



Board of Adjustment

Members:

Gregory Parks
Marva Lucas-Moore
Linda Amos
Robert Davis
Vickie Mullins

Alternates:

Kenneth Turner
Gary Silverman
Brenez Orozco
Jovan Bowser
Donald Brooks

AGENDA
MARCH 21, 2024
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, March 21, 2024, at 6:00 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 OCTOBER 19, 2023, 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):
 - A. **BOA-2024-0002:** Consideration of a Special Use Permit to allow a telecommunications monopole in an A1 Agricultural District on 261.39 +/- acres, located at 3142 County Line Road; submitted by Ryan Woods (applicant) on behalf of Grays Creek Properties, LLC (owner).
10. DISCUSSION/UPDATE(S):
11. ADJOURNMENT

Purposely Left Blank



Board of Adjustment

MINUTES
October 19, 2023
6:00 PM

Members Present

Robert Davis
Vickie Mullins
Kenneth Turner-Alt
Donald Brooks-Alt
Brenee Orozco-Alt

Absent Members

Gregory Parks-Chair
Linda Amos, Vice-Chair
Marva Lucas-Moore
Jovan Bowser-Alt
Gary Silverman- Alt

Staff/Others Present

David Moon
Christopher Portman
Amanda Ozanich

Robert Hasty (Asst County Attorney)
Telly Shinas- Audience

Kenneth Turner: Made a motion to appoint Robert Davis as acting Chair.
Vickie Mullins: Second the motion.
All are in favor.

Chair Davis called the meeting to order at 6:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. INVOCATION

Vickie Mullins read the invocation.

PLEDGE OF ALLEGIANCE

Recited by all.

Chair Davis stated the procedural matters are to turn off all cell phones or to place them on silent. Any speakers that address the board please. If any Board member wishes to speak, please ask to be recognized by the Chair.

2. ROLL CALL

David Moon: called roll and made note of the absence of Gregory Parks, Linda Amos, Marva Lucas-Moore, Jovan Bowser, and Gary Silverman.

David Moon: stated we have a quorum.

SWEAR IN OF STAFF

Chair Davis swore in staff Christopher Portman and David Moon.



Board of Adjustment

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE SEPTEMBER 21, 2023, MINUTES

Kenneth Turner: Made a motion to accept the September Meeting minutes.

Vickie Mullins: Second the motion.

All are in favor.

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

There were none.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS:

David Moon: read the policy statement and introduced himself and the staff present. This included Chris Portman (Senior Planner), Telly Shinas (Planning Manager) and Amanda Ozanich (clerk).

8. PUBLIC HEARING(S)

David Moon: We have one case tonight. It is:

BOA-2023-0011: Consideration of a Special Use Permit to allow a temporary Public Utility Works, Shops, or Storage Yard in an A1 Agricultural District on 7.4 +/- acres, located at the south side of Braxton Road, west of Chicken Foot Road; submitted by Duke Energy Progress, LLC (applicant) on behalf of Kathryn Barker (owner).

David Moon: Let me have a moment to pull up the presentation. Staff will give a presentation and after the presentation we can address and question the board may have and chair you would open up the meeting for the applicator to speak and public comments. The subject site for the meeting this evening is located in the southwest of Cumberland County just south of areas of hope mills. This case is a special use permit request. The applicant owner of the property is Kathryn Barker. The agent is Duke Energy progress LLC, and the request is a special use permit. The intent is to have a storage yard for Duke Energy progress for their efforts to expand and improve the electric grid system within Cumberland County and the Region. The site for the special use is located on approximately 7.4 acres. Special use, so to understand what we are addressing this evening it's those uses for which a building permit's required for the propose activity which are essentially compatible with other uses or activities permitted in a zoning district but which possess unique challenges or possess unique characteristics or qualities that require conference of review at a public hearing by the county board of adjustment and which maybe allowed only at the finding of fact and the imposition of reasonable conditions. As shown with in the county zoning ordinance under its permissible use matrix, a public utility works and storage yard is allowed only as a special use under the A1 zoning category and the subject site is zoned A1. Under the special use criteria, there are 4 criteria that the board must address. This evening I won't read these as the board is familiar with these criteria. I will note that the applicant has provide a written



Board of Adjustment

response to each of these criteria as part of your package this evening located in the staff report. The board of adjustment has the final authority to approve, deny or approve with conditions. In granting the approval of the special use permit the board of adjustment shall impose reasonable terms and conditions as it may deem necessary for the protection of the public health and general welfare and general interest and as authorized by the general statutes in the state of North Carolina. The applicant landowner must provide written consent to all imposed conditions. Duke Energy has done so. On the table before you there is a letter from Duke Energy accepting all the conditions within the special use permit that's proposed to you this evening and within your package. Last, I would like to state that the applicant Duke Energy has conducted a neighborhood meeting with the abutting property owners and held a meeting with them to discuss their proposed project. The applicant may give you details of that meeting this evening and within your staff report in front of you there should be a summary provided by Duke Energy as to that community meeting. Now I will turn the speaker over to Chris Portman senior planner who will give a description of the application and the proposed special use permit site plan. (1145)

Chris Portman: Good evening. I am Chris Portman, senior planner in current planning. As you can see here some of the subject property is surrounded by farmland and single family residential and manufactured homes with some office and commercial activities. Here are some zoning categories located in the area. You have RR Rural Residential, R10 residential, A1 Agricultural and ONIP conditional use. There are Hydric soils on the property. There is a water line and sewer line abutting the property but due to the temporary nature of this project there are no permanent offices or public restrooms provided. They will be doing porta Johns. This is the subject property. Here is another angle as well. This is the southeast view looking along Lilly Trotter drive. The west view and the northwest view. Here is a zoomed-out portion of the site plan proposed and here is a more detailed one. The entrance will be off of Braxton rd., which is a public, state-maintained road. It will be about a 20feet wide driveway and a 317feet long from Braxton Road to site. No access will be off the abutting Lilly Trotter Drive. That is the residential neighborhood which is also a public road. The site does back up to about 16-17 Residential houses and they are proposing an 8foot tall wooden fence that surrounds the property along the residential sides and an 8foot tall, 7foot tall chain link fence with a 1foot barbwire top that will face outside of the site. (13:58). Some of the key conditions is that this is a temporary use and is a maximum of 4yrs for this and when that 4years comes they can come back for a 2-year extension for the board approval. They are limited to the area shown on the special use site plan Provided. There is no outdoor lighting proposed but may request for security reasons and that must be consistent with outdoor lighting procedures set forth in our zoning ordinance. Some more conditions are Duke power is to maintain the 25foot buffer area that is between the site and the residential zoned neighbors. As mentioned before the 8' high wooden fence on the south and west sides that will be facing the residential neighborhood at the interior edge of the buffer. The 7'high security fence the chain-link with 1'high barbed wire at the top with a fabric mesh skirt attached at the north side. The screen will be provided along all 4 sides of the site. With granting a special use permit, the board of adjustment shall impose reasonable conditions and terms as may deem necessary for the public health and general welfare and public interest as is authorized under the general state statue 160D. The landowner must give consent to all written conditions proposed. That concludes staff's presentation, and you will either make a motion to approve, deny or approve with conditions for this site. (15:34)

David Moon: Are there any questions from the board to staff?

Kenneth Turner: What is the buffer to the back yard, to the adjoining homeowners and the fence? What did you say that was going to be?

Christopher Portman: Due to the temporary nature, they are proposing and 8' high wooden fence. So, it would be the residential zoned properties here and a 25' front yard space and then the 8' high wooden fence.

Kenneth Turner: So effectively it is a 25' space from homes to fence?



Christopher Portman: correct.

David Moon: and the screen fence is located on the interior so there will be 25' from open lots to the fence.

Donald Brooks: is that 25' just at that location or would it be all the way around?

Christopher Portman: the total subject property is 123 acres. They are only utilizing about 7 and a half acres of that, so the buffer would only be around the residential properties on the south and southwest.

David Moon: Now the chain link fence that faces the North and the East will have cloth plastic screen on it, similar to what you see at ball parks. It will also provide some screening from the road which is about 300' away.

Brenee Orozco: Is staff satisfied that the conditions that were provided to the applicant are indeed staff fulfilled.

David Moon: Staff position is that the special use site plan is, which is part of the approval, or action you take this evening, and the conditions are consistent with the county's zoning code and subdivision ordinance, at this time.

Brenee Orozco: So specifically, as to special use permit justification statement, looking at that is the staff satisfied with the applicant's response in exhibit B, as to the proposed laydown yard site? The plan accompanying the SUP request has been designed to meet all Cumberland County site plan requirements.

David Moon: (1900) Yes, but it's the boards responsibility to take in consideration their response and the other information that may be presented to you this evening from affected property owners, as well as other information presented to you this evening.

Brenee Orozco: Is anyone here that's going to be able to answer those questions?

David Moon: Yes.

Robert Davis: do we have any speakers?

David Moon: We have several speakers that are in favor. They are appearing to all be with the applicant, Duke Energy, Progress energy. I'm first going to call Amy Crout. She's the legal counsel, and she's serves as the lead, and she may call others that are also on this list.

Robert Davis: Please state your name and address.

Amy Crout: My name is Amy Crout. I'm an attorney at Smith Anderson. My address is 150 Fayetteville St., Raleigh NC.

Robert Davis: Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Amy Crout: I do. Thank you. Alright Chair Davis, members of board. Thank you for having us here tonight. I do have members of the Duke team with me. As well, our engineers and appraiser are here to answer any questions that you have in terms of formal presentations, I'll be giving a formal presentation and our appraiser plans to get up. Any other questions you have, we're available to answer before you close the public hearing. We are requesting that you approve the special use permit for the temporary lay down yard located off Braxton Road. First and foremost, I



Board of Adjustment

always like to thank our staff members with the county who helped us put together a site plan and work with us on the application. We appreciate all their work as we work through the process.

As for my presentation, I'll be going through the application materials and explaining how Duke's request meets all four of the relevant requirements. Shown on the screen. First just kind of want to give a general idea of the location and aerial map. Duke is always sensitive to the placement and particularly design of the storage yards, especially in this case in relation to surrounding land uses and they really do make every effort to minimize impacts ensure it doesn't materially endanger public health and safety and make sure it's in harmony with the area that its located.

(21:29) And then here we meet those goals. This is 123-acre property. We are only locating on that South side and the blue area. That's the special use area and it's the only area of the 123 acres that this special use permit covers. It does. It is located in an area of mix of residential and agricultural uses and zoning. In you can see that there are residential like a neighborhood to the West and the South, and we'll discuss them a little bit. The neighborhood meeting that we held and the protections we are putting in place to protect those residents.

Just as always, this is allowed with a special use permit in this A1 zoning district, and we think it's consistent with the overall plan.

(22:20) I do like to spend a little bit of time talking about what a lay down yard is and why it's necessary and for the board members who are here last month, this will probably be duplicative. But here we go. The lay down yard is a public necessity as it supports the nearby transmission line upgrade specifically for this one, Duke is rebuilding an 8-mile section of transmission line within an existing easement in the Fayetteville and Hope Mills area. So, this particular lay down yard is really here to support that upgrade project. The purpose of that lay down yard is to store materials and contractor equipment necessary to complete that project in a central location to that line upgrade. So, on the site there will be some bucket trucks, poles, nuts, and bolts. Importantly, there's no energized equipment stored at the site and there's no active construction on the site or full-time employees. This is truly like a drop off pickup center, and it'll be used in our conditions. We have it set Mondays through Fridays, 6:00 AM to 7:00 PM to minimize that impact on traffic and noise on neighbors and their properties, and I'll also note, even though we have 6:00 AM to 7:00 PM, often times the actual use is really limited to what our daylight hours are, because unless we decide for security reasons that it's necessary, it won't be lighted. Importantly, the lease is temporary. It's only going to be there for four years. We're hoping that construction of the actual lay down yard will begin in December and that will be done and completed. And materials can be delivered in February. So, at that point that really becomes a true pickup drop off location for the employee. The line upgrade project overall and as this temporary lay down yard associated with it serves Duke Energies continuous commitment to provide customers with reliable, safe, and increasingly clean energy. As such, it doesn't materially endanger the public health and safety and we would argue that it actually helps increase it, adds new equipment and technology. It strengthens the regions energy delivery system to better withstand extreme weather events, avoid outages and to improve restoration time so it really is a public necessity for this area. It also helps achieve Cumberland County's 2030 vision statements one and three, which called for a more diversified economy and infrastructure that keeps. (24:51)

Faced with development, we do this by enhancing and expanding the electrical infrastructure for the entire region. As I mentioned, knowing that the proposed lay down yard does abut some residential properties to the West and South, Duke held a neighborhood meeting prior to submitting their application. They mailed notice to 35 property owners, including residents and businesses, with properties either abutting or in view of the special use permit site.

The project overview on the screen is part of the materials that were provided to the landowners in the mailed notice. At this meeting, only two neighbors attended, and Duke gave a project overview, talking a little bit about the community benefits of the line rebuild. They showed a map of the lay down yard and gave residents pictures of the fence rendering. The only questions that were asked was really about security for the lay down yard and what security measures will be in place, which do address where fencing it's gated and locked. If additional security is needed, we'll provide the lighting, and that lighting plan shows that that pole mounted light won't spill into the residential property. And the only other questions were actually unrelated to the special use permit site. They were



Board of Adjustment

related to other portions of that 123-acre property, so not this special use permit site in particular. Just for context, the two neighbors that attended the meeting were located here. Where the red dots are in comparison to the site. So those are the two neighbors that showed up. Also present and is here with us tonight. (26:35)

So again, Duke has been very intentional in trying to reach out to neighbors and talk to them and intentionally in our conversations with staff to make sure we're really protecting all of our property, neighboring property owners in our site plan design and use. For the site plan, I think staff did a pretty good job of kind of walking through it, so I'll move a little bit more quickly through this piece, the lay down yard itself is 7.2 acres. The Access Rd. is .2 acres making the total bill upon area 7.4 acres and the total density for the entire project is only about 7.1 acres for that 123-acre site. Taking a closer look again, you have the access Rd. to the actual lay down yard that's set back over 300 feet from the road. It includes a 20-foot drive Aisle that allows trucks to easily maneuver within lay down yard and all of it is designed to be accessible for Emergency vehicles in case there is any need for access, you'll see to the bottom of the screen that there's a mobile office toilet and parking area again that allows for only 20 vehicles. There is no full-time staff that will affect minimally on traffic patterns and nothing on this site requires additional public or private water, sewer, or other utilities. (28:01)

If Duke deems necessary, you can see where that full mountain light would be at the top near the access driveway. Again, the photometric plan we provided shows it does not spill into those residential properties and would only be if we needed it for security purposes. In terms of protections for neighboring residential properties I think this goes to some of the questions that board members were asking earlier about fencing and buffering, so you'll see to the West and to the South, we have a 25 Foot front there between the Property lines and lay down yard we also have the purple line is our chain link Fence. It's a 7-foot chain link fence with a 1 foot of barbed wire and to the north and eastern sides, it will be screened so you won't be able to see into the lay down yard from the road on this one. (00:28:57). The blue line is our 8-foot length, and this is just to make it, you know, you're going to be looking into a chain link fence, screen chain link fence. You'll be seeing a very nicely constructed and maintained 8-foot privacy fence around properties for those neighbors.

This kind of gives you some renderings of what that would look like. Lilly driver Lane is the only Rd. that dead ends straight to site from the residential area and that is what you will be seeing from the end of that road the 8-foot-tall private wooden fence and then you can see just how that would work at the bottom. You have the 25 Foot buffer with the privacy fence and the chain link fence there, importantly, as part of our conditions, it will be maintained. The fences and is responsible for mowing and maintaining the grass strip between not only the two fences, but also between that 8-foot privacy fence and property line so we are committed to making sure that that area stays well maintained.

For the applicants proposed conditions, Staff walked through these. Again, we have lighting if needed and a Photometric plan was provided in the site plan. We asked that it would be approved, and we do as staff said. They do meet all zoning. There is hours of operation and are limited Monday thru Friday, 6am to 7pm, except during periods of emergency. The site may be accessed 24/7 until the period of emergency had ended. It is not intended to be accessed except for true emergencies. If our crews need to get in and get equipment. It's really to allow them to do so and access the site.

(31:08) For the next, because it's a temporary use, we're not adding any landscaping between the proposed use and residential properties instead we're putting that 8 ft tall, privacy fence. A lot of times we ask that we don't add any landscaping because if we plant trees or bushes next to our fences it often allows creatures assistance to get in and compromise the safety of the actual laydown yard, which is why we have decided to put that wooden fence up, (31:40) the screen fence in the other areas and have agreed to maintain all lands, you know the grass strips around it.



Board of Adjustment

Again, site plan only affects this small property, not the 123 acres. We are responsible for maintaining the fencing, and that grass strip. So those are the proposed conditions.

In terms of overall consistency with the special use standards and considerations, we really this meets all four standards for required by section 1606.C and staff did find that the site plan is to be consistent with the zoning code. Given the temporary nature, the site design, location, and requirement that the site be returned in the same or better condition at the end of the use, we do think the request is reasonable and informing with the surrounding areas. You know, in terms of its temporary, it's only four years. It's limited use during the week. It's not a full Construction site, so there's less noise. There will be no active construction during the day. Site design, it's a limited use of this 123-acre property. No additional utilities are needed and there's no removal of existing landscaping and primarily in four years when they're done with it. They're going to return it back to the same condition.

(00:33:05) While we would state that this is a public necessity, the impact study conducted by Cedar Creek Appraisal found that the temporary lay down yard will have a neutral effect on the value of surrounding properties, including those residential properties and thus maintain the value of those adjoining or budding properties. Our appraiser will speak to that in a moment. An environmental study found that no wetlands jurisdictional streams subject to state riparian buffer rules are on the property. So that is the gist of our application. We are happy to answer any specific site plan questions that you may have. Our engineers here. Again, duke worked very intentionally with staff and intended to work with the neighbors to really minimize the impacts on these property owners, and we would ask that you approve of the site plan and special use permit.

Brenee Orozco: (33:59) Hey I have a question just for clear, in your letter, the second line says we agree to the extent the bullet points conditions are applicable. Since the understanding is that the property will be developed in accordance with the site plan and I have an idea of what you mean, but can you expound specifically on the part to the extent of the bullet point.

Amy Crout: If you look at this special use permit conditions, there are several DEQ and NCDOT, just kind of boiler language that staff tend to typically put in there. We would meet those to the extent we are required to under the ordinance and as they meet our site plan, we just wanted to make sure we were being very clear about that, and I think staff can address a little bit more about why those boilerplate languages are in there if you like.

Kenneth Turner: (34:58) Just out of curiosity, with over 100 acres available space. Why would you have put it so close to adjoining property owners?

Amy Crout: I think it was the area that we were able to lease from the property owner, probably the topography of the land. It's just the negotiations with the property owners over that 123-acre place. Duke doesn't own all 123 acres. So, it becomes a negotiation of where we can successfully locate on the property, and we can have our engineers speak to that if?

David Moon: Miss Kraut was at the intent of the property owner to continue farming the remainder of the property?

Amy Crout: The remainder of the property will continue to farm.

Kenneth Turner: What was the last crop that was formed on that property? Corn, when was that?

Amy Crout: Yes. So, I can answer that. The last the last crop was corn, and it was farmed about a month ago. And so, it is an active farm currently. So, it's not, it's not going from vacant to a higher use. It isn't actively farmed piece of property so.



Donald Brooks: I thought you said something about a wooded area around the property. Around the 7 acres.

Amy Crout: A wooden fence that's.

Donald Brooks: So, the whole land is it's all farmland, the whole 123 acres is all farmlands.

Amy Crout: it's not all farmland this area right here if we can go back to it. This area right here is farms and the area we will be using is farmland. So, this is the area that is farmed, and this is the area of the special use permit. I am not sure of what wooded area you are referring to.

Donald Brooks: the next question I have is how many residential homes are in that neighborhood?

David Moon: So right there, there's approximately 21 homes that abut that property line. The number of homes that actually abut the special use site are 16.

Donald Brooks: and the other homes besides that?

David Moon: Staff has not counted the overall number of residential homes.

Donald Brooks: And so, I was asking when you said you had, you had the public meeting with the with the residents, only two homeowners out of all those homes showed up for the meeting?

Amy Crout: from everyone we mailed, we only had 2 homeowners show up for the meeting.

Robert Davis: any more questions?

Amy Crout: if we could call our appraiser, Alan Hair.

David Moon: he is listed as a speaker.

Amy Crout: I have copies of the impact study report for the board, and we asked that it be placed in the record.

Robert Davis: ok, lets get you sworn in. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Alan Hair: I do.

Robert Davis: please state your name and address.

Alan Hair: My name Alan Hair. My address is 1204 Arsenal Ave Fayetteville, NC, 28305. I'm an appraiser here in town and I'll tell you a little about myself. I graduated from NC state in Forestry and got my appraisal license, my brokerage license and I also got what they call M.A.I designation which is like a PhD in appraising. I'm a licensed irrigation contractor and licensed landscape contractor and a license LED remediator. was hired by the Council for Duke Energy Progress, Smith Anderson to form an impact study to determine the effect that the temporary laydown yard would have on the surrounding property values. To do this, my team and I went to the market and found situations that were similar and how and we studied how the real estate market would behave in these similar



Board of Adjustment

situations. The situations that we found were actually more intense and probably should be more detrimental than the temporary lay down in the yard. The fact that it's temporary, there's not been a lot of construction activity. We found three scenarios where we could do what we call paired sales and determine the appreciation rates of these sales and then measure that during the construction period. And we found that we had we had one that was next to an apartment development, Kingsley townhouses which is off of Cliff Dale Road and Lowell Harris and that is Cliff Dale Forest subdivision. We had two pairings in that we also found along the I-295 corridor the Outer loop. There's pear tree W subdivision. We have property right adjoining the 295 loop and then we have the double subdivision. We found a house on Bradley Rd. which also abuts the I-295 loop. And so, they're in the midst of construction. We tried to get the appreciation rate before they started construction.(40:50) And then after or during construction to see if it would have any deleterious effects on the appreciation rights of the property values, we measured this against the appreciation rate of the ZIP code for the construction and that gives us a baseline to see if there's any suppression. So, in every case, all three cases we found that there was no effect on the property, even the properties that abutted 295, they appreciated at the same rate or above the rate of the baseline over the broader market. So, there's no deleterious facts for actual intense construction projects. So, a temporary lay down yard, which is to have minimal activity should not have any impact whatsoever on the property values of the adjoining subdivision. Does anybody have any questions?

Brenee Orozco: I am sorry if you already stated it but what was the dates that you see on the documents prepared on October 16th as of.

Alan Hair: could you speak up a little bit.

Brenee Orozco: Yeah, I see the effective dates. What were the dates that you looked at your comps?

Alan Hair: in September.

Brenee Orozco: in 2023?

Alan Hair: yes ma'am.

Robert Davis: Any questions?

Brenee Orozco: you found, based on your research that there were no impacted. The other properties were not impacted by the laydown yard?

Alan Hair: The pairings that we did were adjoining or close to actual construction sites. The construction of 295. So, you're talking about a more intense and more active type of construction process other than just a lay down yard and those properties appreciated at or above the baseline, which was we used the ZIP code, the appreciation rate for the ZIP code over the two or three-year period and they appreciate it at or above so that we saw no suppression whatsoever, the appreciation rate. So that would that we drew the conclusion then that if you're by a temporary lay down you're that has a maximum time of four year. There's, there's not going to be any deleterious effect on the adjoining property owners in the Bridlewood subdivision.

Brenee Orozco: so, at the very least it would maintain the value.

Alan Hair: at the very least it would appreciate at the same rate as the broader market, correct. Any other questions?



David Moon: There are four other speakers, but if they are not called but they were listed as new one, which is Nuwan Wijesuriya, Jessica Wenger, Zachary Eulo, and Josh Katsikin. She's not calling them. I am just listing them as a speaker. Those listed as opposed to this application, there are two. The first is Sharon Vela if I have that pronunciation right.

Sharon Vela: yes.

Robert Davis: (44:22) Yes, ma'am. Please take look for the mic. Please. Raise your hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you god?

Sharon Vela: Yes,

Robert Davis: state your name and address.

Sharon Vela: My name is Sharon Vela. I live on 5524 walking trail way. I have been a realtor for over 14yrs, and we did not get a letter from Duke and that is why we were not there. I was not informed until after the meeting by one of the residents that it does not effect. My property will be affected and as being a realtor, I did not do any comparisons in preparation for this, but I do believe in my experience it will impact. My other concern is my dogs. I have a hound dog and even though they are inside dogs at 6:30 in the morning, if they hear like when they hear the trash cans come the trash come out any big vehicles, they will be going off. So, my biggest concern is the noise, especially at 6:30 in the morning and other biggest concern is the smells, but mostly the noise. I do feel a little bit better knowing that there will be a wooden fence, but I do believe in my experience, especially as being a heavy buyer's agent, and I've heard of a lot of buyers, I've shown a lot of buyers and I know that it will impact for the four years. It will impact the sale and then the people that will be asking what's going on with this because I have shown lots of houses and they ask, and a lot of times they walk away. So, I do believe that it will impact our value and like I said, I'm concerned about the dogs, and I was not informed.

Kenneth Turner: Does farm equipment running early in the morning, which typically happens frequently, not created issues for you?

Sharon Vela: No, mostly the farm equipment doesn't. They don't start till like 8 in the morning and usually I'll know because my dogs do go out as not really gone out at 6:30. But normally it's when everybody's kind of awake, especially in my household, I do have, I take care of my mom. So, I'm a morning person and I'm up first so I know when my dogs start going off and most of the time the first thing that comes out in the morning is around 7 is the trash, but usually. The farm equipment, I guess they've been very kind of. They're usually in the daytime where they come by our location of eligible going crazy.

Kenneth Turner: Are you one of those that back up to the actual? I don't know where that is. Could you point that out?

Sharon Vela: It's right here. 5524 walking trail way and we did not get a letter.

Brenee Orozco: on or about when did you find out.

Sharon Vela: I've found Cheryl's, whose house is right. Cheryl's house are the 2 dots. The ones that are close to chicken foot road. She's the one that called us and told us that they just came back from a meeting, and I didn't know about that and that they got a letter. But after the meeting is when I was informed.



Brenee Orozco(49:53): so, the same date of the meeting?

Sharon Vela: yes, that evening she called and told me. But the two people, if you look at those dots, they are not affected.

Brenee Orozco: now, what have you done to educate yourself on this project? Since your neighbor called and told you?

Sharon Vela: I've not done too much. I am starting college and then real-estate and I got a lot going on, but I've not done any. I should have done some compared market analysis, but I did not because I do CMAs, but I do know as my experience as being a realtor and showing buyers that it will. It will affect right now where the market is right now, it is a sellers' market and there's very low. It's about supplying demand and right now the supply is very, very low. The market has slowed down in the last couple of months. So, with the supply being low right now, all the houses are gone. I mean, you can't be picky as a buyer. So once that changes and I do feel that the market is starting to change, it has slowed down quite a bit. I have slowed down. I usually have about three to four closings a month, the last two months I've not had closing. I do have a listing that's going to be closing, in the first week of November and then I also have a house that I'm the buyer's agent that will be closing near the end of November. So I do believe the market has been very wiggly in the last 2-3 years, but I do believe if that ever changes over to a buyer market or the if inventory does increase, which right now houses are especially houses that are in the three hundreds and up are staying so right now the houses in our neighborhood have gone up to about the upper 260's to the 300's and because of inflation and because of the prices of the House that goes, they've gone up so much. When we bought a house, we bought it in 2008 and it was 185. Right now, the value of my house is probably going to be about 280. So, you're looking at OK, you got a lot of people that only qualify up to about 275, so anything that's less than that, they're going quick no matter where they're at, no matter what's affecting them. But anything other than after that, not getting as many buyers. So, and the houses are staying on the market a little bit longer. There's one house that's listed right now it is closer to walking trail way. It's like the 3rd or 4th house. It just came on the market, and it's set, but it's been about two weeks and usually houses are going on market and walking trail way and the Ridgewood subdivision they usually are on the microphone only a week.

Brenee Orozco: Is there any activity out there that you would suggest that a prospective buyer saw and therefore decided not to buy the House that you said has been on the market for two weeks now as it would regularly be so.

Sharon Vela: I would say probably the construction and probably what's behind, I know the biggest concern is going to be what's going to happen after the four years now? I think that if they educate a lot of the sellers and give out information that this is only going to be for 4yrs, and it will be better than what it was before. And we can inform the prospective new buyers that it might ease their mind a little bit. And my concern also is if we switch this over from agricultural to special, is it going to stay in that zoning or is it going to go back to agricultural zoning. (54:05)

Brenee Orozco: now based on your statement. Is it you're understanding that they're required there, that we're being asked to change the zoning? I want to make sure that we're on the same page.

Sharon Vela: Yes, I would like it to change back to agriculture because if they're only here for four years, then who else is going to go back into that property? If it's a special?

Robert Davis: For after that, I believe that she answered earlier that she said it was go back to the original format.



Board of Adjustment

Amy Crout: we are not requesting rezoning of the property. It stays A1. It stays agricultural and after the 4yrs it will be returned to the condition it's in.

(54:52) **Brenee Orozco:** Just wanted to make that's why I was asking with her understanding that I thought.

Robert Davis: yes, but no construction has begun as of yet?

Brenee Orozco: Just to be clear, it's your it's. Is it your contention that the property values will be impacted and that they will be impacted detrimentally impacted?

Sharon Vela: I don't believe they will be detrimental impacted, but they will be impacted.

Brenee Orozco: Ok but not detrimentally?

Sharon Vela: no.

Brenee Orozco: based on your understanding of what you've heard here today and the presentations, do you think that it's not a public necessity?

Sharon Vela: Could you say that again?

Brenee Orozco: do you disagree that requested use is, that there is not a public necessity in existence.

Sharon Vela: I'm not quite understanding.

Brenee Orozco: They're saying that there is, we need to consider if there is a public necessity to have the project if you will, do you disagree that it's not necessary?

Sharon Vela: no, I don't disagree.

Robert Davis: any other questions.

Sharon Vela: I do have a question about my dog. She is a coon hound and has a very deep bark. So, is that gonna cause me to get people complaining? That's that my biggest concern is the 6:30 in the morning because I know my dog is going to go off.

Kenneth Turner: I have two dogs and all I can tell you is I do everything I can to not aggravate my neighbors and umh. If this passes, then that's just the that's the best that you can do.

Donald Brooks: I'm sorry, I have a question about, what about you getting notified. You said you didn't get a letter? I guess my question is, was a random selection that you send that aside to or did you also have to make you send it to all of the residents in that area?

Robert Davis: ok

Vickie Mullin: from what we received in our packet, there was a public hearing notice that was put out, correct.



CUMBERLAND
COUNTY
NORTH CAROLINA

Board of Adjustment

David Moon: Yeah, if I could address that first on the neighborhood meeting, there is no county adopted policy that requires a neighborhood meeting. It was conducted voluntarily by Duke Energy, and we have no requirement as to what mail out notice that they may provide by state statute and the county ordinances. There is public notification that is required. OK, quasi-judicial cases, which is what is before you this evening based on findings of fact, we mail out notice typically to the abutting property owners. All property owners are abutting the subject special use site were sent a letter notifying them of the meeting. In addition, the property was posted with a sign along that roadway that was mentioned that butts up to the development and we also place a notice twice within the Fayetteville observer. All of that complies with the general statutes of North Carolina and the county ordinances.

Brenee Orozco: Ma'am, just you're an abutting property, right?

Sharon Vela: yes.

Robert Davis: thank you very much. Would the attorney answer his question?

Donald Brooks: were they randomly selected to the places that you mailed the letter too?

Amy Crout: They were not. They were sent to neighboring residents that either abutted the property or a business owner across the way who could see the special use permit site. And it is my understanding that while she might not have received it, she the 5524 walking trailway was on that mailing list.

Donald Brooks: so, you said that mailing address was on the mailing list, correct?

Amy Crout: yes.

David Moon: are we ready for the next speaker?

Robert Davis: are there any more questions? Next speaker.

David Moon: our next speaker is Gaberto Vela.

Robert Davis: raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Gaberto Vela: so, help me God, I do.

Robert Davis: State your name loudly in the microphone.

Gaberto Vela: (1:01:09) my name is Gaberto Vela. I'm her husband and I am a 30 yr. veteran. 12 marine Corp 18th army. I haven't been in infantry for the past 12 years as far as RMU as far as a laydown area. The only issue I actually have is it a true laydown yard, just nuts and bolts.

Robert Davis: could you speak a little closer to the mic.

Gaberto Vela: apologies. The only issue I actually have is. In my time in the military, I was in charge of mostly fabrications overseas. Electricity along with our contractors and junction boxes. Everything that pretty much Duke



Board of Adjustment

has on a laydown yard. If it's truly a nut and bolt laydown yard, I don't have a problem with that. The only issues I have will there be any type of capacitors there? PCB's, arsenics, the stuff that blows up aside from the fuses? That is what I was trying to address and if there will be an issue with anything that's going to be recovered from construction. Any kind of EOC event. An emergency event. Is that something that is going to be stored there or is hazmat, what's going to happen.

Robert Davis: is there anyone that would like to address this issue? Yes, sir. Please come up to the podium. Do you swear to tell the truth the whole truth and nothing, but the truth so help you God.

Nuwan Wijesuriya: I do.

Robert Davis: could you please state your name.

Nuwan Wijesuriya: my name is Nuwan Wijesuriya, and I work for Duke Energy, and I am at 411 Faithful St. Raleigh, NC. As far as this gentleman's question. This is an 8-mile-long line rebuild. So, the material that will be there is primarily steal poles, nuts and bolts and wire for the lines. We are not going to be housing any materials that are going to be containing PCB's. Additionally, duke does not install any material that has PCB's since they were outlawed in 1978.

Robert Davis: Thank you, so what you are saying is that this is poles and bolts and you are storing them in the yard to come get them as needed and you take them out to put poles up.

Nuwan Wijesuriya: right the poles come in sections, and they get taken to the site and get constructed at the site. So, this will basically warehouse steal poles, steal nuts and bolts and the conductive that will be used on top of the line.

Robert Davis: And it's not every day. It's 6:00, they come back and try getting new polls out of no. OK, if needed to come and take the polls out and put them up.

Nuwan Wijesuriya: That's right. When it comes time to have active construction at a particular location on the line, that's when they kind of take that too.

Robert Davis (1:04:56): Thank you, Sir.

Brenee Orozco: And before I ask my question, I would ask that you speak up please, so that it's heard.

Nuwan Wijesuriya: Oh, sure. Yeah.

Brenee Orozco: Thank you so very much, Sir, in consideration of whether a project would be developed this evening, whether the plan would be in harmony with the area in which it's located that specifically. Being a neighborhood and madam's concern about the dogs being awakened, bothered, and barking early in the morning and I would like to address that. OK, what, just to be clear, what time do you, what time are your people supposed to be there? If that's a question you can answer. If it's not, then. Just let me know who I should be asking that to. So, is it 6:30 in the morning? Because I want to address her concerns because she's the neighbor. It's abutting her property and she's got dogs. And when I think of being in harmony with the area in which it's located, it's a neighborhood. And that may be a valid concern, so I'd like to address it.



Amy Crout: (1:06:21) Yeah, first I think, 1st we would just also note yes, it is next to a neighborhood, but it's also active farmland now. So, and this is just a temporary storage yard, and this is not a full time construction site. So, it will be very limited use and we just put the parameters in there of Monday through Friday, 6:00 AM to 7:00 PM that's in our special that's in the conditions, so we cannot go before then or after then unless it's an emergency. And that doesn't mean every morning at 6:00 AM there will be someone at the site. As I mentioned in my previous presentation, a lot of times we need to take advantage of daylight hours. The sites not lighted, so it can make it difficult to work. You know at night or very early in the morning. So typically, daylight hours but we put those parameters on there so we can.

Brenee Orozco: 6:00 AM to 7:00.

Amy Crout: That's the current window in the special use permit. That doesn't mean that's going to happen every day.

Brenee Orozco: And if you decide to post lights at Dukes discretion. You will have those lights down towards the ground and when other as in your understanding is in conformity with the regulations.

Amy Crout: Yes, any light posted will be in conformity with the regulations, and if we go back to this slide, there's only one current pole mount on the proposed site and that's at that very kind of northern northeastern corner of the property right by that access Rd. And so, there's a photometric plan that was submitted with the site and it shows this spill area, and it doesn't come near the residential property.

David Moon: Madame Orozco's condition B3 of the proposed special use permit states, except for during periods of emergency, hours of operation, shall be limited to Monday through Friday from 6:00 AM to 7:00 PM during periods of emergency, the site may be accessed 24/7 until the period of emergency has ended.

Brenee Orozco: Thank you. I just wanted to make sure given we have the homeowner that's made her contention that, that was clear for everyone in the room.

Robert Davis: Any other questions?

David Moon: Sir, that was the last registered speaker under the opposed section.

Robert Davis: No speak of them. We can close the public hearing, correct?

David Moon: You may, unless you decide to entertain anyone else who wants to speak from the audience.

Robert Davis: Anyone else who wants to speak?
None. OK, yes.

Kenneth Turner: I'd like to make a motion.

David Moon: You may close it, yes.



Robert Davis: Yeah. At this time, since we have no others to speak with . I close the public hearing section of this meeting, good, now we're going to discussion, correct, good discussion question.

Kenneth Turner: Any questions I'll say when you finish discussion, I'll make a motion.

Brenee Orozco: I just want to make sure that as we are addressing our findings of fact that specifically point out Mr. Alan Hair's plan as prepared on October 16th, 2023. Based on that, the use will maintain or enhance the value of the joining or abutting property not hearing any contrary, contradictory information that the use is public necessity. So, I draw out our findings of fact that we specifically want to ensure that when we have some circumstances to support a statement that's important.

Robert Davis: I believe Ken's been through that, I believe.

Kenneth Turner: I'm a little confused as to her question honestly. Would you repeat that so I can understand?

Brenee Orozco: It's not a question. I will table it for when you make your findings of fact.

Kenneth Turner: They've already made the findings of fact that I agree.

Robert Davis: So, with and what?

Kenneth Turner: So, what I would be making is a motion based on exhibit I. Which is the Special use permit conditions. The site plan is identified and Exhibit E and also as we address in your situation, exhibit J being the applicants written response, does meet the four criteria necessary for approval. With that in mind, I make the motion we approve the special use permit for Duke Energy.

Vickie Mullins: I second.

Robert Davis: Motion second, are there any questions?

Brenee Orozco: No, I don't have any questions, but I would like a moment to consider what he said thank you.

Robert Davis: OK. Yeah.

Brenee Orozco: Thank you for that time. I have nothing further.

Robert Davis: Motion has been made and a second. All in favor say aye. Motion is unanimous.

Kenneth Turner Motioned to approve.

Vickie Mullins Seconded the motion.

All are in favor.

David Moon: Chair that concludes the case for this evening, we proceed on to the agenda. There is one other item on the agenda and that is the 2024 deadline and meeting schedule for the Board of Adjustment. Staff is asking for an approval from the board of adjustments regarding this this schedule.

Brenee Orozco: I moved to approve this schedule.



Board of Adjustment

Vickie Mullins: I second.

Robert Davis: All in favor. All are in favor. Motion carried.

Brenee Orozco: motion to adjourn.

Vickie Mullins: Second

All are in favor. Adjourned at 7:15pm.

Purposely Left Blank

REQUEST

Special Use – Tower in an A1 District

Applicant requests the BOA grant a Special Use Permit for a monopole telecommunications tower at a location illustrated on Exhibit "A". Located on a portion of a 261.39 +/- acre parcel south of County Line Road, the tower site is owned by Grays Creek Properties LLC and assigned to Duke Energy Progress, LLC through a recorded easement. The proposed monopole will be placed inside the boundaries of an existing utility substation located at the eastern-most corner of the property.

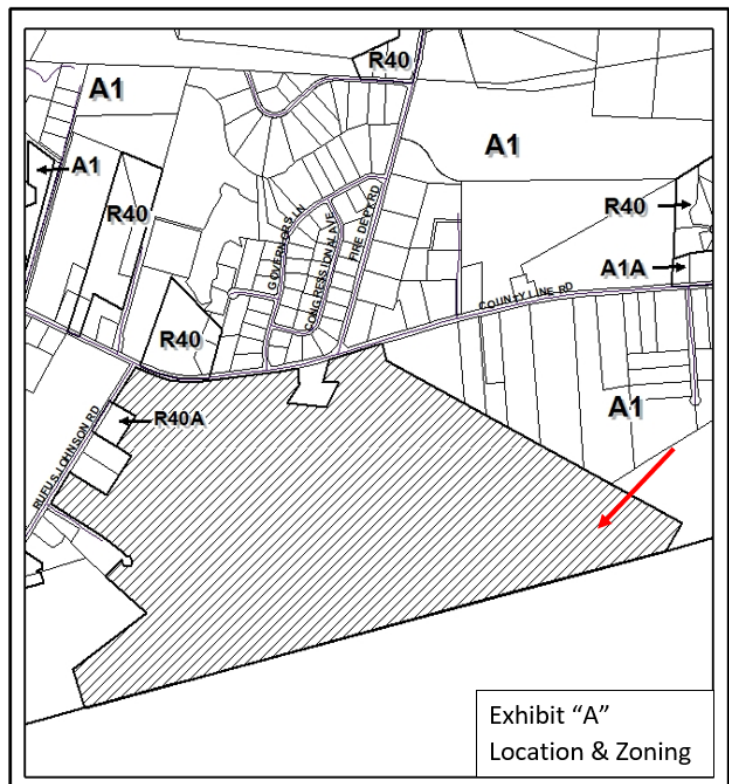
This communication tower will only serve Duke Energy's operation and will be placed within an existing approved electric transmission yard. It will bolster Duke Energy's communication network to securely transmit data to and from substations, and to support smart technology improvements Duke has made at these locations to increase reliability and quality of service to customers. The substation will continue to be unmanned with Duke technicians visiting the site when required.

A communication tower within an A1 zoning district must obtain a Special Use approval from the Board of Adjustment, per Section 403, County Zoning Code, as shown in Exhibit "B" (attached). A communication tower falls under the Use Matrix category of "Tower". A communication tower in an A1 zoning district must comply with the development standards and requirements set forth in Section 927 of the Zoning Code, including submittal of a site plan. Refer to Exhibit "C" (attached) for the development standards and requirements set forth in Section 927.

The applicant's proposed special use site plan appears in Exhibit "D" (attached). For any tower located within an A1 zoning district, the height of a tower is not restricted but the special setback standards for a tower apply. (Section 927.C.1)

Exhibits

- A. Site Location/Zoning
- B. Use Matrix, Sec. 403, Zoning Code
- C. Section 901, Individual Uses
- D. Section 927 Towers
- E. Special Use Site Plan
- F. Existing and Adjacent Uses
- G. Soil and Utilities
- H. South Central Land Use Plan
- I. Special Use Permit Conditions
- J. Sec. 1606 Applicant Response
- Attachments: notification mailing list;
Special Use application



PROPERTY INFORMATION

OWNER/APPLICANT: Grays Creek Properties, LLC, Owner; Duke Energy Progress, LLC, Agent

ADDRESS/LOCATION: 3142 County Line Rd Fayetteville, NC 28306. Located on the eastern area of the solar farm at the substation. REID: 0339673814000

SIZE: 1.21 +/- acres of a 261.39 +/- acre parcel.

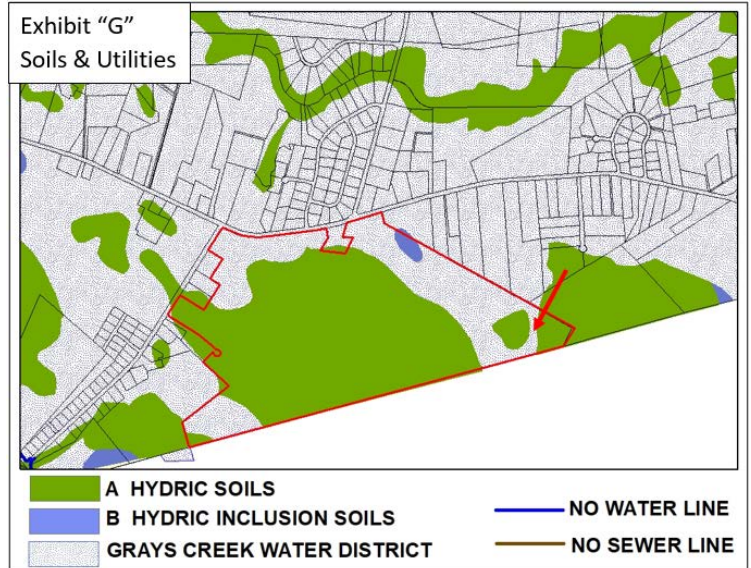
ROAD FRONTAGE: Road frontage along County Line Road is 2150 +/- linear feet.

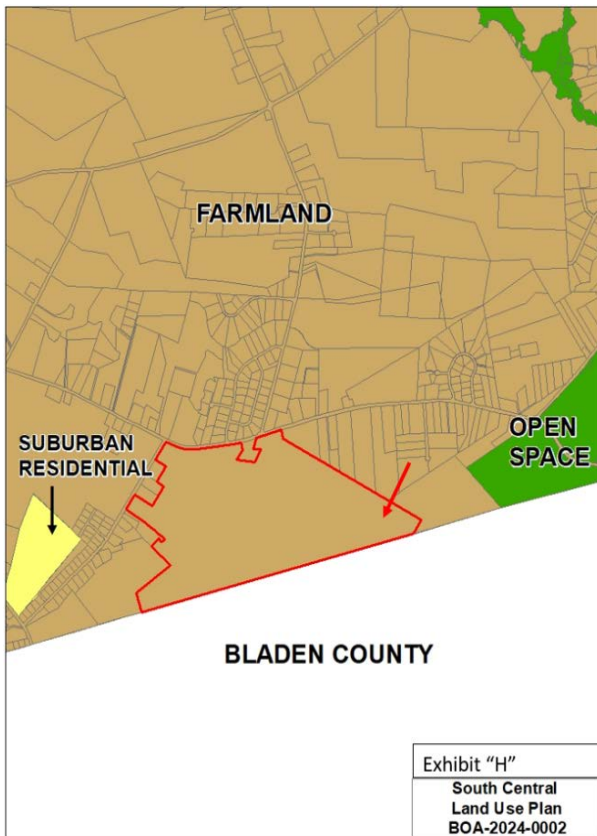
EXISTING LAND USE: The property contains a solar farm array and utility substation, as shown in Exhibit "E" (site plan) and "F" (existing use and surrounding uses.)

SURROUNDING LAND USE: Uses in the surrounding area and adjacent properties comprise single-family homes and farmland to the north. Wooded areas to the east. Continuation of the solar farm and wooded areas to the south. The solar farm operations to the west. Surrounding uses are shown on Exhibit "F".

OTHER SITE CHARACTERISTICS: The property is not located within a 100-Year Flood Zone. It is located within the Bladen Bluffs Watershed. There are hydric soils on the subject site, as shown on Exhibit "G".

MINIMUM YARD SETBACKS: The monopole tower would meet the required setback distance specified in 927.C.1 which states in agricultural zones that the setback distance shall not be less than the height of the tower.





COMPREHENSIVE PLANS:

Plan Area: South Central Land Use Plan 2015

Future Land Use Classification: Farmland

OVERLAY DISTRICTS: None

IMPACTS ON LOCAL INFRASTRUCTURE

TRAFFIC: The subject property sits on Conty Line Road and is identified as a local road in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, County Line Road has no 2021 AADT or road capacity data available. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact County Line Road.

UTILITIES: No public water and sewer lines are available to the site, and no water and sewer services are

provided at the sub-station site for lack of need.

ECONOMIC DEVELOPMENT: The staff from the Fayetteville Economic Development Commission have not identified any concerns and are supportive of this action.

EMERGENCY SERVICES: Cumberland County Fire Marshal’s office has reviewed the request and has commented that if new locks or locked gates are installed at the property that Knox boxes are established for emergency fire access.

SPECIAL DISTRICTS: The subject property is not located within five miles of Fort Liberty Military Base and is not located within or near the Fayetteville Regional Airport Overlay District.

APPLICABLE CODES

Use and development of the subject site must occur consistent with Section 927 of the Zoning Code, Case No. BOA-2024-0002 Site Plan (Exhibit “E”), and Special Use Conditions (Exhibit “I”)

FINDINGS OF FACT

The proposed Special Use Permit is provided in Exhibit “E”.

Pursuant to Section 1606.C. Special Use Permits, Consideration of Application, the Board of Adjustment must establish a finding of fact for the following criteria to approve the special use:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.
2. The use meets all required conditions and specifications.

3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

Applicant's response to each of these criteria are provided within Exhibit "J".

Staff finds the Special Use Site Plan to be consistent with the County Zoning Code.

MOTION

The BOA is requested to take action/motion based on the findings of fact, as supported by the Special Use Site Plan (Exhibit "E") and Special Use Conditions (Exhibit "I"). Any motion to approve the special use includes approval of the Special Use Permit conditions and the Special Use Site Plan.

Attachments:
Notification Mailing List

EXHIBIT "B"
SECTION 403: USE MATRIX

CUMBERLAND COUNTY ZONING ORDINANCE P = PERMITTED USE S = SPECIAL USE (Sec. 1606 Board of Adjustment) Z = CONDITIONAL ZONING (Article V – County BOC)		ZONING CLASSIFICATIONS																						
		CD	A1	ALA	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	RE4	RS	RE4	RS4	CL(P)	CL(P)	CI(P)	MI(P)	MI(P)	
LAND USES																								
	SAWMILL AND/OR PLANING OPERATION (Sec. 916)	P	P																			P	P	
	SCHOOL, business and commercial for nurses or other medically oriented professions, trade, vocational & fine arts																		P	P	P	P	P	
	SCHOOLS, public, private, elementary or secondary (Sec. 916)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
	SECOND-HAND, PAWN AND FLEA MARKET (Sec. 923)																							
	SEPTAGE DISPOSAL SITE		P																					
	SEXUALLY ORIENTED BUSINESSES (Sec. 924)																							
	SHEET METAL FABRICATION																							
	SOLAR FARM		P																					
	SOLID WASTE DISPOSAL FAC. (Sec. 925)		S	S																				
	SPECIAL INFORMATION SIGNS (Sec. 1304 D)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
	STORAGE-FLAMMABLE																							
	STORAGE-OPEN																							
	STORAGE-WAREHOUSE																							
	SWIMMING POOLS, incidental to a principal use, (Sec. 1002C)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	TAILORING (Dressmaking)																							
	TAXICAB STAND OPERATION																							
	TELEPHONE SWITCHING/BOOSTER STATION		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	THEATER PRODUCTIONS, indoor, which show only films previously submitted to & rated by the Motion Picture Association of America & not including theaters regulated by Section 924																							
	THEATER PRODUCTIONS, outdoor (Sec. 926), which show only films previously submitted to & rated by the Motion Picture Association of America & not including theaters regulated by Section 924		S	S																				
	TIRE RECAPPING																							
	TOBACCO AND HEMP RETAIL (Sec. 926.1)																							
	TOWER (Sec. 927)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
	TRADES CONTRACTOR ACTIVITIES, with or without outside storage of equipment or supplies																							
	TRAILER RENTALS, including terminal activities, hauling and/or storage, incidental to same, but excluding mini-warehousing as defined herein																							



EXHIBIT "C"
SECTION 927, ZONING CODE

SECTION 927. TOWERS.

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

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

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

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

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

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

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

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

F. A buffer area at least 25 feet wide shall surround the tower compound. The buffer shall shield the compound area from the entire tract. No structures, including guyed

wires or anchors, may be constructed or located within the buffer. The buffer area shall be planted with evergreen trees that will attain a minimum height of 25 feet within four years and be spaced no greater than 20 feet apart. The inner fringe of the buffer area shall be planted with an evergreen hedge that shall have an initial height of at least three feet and an expected attainment of six feet in height within four years of planting. The hedge shall constitute a complete shield or visual blockage. If the Coordinator determines that a natural buffer already exists on site that substantially complies with the purpose and intent of this performance standard to an equal or greater degree, such an alternative natural buffer shall be considered adequate. If an alternative natural buffer is used, the user shall be responsible to ensure that the buffer remains compliant for as long as the tower remains. If a buffer is altered to an extent where it no longer serves to shield or obscure the compound from view, the applicant or tower user(s) shall install buffers as required by this section.

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

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

I. *Repealed.*

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

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

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

M. Each applicant, owner or developer shall demonstrate that the use will not be detrimental or injurious to the property values of the surrounding neighborhood. In

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

N. *Repealed.*

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

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

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

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

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

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

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

V. All tower sites shall comply with the provisions of the County Subdivision Ordinance. (*Amd. 02-19-08; Amd. 01-19-10*)

EXHIBIT "E"

SPECIAL USE SITE PLAN (BOA-2024-0002)

<p>PLANS PREPARED BY:</p> <p>TOWER ENGINEERING PROFESSIONALS 328 TRYON ROAD RALEIGH, NC 27603-5263 OFFICE: (919) 661-6351 www.tegroup.net</p> <p style="text-align: right;">N.C. LICENSE # C-1794</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>REV</th> <th>DATE</th> <th>ISSUED FOR:</th> </tr> <tr> <td>5</td> <td>03-11-24</td> <td>JURISDICTION COMMENTS</td> </tr> <tr> <td>4</td> <td>12-13-23</td> <td>JURISDICTION COMMENTS</td> </tr> <tr> <td>3</td> <td>06-02-23</td> <td>CLIENT COMMENTS</td> </tr> <tr> <td>2</td> <td>09-30-23</td> <td>CONSTRUCTION</td> </tr> <tr> <td>1</td> <td>09-13-22</td> <td>PRELIMINARY CONSTRUCTION</td> </tr> <tr> <td>0</td> <td>07-07-22</td> <td>PRELIMINARY CONSTRUCTION</td> </tr> </table> <p>DRAWN BY: <u>GSB</u> CHECKED BY: <u>GSB</u></p>	REV	DATE	ISSUED FOR:	5	03-11-24	JURISDICTION COMMENTS	4	12-13-23	JURISDICTION COMMENTS	3	06-02-23	CLIENT COMMENTS	2	09-30-23	CONSTRUCTION	1	09-13-22	PRELIMINARY CONSTRUCTION	0	07-07-22	PRELIMINARY CONSTRUCTION	<p>PLANS PREPARED FOR:</p> <p>401 SOUTH WILMINGTON STREET RALEIGH, NC 27601 OFFICE: (800) 452-2777</p>	<p>PLANS PREPARED BY:</p> <p>811 Know what's below. Call before you dig.</p> <p>THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONFORMANCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER/POLE MANUFACTURER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES SHOWN AND THE SMALL OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.</p>																					
REV	DATE	ISSUED FOR:																																											
5	03-11-24	JURISDICTION COMMENTS																																											
4	12-13-23	JURISDICTION COMMENTS																																											
3	06-02-23	CLIENT COMMENTS																																											
2	09-30-23	CONSTRUCTION																																											
1	09-13-22	PRELIMINARY CONSTRUCTION																																											
0	07-07-22	PRELIMINARY CONSTRUCTION																																											
<p>PROPOSED TELECOMMUNICATIONS POLE</p> <p style="text-align: center;">SITE NAME:</p> <p>COUNTY LINE SOLAR</p> <p style="text-align: center;">SUBSTATION NUMBER (TELCOM ABBREVIATION):</p> <p>T6745 (NCFAY088)</p> <p style="text-align: center;">SITE ADDRESS:</p> <p>3142 COUNTY LINE RD FAYETTEVILLE, NC 28306 (CUMBERLAND COUNTY)</p>		<p>PLANS PREPARED BY:</p> <p>JOHN B. SNOGRASS REGISTERED PROFESSIONAL ENGINEER NO. 002017 March 11, 2024</p>																																											
<p>PROJECT INFORMATION:</p> <p>PROPOSED TELECOMMUNICATIONS POLE</p> <p style="text-align: center;">SITE NAME:</p> <p>COUNTY LINE SOLAR</p> <p style="text-align: center;">SUBSTATION NUMBER (TELCOM ABBREVIATION):</p> <p>T6745 (NCFAY088)</p> <p style="text-align: center;">SITE ADDRESS:</p> <p>3142 COUNTY LINE RD FAYETTEVILLE, NC 28306 (CUMBERLAND COUNTY)</p>		<p>UTILITY STATEMENT</p> <p>THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONFORMANCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER/POLE MANUFACTURER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES SHOWN AND THE SMALL OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.</p>																																											
<p>PROJECT INFORMATION:</p> <p>PROPOSED TELECOMMUNICATIONS POLE</p> <p style="text-align: center;">SITE NAME:</p> <p>COUNTY LINE SOLAR</p> <p style="text-align: center;">SUBSTATION NUMBER (TELCOM ABBREVIATION):</p> <p>T6745 (NCFAY088)</p> <p style="text-align: center;">SITE ADDRESS:</p> <p>3142 COUNTY LINE RD FAYETTEVILLE, NC 28306 (CUMBERLAND COUNTY)</p>		<p>INDEX OF SHEETS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>SHEET</th> <th>DESCRIPTION</th> <th>REV</th> </tr> </thead> <tbody> <tr> <td>T1</td> <td>TITLE SHEET</td> <td>5</td> </tr> <tr> <td>N1</td> <td>PROJECT NOTES</td> <td>4</td> </tr> <tr> <td>C1</td> <td>SPECIAL USE SITE PLAN</td> <td>5</td> </tr> <tr> <td>C2</td> <td>COMPOUND DETAIL</td> <td>4</td> </tr> <tr> <td>C3</td> <td>POLE ELEVATION</td> <td>4</td> </tr> <tr> <td>C4</td> <td>POLE FOUNDATION DETAIL & NOTES</td> <td>4</td> </tr> <tr> <td>C5</td> <td>ANTENNA MOUNTING DETAILS</td> <td>4</td> </tr> <tr> <td>O6</td> <td>UNDERGROUND CONDUIT DETAILS</td> <td>4</td> </tr> <tr> <td>E1</td> <td>ELECTRICAL NOTES</td> <td>4</td> </tr> <tr> <td>E2</td> <td>POLE GROUNDING AND ROUTING PLAN</td> <td>4</td> </tr> <tr> <td>E3</td> <td>BILL OF MATERIALS</td> <td>4</td> </tr> <tr> <td>E4</td> <td>GROUNDING DETAILS I</td> <td>4</td> </tr> <tr> <td>E5</td> <td>GROUNDING DETAILS II</td> <td>4</td> </tr> </tbody> </table>		SHEET	DESCRIPTION	REV	T1	TITLE SHEET	5	N1	PROJECT NOTES	4	C1	SPECIAL USE SITE PLAN	5	C2	COMPOUND DETAIL	4	C3	POLE ELEVATION	4	C4	POLE FOUNDATION DETAIL & NOTES	4	C5	ANTENNA MOUNTING DETAILS	4	O6	UNDERGROUND CONDUIT DETAILS	4	E1	ELECTRICAL NOTES	4	E2	POLE GROUNDING AND ROUTING PLAN	4	E3	BILL OF MATERIALS	4	E4	GROUNDING DETAILS I	4	E5	GROUNDING DETAILS II	4
SHEET	DESCRIPTION	REV																																											
T1	TITLE SHEET	5																																											
N1	PROJECT NOTES	4																																											
C1	SPECIAL USE SITE PLAN	5																																											
C2	COMPOUND DETAIL	4																																											
C3	POLE ELEVATION	4																																											
C4	POLE FOUNDATION DETAIL & NOTES	4																																											
C5	ANTENNA MOUNTING DETAILS	4																																											
O6	UNDERGROUND CONDUIT DETAILS	4																																											
E1	ELECTRICAL NOTES	4																																											
E2	POLE GROUNDING AND ROUTING PLAN	4																																											
E3	BILL OF MATERIALS	4																																											
E4	GROUNDING DETAILS I	4																																											
E5	GROUNDING DETAILS II	4																																											
<p>PROJECT INFORMATION:</p> <p>PROPOSED TELECOMMUNICATIONS POLE</p> <p style="text-align: center;">SITE NAME:</p> <p>COUNTY LINE SOLAR</p> <p style="text-align: center;">SUBSTATION NUMBER (TELCOM ABBREVIATION):</p> <p>T6745 (NCFAY088)</p> <p style="text-align: center;">SITE ADDRESS:</p> <p>3142 COUNTY LINE RD FAYETTEVILLE, NC 28306 (CUMBERLAND COUNTY)</p>		<p>CODE COMPLIANCE</p> <p>ALL UTILITIES SHOWN ON THESE PLANS SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS SHALL BE CONSIDERED TO CONFLICT WITH ANY OTHER CODES OR ORDINANCES. THE LATEST EDITIONS OF THE FOLLOWING:</p> <ol style="list-style-type: none"> CODE OF ORDINANCES NORTH CAROLINA CODE COUNCIL CITY/COUNTY ORDINANCES LOCAL ENGINEERING CODE 																																											
<p>PROJECT INFORMATION:</p> <p>PROPOSED TELECOMMUNICATIONS POLE</p> <p style="text-align: center;">SITE NAME:</p> <p>COUNTY LINE SOLAR</p> <p style="text-align: center;">SUBSTATION NUMBER (TELCOM ABBREVIATION):</p> <p>T6745 (NCFAY088)</p> <p style="text-align: center;">SITE ADDRESS:</p> <p>3142 COUNTY LINE RD FAYETTEVILLE, NC 28306 (CUMBERLAND COUNTY)</p>		<p>POLE COORDINATES</p> <p>LATITUDE: N 39° 50' 33.97" (548427707) (MAD '83) LONGITUDE: W 78° 52' 11.72" (-788692177) (MAD '83) GROUND ELEVATION (AMSL) = 197.68' NAD 83 DATUM: NORTH CAROLINA STATE PLANE BY TOWER ENGINEERING PROFESSIONALS, DATED JUNE 11, 2022</p>																																											
<p>PROJECT INFORMATION:</p> <p>PROPOSED TELECOMMUNICATIONS POLE</p> <p style="text-align: center;">SITE NAME:</p> <p>COUNTY LINE SOLAR</p> <p style="text-align: center;">SUBSTATION NUMBER (TELCOM ABBREVIATION):</p> <p>T6745 (NCFAY088)</p> <p style="text-align: center;">SITE ADDRESS:</p> <p>3142 COUNTY LINE RD FAYETTEVILLE, NC 28306 (CUMBERLAND COUNTY)</p>		<p>POLE OWNER:</p> <p>DUKE ENERGY 401 SOUTH WILMINGTON STREET RALEIGH, NC 27601 CONTACT: (800) 452-2777</p> <p>PROPERTY OWNER:</p> <p>COMAS CREEK PROPERTIES LLC PO BOX 1715 PO BOX 1715, NC 28348 CONTACT: (800) 452-2777</p> <p>SITE APPLICANT:</p> <p>DUKE ENERGY 401 SOUTH WILMINGTON STREET RALEIGH, NC 27601 CONTACT: (800) 452-2777</p> <p>AREA OF CONSTRUCTION:</p> <p>180x1 S.F. ELECTRICAL SUBSTATION</p> <p>PRESENT OCCUPANCY TYPE:</p> <p>MICROWAVE POLE</p> <p>CURRENT ZONING:</p> <p>A1</p> <p>PARCEL ID:</p> <p>0359873814000</p> <p>JURISDICTION:</p> <p>HARRETT COUNTY</p> <p>UTILITIES:</p> <p>DUKE ENERGY (800) 452-2777</p> <p>POWER COMPANY:</p> <p>UNKNOWN</p> <p>NEAR SITE:</p> <p>UNKNOWN</p> <p>TELEPHONE COMPANY:</p> <p>UNKNOWN</p> <p>CONTRACT:</p> <p>UNKNOWN</p> <p>FEDERAL # NEAR SITE:</p> <p>UNKNOWN</p>																																											
<p>PROJECT INFORMATION:</p> <p>PROPOSED TELECOMMUNICATIONS POLE</p> <p style="text-align: center;">SITE NAME:</p> <p>COUNTY LINE SOLAR</p> <p style="text-align: center;">SUBSTATION NUMBER (TELCOM ABBREVIATION):</p> <p>T6745 (NCFAY088)</p> <p style="text-align: center;">SITE ADDRESS:</p> <p>3142 COUNTY LINE RD FAYETTEVILLE, NC 28306 (CUMBERLAND COUNTY)</p>		<p>PROJECT TEAM</p> <p>SURVEYOR: NAME: N/A ADDRESS: N/A CITY/STATE, ZIP: N/A PHONE: N/A</p> <p>CIVIL ENGINEER: NAME: N/A ADDRESS: N/A CITY/STATE, ZIP: N/A PHONE: N/A</p> <p>STRUCTURAL ENGINEER: NAME: TOWER ENGINEERING PROFESSIONALS, INC. ADDRESS: 328 TRYON ROAD, RALEIGH, NC 27603 CONTACT: JOHN B. SNOGRASS, P.E. (919) 661-6351</p> <p>ELECTRICAL ENGINEER: NAME: TOWER ENGINEERING PROFESSIONALS, INC. ADDRESS: 328 TRYON ROAD, RALEIGH, NC 27603 CONTACT: JOHN B. SNOGRASS, P.E. (919) 661-6351</p> <p>GEOTECHNICAL ENGINEER: NAME: TOWER ENGINEERING PROFESSIONALS, INC. ADDRESS: 328 TRYON ROAD, RALEIGH, NC 27603 CONTACT: JOHN B. SNOGRASS, P.E. (919) 661-6351</p> <p>POLE MANUFACTURER: NAME: VALUITY INDUSTRIES ADDRESS: 1000 WILSON ROAD, WILSON, NC 27597 CONTACT: (919) 661-6351</p>																																											
<p>PROJECT INFORMATION:</p> <p>PROPOSED TELECOMMUNICATIONS POLE</p> <p style="text-align: center;">SITE NAME:</p> <p>COUNTY LINE SOLAR</p> <p style="text-align: center;">SUBSTATION NUMBER (TELCOM ABBREVIATION):</p> <p>T6745 (NCFAY088)</p> <p style="text-align: center;">SITE ADDRESS:</p> <p>3142 COUNTY LINE RD FAYETTEVILLE, NC 28306 (CUMBERLAND COUNTY)</p>		<p>PROJECT SUMMARY</p> <p>PROJECT INFORMATION:</p> <p>PROPOSED TELECOMMUNICATIONS POLE</p> <p style="text-align: center;">SITE NAME:</p> <p>COUNTY LINE SOLAR</p> <p style="text-align: center;">SUBSTATION NUMBER (TELCOM ABBREVIATION):</p> <p>T6745 (NCFAY088)</p> <p style="text-align: center;">SITE ADDRESS:</p> <p>3142 COUNTY LINE RD FAYETTEVILLE, NC 28306 (CUMBERLAND COUNTY)</p>																																											
<p>VICINITY MAP</p>		<p>DRIVING DIRECTIONS</p> <p>FROM FAYETTEVILLE, NC: TAKE PREFERRED ROUTE TO NC-87 S. STAY ON NC-87 S FOR 13.6 MILES, THEN TURN RIGHT ONTO COUNCIL RD. TAKE COUNCIL RD FOR 1.1 MILES, THEN TURN LEFT ONTO THE SITE ACCESS DRIVE JUST AFTER PASSING BY VERNON BAPTIST CHURCH. THE SITE WILL BE AT THE END OF THE ACCESS DRIVE.</p>																																											
<p>LOCATION MAP</p>		<p>PROJECT TEAM</p> <p>SURVEYOR: NAME: N/A ADDRESS: N/A CITY/STATE, ZIP: N/A PHONE: N/A</p> <p>CIVIL ENGINEER: NAME: N/A ADDRESS: N/A CITY/STATE, ZIP: N/A PHONE: N/A</p> <p>STRUCTURAL ENGINEER: NAME: TOWER ENGINEERING PROFESSIONALS, INC. ADDRESS: 328 TRYON ROAD, RALEIGH, NC 27603 CONTACT: JOHN B. SNOGRASS, P.E. (919) 661-6351</p> <p>ELECTRICAL ENGINEER: NAME: TOWER ENGINEERING PROFESSIONALS, INC. ADDRESS: 328 TRYON ROAD, RALEIGH, NC 27603 CONTACT: JOHN B. SNOGRASS, P.E. (919) 661-6351</p> <p>GEOTECHNICAL ENGINEER: NAME: TOWER ENGINEERING PROFESSIONALS, INC. ADDRESS: 328 TRYON ROAD, RALEIGH, NC 27603 CONTACT: JOHN B. SNOGRASS, P.E. (919) 661-6351</p> <p>POLE MANUFACTURER: NAME: VALUITY INDUSTRIES ADDRESS: 1000 WILSON ROAD, WILSON, NC 27597 CONTACT: (919) 661-6351</p>																																											

GENERAL NOTES:

1. ALL REFERENCES TO OWNER IN THESE DOCUMENTS SHALL BE CONSIDERED DUKE ENERGY OR ITS DESIGNATED REPRESENTATIVE.
2. ALL WORK PRESENTED ON THESE DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR UNLESS NOTED OTHERWISE. THE CONTRACTOR MUST HAVE CONSIDERABLE EXPERIENCE IN PERFORMANCE OF WORK SIMILAR TO THAT DESCRIBED HEREIN. BY ACCEPTANCE OF THIS ASSIGNMENT, THE CONTRACTOR IS ATTESTING THAT HE DOES HAVE SUFFICIENT EXPERIENCE AND ABILITY THAT HE IS KNOWLEDGABLE OF THE WORK TO BE PERFORMED AND THAT HE IS PROPERLY LICENSED AND PROPERLY REGISTERED TO DO THIS WORK IN THE STATE OF NORTH CAROLINA.
3. STRUCTURE IS DESIGNED IN ACCORDANCE WITH ANSI/ISA-222-H STRUCTURAL STANDARD FOR ANTENNA SUPPORTING STRUCTURES, ANTENNAS, AND SMALL WIND TURBINE SUPPORT STRUCTURES AND THE 2018 NORTH CAROLINA STATE BUILDING CODE.
4. WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE 2018 NC BUILDING CODE (2015 IBC W/ AMENDMENTS).
5. UNLESS SHOWN OR NOTED OTHERWISE ON THE CONTRACT DRAWINGS, OR IN THE SPECIFICATIONS, THE FOLLOWING NOTES SHALL APPLY TO THE MATERIALS LISTED HEREIN, AND TO THE PROCEDURES TO BE USED ON THIS PROJECT.
6. ALL HARDWARE ASSEMBLY MANUFACTURER'S INSTRUCTIONS SHALL BE FOLLOWED EXACTLY AND SHALL SUPERSEDE ANY CONFLICTING NOTES ENCLOSED HEREIN.
7. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE, TO INSURE THE SAFETY OF THE STRUCTURE AND ITS COMPONENT PARTS DURING ERECTION AND/OR FIELD MODIFICATIONS. THIS INCLUDES, BUT IS NOT LIMITED TO, THE ADDITION OF TEMPORARY BRACING, GUYS OR TIE DOWNS THAT MAY BE NECESSARY. SUCH MATERIAL SHALL BE REMOVED AND SHALL REMAIN THE PROPERTY OF THE CONTRACTOR AFTER THE COMPLETION OF THE PROJECT.
8. ALL DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS SHOWN ON THE DRAWINGS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO BEGINNING ANY ORDERING, FABRICATION OR CONSTRUCTION ON THIS PROJECT. THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR DISCREPANCIES BETWEEN THE CONTRACT DRAWINGS AND FIELD CONDITIONS. THE CONTRACTOR SHALL IMMEDIATELY BRING TO THE ATTENTION OF THE OWNER AND THE OWNER'S ENGINEER, ANY DISCREPANCIES THAT BE RESOLVED BEFORE THE CONTRACTOR IS TO PROCEED WITH THE WORK. THE CONTRACT DOCUMENTS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES. OBSERVATION SHALL BE THE PROPERTY OF THE OWNER AND/OR THE ENGINEER SHALL NOT INCLUDE INSPECTION OF THE PROTECTIVE MEASURES OR THE PROCEDURES.
9. ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD QUALITY, FREE FROM FAULTS AND DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS AND ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND NOTIFIED TO THE OWNER AND THE OWNER'S ENGINEER. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF THE MATERIALS AND EQUIPMENT BEING SUBSTITUTED.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND LOCKOUTS IN CONNECTION WITH THIS WORK. THE CONTRACTOR IS RESPONSIBLE FOR INSURING THAT THIS PROJECT AND RELATED WORK COMPLES WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL SAFETY CODES AND REGULATIONS GOVERNING THIS WORK.
11. ACCESS TO THE PROPOSED WORK SITE MAY BE RESTRICTED. THE CONTRACTOR SHALL COORDINATE INTENDED CONSTRUCTION ACTIVITY, INCLUDING WORK SCHEDULE AND MATERIALS ACCESS, WITH THE RESIDENT LEASING AGENT FOR APPROVAL.
12. BILL OF MATERIALS AND PART NUMBERS LISTED ON CONSTRUCTION DRAWINGS ARE INTENDED TO AID CONTRACTOR. CONTRACTOR SHALL VERIFY PARTS AND QUANTITIES WITH MANUFACTURER PRIOR TO BIDDING AND/OR ORDERING MATERIALS.
13. ALL PERMITS THAT MUST BE OBTAINED ARE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR WILL BE RESPONSIBLE FOR ABIDING BY ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS.
14. 24 HOURS PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, THE CONTRACTOR MUST NOTIFY THE APPLICABLE JURISDICTIONAL (STATE, COUNTY OR CITY) ENGINEER.
15. THE CONTRACTOR SHALL REMARK (DRY, SCARIFY, ETC.) ALL MATERIAL NOT SUITABLE FOR SUBGRADE IN ITS PRESENT STATE AFTER REMARKING, IF THE MATERIAL REMAINS UNSUITABLE. THE CONTRACTOR SHALL UNDERCUT THIS MATERIAL AND REPLACE WITH APPROVED MATERIAL. ALL SUBGRADES SHALL BE PROFFERED WITH A FULLY LOADED TANDEM AXLE DUMP TRUCK PRIOR TO PAVING. ANY SOFTER MATERIAL SHALL BE REMOVED OR REPLACED.
16. THE CONTRACTOR IS REQUIRED TO MAINTAIN ALL PIPES, DITCHES, AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION UNTIL WORK IS ACCEPTED BY THE OWNER. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO MAINTAIN DRAINAGE STRUCTURE IN OPERABLE CONDITION.
17. ALL MATERIALS AND WORKMANSHIP SHALL BE WARRANTED FOR ONE YEAR FROM ACCEPTANCE DATE.
18. ALL BUILDING DIMENSIONS SHALL BE VERIFIED WITH THE PLANS (LATEST REVISION) PRIOR TO COMMENCING CONSTRUCTION. NOTIFY THE ENGINEER IMMEDIATELY IF ANY DISCREPANCIES ARE DISCOVERED. THE OWNER SHALL HAVE A SET OF APPROVED PLANS AVAILABLE AT THE SITE AT ALL TIMES WHILE WORK IS BEING PERFORMED. A DESIGNATED RESPONSIBLE EMPLOYEE SHALL BE AVAILABLE FOR CONTACT BY GOVERNING AGENCY INSPECTORS.

STRUCTURAL STEEL NOTES:

1. THE FABRICATION AND ERECTION OF STRUCTURAL STEEL SHALL CONFORM TO THE AISC SPECIFICATIONS AND MANUAL OF STEEL CONSTRUCTION, LOAD AND RESISTANCE FACTOR DESIGN, 13TH EDITION.
2. UNLESS OTHERWISE NOTED, ALL STRUCTURAL ELEMENTS SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:
 - A. STRUCTURAL STEEL: ASTM DESIGNATION A36 OR A992
 - B. ALL BOLTS: ASTM A325 TYPE GALVANIZED HIGH STRENGTH BOLTS.
 - C. ALL NUTS: ASTM A563 CARBON AND ALLOY STEEL NUTS.
 - D. ALL WASHERS: ASTM F436 HARDENED STEEL WASHERS.
3. ALL CONNECTIONS NOT FULLY DETAILED ON THESE PLANS SHALL BE DETAILED BY THE STEEL FABRICATOR IN ACCORDANCE WITH AISC SPECIFICATIONS AND MANUAL OF STEEL CONSTRUCTION, LOAD AND RESISTANCE FACTOR DESIGN, 13TH EDITION.
4. HOLES SHALL NOT BE FLAME CUT THRU STEEL UNLESS APPROVED BY THE ENGINEER.
5. HOT-DIP GALVANIZE ALL ITEMS UNLESS OTHERWISE NOTED, AFTER FABRICATION WHERE AS APPLICABLE. GALVANIZING: ASTM A123, ASTM, A153/A153M OR ASTM A653/A653M, G90.
6. REPAIR DAMAGED SURFACES WITH GALVANIZING REPAIR METHOD, AND PAINT CONFORMING TO ASTM A780 OR BY APPLICATION OF STICK OR THICK PASTED MATERIAL SPECIFICALLY DESIGNED FOR REPAIR OF GALVANIZING. CLEAN AREAS TO BE REPAIRED AND REMOVE SLAG FROM WELDS. HEAT SURFACES TO WHICH STICK OR PASTE MATERIAL IS APPLIED, WITH A FIBER REINFORCED POLYESTER FIBER REINFORCEMENT MAT, ON TOP OF PASTE TO SPREAD MULTEN MATERIAL UNIFORMLY OVER SURFACES TO BE COATED AND WPE OFF ANY EXCESS.
7. A NUT LOCKING DEVICE SHALL BE INSTALLED ON ALL PROPOSED AND/OR REPLACED BOLTS.
8. ALL PROPOSED AND/OR REPLACED BOLTS SHALL BE OF SUFFICIENT LENGTH TO EXCLUDE THE THREADS FROM THE SHEAR PLANE.
9. ALL PROPOSED AND/OR REPLACED BOLTS SHALL BE OF SUFFICIENT LENGTH SUCH THAT THE END OF THE BOLT BE AT LEAST FLUSH WITH THE FACE OF THE NUT. IT IS NOT PERMITTED FOR THE BOLT END TO BE BELOW THE FACE OF THE NUT AFTER TIGHTENING IS COMPLETED.
10. ALL ASSEMBLY AND ANCHOR BOLTS ARE TO BE TIGHTENED TO A "SNUG TIGHT" CONDITION AS DEFINED IN SECTION 8.1 OF THE AISC, "SPECIFICATION FOR STRUCTURAL JOINTS USING ASTM A325 OR A490 BOLTS", DATED JUNE 30, 2004.
11. FLAT WASHERS ARE TO BE INSTALLED WITH BOLTS OVER SLOTTED HOLES.
12. DO NOT OVER TORQUE ASSEMBLY BOLTS. GALVANIZING ON BOLTS, NUTS, AND STEEL PARTS MAY ACT AS A LUBRICANT, THUS OVER TIGHTENING MAY OCCUR AND MAY CAUSE BOLTS TO CRACK AND SNAP OFF.
13. PAL NUTS ARE TO BE INSTALLED AFTER NUTS ARE TIGHT AND WITH EDGE UP OUT. PAL NUTS ARE NOT REQUIRED WHEN SELF-LOCKING NUTS ARE PROVIDED.
14. GALVANIZED ASTM A325 BOLTS SHALL NOT BE REUSED.
15. WELDING SHALL BE PERFORMED IN ACCORDANCE WITH AMERICAN WELDING SOCIETY (AWS) D1.1-2010 STRUCTURAL WELDING CODE - STEEL.


FIBER NOTES:


FOR VERTICAL RUNS: ON TOWERS OR POLES, ALWAYS UNREEL THE SPOOL FROM THE TOP DOWN. ENSURE NO STRAIN IS PLACED ON THE FIRST 3 FEET OF THE CABLE, AND THAT THE CABLE IS PROPERLY AND SECURELY SUPPORTED. NEVER ALLOW THE CABLE TO BE SUPPORTED BY THE WEIGHT OF THE CABLE ITSELF. THE BOTTOM BEND SHALL HAVE A DRIP LOOP WITH A MINIMUM ONE FOOT BEND RADIUS AT 120°. IT IS RECOMMENDED THE FIBER BE TESTED BEFORE AND AFTER INSTALLATION FOR NO GREATER THAN .02 DB LOSS.

PLANS PREPARED FOR:

 401 SOUTH WILMINGTON STREET
 RALEIGH, NC 27601
 OFFICE: (900) 452-2777

PROJECT INFORMATION:
COUNTY LINE SOLAR
T6745 (NCFAY088)
 3142 COUNTY LINE RD
 FAYETTEVILLE, NC 28306
 (CUMBERLAND COUNTY)

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
 326 TRYON ROAD
 RALEIGH, NC 27603
 OFFICE: (919) 861-6351
 www.tegroup.net
 N.C. LICENSE #C-1794

SEAL:

 JOHN B. SPING
 PROFESSIONAL ENGINEER
 082017
 December 13, 2023

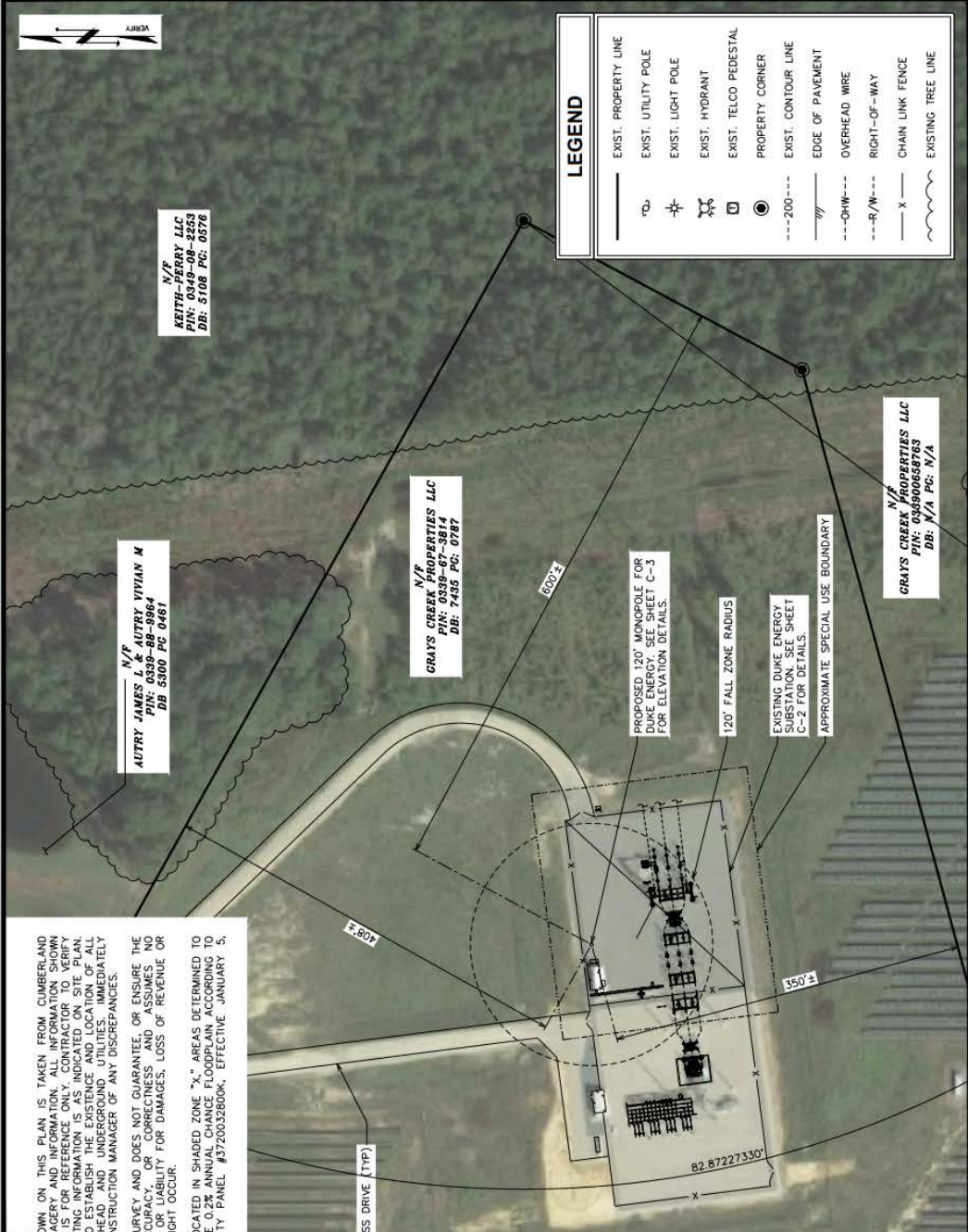
4	12-13-23	JURISDICTION COMMENTS:
3	06-02-23	CLIENT COMMENTS:
2	05-30-22	CONSTRUCTION
1	05-19-22	PRELIMINARY CONSTRUCTION
REV	DATE	ISSUED FOR:
DRAWN BY: GSE CHECKED BY: JBC		

SHEET TITLE:
PROJECT NOTES

SHEET NUMBER:
N-1
 REVISION:
4
 TEP#112601_052623

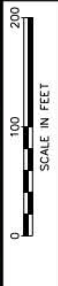
SITE PLAN

1. SITE SHOWN ON THIS PLAN IS TAKEN FROM CUMBERLAND COUNTY GIS IMAGERY AND INFORMATION. ALL INFORMATION SHOWN ON THIS PLAN IS FOR REFERENCE ONLY. CONTRACTOR TO VERIFY THAT ALL EXISTING INFORMATION IS AS INDICATED ON SITE PLAN. CONTRACTOR TO ESTABLISH THE EXISTENCE AND LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR TO IMMEDIATELY NOTIFY THE CONSTRUCTION MANAGER OF ANY DISCREPANCIES.
2. TEP DID NOT SURVEY AND DOES NOT GUARANTEE, OR ENSURE THE PRECISION, ACCURACY, OR CORRECTNESS AND ASSUMES NO LIABILITY FOR DAMAGES, LOSS OF REVENUE OR INJURY THAT MIGHT OCCUR.
3. THE POLE IS LOCATED IN SHADED ZONE "X," AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO FEMA COMMUNITY PANEL #3720032800K, EFFECTIVE JANUARY 5, 2007.



LEGEND

	EXIST. PROPERTY LINE
	EXIST. UTILITY POLE
	EXIST. LIGHT POLE
	EXIST. HYDRANT
	EXIST. TELCO PEDESTAL
	PROPERTY CORNER
	EXIST. CONTOUR LINE
	EDGE OF PAVEMENT
	OVERHEAD WIRE
	RIGHT-OF-WAY
	CHAIN LINK FENCE
	EXISTING TREE LINE



PLANS PREPARED FOR:

DUKE ENERGY
 401 SOUTH WILKINGTON STREET
 WILKINGTON, NC 28401
 OFFICE: (800) 452-2777

PROJECT INFORMATION:

**COUNTY LINE SOLAR
 T6745 (NCFAY088)**

3142 COUNTY LINE RD.
 FAYETTEVILLE, NC 28306
 (CUMBERLAND COUNTY)

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
 326 TRYON ROAD
 RALEIGH, NC 27603
 OFFICE: (919) 661-6351
 www.tepgroup.net
 N.C. LICENSE #C-1794

SEAL:

3	03-11-24	JURISDICTION COMMENTS
4	12-19-23	JURISDICTION COMMENTS
3	06-02-23	CLIENT COMMENTS
2	09-30-22	CONSTRUCTION
REV	DATE	ISSUED FOR:

DRAWN BY: GSB | CHECKED BY: JBC
 SHEET TITLE:

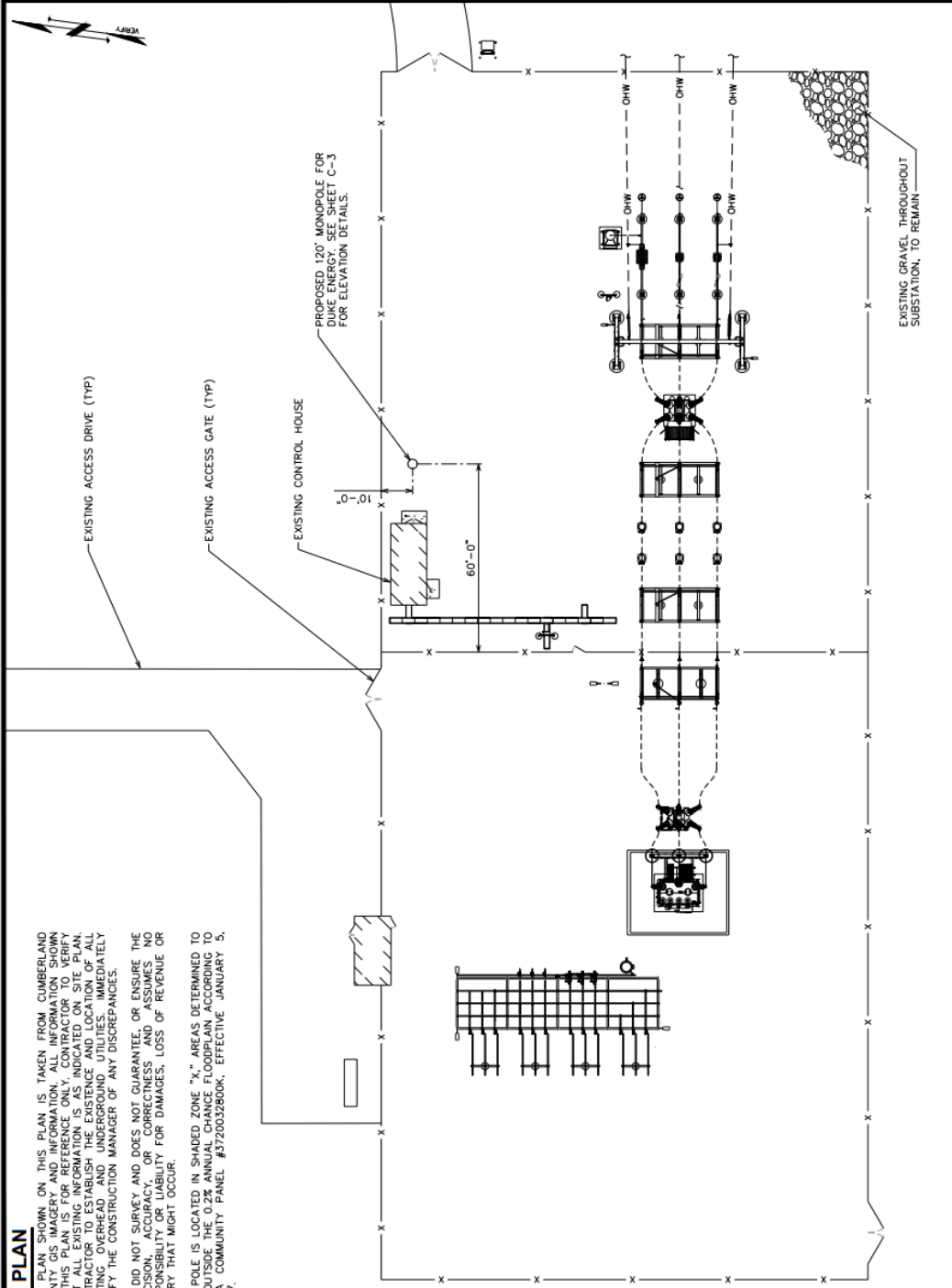
**SPECIAL USE
 SITE PLAN**

SHEET NUMBER: **C-1** REVISION: **5**
 TEP # 312249 | 696269

SPECIAL USE SITE PLAN
 SCALE: 1" = 100'


SITE PLAN

1. SITE PLAN SHOWN ON THIS PLAN IS TAKEN FROM CUMBERLAND COUNTY GIS IMAGERY AND INFORMATION. ALL INFORMATION SHOWN ON THIS PLAN IS FOR REFERENCE ONLY. CONTRACTOR TO VERIFY THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN. CONTRACTOR TO ESTABLISH THE EXISTENCE AND LOCATION OF ALL EXISTING OVERHEAD AND UNDERGROUND UTILITIES. IMMEDIATELY NOTIFY THE CONSTRUCTION MANAGER OF ANY DISCREPANCIES.
2. TEP DID NOT SURVEY AND DOES NOT GUARANTEE OR ENSURE THE PRECISION, ACCURACY, OR CORRECTNESS AND ASSUMES NO RESPONSIBILITY OR LIABILITY FOR DAMAGES, LOSS OF REVENUE OR INJURY THAT MIGHT OCCUR.
3. THE POLE IS LOCATED IN SHADED ZONE "V." AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO FEMA COMMUNITY PANEL #3720032800K, EFFECTIVE JANUARY 5, 2007.



PLANS PREPARED FOR:
DUKE ENERGY
 401 SOUTH WILMINGTON STREET
 RALEIGH, NC 27601
 OFFICE: (800) 452-2777

PROJECT INFORMATION:
**COUNTY LINE SOLAR
 T6745 (NCFAY088)**
 3142 COUNTY LINE RD
 FAYETTEVILLE, NC 28306
 (CUMBERLAND COUNTY)

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
 326 TRYON ROAD
 RALEIGH, NC 27603
 OFFICE: (919) 861-6351
 www.tepgroup.net
 N.C. LICENSE #C-1794

SEAL:

JOHN B. SNIDCO
 ENGINEER
 STATE OF NORTH CAROLINA
 LICENSE #032017

REV	DATE	ISSUED FOR:
1	09-13-22	PRELIMINARY CONSTRUCTION
2	09-30-22	CONSTRUCTION
3	06-02-23	CLIENT COMMENTS
4	12-13-23	JURISDICTION COMMENTS

December 13, 2023

DRAWN BY: GSS | CHECKED BY: JEG
 SHEET TITLE:
COMPOUND DETAIL

SHEET NUMBER: **C-2** | REVISION: **4**
 TEP # 3122001_GSN2653

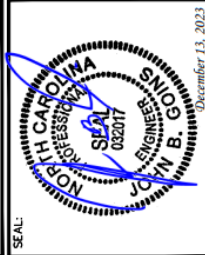
COMPOUND DETAIL
 SCALE: 1/8" = 1'-0"

 SCALE IN FEET

PLANS PREPARED FOR:
DUKE ENERGY
 401 SOUTH WILMINGTON STREET
 WILMINGTON, NC 28401
 OFFICE: (800) 452-2777

PROJECT INFORMATION:
**COUNTY LINE SOLAR
 T6745 (NCFAY088)**
 3142 COUNTY LINE RD
 FAYETTEVILLE, NC 28306
 (CUMBERLAND COUNTY)

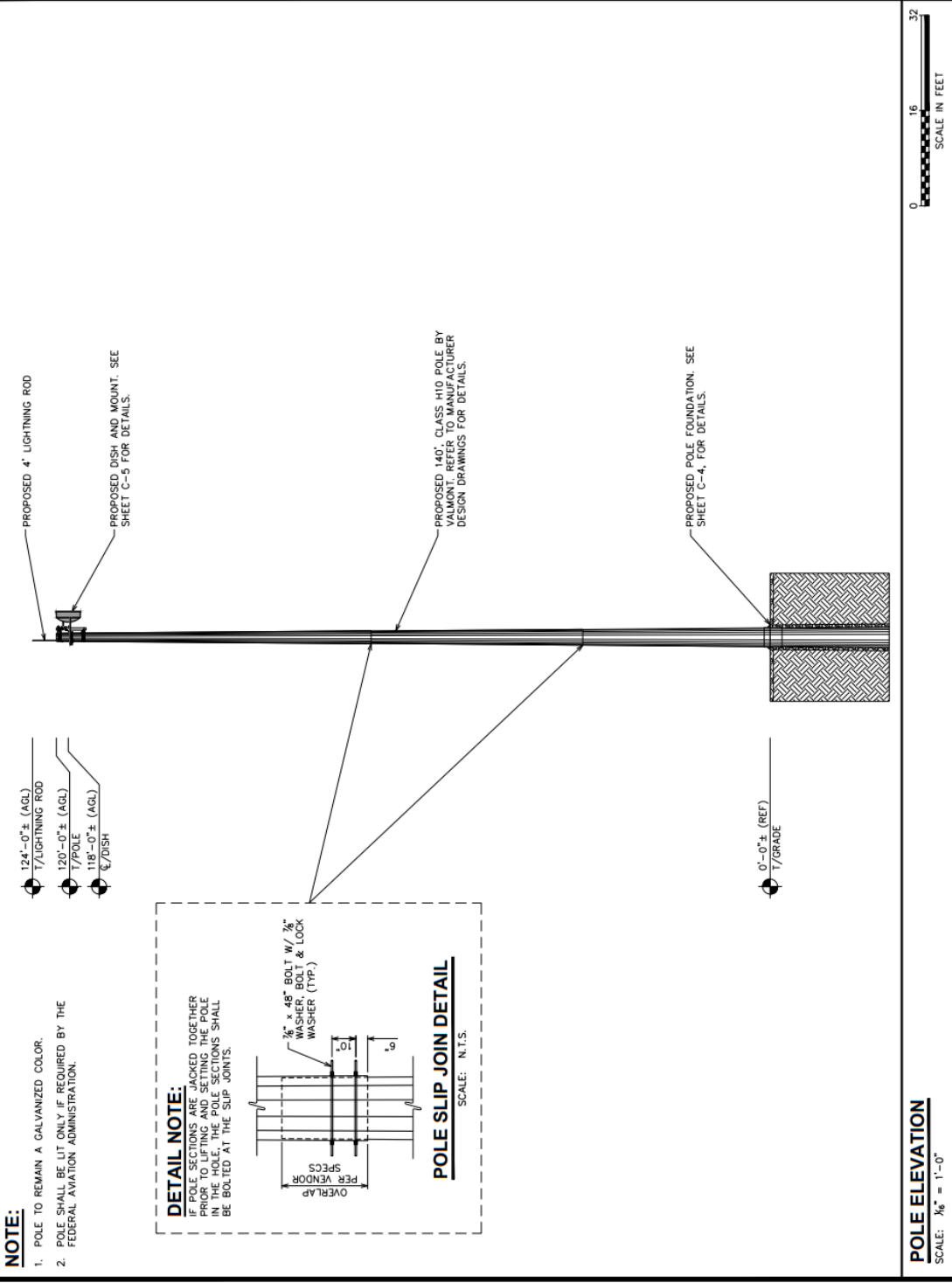
PLANS PREPARED BY:
TOWER ENGINEERING PROFESSIONALS
 326 TRYON ROAD
 RALEIGH, NC 27603
 OFFICE: (919) 861-6351
 www.tepgroup.net
 N.C. LICENSE #C-1794



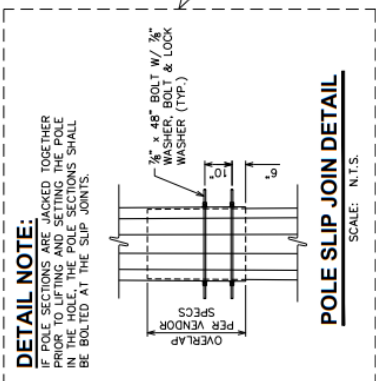
4	12-13-23	JURISDICTION COMMENTS
3	06-02-23	CLIENT COMMENTS
2	09-30-22	CONSTRUCTION
1	09-13-22	PRELIMINARY CONSTRUCTION
REV	DATE	ISSUED FOR:
DRAWN BY: <u>ESS</u> CHECKED BY: <u>JEG</u>		

SHEET TITLE:
POLE ELEVATION

SHEET NUMBER: **C-3**
 REVISION: **4**
 TEP #3 12691_696269



NOTE:
 1. POLE TO REMAIN A GALVANIZED COLOR.
 2. POLE SHALL BE LIT ONLY IF REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.



POLE ELEVATION
 SCALE: 3/8" = 1'-0"

EXHIBIT "I"
SPECIAL USE PERMIT BOA-2024-0002

Special Use Permit Conditions

Special Use Permit- Board of Adjustment
(Communication Tower Special Use Permit and Site Plan)
Ordinance Related Conditions

BOA-2024-0002: Consideration of a Special Use Permit to allow a monopole telecommunications tower on a Duke Energy Progress, LLC owned and operated utility substation in an A1 Agricultural District on a 1.21 +/- acres of a 261.39+/- acre parcel, located at 3142 County Line Rd, Submitted by Ryan Woods (applicant) on behalf of Duke Energy Progress, LLC (owners)

The Special Use Permit requested is approved subject to the contents of the application, site plan appearing in Exhibit "A" and the following conditions:

Applicability: This Special Use Permit shall only apply to a 1.21 acre portion of PIN 0339-67-3814 (as shown in the record of the Cumberland County Register of Deeds as of March 12, 2024) on which Duke Energy Progress, LLC operates an electrical substation, as such area is shown on the of the attached Special Use Site Plan (Exhibit "A")

Pre-Permit:

1. Applicant shall submit a revised site plan providing the following information to the current planning section for review, demonstrating compliance with the requirements and additional information required by conditions 9, 10, 11, 17, 18, 19 (satisfying the requirements of Section 927 Subsection F) and 27 herein in this approval letter.

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instruction on provisions of the County Zoning Code and permits required to place any structure within this development from the County Code Enforcement Section, at the Historic Courthouse at 130 Gillespie Street, Fayetteville, N.C. For additional information, the developer should contact the Code Enforcement Section. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
2. 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 (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
3. The proposed tower is approved only as the height depicted on sheet C-3 at an elevation 120 feet with a four foot (4') tall lightning rod attached. Tower height will be measured from finished grade.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]

5. Driveway Permit Required. Construction of any new connection or alteration of any existing connection to Burnett Road may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.
6. Prior to issuance of a building permit for the tower, the applicant/owner or developer must submit to the Code Enforcement Sections, drawings sealed by a licensed engineer and a certification letter from the licensed engineer who prepared the plans that the tower will meet all applicable Federal, State and local building codes and structure standards applicable to a communication tower (Section 927. H, Towers, County Zoning Ordinance.)
7. Prior to issuance of the building permit for the tower, the owner/operator of the tower shall submit a signed and sealed engineer's statement that the tower is structurally sound. If the Coordinator determines a tower is not structurally sound, the owner or operator of the tower shall, within 60 days or a shorter time period if required by the coordinator, complete repairs to restore the structural soundness of the tower.
8. 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. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)
9. A driveway from County Line Road to the tower site shall be maintained to allow access by emergency vehicles, and an overhead clearance of 14 feet shall be maintained over the driveway.
10. Proposed access drive for the subject tower site shall comply with NC State Building Code: Fire Prevention Code, Section D102 Required Access "D102.1 Access and loading. *Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds*".

Site-Related:

11. Development and use of the project site shall occur consistent with the Special Use Permit site plan (Exhibit "A"). All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the A1 zoning district for a communication tower must be complied with, as applicable. The communication tower shall be limited to a 1.21 acre area that is delineated on the Special Use Site Plan appearing in Exhibit "A".
12. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
13. 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 2307.A, County Subdivision Ord.)
14. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the stormwater 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. (Sec. 1102.O, County Zoning Ord.)

15. 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.
16. The eight foot high (8') chain link fencing at the substation site that will be the location of the proposed tower shall be sufficient for the Section 927.E requirement of the County Zoning Ordinance.
17. In the event the tower is not used for a period of six consecutive months (180 days), the tower shall be considered abandoned and must be removed at the owner's expense. The owner of the tower is required to remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice from the County requiring removal. The Code Enforcement Manager may establish a shorter period of time for removal in the event the tower is determined to be structurally unsound (Section 927.Q. Towers, County Zoning Ordinance).
18. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site and landscape areas are 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. (Sec. 1403, County Zoning Ord.)
19. If lighting is required by the FAA, it shall meet or exceed the FAA standards. To the extent allowed by FAA regulations and standards, strobes shall not be used for nighttime lighting. To the extent permitted by Federal statutes, regulations and standards, the lights shall be oriented so as not to project directly onto surrounding residential property. Prior to issuance of a building permit, the applicant, developer or owner shall submit documentation from the FAA that the proposed lighting is the minimum lighting required by the FAA.
20. Within the 1.21 +/- acre area covered by this Special Use Permit, only one tower shall be constructed and in operation. The monopole tower may be relocated anywhere within the Special Use Permit area as a minor amendment to the Special Use Permit that requires approval by the Planning and Inspection Director or a designee, and does not require BOA approval unless otherwise determined by the Director. The relocated tower shall comply with the Special Use Conditions of Approval. Further, the monopole tower may be replaced by a new tower placed within the Special Use Permit boundaries (1.21 +/- acres) subject to the terms of this Section 20. In the event the tower is replaced, the existing tower shall be removed within ninety (90) days after the new tower becomes operational.
21. Due to safety and security concerns, no third-party co-locations shall be allowed on Duke's monopole. Any antennae added to the monopole shall only be those belonging to Duke.
22. Due to the existence of surrounding vegetation around the existing substation and abutting property lines, and due to visibility and safety concerns for technicians, no additional landscaping shall be required for the tower being constructed at the site as depicted and built in accordance with the special use site plan in Exhibit "E".

Expiration Date.

This special use expires two years from the date the County Board of Adjustment approves the Special Permit No. BOA-2024-0002. The Board of Adjustment may approve an extension of this special use permit for up to two years if a written request for an extension is submitted at least thirty days prior to the expiration date.

Advisories:

23. Any revision or addition to this plan necessitates re-submission for review and approval by the Planning & Inspections Department prior to the commencement of the change.
24. 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.
25. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
26. 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.

Other Relevant Conditions:

27. This conditional approval is contingent upon continued compliance with the County's Subdivision and Development Ordinance and Zoning Ordinance, and the conditions set forth in the Special Use Permit. Development of the property must comply with all applicable local, state and federal laws and ordinances.

Issued by:

David B. Moon, AICP, CZO

Date

The above Special Use Conditions are accepted by Duke Energy Progress, LLC, at the March 21, 2024 BOA hearing, as documented by the official hearing minutes for that date.

EXHIBIT "A" OF
SPECIAL USE PERMIT BOA-2024-0002
SPECIAL USE SITE PLAN

(Same as Exhibit "A" of the Staff Report)

EXHIBIT "J"
APPLICANT'S RESPONSE TO SPECIAL USE CRITERIA AND APPLICATION
(Section 1606.C. Special Use Permits)



County Line Solar – Duke Energy
Special Use Permit Criteria
January 16, 2024
Page 1 of 2

Subject: Site Name: County Line Solar - Monopole
Proposed Duke Energy Monopole
3142 County Line Rd, Fayetteville, NC 28306
Section 1606.C Criteria

Special Use Criteria:

Duke Energy is proposing to install a monopole on their existing substation at 3142 County Line Rd in Fayetteville, NC. We are installing a wireless network device and utility pole as part of Duke Energy's communication network to securely transmit data to and from substations, and to support smart technology improvements we have made at these locations to increase reliability and quality of service to customers. Our previous communications provider will no longer be offering communication services to Duke Energy, so these upgrades are important to ensure our systems operate efficiently to meet customer needs.

We are submitting for a Special Use Permit to allow for this pole and would like to address the criteria per Section 1606.C here:

- 1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.**
Response: The proposed monopole has been designed by a licensed professional engineer and has a sealed structural analysis that confirms the pole is structurally sound. The 120-foot monopole will be setback 300 feet from the nearest property line, further ensuring public health and safety.
- 2. The use meets all required conditions and specifications.**
Response: The proposed monopole will meet the majority of the requirements listed in the County's UDO under Section 927 regarding towers. The only exceptions can be found in our SUP Conditions Letter. The details and the safety and security reasoning behind these mitigations can be found there.
- 3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity**
Response: The proposed monopole is being installed as part of Duke Energy's communication network to securely transmit data to and from substations, and to support smart technology improvements Duke has made at these locations to increase reliability and quality of service to customers. Duke's previous communications provider will no longer be offering communication services to Duke Energy, so these upgrades are important to ensure Duke's systems operate efficiently to meet customer needs.
- 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 the Cumberland County's most recent Comprehensive Land Use Plan.**
Response: This pole is being installed on Duke Energy's existing substation and will be used to increase reliability and quality of service to customers. The pole's use will aid the public utility and conform with the existing use of the property.



If you have any questions, feel free to contact me at my direct number: (919) 943-0397 or correspond at the email address shown below.

Sincerely,
Ryan Woods
rjwoods@tepgroup.net
Tower Engineering Professionals

ATTACHMENT: NOTIFICATION LIST

H & H CONSTRUCTORS OF FAY LLC
2919 BREEZEWOOD AVE 400
FAYETTEVILLE, NC 28303

JFJ III INVESTMENTS LLC
370 VALLEY RD
FAYETTEVILLE, NC 28305

EDGE, WILLIAM PHILLIP;EDGE, NANCY
RIVERA
3282 COUNTY LINE RD
FAYETTEVILLE, NC 28306

DAVIS, MICHAEL L;DAVIS, NICOLE M
7585 RUFUS JOHNSON RD
FAYETTEVILLE, NC 28306

MCMILLAN, BRIAN PAUL
3234 COUNTY LINE RD
FAYETTEVILLE, NC 28306

BOOTH, CHARLOTTE SMITH;BOOTH,
WOODSON EUGENE
7461 RUFUS JOHNSON ROAD
FAYETTEVILLE, NC 28306

MUFFETT, MARVIN E;MUFFETT, CYNTHIA
3238 COUNTY LINE ROAD
FAYETTEVILLE, NC 28306

MOUNT VERNON MISSIONARY BAPTIST
CHURCH
3184 COUNTY LINE RD
FAYETTEVILLE, NC 28306

ATWOOD, JASON WAYNE
7515 RUFUS JOHNSON RD
FAYETTEVILLE, NC 28306

TAYLOR, GEORGE ROY
1512 STARBURST DRIVE
FAYETTEVILLE, NC 28306

RIDDLE, JOSEPH MICHAEL
3074 COUNTY LINE RD
FAYETTEVILLE, NC 28306

NEWBOLD, JAMES B;NEWBOLD, ISABELLA
3155 COUNTY LINE ROAD
FAYETTEVILLE, NC 28306

BURNS, JULIA RENEGAR
2923 COUNTY LINE RD
FAYETTEVILLE, NC 28306

THURMES, TANGELA LEE
2973 COUNTY LINE RD
FAYETTEVILLE, NC 28306

RASHDAN, ERZSEBET;LOCKLAMY, SETH
7485 RUFUS JOHNSON ROAD
FAYETTEVILLE, NC 28306

BRADY, JASON A;BRADY, ERICA J
7608 RUFUS JOHNSON RD
FAYETTEVILLE, NC 28306

BARFIELD, CHAD A
8545 CONGRESSIONAL AVENUE
HOPE MILLS, NC 28348

COLEMAN, JOHN L;COLEMAN, MELINDA K
8533 CONGRESSIONAL AVE
HOPE MILLS, NC 28348

HAYNE HENS FARM INC
PO BOX 715
HOPE MILLS, NC 28348

SUTHERLAND, STUART M
7657 FIRE DEPARTMENT RD
HOPE MILLS, NC 28348

STEPHENS, CHARLES BRIAN;STEPHENS, M
8571 GOVERNORS LN
HOPE MILLS, NC 28348

PARKER, CAROL A;PARKER, RONALD L JR
8541 CONGRESSIONAL AVE
HOPE MILLS, NC 28348

BISHOP, TERRI KAY;WRIGHT, CLETTIS A
8570 GOVERNORS LANE
HOPE MILLS, NC 28348

GRAYS CREEK PROPERTIES LLC
PO BOX 715
HOPE MILLS, NC 28348

SUTTON, STEVEN E;SUTTON, RHONDA A
8537 CONGRESSIONAL AVE
HOPE MILLS, NC 28348

THANK YOU for your ad submission!

This is your confirmation that your order has been submitted. Below are the details of your transaction. Please save this confirmation for your records.

We appreciate you using our online self-service ads portal, available 24/7. Please continue to visit Fayetteville Observer's online Classifieds [portal](#) to place your legal notices in the future.

Changes and/or cancellations may not be honored up to 2 business days prior to your first publication date.

Job Details	
Order Number: LWLM0067552	Schedule for ad number LWLM00675520
Classification: Public Notices	Fri Mar 8, 2024 Fayetteville Observer
Package: General Package	All Zones
Total payment: \$121.21	Fri Mar 15, 2024 Fayetteville Observer
Account Details	
Cumb Co Joint Planning, Laverne Howard 130 Gillespie ST ATTN: LAVERNE HOWARD FAYETTEVILLE, NC 28301-5869 910-673-7600 www.cjplanning.com Cumb Co Joint Planning, Laverne	

**PUBLIC HEARING
NOTICE**

The Cumberland County Board of Adjustment will meet at 6:00 p.m. on Thursday, March 21, 2024, at the Old Court House Building, 130 Gillespie Street, Fayetteville, NC to hear the following:

BOA-2024-0002: Consideration of a Special Use Permit to allow a telecommunications monopole in an A1 Agricultural Dis. on a portion of 261.39 +/- ac., 3142 County Line Road; Ryan Woods (applicant), Grays Creek Properties, LLC (owner).
Publication Dates
L00000000

ATTACHMENT: APPLICATION



County of Cumberland
BOARD OF ADJUSTMENT

CASE #: _____
CUMBERLAND COUNTY BOA MEETING DATE: _____
DATE APPLICATION SUBMITTED: _____
RECEIPT #: _____
RECEIVED BY: _____

**APPLICATION FOR
SPECIAL USE PERMIT**

The Cumberland County Board of Adjustment meetings are held on the third Thursday of each month in the Historic Courthouse, 130 Gillespie Street - Hearing Room 3. The Planning and Inspections Department will advertise the public hearing and a notice will be mailed or delivered to surrounding residents or property owners that may be affected by the proposed Special Use Permit request.

The Board of Adjustment is a quasi-judicial review board and all persons wishing to appear before this Board should be prepared to give sworn testimony on relevant facts. Applicants for Special Use Permits are encouraged to read Section 1606 "Special Use Permits" of the Zoning Ordinance to ensure the technical requirements of the Ordinance are met before submission to the Board of Adjustment (see next page).

The following items are to be submitted with the complete application:

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. Cash or check payable to "Cumberland County" in the amount of \$ 3,250 _____ (see attached Fee Schedule)

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board of Adjustment meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan.

**EXCERPT FROM
THE CUMBERLAND COUNTY ZONING ORDINANCE**

Section 1606 SPECIAL USE PERMIT (portion of)

B. Procedure. Special Use Permit shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and three copies of a site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule. The Planning and Inspections Staff shall also notify the Commanders of Fort Bragg, and Pope U.S. Army Field of any application affecting the use of property located within a five miles or less of the perimeter boundary of said bases in accordance with the N.C. Gen. Stat §153A-323.

Developers are encouraged to discuss their Special use plans with the Planning and Inspections Staff before submission. The Staff shall assist the developer upon request by reviewing Special use plans to insure that the technical requirements of this Ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this Ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

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

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

Any special use permit granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified within one calendar year from the date of such approval.

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 3142 County Line Solar, Fayetteville, NC 28306

OWNER: Grays Creek Properties LLC

ADDRESS: PO BOX 715, Hope Mills, NC ZIP CODE: 28348

TELEPHONE: HOME 910-779-7391 WORK _____

AGENT: Ryan Woods (Tower Engineering Professionals) on behalf of Duke Energy

ADDRESS: 326 Tryon Rd, Raleigh, NC 27603

TELEPHONE: HOME (919) 943-0397 WORK _____

E-MAIL: rjwoods@tepgroup.net

**APPLICATION FOR A SPECIAL USE PERMIT
As required by the Zoning Ordinance**

A. Parcel Identification Number (PIN #) of subject property: 0339-67-3814
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 261.39 Frontage: _____ Depth: _____

C. Water Provider: N/a

D. Septage Provider: N/a

E. Deed Book 7435, Page(s) 787, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: Existing Duke Energy substation and solar farm

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.) _____

The additon of the monopole will be within Duke Energy's substation and will bolster Duke Energy's communication network to securely transmit data to and from substations, and to support smart technology improvements Duke has made at these locations to increase reliability and quality of service to customers.

The substation will continue to be unmanned with Duke technicians visiting the site when required.

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.

GRAMS CREEK PROPERTIES LLC

NAME OF OWNER(S) (PRINT OR TYPE)

PO BOX 715 HOPE MILLS NC 28348

ADDRESS OF OWNER(S)

CHARLIE@GLFNC.COM

E-MAIL

910-779-7391

HOME TELEPHONE #

WORK TELEPHONE #

Ryan Woods - Tower Engineering Professionals

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

326 Tryon Rd, Raleigh, NC 27603

ADDRESS OF AGENT, ATTORNEY, APPLICANT

rjwoods@tepgroup.net

E-MAIL

(919) 943-0397

HOME TELEPHONE #

WORK TELEPHONE #

[Handwritten Signature]

SIGNATURE OF OWNER(S)

[Handwritten Signature: Ryan Woods]

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

SIGNATURE OF OWNER(S)

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

**CUMBERLAND COUNTY BOARD OF ADJUSTMENT
FEE SCHEDULE**

BOARD OF ADJUSTMENT

SPECIAL USE PERMIT
VARIANCE
WATERSHED
ADMINISTRATIVE REVIEW APPEALS
INTERPRETATIONS
NONCONFORMING USES

* Board of Adjustment fee include hearings for the County Flood Ordinance and County Watershed Ordinance