PERVIOUS AREA

2.76 ACRES
 69% PERVIOUS

HIGH DENSITY WATERSHED

REQUEST: HIGH DENSITY DEVELOPMENT FOR GRAYS CREEK FIRE DEPARTMENT

CASE: WS18-01 ACREAGE: 4.01 AC +/-

ZONED: A1 SCALE: NTS

***SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST**

APPLICATION FOR WATERSHED APPROVAL AND PROTECTION PERMIT

DATE OF APPLICATION _____ CASE NO. _____

Name of Owner/Applicant: Mr. David Pulliam

Mailing Address : 7010 Fire Department Rd

City/State/Zip: Hope Mills NC, 28348 E-mail: dpulliam031@aol.com

Telephone Number: 910-494-2424 Fax Number _____

Name of Engineer/Surveyor: mack summey

Address: P.O. Box 968 City, State, Zip: Asheboro, NC 27204

Telephone Number: (336) 328-0902 Alternate: (366) 465-6055

PARCEL INFORMATION: Use a separate sheet of paper to list the following information for each additional parcel of land.

Parcel ID (PIN) Number 0430 66 7059 Deed Book 9611 Page 745-746

Size of Parcel 4.01 Acres Lot # Lot 1

Watershed (circle one) Cross Creek Little Cross Creek Cape Fear River Little River

Low Density (no fee) _____ High Density (\$200 fee) X Critical / Protected Area (circle one)

GENERAL DESCRIPTION OF WORK:

Name of Proposed Development: Grays Creek Volunteer Fire Department

Type of Development: Residential _____ Commercial _____ Industrial _____ Other X

Total Area: 4.01 Acres

Number of Parcels/Lots: 1 Smallest Lot: _____ acres Largest Lot: _____ acres

I certify that the information shown above is true and accurate, and is in compliance with the conditions for development under the terms of the Cumberland County Water Supply Watershed Management & Protection Ordinance.

(Seal)

David Pulliam
Owner/Attorney in Fact

Date: 5-14-18

OFFICIAL USE

Date received: _____ Date referred to Board: _____

Notes:

PLAN CHECKLIST FOR WATERSHED DEVELOPMENT:

The plan shall be clearly and legibly drawn at a scale of not less than one inch to one hundred feet (1" = 100') (1" = 200' in extreme cases). The plan shall be prepared by a registered surveyor and shall include the following information prior to consideration by the Watershed Review Board:

Name of Development: Grays Creek Volunteer Fire Dept., Inc

Date Submitted: 4-11-18

Location: 7010 Fire Department Rd Hope Mills NC 28348

Owner: Grays Creek Volunteer Fire Department, Inc.

Address: 7010 Fire Department Rd Tele: 910-494-2424
Hope Mills NC 28348

Surveyor: Geo Professionals, PLLC - John Willis, PLS

Address: 5916 Highland Grove Dr. Tele: 336-686-0965
Summerfield, NC 27358

Engineer: Summey Engineering Assoc. C/O H. Mack Summey Jr., PE

Address: PO Box 968 Asheboro NC 27204 Tele: 336-328-0902

a. Title Block:

Development name, developer's name, North Arrow, scale (denoted graphically and numerically), date of plan preparation, location of subdivision (township, county and state), name of seal of registered surveyor preparing plat, deed book reference.

b. Vicinity Map:

A sketch vicinity map showing the location of the subdivision in relation to the surrounding area. If the development/subdivision is a portion of a larger tract, the map is to show the relation of the development/subdivision to the larger tract.

c. Tract Boundaries:

The boundaries of the tract, or portion thereof, to be subdivided, with all bearings and distances shown.

d. Property Lines:

Property lines and owners' names of abutting properties and/or abutting subdivisions of record.

e. Natural Features:

Significant natural features including marshes, lakes or streams, or other natural features affecting the site.

f. Existing Features:

Existing features including structures and built-upon area and Cumberland County limit lines both on or adjacent to the land to be subdivided.

g Topographic Lines (if required by Watershed Administrator or Watershed Review Board):

Topographic contour lines not to exceed ten (10) foot intervals when the area to be subdivided exceeds four (4) acres.

h Lot and Street Lines:

All proposed lot and street right-of-way lines with approximate area and dimensions, lot numbers and proposed use of land.

i Drainage System:

Proposed drainage facilities, including approximate location and dimensions of open drainage ways, storm sewers, culverts, retaining ponds, or areas where water is to be diverted through grading.

j Site Data:

Total acreage in tract to be subdivided, smallest lot size (square feet) and total number of lots.

k The following documentation is to accompany the application:

Written evidence acknowledging the submission and approval of the required soil erosion and sedimentation control plan.

PROTECTION PERMIT CHECKLIST FOR WATER SUPPLY WATERSHED DEVELOPMENT:

Applications for Watershed Protection Permits shall be accompanied by plans in duplicate and drawn to scale showing the following:

(a) Lot Dimensions.

- Actual dimensions and acreage of the lot to be built upon and the location of any right of ways that may affect development on the lot.
- Average lot size (in square feet).

(b) Built Upon Area.

- The accurate location and use of all existing and proposed buildings and other structures, and for non-residential developments the location and size, in square feet, of all built upon areas including parking and loading facilities.
- The percent of the project that will be covered with an impervious surface.
- The area, in acres, to be left natural.

(c) Dwelling Units.

- The total number of dwelling units proposed on the lot or tract.

(d) Streams/Rivers.

- The accurate location of all perennial streams and natural drainage areas on the property.

(e) Adjacent Property Owners.

- The names of adjoining property owners.

(f) Buffers.

- The location of all required buffer areas.

(g) *Storm water Control Devices (i.e., wet detention basins).

- When local governments provide for a high density option, the location of any storm water control devices shall be shown and shall be designed, constructed and maintained according to the requirements as established by the Division of Environmental Management.
- Storm Water Controls are used.

1. I have submitted a completed application for Watershed Subdivision Approval and Watershed Protection Permit (Page 1 attached hereto).
2. I have submitted plans, specifications and documents which meet the requirements of Cumberland County Water Supply Watershed Management & Protection Ordinance, Appendix C, Chapter 31A Cumberland County Code.

x David Pulliam
Owner/Attorney in Fact

(SEAL)

5-14-18
Date

High Density
Water Supply Watershed Management & Protection Ordinance
Permit Application

Date _____

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND COUNTY NORTH CAROLINA

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Town of Eastover

Patricia Hall,
Town of Hope Mills

HIGH DENSITY WATERSHED CONDITIONAL APPROVAL SHEET

STAFF RECOMMENDATION: 06-14-18 BOARD OF ADJUSTMENT DECISION: _____

CASE NO: WS18-01 NAME OF DEVELOPMENT: Grays Creek Volunteer Fire Department

LOCATION: 6975 SR 2255 (Fire Department Road)

WATERSHED AREA: WS-IV-BW

PIN: 0430-66-7059

OWNER/DEVELOPER: Grays Creek Volunteer Fire Dept.

ENGINEER/DESIGNER: Summey Engineering

PLANNING STAFF RECOMMENDATION:

- PRELIMINARY
- EXTENSION
- CONDITIONAL APPROVAL
- DENIED
- REVISION

BOARD OF ADJUSTMENT:

- PRELIMINARY
- EXTENSION
- APPROVED CONDITIONALLY
- DENIED
- REVISION

CONDITIONS OF APPROVAL:

1. Prior to the granting of a Watershed Protection Permit, a financial security must be posted in the amount of \$35,226.56 for the purpose of maintenance and necessary repairs or reconstruction of the stormwater control structures as defined in Section 31A-63 of the Cumberland County Water Supply Watershed Management and Protection Ordinance. Upon completion of construction of the stormwater control structure, 75% of the financial security will be released and after one year the remaining amount will be released in accordance with the provisions of section 31A-66, County Water Supply Watershed Management and Protection Ordinance.
2. Prior to issuance of the *Watershed Occupancy Permit*, a description of the area containing stormwater control structures along with any easements necessary for general access shall be recorded at the Cumberland County Register of Deeds. NOTE: The deed description is required to grant perpetual access to government agencies to all stormwater control systems, in order to accomplish or fulfill any service or function for which the agency is responsible to perform in their duties.

Case No. WS18-01

Cumberland County Board of Adjustment
Checklist

Evaluation of Application for High Density Development Proposal

Requirements for approval of the High Density Option for Watershed by the Board:

1. The stormwater control system must meet the standards of the Watershed Ordinance. (Plans have been reviewed by the County Engineer's office and were approved on May 31, 2018.)
2. Cost estimate for the stormwater system must be a sufficient amount to complete the project. (County Engineer's office verified the sufficiency of the amount proposed in a letter dated May 31, 2018.)
3. Legal documents for ownership and maintenance of the stormwater control system must meet the standards of the Watershed Ordinance. (Legal documents have been found to legally sufficient by the County Attorney's office on May 29, 2018.)
4. The project must meet the standards of the zoning and subdivision ordinances. (The Planning & Inspections Staff has reviewed the project and listed the conditions of approval on Condition Sheet, dated May 24, 2018, Case No. 18-023, a copy of which is in the case file).
5. The "Operation and Maintenance Plan" must be satisfactory and comply with at least the minimum standards and intent of the Ordinance. (The Watershed Review Officer for the Planning & Inspections Staff has reviewed and conditionally approved this plan on June 1, 2018.)
6. The project must have an approved soil erosion and sedimentation control plan. (The North Carolina Department of Environmental Quality Division has approved the soil erosion and sedimentation control plan on April 4, 2018.)
7. In addition to any other requirements provided by the Water Supply Watershed Ordinance, the Board may designate additional conditions and requirements on the proposal to assure the use will be harmonious with the area in which the project is to be located and with the spirit of the ordinance.

Example: Approval of Proposal:

Motion to approve Case No. WS18-01, subject to all Conditions of Approval, provided that it is developed according to the plan under the direction of the Watershed Review Officer in accordance with Section 31A-68 which authorizes the delegation of enforcement authority from the Board to the Planning & Inspections Department.

Example: Disapproval of Proposal: If the Board disapproves the application based on its findings, the reasons for such action shall be stated in the motion and included in the minutes of the Board.

**ARTICLE VII
HIGH DENSITY REQUIREMENTS**

SECTION 31A-60. HIGH DENSITY DEVELOPMENT STANDARDS.

(A) The Board of Adjustment may approve high density development proposals consistent with the following standards:

(1) WS-IV Watershed Areas – Critical Area (WS-IV-CA). Where new development exceeds either two dwellings per acre or twenty-four percent (24%) built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall, and development shall not exceed fifty percent (50%) built-upon area.

(2) WS-IV Watershed Areas – Balance of Watershed (WS-IV-BW). Where new development requires a Sedimentation/Erosion Control Plan and exceeds either two dwelling units per acre or twenty-four percent (24%) built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall, and development shall not exceed seventy percent (70%) built-upon area.

(B) High density development shall meet the requirements of this ordinance.
(Ord. of 12-20-93; Amend. of 6-24-97)

SECTION 31A-61. HIGH DENSITY DEVELOPMENT PERMIT APPLICATION.

(A) High Density Development Permit shall be required for new development exceeding the requirements of the low density option.

(B) Application for a High Density Development Permit shall be addressed and submitted to the Board of Adjustment through the Planning Director. Application for a High Density Development Permit shall be made on the proper form and shall include the following information:

(1) A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;

(2) Two reproducible copies of the development plan within the drainage basin including the applicable information listed in Appendix A: Application Forms, Subdivision Plat Checklist and detailed information concerning built-upon area;

APPENDIX C
CUMBERLAND COUNTY WATERSHED PROTECTION ORDINANCE

(3) Two reproducible copies of the plans and specifications of the stormwater control structure consistent with Section 31A-62;

(4) When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;

(5) Permit Application Fees consistent with Section 31A-65.

(C) Prior to taking final action on any application, the Board or Planning Director may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within the prescribed time limit.

(D) The Board of Adjustment shall either approve or disapprove each application for a High Density Development Permit based on the applicable criteria contained in this ordinance. First consideration of a completed application shall be at the next regularly scheduled meeting of the Board following its receipt. The Board shall take action on the application at its first consideration or within sixty-five (65) days of its first consideration.

(1) If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure. A High Density Development Permit shall be issued after the applicant posts a performance bond or other acceptable security as required in Section 31A-63 and executes an Operation and Maintenance Agreement as required in Section 31A-64. A copy of the permit and one copy of each set of plans shall be kept on file at the Planning Director's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

(Ord. of 12-20-93; Amend. of 2-25-02)

(2) If the Board disapproves the application based on its findings, the reasons for such action shall be stated in the minutes of the Board and presented to the applicant in writing either by personal service or registered mail, return receipt requested. The applicant may make changes and submit a revised plan. All revisions shall be submitted, reviewed and acted upon by the Board pursuant to the procedures of this section.

(E) In addition to any other requirements provided by this ordinance, the Board may designate additional permit conditions and requirements to assure that the use will be harmonious with the area which it is proposed to be located and with the spirit of this ordinance. All additional conditions shall be entered in the minutes of the meeting at which the permit is granted, on all

APPENDIX C
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plans and on the permit certificate. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heirs, successors or assigns during the continuation of the permitted use.
(Ord. of 12-20-93; Amend. of 6-24-97)

(F) The Board shall issue a written ruling and make copies available at the office of the Watershed Administrator and the County Clerk.
(Ord. of 12-20-93; Amend. of 2-25-02)

**SECTION 31A-62. ENGINEERED STORMWATER CONTROLS:
SPECIFIC REQUIREMENTS TO EXERCISE THE
HIGH DENSITY OPTION.**

(A) All stormwater control structures shall be designed by a North Carolina Registered professional engineer. Other stormwater systems shall be designed by a North Carolina registered professional with qualifications for the type of system required; these registered professionals are defined as professional engineers and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89(C)-3(7).

(B) All stormwater controls shall use wet detention ponds as a primary treatment system unless alternative stormwater management measures, as outlined in Section 31A-62(C) are used. Approved stormwater control devices shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Water Quality. Specific requirements for these systems shall be in accordance with the following design criteria:

(1) Permanent pool storage designed for total suspended solid removal of eighty-five percent (85%) and storage runoff from a one (1) inch rainfall from the area above the permanent pool;

(2) Designed runoff storage volume shall be above the permanent pool;

(3) The discharge rate from these systems following the one (1) inch rainfall shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days, and that the pond is drawn down to the permanent pool level within at least five (5) days;

(4) Permanent pool with a mean depth of three (3) feet;

(5) The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features; and

APPENDIX C
CUMBERLAND COUNTY WATERSHED PROTECTION ORDINANCE

(6) Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty (3) feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow-through the filter for a ten (10) year, twenty-four (24) hour storm with a ten (10) year, one (1) hour intensity with a slope of five percent (5%) or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics.

(C) Alternative stormwater management systems, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for approval shall be eighty-five percent (85%) average annual removal of total suspended solids. Also, the discharge rate shall meet one (1) of the following criteria:

- (1) The discharge rate following the one (1) inch design storm shall be such that the runoff draws down to the pre-storm design stage within five (5) days but not less than two (2) days; or
- (2) The post development peak discharge rate shall equal the predevelopment rate for the one (1) year, twenty-four (24) hour storm.

(D) In addition to the vegetative filters required in Section 31A-62(B)6, all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (30) days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in Section 31A-63(C).

(E) A description of the area containing the stormwater control structure shall be prepared and filed consistent with Section 31A-66 (A) and (B), as a separate deed with the Cumberland County Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the stormwater control structure, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs and reconstruction.

(F) Qualifying areas of the stormwater control structure may be considered pervious when computing built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.

APPENDIX C
CUMBERLAND COUNTY WATERSHED PROTECTION ORDINANCE

SECTION 31A-63. POSTING OF FINANCIAL SECURITY REQUIRED.

(A) All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs or reconstruction necessary for adequate performance of the stormwater control structures.

(B) Financial assurance shall be in the form of the following:

(1) Security Performance Bond or other security. The permit applicant shall obtain adequate security as set forth herein in the form of: (1) a performance bond from a surety bonding company authorized to do business in North Carolina; (2) an irrevocable letter of credit; or (3) other instrument readily convertible into cash at face value payable to Cumberland County or placed in escrow with a financial institution designated as an official depository of Cumberland County. Adequate security shall mean a bond or other instrument in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the Board of Adjustment. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The costs shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization; or

(2) Operation and maintenance financial security deposit equal to eighty percent (80%) of total construction cost.

(C) Consistent with Section 31A-61, the permit applicant shall enter into a binding Operation and Maintenance Agreement between Cumberland County and all interests in the development. Said Agreement shall require the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Cumberland County Register of Deeds by the applicant within five (5) working days of approval.

(D) Default/failure to complete. Upon default of the permit applicant to complete and/or maintain the stormwater control structure as spelled out in the performance bond or other security, the Board may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Board shall return any funds not spent in completing the improvements to the owning entity.

(E) Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the Operations and Maintenance Agreement, the Board shall obtain and use all or any portion of the cash security to make the

APPENDIX C
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necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operations and Maintenance Agreement. The Board shall not return any of the deposited cash funds.

(F) Default under the performance bond or security. Upon default of the permit applicant to complete the stormwater control structure as spelled out in the performance bond or other security, the Board may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Board shall return any funds not spent in completing the improvements to the owning entity.

SECTION 31A-64. MAINTENANCE AND UPKEEP.

(A) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

(B) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfacing with any easement or access to the stormwater control structure.

(C) Except for general landscaping and grounds management, the owning entity shall notify the Planning Director prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Planning Director shall inspect the completed improvements and shall inform the owning entity of any required additions, changes or modifications and of the time period to complete said improvements. The Planning Director may consult with an engineer designated by the Watershed Review Board [*County Board of Adjustment*].

(D) Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the County Board of Adjustment. Proposed changes shall be prepared by a North Carolina registered professional engineer and submitted

APPENDIX C
CUMBERLAND COUNTY WATERSHED PROTECTION ORDINANCE

to and reviewed by the Planning Director prior to consideration by the County Board of Adjustment.

(1) If the County Board of Adjustment approves the changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Planning Director.

(2) If the County Board of Adjustment disapproves the changes, the proposal may be revised and resubmitted to the Board of Adjustment as a new proposal. If the proposal has not been already reviewed, it shall be returned to the applicant.

(E) If the County Board of Adjustment finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Cumberland County Register of Deeds, the Office of the Planning Director and the owning entity.

SECTION 31A-65. APPLICATION AND INSPECTION FEES.

(A) Processing and inspection fees shall be submitted in the form of a check or money order made payable to Cumberland County. Applications shall be returned if not accompanied by the required fee.

(B) A permit and inspection fee schedule, as approved by the Board of County Commissioners shall be posted in the Office of the Planning Director.

(C) Inspection fees shall be valid for sixty (60) days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with Section 31A-64(C), except in the case when a similar fee has been paid within the last sixty (60) days.

SECTION 31A-66. INSPECTIONS AND RELEASE OF THE PERFORMANCE BOND.

(A) The stormwater control structure shall be inspected by the Planning Director, after the owning entity notifies the Planning Director that all work has been completed. At this inspection, the owning entity shall provide:

(1) The sign deed, related easements and survey plat for the stormwater control structure ready for filing with the Cumberland County Register of Deeds.

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(2) A certification sealed by an engineer stating that the stormwater control structure is complete and consistent with the approved plans and specifications.

(B) The Planning Director shall present the materials submitted by the developer and the inspection report and recommendations to the Board of Adjustment at its next regularly scheduled meeting.

(1) If the Board approves the inspection report and accepts the certification, deed and easements, the Board shall file the deed and easements with the Cumberland County Register of Deeds, release up to seventy-five percent (75%) of the value of the performance bond or other security and issue a Watershed Protection Occupancy Permit for the stormwater control structure, consistent with Section 31A-29.

(2) If deficiencies are found, the Board shall direct that improvements and inspections be made and/or documents corrected and resubmitted to the Commission [Board of Adjustment].

(C) No sooner than one (1) year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Board of Adjustment to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Planning Director shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Planning Director shall present the petition, inspection report and recommendations to the Board of Adjustment.

(1) If the Board approves the report and accepts the petition, the developer shall deposit with the Planning Director a cash amount equal to that described in Section 31A-63(B)(2) after which the Board of Adjustment shall release the performance bond or other security.

(2) If the Board does not accept the report and rejects the petition, the Board shall provide the developer with instruction to correct any deficiencies and all steps necessary for the release of the performance bond or other security.

(D) A Watershed Protection Occupancy Permit shall not be issued for any building within the permitted development until the Board of Adjustment has approved the stormwater control structure, as provided in Section 31A-66(B).

(E) All stormwater control structures shall be inspected at least on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Water Quality. Annual

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inspections shall begin within one year of filing date of the deed for the stormwater control structure.

(F) In the event the Planning Director discovers the need for corrective action or improvements, the Planning Director shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Planning Director shall inspect and approve the completed improvements. The Planning Director may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Board of Adjustment.

(G) Appeals of any order, requirement, decision or determination made by the Planning Director may be made to and decided by the Board of Adjustment consistent with Section 31A-41.
(Ord. of 12-20-93; Amend. of 6-24-97)

SECTION 31A-67. ENFORCEMENT OF VIOLATIONS.

(A) If any subdivision, development, and/or land use is found to be in violation of this ordinance, the Planning Director may, in addition to all other remedies available at law or in equity, issue a civil citation to the offender that: (1) a violation has occurred, that the penalty for said violation is five hundred dollars (\$500) per day for each and every day that the violation continues; and (2) that if the penalty is not paid within seventy-two (72) hours of the notice, that a civil proceeding in the nature of a debt will be initiated in a court of the appropriate jurisdiction against the offender. Each and every day's violation shall constitute a separate offense.

(B) The Planning Director shall be authorized to institute any action at law as provided by General Statutes 160A-175(c), (d), and (e), 160A-389 [N. C. GEN. STAT. 153A-123], and/or 7A-245 [and N. C. GEN. STAT. 14-4].
(Ord. of 12-20-93; Amend. of 6-24-97)

SECTION 31A-68. DELEGATION OF AUTHORITY TO PLANNING DIRECTOR.

The County Board of Adjustment may authorize the Planning Director to act on behalf of the Board. The requirements may be applied to the County Board of Adjustment.

ADOPTED this the 20th day of December 1993.