



Cabarrus County Government

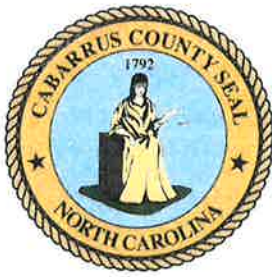
SPECIAL MEETING NOTICE

NOTICE IS HEREBY GIVEN that a Special Meeting of the Cabarrus County Planning and Zoning Board of Adjustment will be held on Wednesday, March 30, 2022, at 6:30 p.m. in the Board of Commissioners Meeting Room at the 65 Church Street S., Concord NC 28025

The purpose of the special meeting is for the Board of Adjustment to reconvene to address:

APPL2021-00001 – Appeal of a Notice of Violation for construction of structure without permits, disturbances of the required water body buffers and wetland disturbance. The address associated with the subject property is 3233 Hahn Scott Road (PIN: 5589-24-3362).

In accordance with ADA regulations, anyone in need of accommodation to participate in the meeting should notify the ADA Coordinator at 704-920-2100 at least 48 hours prior to the meeting.



Planning and Zoning Commission Minutes

March 30, 2022, Special Meeting

Mr. Adam Dagenhart, Chair, called the meeting to order at 6:35 p.m. Members present, in addition to the Chair, were Mr. Jeffrey Corley, Mr. Kevin Crutchfield, Mr. David Hudspeth, Mr. Andrew Nance, Ms. Ingrid Nurse, Mr. Charles Paxton, Mr. Chris Pinto, Mr. Brent Rockett and Mr. Stephen Wise. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Mr. Jay Lowe, Sr. Zoning Enforcement Officer, Ms. Martha Hernandez, Sr. Zoning Permit Associate, Ms. Arlena Roberts, Clerk to the Board, Mr. Richard Koch, County Attorney and Mr. David Goldberg, Deputy County Attorney.

Attending from the Tax Administration Office was Mr. David Thrift, Tax Administrator, Ms. Leslie Rimer, Exempt Property Analyst.

Attending from Construction Standards Office was Mr. Matt Love, Chief Codes Enforcement Officer and Ms. Theresa Wilkerson, Permit Associate.

Roll Call

The Chair said the purpose of this meeting is to resume the meeting from March 8, 2022, APPL2021-00001 – Appeal of a Notice of Violation for construction of structure without permits, disturbances of the required waterbody buffers and wetland disturbance. The address associated with the subject property is 3233 Hahn Scott Road (PIN: 5589-24-3362).

The Chair said at the last meeting, we concluded with the closing of the public hearing. At this time, the Board will need to consider whether Staff properly issued a Notice of Violation for construction of a structure without permits, disturbances of the waterbody buffers and wetland disturbances.

Previously, both parties concluded submission of evidence. During deliberations, we are able to ask questions if we have any, from either side. At this time, in the event that there are any questions, he will need to swear in all of the parties again. If you were not here last time and you think you might speak, you need to stand with the group and fill out a blue card and give it to the Clerk.

Mr. Richard Koch, County Attorney, stated that we have seated Ms. Ingrid Nurse and we need to make that a matter of the record. Ms. Grimsley sat last time and she is not here. Ms. Nurse was here in the room during the whole hearing, and she heard everything, so she has been seated.

Planning and Zoning Commission
Minutes
March 30, 2022

He said the law on that is that she was here and even though she was not part the panel originally, she is allowed to be seated because she did hear the evidence, and if she had not been here, she could still sit if she had reviewed everything before she came to the meeting tonight. So, she is allowed to be seated. He just wanted to point that out to the Board and to the people that are here.

The Chair administered the oath.

Mr. Zack Moretz said before we get started, he requests that the Board hear a matter of introducing two new pieces of evidence that were not available at the hearing. That is up to the Board's discretion, but they are pieces of evidence that were not available at that time, that have just become available since then and is highly relevant. We would like the chance to request the Board will admit them or at least hear them and give them whatever weight they desire.

The Chair asked Mr. Goldberg if he had any input before the Board discuss it.

Mr. David Goldberg, Deputy County Attorney, said the County's position is we had ample time to bring the evidence to light. This has been going on for years

Ms. Arstark spoke out from the audience.

The Chair reminded the audience that the rules still apply from the last meeting. If anyone speaks out, you will be asked to leave.

Mr. Goldberg continued. He said if they were to enter more evidence, we would come with more evidence as well.

We got notice of this yesterday, and we have not had a reasonable opportunity to consider it. It would just be overall prejudicial. We have examined it and do not think it would be helpful, in our opinion. We would oppose this but defer to the Board's judgment on it.

Mr. Moretz said if he could respond to that, the one is a set of emails between Mr. Goldberg and the Corps of Engineers that was in existence in 2021, which we did not have access to until a couple of days ago, when pursuant to a Freedom of Information Act request where we received about 1500 documents which we have not been through all those yet. But this is a very relevant document that we did not have until yesterday or the day before yesterday.

The other is a little more information from the Geologist, that we had presented information from him previously. There were some questions about his credentials and his opinions, and this is a further letter from him, as well as his credentials attached to the letter. We think those are very relevant for your understanding.

He said the first letter that was introduced, was part of the evidence in providing the professional

credentials of that gentleman and that was just received by us on the 29th of March, pursuant to trying to work this out with the County, which we were trying to do prior to tonight.

So, these are both new and nothing that we would have been able to present, and they have been shared with Mr. Goldberg. One of them is a string of emails from him that he provided to me so that is certainly not prejudicial to him and the other is something that we only received ourselves a couple of days ago and he provided to him that same day.

We would suggest as it would be in a court of law, you accept them and each individual Board member can give them whatever credence, or lack of credence, they believe they deserve. If some individual believes they should not have been admitted, do not look at it. But you do us a disservice by not allowing us to get all of the evidence in front of you. Why not put it in front of you and if you think it is not relevant or should not have been allowed, you do not have to look at it. But, if you do not look at it, it could never be considered by you, and we would object strongly, and it would be grounds for appeal of your decision if you are not looking at all of the evidence.

The Chair said you are just wanting to hand us a piece of paper. You are not wanting to get up here and explain anything? Because you were given ample time, both sides last time.

Mr. Moretz said we could do that. Ms. Arstark would like a chance to summarize in three minutes her opinion, that is up to the Board. As far as these pieces of papers, yes, he would just pass them up.

Mr. Jeff Corley does not know what the process is, whether this is a vote or whether you just want comment. He is very uncomfortable with adding additional evidence into consideration. This case would have been over with had we not had the time limits last meeting. On principle, he feels this late in the process, allowing new evidence without the other side being prepared to also provide new evidence, he is uncomfortable. He is uncomfortable even hearing what the content was, the description of what those things are, because he feels that was an opportunity that should not have occurred. But personally, he is not comfortable, and that has nothing to do with the case or the applicant. He wants to make that clear. He thinks that it is just a procedural issue that he has a little bit of hardship with.

Mr. Paxton would like more guidance from Mr. Koch.

Mr. Koch said as was pointed out just a minute ago, it is up to the Board to vote on whether you want to take more evidence. But as it was also pointed out, it is at your discretion and is something that you can do. He thinks that some of what has been discussed goes beyond what the law is. It is not necessarily a point of appeal that you did not consider it because the public hearing was closed last time.

This case has been going on for about a year and a half and if there has been a problem with time here at the end, it is something that is on the part of one party or the other not having their case

Planning and Zoning Commission
Minutes
March 30, 2022

ready and be able to present it to you when the original hearing was held. So, it is up to the Board to decide whether you want to hear something else, but it is not fair to the other side to have someone come in the day before and say that they want to open the case again and have you hear, because it does not give the other side an opportunity to deal with that in anyway, with enough time to be able to deal with it fairly.

It is in the Board's discretion as to what you want to do. He thinks the Board needs to vote on whether to allow more evidence or not.

Mr. Moretz said if the time to respond to it is an issue, which again he thinks that is a disingenuous statement to make, given that one is a set of emails between Mr. Goldberg and the Army Corps of Engineers from a year ago, that he just received, and one is something he only received two days ago and he provided a copy to him.

We would move that the hearing be reconvened to a later time to give the County time to review these and respond to them if that is necessary.

The Chair asked if anyone had anything to ask or input.

Mr. Kevin Crutchfield is personally inclined to allow the evidence. If we are going to do this thing and it affect somebody's livelihood and their house, he thinks we should take every opportunity to get it right. That his position on it.

The Chair said the problem that he has allowing evidence that Staff or the Board has looked at before this meeting is how do we digest it and process it for any discussions we are going to have?

The last meeting, their attorney entered into the record a packet that was not a part of our packet and Staff had only seen it the day before. He is not sure that anything is going to be resolved if he enters this evidence. He does not think there was any question other than the term Geologist versus Engineer, which his email did not state that he was a professional engineer. He does not know why that is even relevant. He does not know why you even brought that up. You should not have even told us that in your discussion. He feels like you just slid that in there so you could....

Mr. Moretz said put it to a vote. Mr. Dagenhart you are against it, so is Mr. Corley, it is obvious. Why don't you put it to a vote and just decide what you want to do? I am sorry to put such a fine point on it, but everybody in the room knows you are voting against it and as is Mr. Corley. So, if they want to hear the evidence, let them hear the evidence. If they don't.

The Chair reminded Mr. Moretz that the public hearing is closed, and presentations have been completed.

Mr. Moretz said he is aware of that.

Planning and Zoning Commission
Minutes
March 30, 2022

Mr. Paxton said his position is that he does not mind hearing the evidence if it is short and sweet. What can you do, to do that?

Mr. Moretz has highlighted the letters and he will just hand them to the Board, and I have said we will not do any testimony.

Mr. Paxton **MOTIONED, SECONDED** by Mr. Kevin Crutchfield to accept the additional information with no comments from the appellant. The vote was 5 to 4 to Deny.

Mr. Moretz objects to the refusal to accept the additional documents because they are very relevant. If this does go to Superior Court, it is noted for the record.

Also, we made a motion to reconvene and give the County time to review these. Has that been denied also?

Mr. Goldberg said can we be heard on that?

The Chair said sure.

Mr. Goldberg said, it has to end at some point. The issue is less what is in our ability to respond to this, but there are things that coming out of that last meeting, that we had a couple of weeks to digest that we could try to re-present and bring new evidence in, and we could do this forever. The record exists and we are prepared to move forward with it, and we are all here to do that.

The Chair asked for discussion or a motion.

Mr. Corley said if we are not admitting any more evidence into the record then we have what we have.

The Chair agrees, he asked if anyone else had comments.

Mr. Paxton said do we need a motion?

The Chair believes we do, to accept or deny the appellants request to reconvene.

Mr. Jeff Corley **MOTIONED, SECONDED** by Mr. Charles Paxton to **Deny** the request to reconvene. The vote was 8 to 1 to Deny with Mr. Crutchfield voting for.

Mr. Moretz said if he could ask Ms. Nurse, since she was not here before, if she read all of the record and everything from before, and she feel like you understand everything, and you can make a wise and impartial decision based on the information you reviewed?

Ms. Nurse said yes.

Planning and Zoning Commission
Minutes
March 30, 2022

He asked if she were actually here at the last meeting?

Ms. Nurse said yes, all night.

Mr. Moretz said great, welcome to this circus, thank you.

The Chair said let's not make comments please.

The Chair said moving forward, at this time we will need to discuss and come up with a proposed motion whether to approve or deny the appeal.

A vote to deny the appeal means the violation should have been issued. A vote to uphold the appeal means that the violation should not have been issued. This is a quasi-judicial matter, so the Board needs to consider facts and evidence presented, not opinion or hearsay. Then we need to consider as part of our review, is the evidence or testimony provided competent and relevant to the Notice of Violation that was issued.

As he stated earlier, we are able to ask questions from either side. If you have legal questions, you may ask Mr. Koch. The Chair opened the floor for discussion.

Mr. Crutchfield said evidence was presented last week as to whether this creek bed is perennial or not. Correct?

Mr. Corley believes there was some personal opinion. He does not know that there was actually a determination made that it was or was not.

Mr. Crutchfield said right, and that is part of the problem because part of zoning violation is based on it is one or the other. He does not think we ever got clear definition as to what it is.

The Chair thought there was USGS map that showed the blue line.

Mr. Corley said read the river stream language, which he did a lot of research on. If it is on the USGS map, it is, until a qualified professional and the State or the Corps agree that it is not. So, the default is there are published USGS maps that say what is perennial and what is intermittent. Regardless of whether it is dry half the time. It is what is on the map is what the definition is. But then the Ordinance allows a qualified professional (he is reading it) with concurrence with DNER (who is not really DNER anymore I guess) and US Army Corps of Engineers. So, a professional can go do an evaluation and say there is no way this is a perennial, the State can concur and magically that stream is no longer, has changed classification. There is a process, but where it starts is what is on the map. If that makes sense. So, if a professional said yes, it is just an intermittent, the State had concurred, or the Corp had concurred then this river stream buffer would essentially not exist.

Mr. Paxton said his question is, what is on the GIS?

Planning and Zoning Commission
Minutes
March 30, 2022

The Chair said GIS is not what the Ordinance refers too, it is the USGS.

Mr. Paxton said but in the permitting process does it not say consult the GIS?

The Chair said the thing that jumped at him last time was that the surveyor did not pick this up. We had the original property owner here, who subdivided the property. Subdividing the property, especially a property of that size, you have a survey done.

Mr. Paxton said did Chad, do it? Who did the surveying? He has a question and would like Chad to approach the microphone.

Ms. Arstark made a comment from the audience.

The Chair asked her not to make comments. If we want to ask questions, we will ask you to come to the microphone.

The Chair said Chad is not here.

Mr. Paxton said who did the survey?

The Chair said it has a Sam King seal. Whether Sam did it or someone else, he does not know who actually did the work.

Mr. Moretz, speaking from the audience, said Sam King is here and he did the work.

The Chair is aware of who Sam King is, anymore outburst you will be asked to leave.

The Chair said the surveyor is here, but he should know better. My point is it was surveyed multiple times and they know you do not just look at GIS. GIS is just basic information. He knows a blue line, if it shows a blue line on GIS, he should know to go back to the USGS map to determine if that is a solid blue line.

Mr. Paxton said Mr. Chairman you are saying that on the GIS in the permitting process, which they ask you to consult the GIS that it does show that it is a stream or water buffer or whatever?

The Chair said it shows it as a stream. He asked if anyone else had anything to say or any questions.

Mr. Hudspeth said on the zoning compliance certificate it is dated 9/23/2020, and the applicant signed it on 10/02/2020. In red is a notice that says important setback information. Down at the bottom it says all setbacks should be measured from the existing or proposed right of way of record. Is it telling the applicant that they need to do something other than go with this zoning certificate? Do they need other information beyond this?

Planning and Zoning Commission
Minutes
March 30, 2022

The Chair said for a building permit.

Mr. Hudspeth said this is a zoning permit, the building permit took place later. It took place on 9/28.

The Chair asked Staff to correct him if he is wrong. To get a zoning clearance you still have to submit a plot plan. He said Staff is shaking their head yes. You cannot get a building permit without a zoning clearance permit. To get a zoning clearance permit you have to submit a plot plan. The plot plan that was submitted is page 57 of our packet. That is not very clear what the applicant submitted. There are two lines there that do not label what those lines are.

Mr. Paxton said did the County Staff ask about that?

The Chair said it is back to the application. The applicant signs the application that they verify that the information on the here is correct. He does not know if staff looked at it and said yeah there is a line. The way it is drawn on here, he does not know which line is the stream, so I do not know which is 30 feet.

Mr. Paxton said does the County not bear some responsibility in asking questions?

Mr. Corley is not responding to Mr. Paxton, but he is just commenting because his head has been in that exact place for a little while, of what a damn mess, right? Has been kind of stuck there. But he has had to narrow down to the question that we are being asked to answer. It is not how we got here, not what the fix is. Is there a violation, was the violation issued correctly? Regardless of all the cloudiness, gosh it just seems really messy, the whole thing of the timing, when it was built and when we tried to catch up and permit it later and how, and the only reason we know about it is because we were out there for the house. It is just a procedural, just a mess.

He hates that it got that way and shares some of those same feelings and he has had to try to compartmentalize that, my confusion of how we got here with what is really out there and is it a violation or not. It is not really a response, he just shares those comments.

Mr. Paxton said he is with Mr. Corley on that. The question before us is this is a violation because an accessory building was built in the stream buffer. That is the question?

The Chair said that is correct.

Mr. Paxton said but you are also telling me that it does not show on the GIS.

The Chair said it does show as a line on the GIS. The County GIS does not show water buffers period. That is correct, Staff? (He said staff answered from the audience Yes) They only show solid blue lines and dashed blue lines.

Mr. Paxton said then it is up to the applicant?

Planning and Zoning Commission
Minutes
March 30, 2022

The Chair said that is correct. It is up to the applicant to do the research. That would be his assumption. There is no water body buffer.

Mr. Corley thinks he mentioned last time that the buffer is a calculated buffer based on topography. He is not defending the fact that there is nothing there because that is a fact that he has on his list that the buffer is not shown, but he does think it would be impossible for the County to display buffers that they don't even know the width of until something is surveyed and actually presented.

The Chair said like Mr. Corley said last meeting, these buffers change, just like floodplains change. So, that would be something that would a constant thing that to have to change and is probably why they do not show it.

Mr. Paxton said, his problem is if you ask somebody to look here for this and they look there for that and they do not see it, how do you expect them to pull a rabbit out of hat?

The Chair said that is back to his comment earlier, that there was a surveyor, his responsibility.

Mr. Crutchfield said excuse him if he is out of line, but it seems like the information that got us here is somewhat ambiguous. Like where does the buffer start, where doesn't it start, does it move, does it change. He understands what you are saying about the surveyor, but he is trying to figure out how we hang that around the person who hired the surveyors neck and make them responsible for a mistake on the surveyor's part, when they would not know any better to ask for them to do it anyway.

One of the things that keep getting stuck in his head is what would a reasonable person do? He is trying to figure out how to balance that.

The Chair said obviously we have more than one violation to talk about. He thinks what Mr. Corley was saying is that we are not here to try to figure it out. We are here to figure out if it is a violation or not, not to try and fix it, what went wrong, is it a violation?

Mr. Crutchfield said agreed, but if the information that got us here is not right and the violation was written with improper information, then how do you make that determination? He is just asking, not meaning to be difficult.

Mr. Corley appreciates the conversation. His question would be does that lead you to believe that there is not a violation?

Mr. Crutchfield believes that the information that is the cause of the violation is the problem. How they got there.

Mr. Corley said right, and he guess to Mr. Paxton's point, he shares some of that. The burden here is everywhere possibly, right? But again, he feels that what we are being tasked with, as

much as he shares that belief, he feels that that is not a part of what we are here to decide. That is what he feels, and he is not saying that everyone has to take that position, but is there a violation?

If the County bears some blame in that then maybe the resolution will acknowledge the County being willing to negotiate if you will, on a resolution that is practical. He would hope that would enter in to there.

Mr. Paxton would like to ask legal if we could some way vote that there was a violation but at the same time say hey, this could be resolved?

Mr. Koch said the Board is asked to do different things in different types of cases. He thinks you may be thinking about some of the other kinds of cases that you hear like, special use permits and variances where you can do conditions in some cases, and you can kind of craft a response or a decision based on those. But, on this particular one, where you are deciding whether the decision by the Staff is to be upheld or not, is a straight up or down decision. You cannot put conditions on it, you cannot craft something new. You have to either say there was a violation, and the Notice of Violation was properly issued or not.

The way it has been worded, he thinks in the documentation that you have, is to either vote to uphold the appeal or to deny appeal. It is the same thing, just the other way of saying it. That is really all you can do. He understands with all the evidence that you have heard, why you might want to try to craft something, but he thinks you have to leave that to the County and to applicant to work on that. So, your decision is just up or down on the appeal.

The Chair said we have three violations, is it three separate appeals or is it one appeal or can we break it down?

Mr. Koch supposed you could. You could break it down because the Notice of Violation did cover different things. If you feel the Notice of Violation was not to be sustained on one of those or maybe two of them, then you can break them down separately. But if you want to take them altogether and you find that at least one of them constitute a violation then he thinks that you would have to vote that the appeal would be denied.

The Chair said with that in mind, our three violations are structures without permits, disturbances of the required waterbody buffers and wetland disturbance. He thinks the first one we can easily agree that there was a violation.

Mr. Corley asked where it was in our packet.

The Chair said it is on the first page.

Mr. Hudspeth said we have two Notice of Violations here. The first one was on January 14th,

and it has the three listed on it. But the second one was on May 11th, and it only has one violation and that is for the water buffer zone. That is a little bit of confusion to him.

The Chair said that is on page 76 of the packet, that is the water buffer zone violation. He is looking through to see if it covered the wetlands. He asked staff if they know where that is briefly, that would be beneficial at this time

Ms. Morris said if you would scroll the staff report you will see that the applicable sections of the Ordinance are clearly outlined, as far as how the Notice of Violations were issued and those particular sections of the Ordinance.

The Chair found the other violation from January 14, 2021, waterbody buffer zone. Zoning affects every structure in use which would probably be the legal term for structure without permits and zoning compliance. (We have 144 pages in our packet, so it is a lot to look through).

Ms. Morris said there are bookmarks to the side, if you will open up the bookmarks, that should take you to where you need to be.

Mr. Goldberg has the first Notice of Violation marked as page 72 and the next one is on page 76.

The Chair said for Mr. Paxton's question earlier, the USGS map is on page 66. He said do we want to look at all three of them together or do we want to break them out? He feels like that might make it a little bit easier to break them out.

It was the consensus of the Board to break them out.

The Chair said, like he said earlier, the structure without permits is pretty cut and dry. We obviously have the permits, and we have the site visits that predated an actual permit being pulled for the accessory structure. He asked if there were any discussions.

Mr. Crutchfield said vote on whether it was really properly issued. We have no input to a resolution of that, correct?

The Chair said the violation was the structure was built without a permit.

Mr. Crutchfield said correct, that is all that is on the table.

The Chair said for right now.

Mr. Hudspeth said it would seem the rationale from the owner's point of view was that this was a bona fide farm. So, they did not need, is that true?

The Chair said that is what they presented but he believes the Tax Office established the last time

Planning and Zoning Commission
Minutes
March 30, 2022

it is not a bona fide farm. As well as the applicant never presented in their presentation last time that they had a bona fide farm from the State. They submitted a receipt, but we do not have confirmation that they are a farm.

Mr. Paxton said can I ask the applicant that?

The Chair said they were given an opportunity, you can but what they presented is their....

Mr. Paxton asked Ms. Arstark what she had to say she has a bona fide farm?

Ms. Connie Arstark lives at 3233 Hahn Scott Road, and that is where her farm is. She went through the three criteria; above ten acres as a farm, tax revenue stamps certificate, she also has livestock, animals, chickens, and rabbits. She raises all those animals on the farm and sells eggs. With all those requirements which was in your previous package, the State verified that she was a bona fide farm. She has 11.45 acres.

The Chair said the document you provided was just a receipt. It wasn't a formal...

Ms. Arstark said it was a copy of their certificate that they asked me for, plus she put a copy of the email from the Department of Revenue. It was in the package that she presented in the previous. Because she has been acting as a farm and working as a farm with the USDA, who has a farm number, selling crops since she purchased the property. That information was in your packet Mr. Dagenhart.

Mr. Paxton said you had all of this before you started the permitting process?

Ms. Arstark said yes, sir. The property, if you know Hahn Scott Road, it is the Hahn farm, it has been a farm for generations. She bought it as a working farm, it was already being farmed.

Mr. Goldberg said at the appropriate time he would like to clarify on that if we are going to have this discussion.

The Chair said if we are going to start talking about that we might have to bring Staff up to go over some points from the last meeting.

Mr. Pinto asked Ms. Arstark if she is a general contractor?

Ms. Arstark said no sir.

Mr. Pinto asked Ms. Arstark if she were ever a general contractor?

Ms. Arstark said no sir.

Planning and Zoning Commission
Minutes
March 30, 2022

Mr. Pinto asked if Arstark Building Concepts is her?

Ms. Arstark said yes.

Mr. Pinto said it has you down as Connie Arstark Custom Builders, your number was 42146, it is archived on 1999, on Weddington Road.

Ms. Arstark said Weddington Road, yep.

Mr. Pinto said so you were a contractor?

Ms. Arstark said she has never been a practicing contractor. Her husband was a licensed contractor. He held a license, but we never were a contractor. She thinks you are asking if we ever build houses as a contractor.

Mr. Pinto is trying to quantify if you were a general contractor.

Ms. Arstark said she has never taken a contractor general board license, class, course of any kind. Maybe I am listed as a member on that, whatever you are talking about, as an owner or something? That could be possible.

Mr. Pinto does not know about that. It says North Carolina Board of General Contractors and it says that you are a contractor.

Ms. Arstark said can you just ask me the question you would like to ask me?

Mr. Pinto was just trying to see if you were a contractor.

Ms. Arstark said no sir, I have never been a contractor. I don't have a license, I never took a course for it, none of that.

Mr. Pinto said that is kind of weird. He was just trying to ask because if you were a general contractor, you probably would have known about the water buffers and stuff like that.

Ms. Arstark said no sir, I apologize, she has never taken the course, I have never been a contractor, I never, and as indicated before on the GIS there is nothing about a water buffer and surveyors could not find it.

Mr. Pinto said he ran into the same thing with his. He had to go through zoning permit, he had to go locate his septic and everything like that. He is a bona fide farm, 50 acres, own his own cow, grow his own hay. He thinks the biggest thing he could build was 143 square feet without a permit. He asked Mr. Love if that was correct?

Planning and Zoning Commission
Minutes
March 30, 2022

Mr. Matt Love said basically anything that exceeds 12 foot in any dimension will require a building permit if it is an accessory structure.

Mr. Pinto said are you saying 12 feet by 100 feet?

Mr. Love said no, like if you are building 11 feet by 11 feet. Actually, if you are building 12 feet by 12 feet, and it is an accessory building it does not require a building permit. But if it exceeds 12-foot in any dimension it will require it. If it is 12 foot and one inch by 8 foot it will require a building permit because it exceeds 12 feet in any dimension.

Mr. Pinto said even on a bona fide farm?

Mr. Love said building code if it is a bona fide farm, the only permit that is required is electrical.

The Chair said, lets clarify this farm thing because the packet that you submitted last time showed a certificate of registration of August 25, 2021, which was just a receipt, and then your email from Department of Revenue was from August 18, 2021. The violations started in the summer of 2020.

Ms. Arstark said yes, sir.

The Chair said you have not provided.... this email reads, applications are received and begin processing upon information verification. You have not provided, that you are a bona fide farm in your packet.

Ms. Arstark said yes sir I did. The one that you just pointed out, and let me also say this, there is also an Arstark and Company Inc. umbrella that she works under the farm that she can sell and buy tractor equipment and you get a tax exemption for, so it is also that, so she has two and she has always had it.

Mr. Pinto asked if that is the one that was \$10,000.00 or more and you do not pay tax on?

Ms. Arstark said yes, so she can buy a tractor and she can go buy some heavy-duty farm equipment and those types of things. Yes, sir that is what it is for.

Mr. Pinto said that you have to have matching revenue for that, that you made \$10,000.00 on that farm to generate that?

Ms. Arstark said yes, sir.

Mr. Pinto asked her if she did that?

Ms. Arstark said she is learning, and she has a really good farming partner that is teaching her quite a bit.

Planning and Zoning Commission
Minutes
March 30, 2022

Mr. Pinto said, so you have made that revenue already?

Ms. Arstark has not made all the revenue just yet, not from the crops and the farm that we have done so far, because of the stop work order. They put my farm out of business half way through the year with the stop work order. She has been struggling financially to meet all her guidelines, because of this situation that has happened. It has put her farm and her family in a very financial hardship crisis. This is a working farm, this is what this is. It has always been a working farm.

The Chair does not think anybody is questioning whether you do farm work. It is a question of whether you are a bona fide farm for the Tax Office or that you have the certificates and information from the Department of Revenue that you have not provided to us at this time.

Ms. Arstark said yes sir she did it is in your package. She was approved for the PUV the first time after a site visit.

The Chair said then why didn't you provide it last meeting?

Ms. Arstark said it is in you packet.

The Chair said this is Mr. Moretz packet from the last time.

Ms. Arstark the approved PUV is in there, is that correct Zack? It was in there because Mr. Thrift came up and spoke about it, we went back and forth.

Mr. Goldberg said the question is, in the summer of 2020, what was the status of the building? He has not seen any evidence in 2020, at the time this building was built that this land was in the PUV Program. As Mr. Thrift testified previously, that when this property was subdivided, they paid the deferred the taxes, that parcel left the PUV program in 2020.

Ms. Arstark applied for the PUV in 2021, and that is where you saw the initial approval and then the recission based on further evidence and that has been subject to discussions at the PTC.

The other thing he would point out is Mr. Arstark is a joint applicant, joint owner, and he is party to this appeal as well and he is for the purposes of discussing who was responsible. If you do look in your packet, there are plenty discussions with Mr. Arstark as well, regarding this property. He has been involved in the process too, to go to your point on that.

Ultimately though, he wants to make sure that we are clear, is that before we can get to far into whether this is a bona fide farm, we have to also ask the legal question, of does it matter?

Mr. Moretz wants to object to this. This is argumentation, you asked her a question, you said you would clarify.

Planning and Zoning Commission

Minutes

March 30, 2022

The Chair would argue that Staff came and gave the rules for building a structure if it is a bona fide farm. It is 12 x 12, anything larger than that you have to have a permit.

Ms. Arstark said not on a bona fide farm, and she called and that is in your packet and the email that Mr. Boyd provided.

The Chair said where does that information come from because Building Standards is telling me based upon the zoning regulations and the building standards that anything larger than 12 x 12 requires a permit whether it is a farm or not. Is that not correct what you said Mr. Love?

Mr. Love said if it is a bona fide farm, the building would not require a building permit, but we would require an electrical permit.

The Chair said okay, sorry.

Mr. Arstark speaking from the audience is inaudible.

The Chair said he does not believe Mr. Arstark signed a card, you are not able to speak.

Ms. Arstark said that is okay, she is fine.

Mr. Moretz said can I just read the Ordinance regarding a bona fide farm, because there is more to it than that. You either, have the exemption certificate which we provided.

The Chair said it says a certificate of registration.

Mr. Moretz said you have to have any of the four things above. The exemption certificate, which we provided, a copy of the property tax listing showing that we are eligible for participation in the PUV Program. We are eligible, it was not in the one year, we would argue due to all this mess. Because, if they grant us the PUV, then we will say it is a bona fide farm and they won't have this basis to deny us our permit. We should have had that by now, but it is being held up by the County just for this reason.

He said C - A copy of the farm owner or operators Schedule F from the owner/operator most recent Federal Income Tax return, we have provided that. A forest management plan is the fourth one which we do not have that. But we provided pictures of lots of farm animals and fields and hay, and all that stuff and it is over ten acres in cultivation and there was sworn testimony to that affect

The Chair said there was also sworn testimony from Staff that it was not ten acres.

Ms. Arstark is glad you brought that up. They asked us to get an official survey and they had to go back to the surveyor and get an official survey because they said their GIS calculations were

incorrect and if I brought them an official survey, they would accept that document as a viable document, as an authority and they would have to accept it, I did that. I provided them with that, and you do have that in your packet as well.

The Chair said he does not know about showing...

Ms. Arstark said it shows the acreage of 10.54.

The Chair said one more person speaks out of turn you are going to leave. Thank you.

Ms. Arstark also needs to clarify a mistake or a correction with Mr. Goldberg that he just made about the PUV and the previous owner, about the taxes. Mr. McMath who was in the PUV program did not pay his taxes in 2009, he only paid the taxes at the closing when she bought the property in 2020 and that was June, and it was in the PUV as of that day of closing. It is her own mistake that day, the closing attorney did not say all you had to do was fill out the form. Mr. Thrift is the one who enlightened her about that. He said all you would have had to do was fill out this form, and we would have transferred the farm straight into the PUV. Because it has always been in the PUV with the previous owners and the farm, because it has always been a farm.

The Chair thinks we are getting to caught up in....

Ms. Arstark is just trying to answer your questions and clarify some things because it is confusing, she knows.

Mr. Corley wants to interject here, this is his understanding of why we are here. The violation that we have considered separating these apart is construction of a structure with no permits. So, whether they are a bona fide farm, should have been, could have been, mistakenly weren't. Whatever those circumstances are, that is why we have so much conversation. It is about the circumstance, and again for him, was a building constructed with no permits? If they should not have had permits, to him that will all play out, we will figure that out. But we are being asked was there construction of a structure without a permit? To him it is that simple.

He understands it is confusing when you allow the circumstances to come in and he feels that is where the passion of audience...none of this makes sense really, right? So, to him we are being asked to dig through these very complicated differences and circumstances and timing and opinions and answer the question of, was there construction of a structure with no permits.

Ms. Arstark said Mr. Corley she would like to answer that comment that you made.

Mr. Corley said he did not ask a question, he appreciates you... he did not intend for that to be as rash as it sounded. But he does not have a question and he will defer to the Chairman.

Planning and Zoning Commission
Minutes
March 30, 2022

The Chair reminded everyone that the public meeting is over, the presentations are completed. Any dialogue with the audience will be answering questions. Both sides have had ample opportunity to submit their case.

Mr. Paxton said if we are here tonight to vote on was there a violation, then doesn't it play into that decision, was it a bona fide farm or not?

Mr. Corley said it could definitely weigh in to your vote, absolutely. But the question you are not here to answer, again in his opinion is, is this a bona fide farm? We are asking a lot of questions about the question before the question, right? He understands that is seemingly important to get there but he would suggest from what he has heard and digested, we are going to have a hard time getting past the circumstantial first question. Which if you need the first question to answer the second question, we are going to get stuck and we are going to be here back and forth the next month and the month after that.

Ms. Arstark asked Mr. Dagenhart if she can ask him a question.

The Chair said sure.

Ms. Arstark said she has a building permit and zoning permit for the barn. Is that what is in question, that she has one?

The Chair said your violations was from 2020. The photos are dated September 25, 2020, from Mr. Lowe. You did not get a building permit until 2021, you did not submit the information for what you are contesting as a farm until 2021.

Ms. Arstark said you are saying because they came out and saw the barn and issued the permit and the zoning permit after they saw it, that is the violation? She is asking because she does not understand what you are saying.

The Chair said the way he understands it is you build a structure before you had a permit.

Ms. Arstark said but they came out to see the barn and issued the building permit and the zoning permit after they came out and investigated and saw the barn.

The Chair said they were out there to check the setbacks on your house and noticed the accessory structure and that is what started this entire process.

Ms. Arstark said there is a building permit and a zoning permit in your package.

The Chair said you built the accessory structure before you had a permit based upon the evidence that has been provided.

Planning and Zoning Commission

Minutes

March 30, 2022

Ms. Arstark said yes, sir she understands that. But she is hearing him say in return to that that it is a violation. But they came out and saw the barn, saw that it was being used for agricultural and gave her a building permit and a zoning permit. They issued it to her, and she paid for it. She is asking the Chair what you are saying when you say the violation of not having a permit, because I do have a permit. She has a current building permit and a zoning permit on that barn.

Mr. Stephen Wise said Mr. Lowe went out there on July 7, 2020, the permit is dated 9/28. Was the building totally complete when Mr. Lowe made his first trip?

Ms. Arstark said yes, sir.

Mr. Wise said after that you came here and got a permit?

Ms. Arstark said when they were calling for the power for the electrical, that is when Boyd came back and said hey, I did not know you were going to put power, because he originally told me I did not have to have a building permit. But then Boyd said no, if you are going to put power to it you will need a building permit. So, that is when they issued me the building permit and they came out and did the power, inspected it, and approved it. Then they sent zoning out, and zoning came out and we measured it and looked at the building to make sure everything was there that they needed. He left and then the following week they issued the zoning permit for the barn, so she has both of those.

Mr. Wise said but really what was required was an electrical permit, is that correct?

Ms. Arstark said yes that is correct, that is the only thing that she would have had to have done.

Mr. Wise said it was issued to get the power company to hook up that building.

Ms. Arstark said yes sir, because across the street from where we are at this moment, there is a barn that just got built and it has no power and no permits, and no nothing and they do not have to have it and it is bigger than mine, but they do not have to have it if you do not do power.

Mr. Wise said but the building was completely done on July 7, 2020?

Ms. Arstark said yes, sir.

The Chair said so, the applicant admits that she built a structure before she had a permit.

Mr. Hudspeth said we are still working on construction with no permit, right?

The Chair said correct. If there no further discussion, then we need a motion.

Mr. Crutchfield said it seems to him as though this person here had direction that they might

need a permit and moved forward with it. This is his assessment of the information given. He would say that this probably not the first time in Cabarrus County that someone got a permit after a building was built. But they did remedy it by getting a permit later, so he is not sure. He guesses the violation was written before the permit was issued. Was the permit being issued the remedy for the violation within the County.

The Chair said his understanding is, and correct me if I am wrong staff, that part of fixing the violation would be issuing the permit. Is that correct?

Ms. Morris said when Officer Lowe went to the site, the building was there, it was already constructed. Typically, what happens is then they are advised. He is here and he can tell you about the conversation. That person is advised that they need to get a permit. That does not always mean that you can obtain a permit. So, depending on where that structure is located, does it meet the Ordinance, all of these things come into play.

At that point there was some back and forth about it. This information is in your Staff report. It explains to you the violations that are there and the encroachments. So, what you are looking at, you have is a violation issued for construction without permits, construction in the required water body buffers and then wetlands disturbance. So yes, to answer your question there are two violations in there because there were two different site visits and out of that second one, there was a Stop Work Order because there was too much happening on the site. We were still at that point where we did not have a survey.

If you look in your packets, you have the first survey that was submitted, which does not show the buffers. Ms. Arstark then had her surveyor go back out, locate the building, locate those buffers, and then also locate some proposed places for the house and the pool that she wanted to build. As we worked through that process, that survey was refined. So, her house and her pool were moved a little bit to the west. That survey that you have in your packet shows the location of that building. That building should not be in that buffer area. Did we issue a permit? Yes. Was it issued on good information? No.

The Chair said the day of the survey with the accurate river stream is dated November 1, 2020?

Ms. Morris said it is the May 10th date. That is the one where the surveyor went out and did what they needed to do to figure out what the topography was to do that actual calculation based on field conditions and that is where we landed at that time.

The second violation, you had in your information there were some additional buildings placed by the barn, there was an RV. We have not even pursued any of those. The river stream overlay and the construction of that building without permits in that overlay really is the primary focus because it is tied to that 404 permit that we discussed at the last meeting.

Mr. Paxton has a question for legal. What are the legal ramifications if he votes one way on one of the violations and another way on one of the other violations?

Mr. Koch said if you feel the violation existed, as in the Notice of Violation, on one of the violations in there, if you feel it did exist then you would vote presumedly in favor of that. If you think one of the others should not have been issued, then you could vote that you do not think that one should have been issued. It does not have any legal ramification, it is whatever your vote is. You could vote either way on any of them.

Mr. Paxton said but are they going to be taken in totality?

The Chair thought we discussed that we were going to break them out.

Mr. Paxton said yeah, but after all this has been done.

The Chair said that is not for us to worry about.

Mr. Corley thinks the question Mr. Paxton is asking is if the Board voted to except the appeal on one of the four. Let's just use a number. The three would still stand and would have to be addressed. That is his understanding.

Mr. Paxton said yes.

The Chair thought Mr. Corley was about to make a motion. Are there any other discussions?

Mr. Crutchfield thinks he understands what we are here to do. He just doesn't really know that he understands what the real benefit to everybody here is, talking about Planning and the County. To him we have to do what is reasonable for all parties involved. If we are where we are, how do we move forward.

The Chair does not think that is for us to determine but he believes Staff last time.... obviously, the concern is the 404 permit and how that affects our permit.

Mr. Corley said and if this is completely off base and not helpful for the discussion, but we all know why a lot of this evidence has been submitted that really does not have anything to do with... we know where this could go and that is importation that those legal steps are in place. But he thinks to your point, to him the reasonableness is what should come next, and that is his confidence he thinks, when he votes. He is hoping that given the big pile of steaming whatever that we have sort of been handed, that maybe that reasonableness shows up when we look at what is the remedy. Right? And that the reasonableness of the remedy is not really part of whether it is a violation, right? He is crossing his fingers and hoping that if we under the circumstances, if we leave all or any of these in place, that the next step is reasonable solutions to making those violations go away.

Planning and Zoning Commission
Minutes
March 30, 2022

Again, that is just where he sort of landed, because it is so hard not to take in all this stuff. Right? I mean, was there one percent screw up by the County? Was there 99 percent screw up by.... it depends on who you ask. Right? He thinks at the end of the day, it is, or it is not, and then what comes after us he hopes is the...if there is a legal remedy then so be it. If all of this is wrong, maybe we will find out. But he is hoping that the next is a reasonable conclusion that both parties feel comfortable with where ever they land. But again, he cannot guarantee that sitting up here, so that is the scary part.

The Chair said normally when you have a violation, obviously, there has got to be a middle ground to try to meet the violation. He thinks that is what Mr. Corley is trying to say, how that is met is between them, whether it is individually or the next higher step, whatever that may be.

He said it seems like we have had ample discussion on the violation of structure without permits. He asked if anyone wants to entertain a motion, if you do make a motion, please in your verbiage, make sure your stance is what you want in your appeal.

The Chair reminded the Board that a vote to deny the violation means the violation should have been issued, and a vote to uphold the appeals means the violation should not have been issued. He said that is a little backward from how we normally do things. He just wants to clarify that so there is no confusion.

Mr. Jeff Corley **MOTIONED, SECONDED** by Ms. Ingrid Nurse to Deny the Appeal for the construction of the building without a permit. (The Chair reminded the Board if they vote yay, you are voting to deny the appeal and if you vote no, you are voting to uphold the appeal) The vote was 8 to 1, to Deny with Mr. Crutchfield voting against.

The Chair said we still have two violations to discuss. We have the disturbance of the required waterbody buffer and the wetlands disturbance. He would imagine that those two, kind of go hand in hand. We may be able to do those together or if you want to do them separate that is fine. He opened the floor for discussion.

Mr. Hudspeth said it seems to him that we could combine those two, couldn't we.

The Chair thinks we probably could.

Mr. Crutchfield as the Chair to restate those (violations) please.

Mr. Paxton made a motion to vote on them separately.

The Chair does not think we need a motion.

Mr. Koch said you will need a motion.

Planning and Zoning Commission
Minutes
March 30, 2022

The Chair said you can make a motion for one or make a motion for both when we get to that point, when we are ready.

The Chair said we have disturbances of required waterbody buffers and a wetlands disturbance.

The disturbance of the required waterbody buffers would be the structures within the water body buffer. The wetlands disturbance would be the clearing, the removal of vegetation and riprap.

Mr. Crutchfield said these wetlands are on that map as well?

The Chair does not see them on the map that was provided by the surveyor.

Mr. Crutchfield said are they not on the USGS map as defined wetlands?

Mr. Hudspeth said it is on page 66.

Mr. Paxton said of the original staff report?

The Chair said page 66 is the USGS map and page 65 is the most recent survey provided. He is not seeing wetlands delineated on this.

Ms. Morris said Mr. Chair, if you look at that map, you will see there are some green shaded areas. It is difficult probably to see, those of you that have the touch screen, well it does not seem that any of you have the touch screen. But when you zoom in it kind of looks like a plant. That is where the wetlands are identified on those maps.

Mr. Paxton asked what page that was.

Ms. Morris said it is the USGS map.

The Chair asked Ms. Morris to put it up on the screen.

Ms. Morris said it looks like little green plants on there.

Mr. Paxton said this is not on the GIS, correct?

Ms. Morris said GIS does have a wetlands layer on it. It also has what is called the Yadkin Hydro Layer. That is the shapefile that Mr. Dagenhart was referring too, where when you look at the County's GIS information it will identify a feature which is either a stream or a wetland. Then you have to cross reference with the other maps.

Mr. Pinto asked if the dotted lines on the USGS, is that different from intermittent and perennial?

Planning and Zoning Commission
Minutes
March 30, 2022

Ms. Morris said yes, on that map if it is what is called a blue line stream, which is just a straight blue line, those are the streams that are required to be buffered. Ponds are also required to be buffered if they are located along or on those types of streams, and that is all done by the calculation that Mr. Corley referenced earlier. If it is a dotted line, you do not have to have a buffer on those, per the County Ordinance but there are some state regulations that come into play with those particular types of streams if you are developing a property.

Mr. Pinto said so, the dotted ones do not flow all the time.

Ms. Morris said the dotted ones would be considered intermittent, so there would be water sometime and then sometimes not. But depending on the situation or what is happening upstream that classification could potentially be different, based on field conditions. She thinks Mr. Corley mentioned that earlier as well.

The Chair asked Mr. Corley if he still had that handy to read again.

Mr. Corley read: the determination that a waterbody or stream indicated on a USGS map or NRCS Soil Survey map does not exist, must be concurred with by NCDNR, Division of Water Quality and/or US Army Corps of Engineers.

He said again, by definition, it is what is in the one before it, it references the USGS Quadrangular Map. That is an actual official published document by USGS or NRCS Soil Survey Map. We get a lot of intermittent that are listed on NRCS that sometimes are not, so it is what it is unless you concur that it is not. If that makes sense.

Mr. Pinto said so, if you had that straight blue line with the little dashes coming off it, it is like four of them there. What is that?

Mr. Corley said again, if this is the USGS Quadrangular Map, the solid blue line would be a USGS perennial, and the dotted blue line would be a USGS intermittent. Now, there is also NRCS intermittent, it is just another map source that uses the soil survey maps that basically identifies the hydric soils that likely have the characteristics of an intermittent. If that makes sense.

So, that is the definition, of where do we start, and then there are professional processes to go away from that. It could also go the other way. You may have an intermittent on your property that is not identified on the map, and you have an obligation under the rules potentially, if the conditions exist, to have a professional say whether it is or is not. He does not know if that makes if more confusing. He deals with those a lot, so he happens to know quite a lot about them.

Mr. Crutchfield said, for him he is just trying to make sure that he understands that they knew when they disturbed that wetland area, that it was wetlands and that they could not disturb it and how would they know that and how would we communicate that to them. He realizes that

ignorance is no excuse for the law but at some point, we have to figure out did we give them the resources to know that was something they should not touch. That is his point, and he appreciates the explanation.

Mr. Corley said in his mind, he can go rent a bulldozer and I can grade my whole lot, without asking permission. If I lucked out and did not destroy a wetland, then I would not get fined for destroying a wetland. If I did not luck out and I took care of an acre worth of wetlands than I would be in violation whether I knew it or not, I guess.

Mr. Hudspeth said on this map on page 65, the last survey. It shows that barn completely in that buffer. Is that right, the whole thing is in it?

The Chair believes that is correct. That is what their surveyor submitted so he would say yes.

The Chair asked if there were any other discussion, questions, or comments? He asked if anybody wanted to make a motion. Again, if you want to split this one you can if not that is fine too.

Ms. Nurse asked a question, but it was not audible.

The Chair said, as far as what needs to be done, that is not this Board's responsibility. Our objective here is to determine if the violation should have been issued or not. Again, the vote to deny the appeal means the violations should have been issued. The vote to uphold the appeal means the violation should not have been issued.

He knows it is hard because we are always trying to, like Mr. Koch said, work through Special Use or Conditional Use and we are trying to figure out how to make it work, but we are here just to say if it is a violation or not.

Mr. Kevin Crutchfield **MOTIONED, SECONDED** by Mr. Charles Paxton to Uphold the Appeal as it relates to the wetlands disturbance.

The Chair said the motion on the floor is to Uphold the appeal, meaning the violation should not have been issued.

Mr. Crutchfield said correct that is his motion.

The Chair said if you vote yes to uphold the appeal, then you are voting that the violation should not have been issued. If you vote no to deny the appeal, then you are voting that the violation should have been issued.

The vote was 4 to 5 to Uphold the Appeal with Mr. Stephen Wise, Mr. Ingrid Nurse, Mr. Charles Paxton, and Mr. Kevin Crutchfield voting to Uphold. Mr. Adam Dagenhart, Mr. Jeff Corley,

Mr. David Hudspeth, Mr. Andrew Nance and Mr. Chris Pinto voting No. **MOTION DENIED**, the violation should have been issued.

The Chair said the last one is the violation on the disturbance of the required waterbody buffers. He opened the floor for discussion, comments, or questions. There being none he asked for a motion.

Mr. Charles Paxton **MOTIONED, SECONDED** by Mr. Kevin Crutchfield to Uphold the Appeal. He does not think the County gave them enough resources to solve this problem.

The Chair said again, if you vote yes, you are upholding the appeal, meaning the violation should not have been issued as it relates to the disturbances of the required waterbody buffer. If you vote no, then you are voting to deny the appeal meaning that the violation should have been issued.

The vote was 3 to 6 to Uphold the Appeal with Mr. Stephen Wise, Mr. Charles Paxton and Mr. Kevin Crutchfield voting to uphold. Mr. Adam Dagenhart, Mr. Jeff Corley, Mr. David Hudspeth, Ms. Ingrid Nurse, Mr. Andrew Nance, and Mr. Chris Pinto voting No. **MOTION DENIED**, violation should have been issued.

The Chair said that concludes that case. He said thank you for your time.

No Legal Update

No Directors Report


There being no further discussion, Ms. Ingrid Nurse **MOTIONED, SECONDED** by Mr. Kevin Crutchfield, to adjourn the meeting at 8:05 p.m. The vote was unanimous.

APPROVED BY:



Mr. Adam Dagenhart

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Morris, Planning and Zoning Manager

| | | |
|-------------------------------------------|---|-----------------------------------------|
| STATE OF NORTH CAROLINA |) | CABARRUS COUNTY PLANNING AND |
| |) | ZONING COMMISSION |
| COUNTY OF CABARRUS |) | FILE NUMBER: APPL2021-00001 |
| |) | |
| |) | |
| IN RE: APPEAL OF CONNIE ARSTARK |) | |
| |) | |
| |) | FINDINGS OF FACT, CONCLUSIONS OF |
| Subject Property: |) | LAW, AND DECISION |
| 3233 Hahn Scott Road, Mount Pleasant, NC, |) | |
| 28124 (PIN 5589-24-3362) |) | |
| |) | |
| |) | |

This matter came before the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, to consider an appeal submitted by Connie Arstark (“Appellant”). Appellant appealed a Notice of Violation (NOV) issued by Senior Zoning Inspector James Lowe on January 14, 2021, for violations of the Cabarrus County Development Ordinance (CCDO) found at 3233 Hahn Scott Road, Mount Pleasant, NC, 28124 (PIN 5589-24-3362) (Subject Property). The NOV described violations of CCDO §§ 4-10 (Waterbody Buffer Zone), 6-02 (Zoning Affects Every Structure and Use), and 12-03 (Zoning Compliance Permitted Required). Appellant timely filed an appeal of this NOV on February 12, 2021.

The Commission conducted duly noticed hearings to consider the appeal on March 8, 2022, and March 30, 2022. In the hearings, the Commission heard sworn witness testimony from county staff, the Appellant, and members of the public. The Commission also received evidence submitted by county staff and the Appellant. During the hearings, Deputy County Attorney David Goldberg represented the county staff, and Zachary M. Moretz, Moretz Law Group, P.A, represented the Appellant.

Based on the evidence and the applicable legal standards, the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, makes the following Findings of Fact and Conclusions of Law in support of its decision to **DENY** the appeal.

I. Findings of Fact

The Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, makes the following Findings of Fact:

A. Subject Property

1. The Subject Property is 3233 Hahn Scott Road, Mount Pleasant, NC, 28124 (PIN 5589-24-3362), which is located within the unincorporated area of Cabarrus County.
2. The Subject Property is approximately 11.545 acres, with about 1.002 of those acres located in the Road Right of Way. (R. 177).

3. The Subject Property is bordered to the West by Hahn Scott Road, the South by Bowman Barrier Road, and the East by Lick Branch stream. (R. 216, R. 227).
4. The USGS Topographic Map shows the Lick Branch stream as a perennial stream, as indicated by the solid blue line. The USGS also indicates the existence of wetlands in the middle and northern portions of the Subject Property. (R. 178).
5. The Cabarrus County GIS System also shows that the Lick Branch stream is a perennial stream, which is indicated by a solid blue line. (R. 216).
6. James and Connie Arstark took ownership of the Subject Property on June 30, 2020. (R. 224-227).
7. The Subject Property is zoned as Agriculture Open (AO) and is in the Eastern Planning Area. (R. 216)
8. The Appellant constructed the metal building sometime prior to July 7, 2020. (R. 14). The dimensions of the building are 43 feet x 30 feet. (R. 125). The metal building has three garage doors. (R. 194). The building is insulated and has interior metal framing. (R. 198). The building has a chandelier as its main light source, as well as a laminated concrete floor and foundation. (R. 198).
9. A gravel driveway leads to the front of the building, where there are several pieces of outdoor dining and lounging furniture. (R. 210).
10. At the rear of the building sits a Recreational Vehicle (RV), which Jim and Connie Arstark use as their principal residence. (R. 200, R. 55-56).
11. The eastern edge of the building is about 36 feet from Lick Branch stream. (R. 177). There is a metal enclosure attached to the building's eastern wall that extends towards the stream. (R. 58-59, 375, 378, 382).
12. The Appellant has also installed a horse ring in the southern portion of the property, including a fence that runs about 10 feet from the adjacent stream. (R. 354-355).
13. The primary use of the property is residential, as evidenced by the building of a home on the property. The Appellant likely keeps 2-3 goats, a horse, 2-3 rabbits, and a few chickens on the property. (R. 326-355). However, there is no indication that the Appellant derives any meaningful revenue from the raising of these animals.
14. The Subject Property was not in the Present Use Value Program on or after January 1, 2020. (R. 71-73). The Appellant did not produce a farms sales tax exemption certificate, nor a Schedule F form, from their most recent federal income tax return.
15. Instead, the metal building is mainly used as what the Appellant refers to as a "Husky Hut" (R. 58-61), where the Appellant breeds Siberian Husky puppies through her business "Royal Huskies of the Carolinas". (R. 56, 363-364). The Appellant advertised the puppies for \$1,500 per dog. (R. 56-57, 356-357). In 2022, Appellant bred three female huskies, resulting in the birthing of approximately 15 puppies. (R. 57). The

puppies were largely kenneled in the metal building, including a cage attached to the exterior of the building and adjacent to the stream. (R. 58-59, 375, 378, 382).

B. Permitting

16. On June 12, 2020, Appellant submitted a zoning permit application for a “Custom Home” located at the Subject Property. (R. 172-175). As part of this application, Appellant was required to submit a site plan describing the Subject Property and the proposed improvements, including “location and dimensions of any bodies of water or water channels (ponds, streams, swales, etc.)” (R. 132). Appellant was instructed that “You may use GIS to print out the subject parcel and create a plot plan if a survey of the property is not available.” (R. 131).
17. As part of the Appellant’s zoning application for the Custom House, Appellant submitted a hand drawn plot plan indicating a 20’x 30’ “shed” that was 50 feet from the eastern property line. (R. 175). The plot plan did not indicate any water bodies on the Subject Property.
18. On June 23, 2020, Appellant sent an email to Permit Associate Martha Hernandez in which she acknowledged that she had a “43x30 metal barn installed on the property” and asked whether a permit was necessary for the building. (R. 125). Ms. Hernandez responded that a zoning permit was necessary, (R. 124), regardless of whether the building was intended to be used as a farm once the house was built. (R. 122).
19. On July 7, 2020, Senior Enforcement Officer James Lowe (Officer Lowe) visited the site to discuss the setbacks for the house with the Appellant. Officer Lowe observed a metal building located on the Subject Property. (R. 13, R. 113). During this visit, Officer Lowe informed the Appellant that the metal building was built without a zoning permit and may be too close to a perennial stream. (R. 13). Appellant claimed that a survey was done by Chad Byrd prior to building the building and would be provided to the County. (R. 120).
20. On September 15, 2020, county staff received a complaint about a barn being built on the Subject Property without a permit. (R. 120). Permit Associate Hernandez forwarded the Appellant information on applying for a permit and notified Officer Lowe.
21. On September 17, 2020, Appellant submitted a permit application for a “barn” accessory building already built on the property. (R. 168-169). In the hand drawn plot plan submitted with the application, the Appellant indicated that the building was 30 feet from the property line. The line appeared to indicate the property line. The plot plan submitted by the Appellant did not indicate that the “barn” was adjacent to a water body. The Appellant did not mention to Permit Associate Hernandez that Officer Lowe had already warned the Appellant that the building was likely within the Waterbody Buffer and requested that the Appellant submit a survey, which the Appellant had not yet submitted.
22. On September 23, 2020, Permit Associate Hernandez issued a permit for the metal building based on the Appellant’s submission. (R. 166-167).

C. Enforcement

23. On September 25, 2020, Officer Lowe inspected the Subject Property again and confirmed that the barn was built without a permit and likely encroached into the Waterbody Buffer. Officer Lowe asked the Appellant again to provide the Chad Byrd survey.
24. On November 10, 2020, Surveyor Chad Byrd sent staff a survey, dated November 1, 2020. (R. 121, R. 176). The survey indicated that the property line generally followed the “Lick Branch” stream and that the “Barn” was approximately 36 feet from the stream. The survey did not show the required buffers on the stream, or the wetlands located on the property. Only the standard setbacks were noted on the property.
25. On January 14, 2021, Officer Lowe issued a Warning Notice of Violation for the Subject Property. (R. 184). The NOV described violations of CCDO §§ 4-10 (Waterbody Buffer Zone), 6-02 (Zoning Affects Every Structure and Use), and 12-03 (Zoning Compliance Permitted Required).
26. On February 12, 2021, Attorney James E. Scarbrough submitted an appeal for the Warning Notice of Violation dated January 14, 2021 on behalf of the Appellant. (R. 219-221)
27. On May 7, 2021, Officer Lowe visited the Subject Property and observed that the Appellant was in the process of removing vegetation from the Waterbody Buffer and the Wetland Buffer. These violations were in addition to those addressed in the Warning Notice of Violation dated January 14, 2021. As a result, Officer Lowe issued another Notice of Violation for violating CCDO § 4-10 (Waterbody Buffer Zone) on May 11, 2021. (R. 188).
28. On May 11, 2021, Zoning Administrator Susie Morris also issued a Stop Work Order demanding that Appellant cease all work within the Waterbody Buffer Zone and to restore unlawful damage to the Waterbody Buffer and Wetlands. (R. 182).
29. On February 21, 2022, Cabarrus County staff placed a sign on the Subject Property providing notice of the appeal hearing, (R. 215), and provided written notice of the appeal hearing to the Appellant, (R. 212) and adjacent property owners, (R. 213).

II. **Conclusions of Law**

Based on the foregoing Findings of Facts, the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, makes the following Conclusions of Law:

30. The appeal is properly before the Commission.
31. The Subject Property is subject to the Cabarrus County Development Ordinance because it is in the unincorporated areas of Cabarrus County. *See* G.S. 160D-201(b); CCDO § 1-3.

A. Construction of Accessory Structure Without a Zoning Compliance Permit

32. The Commission concludes that the Appellant violated CCDO § 12-3 (Zoning Compliance Permit) by building a metal building before obtaining a valid zoning compliance permit.
33. CCDO § 12-3 reads, in part, as follows:
- A Zoning Compliance Permit must be obtained from the Zoning Administrator prior to the use or occupancy of any building or premises, or both, hereinafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure.
34. The Appellant constructed the metal building sometime prior to July 7, 2020. (R. 14). The Appellant testified that the building was built before obtaining any permits. (R. 61). The Appellant did not apply for a Zoning Compliance Permit until September 17, 2020. (R. 168). She did not receive a Zoning Compliance Permit until September 23, 2020. (R. 238). As explained later, this permit was void from its inception because it was granted based on an inaccurate description of the Subject Property, which did not indicate the presence of any waterbodies on the property. (R. 27-28).
35. For these reasons, the Commission concludes that the metal building was built without a Zoning Compliance Permit.
36. Appellant seeks to avoid enforcement against this violation by contending that she built the metal structure without first obtaining necessary zoning permits based on assurance from county staff, including Permit Associate Martha Hernandez, (R. 263), and Senior Planner Boyd Stanley, (R. 52), that a permit was not required. This can be construed as the Appellant asserting the equitable defense of laches against enforcement.
37. “Laches is an affirmative defense that bars a claim where the lapse of time has resulted in some change in the condition of the property or in the relations of the parties which would make it unjust to permit the prosecution of the claim.” *Town of Cameron v. Woodell*, 150 N.C. App. 174, 176-77 (2002) (citations and internal quotations omitted).
38. “To prevail on the affirmative defense of laches, the party asserting the defense bears the burden of proving that (1) the claimant knew of the existence of the grounds for the claim; (2) the delay was unreasonable and must have worked to the disadvantage, injury or prejudice of the party asserting the defense; (3) the delay of time has resulted in some change in the condition of the property or in the relations of the parties; however, the mere passage of time is insufficient to support a finding of laches.” *Id.* (citation omitted).
39. The Appellant fails to meet this burden because she offers no evidence of receiving assurances from the County that a permit was not required, much less that she relied upon such guidance when she built the metal building.
40. In contrast, Appellant sent an email to Ms. Hernandez on June 23, 2020 stating “I have a 43x30 metal barn installed on the property. Do I need permit for that as well?” (R. 249).

Ms. Hernandez responded, "yes". (R. 248). The Appellant acknowledged this direction by asking for a permit application. (R. 249).

41. As such, the Commission denies the Appellant's implied laches defense against enforcement of CCDO § 12-3, which requires obtaining a zoning compliance permit prior to the use or occupancy of a new structure. The Appellant did not offer evidence that the County advised her that a permit was not needed, much less rely on such incorrect guidance before building the metal building.
42. On this basis, the Commission concludes that the Appellant violated CCDO § 12-9 by constructing a metal building on the Subject Property without first obtaining a valid Zoning Compliance Permit.

B. Disturbing and Building in the Waterbody Buffer Zone

43. The Commission finds that the Appellant violated CCDO § 4-10 by constructing a metal building within the Waterbody Buffer Zone and disturbing the Waterbody Buffer Zone by grading portions of the Subject Property and placing riprap along the stream.

44. CCDO § 4-10 (Requirements of the Waterbody Buffer Zone) states, in part:

1. A minimum 50-foot buffer shall be established from the stream bank on all sides of perennial streams in addition to any lakes, ponds or impoundments located along, or on, those streams. Perennial streams include all rivers, streams, lakes, ponds or waterbodies shown on the USGS Quadrangle Maps as a solid blue line or identified in the Cabarrus County Geographic Information System.
2. A minimum 25-foot buffer shall be established along the edge of any identified wetlands.
3. The applicant must provide a detailed survey that field verifies the location of all perennial streams, lakes, ponds, impoundments and wetlands on the subject property and within 100 feet of the boundary of the subject property for all proposed plats and site plans.

...

6. The Waterbody Buffer Zone shall be determined and clearly delineated on site prior to any development or pre-development activity occurring in order to protect the required buffer from encroachment or damage. No development, including soil disturbing activities or grading, shall occur within the established buffer area.

...

8. All buffer areas shall remain in a natural, vegetated state. If the buffer area is wooded, it shall remain undisturbed.

...

45. CCDO § 4-10(7) provides a method of calculating the applicable buffer based on the topography, but which may not exceed 120 feet from the edge of the stream.
46. Cabarrus County adopted these Waterbody Buffer Zone restrictions to implement a special condition of a federal Clean Water Act § 404 permit issued by the Army Corp of Engineers in 1990. The permit provided in part:

The Cabarrus County Board of Commissioners, through the Cabarrus County Planning Department, shall implement and maintain a county-wide mandate (ordinance) which strictly limits development within a buffer zone along all perennial streams within the county. This ordinance contains several features which will protect water quality and will also provide benefits to fish and wildlife resources. The ordinance is enforced by the county inspections department. This ordinance must be in full force and effect before the permitted action will be allowed. The buffer zone shall be established as that area which extends 50 feet from the stream bank perpendicular to the centerline of the stream. If the buffer strip is presently wooded, it cannot be disturbed. Perennial streams are defined as those which are illustrated as solid blue lines on the USGS Quadrangle topographic maps for the county. Additional requirements are described in Cabarrus County Zoning Text Amendment: 3.13 - River/Stream Overlay Zone (RSOZ) (see attached).

(R. 454).

47. Failure to adequately implement or enforce the requirement or unacceptable modification of the requirement will require alternative mitigation measures to be implemented. The alternative mitigation requirement will include the restoration or creation of approximately 300 acres of forested wetlands as per a plan developed in conjunction with the N.C. Wildlife Resources Commission, the U.S. Fish and Wildlife Service, the EPA, and the Corps of Engineers. (R. 455).
48. The USGS Topographic Map shows the Lick Branch stream as a perennial stream, as indicated by the solid blue line. The Cabarrus County GIS System also shows that the Lick Branch stream is a perennial stream, which is indicated by a solid blue line. (R. 216). This was also confirmed by the expert report submitted by the Appellant. (R. 310). As such, the Lick Branch stream is subject to protection by the Waterbody Buffer Zone.
49. The Appellant submitted a survey dated May 10, 2021, indicating that the metal “barn” building was located entirely within the Waterbody Buffer Zone emanating from Lick Branch stream. (R. 177).
50. Further, several pictures show the disturbance of the buffer zone through grading, devegetation, and placement of riprap. (R 198-211). These disturbances were also confirmed by the report submitted by the Appellant. (R. 311).

51. As such, the Commission concludes that the Appellant violated CCDO § 4-10 by building the metal building in the Waterbody Buffer Zone and disturbing areas within the Waterbody Buffer Zone.
52. Nonetheless, Appellant contends that the County's issuance of a zoning compliance permit on September 23, 2020 prevents the County from enforcing the Waterbody Buffer Zone because the Appellant has "common law vested rights". (R. 263).
53. The County maintains that this permit was erroneously issued because the County relied on the Appellant's inaccurate description of the Subject Property, which did not indicate the processes of any waterbodies on the property. (R. 27-28). Had the Appellant properly identified the stream, the County would not have issued the permit because the project did not comply with the Waterbody Buffer Zone requirements. As such, the permit is *void ab initio*. See *Wilson v. City of Mebane Bd. of Adjustment*, 212 N.C. App. 176 (2011) (explaining that a wrongfully issued permit is void from inception).
54. A common law right to proceed with a development plan under a prior ordinance may vest in a party when: (1) the party has made, prior to the amendment of a zoning ordinance, expenditures or incurred contractual obligations substantial in amount, incidental to or as part of the acquisition of the building site or the construction or equipment of the proposed building, (2) the obligations and/or expenditures are incurred in good faith, (3) the obligations and/or expenditures were made in reasonable reliance on and after the issuance of a valid building permit, if such permit is required, authorizing the use requested by the party, and (4) the amended ordinance is a detriment to the party. The landowner has the burden of establishing it has satisfied the elements for common law vested rights. See *Wilson v. City of Mebane Bd. of Adjustment*, 212 N.C. App. 176, 181 (2011) (citing *Browning-Ferris Indus. v. Guilford Cty. Bd. of Adjustment*, 126 N.C. App. 168, 171-72 (1997)).
55. In this case, the Appellant does not allege that they relied upon a former version of the CCDO when they expended funds to building the metal building. This is an essential element of common law vested rights.
56. The Appellant also does not claim that she made any substantial expenditures towards the metal building after the issuance of the erroneous permit. Rather, she testified that the "barn" was built before any permits were issued. (R. 61). Further, any expenditures incurred after the erroneous issuance of a permit cannot serve as the basis for a vested right. *Wilson v. City of Mebane Bd. of Adjustment*, 212 N.C. App. 176, 182, (2011) (citing *Mecklenburg County v. Westbery*, 32 N.C. App. 630, 635 (1977)). This contradicts the third criteria necessary for claiming a vested right.
57. For these reasons, the Commission finds that the Appellant's claim of a common law vested right is meritless.

58. While not explicitly stated, the Appellant seems to also claim the issuance of the erroneous permit prevents the County from enforcing the Waterbody Buffer Zone requirements because of the equitable defenses of estoppel.
59. The North Carolina Supreme Court has found that “a municipality cannot be estopped to enforce a zoning ordinance against a violator by the conduct of its officials in encouraging or permitting such violator to violate such ordinance in times past.” *Raleigh v. Fisher*, 232 N.C. 629, 635 (1950) (citation omitted). In reaching this conclusion, the Court explained that:

Undoubtedly this conclusion entails much hardship to the defendants. Nevertheless, the law must be so written; for a contrary decision would require an acceptance of the paradoxical proposition that a citizen can acquire immunity to the law of his country by habitually violating such law with the consent of unfaithful public officials charged with the duty of enforcing it.

Id.

60. The Appellant’s implied attempt at an equitable estoppel defense exemplifies the harm that Justice Ervin’s decision warned against. The Appellant cannot avoid enforcement from her violation of the law because the County didn’t catch it soon enough. This is especially the case where the County’s delayed enforcement likely resulted from the Appellant’s lack of clarity and candor in the matter.
61. For these reasons claim of a common law vested right and implied claim of equitable estoppel have no merit. As such, the Appellant’s violation of CCDO § 4-10 is subject to enforcement.

C. Bona Fide Farm Exemption as a Matter of Law

62. Appellant also claims that the Subject Property is a bona fide farm exempt from county zoning regulations, which she believes includes the requirement to obtain a Zoning Compliance Permit and the Waterbody Buffer Zone, as a matter of law. (R. 263).
63. The County opposed this position and submitted a legal memorandum in response, (R. 423-455), providing the following analysis:

The farm exemption statute only exempts owners of bona fide farms from “County zoning regulations.” GS 160D-903(a). A “zoning regulation” is a “zoning regulation authorized by Article 7 of [G.S. Ch. 160D].” GS 160D-102(35). Article 7 is entitled “zoning regulations” and authorizes the County to “regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land.” G.S. 160D-702(a).

The North Carolina Supreme Court explained that:

Zoning, as a definitional matter, is the regulation by a local governmental entity of the use of land within a given community, and of the buildings and structures which may be located thereon, in accordance with a general plan.

Lanvale Props., LLC v. Cty. of Cabarrus, 366 N.C. 142, 157 (2012) (citations and internal quotations omitted).

In contrast, the Waterbody Buffer Zone Overlay is a “local environmental regulation adopted pursuant to Part 2 of Article 9 of G.S. Ch. 160D. This subdivision authorizes local governments to “adopt and enforce local ordinances pursuant to this Part to the extent necessary to comply with State and federal law, rules, and regulations or permits consistent with the interpretations and directions of the State or federal agency issuing the permit.” G.S. 160D-920(a).

...

As such, whether a property is a “bona fide farm” exempt from county zoning materials does not affect application of local environmental regulations, like the Waterbody Buffer Zone. (R. 424).

64. Appellant did not respond to this reasoning directly, but cited to the CCDO to justify their claim for exemption. The Appellant first cited to CCDO § 1-4 (Bona fide farms exempt), (R. 289), which states:

The provisions of this Ordinance shall not affect bona fide farms, owner-operated or leased, but any farm property used for non-farm purposes shall be subject to the provisions of this Ordinance. For purposes of this Ordinance, see Chapter 2, Rules of Construction and Definitions, for the definition of a Bona Fide Farm and Agriculture.

65. The Appellant also cited to CCDO § 4-9 (Effect upon bona fide farms), which states in part:

While North Carolina law exempts bona fide farms from local zoning regulations, the County strongly encourages the use of best management practices in farming.

66. Appellant claims that these provisions extend the Bona Fide Farm exemption to include the Water Buffer Zone.
67. The Commission finds the Appellant’s argument unpersuasive. The Ordinance’s handling of the bona fide farm exemption is likely intended to align with G.S. 160D-903, rather than extend the exemption beyond statutory limits, because the substantive language is largely identical to G.S. 160D-903.
68. The reference to “provisions of this Ordinance” in CCDO § 1-4 is likely a drafting error resulting from the County’s earlier combining of the various land use and development ordinances into a Unified Development Ordinance per G.S. 160D-103. This is the type of

error that the General Assembly attempted to address by explaining “Inclusion of a regulation authorized by [G.S. Ch. 160D] or local act in a unified development ordinance does not expand, diminish, or alter the scope of authority for those regulations.” *Id.*

69. Adopting the Appellant’s reading of CCDO § 1-4 would not only prevent the County from enforcing the Waterbody Buffer Zone to comply with the Corp of Engineers permit, but it would also prevent the County from adequately enforcing Chapter 16 of the CCDO (Flood Damage Prevention). The adoption and enforcement of this chapter is a condition of participating in the National Flood Insurance Program. *See* 42 U.S.C. 4022. As such, exempting farm structures from this chapter would undermine the County’s eligibility for federal flood insurance and disaster assistance.
70. Similarly, the County must adopt and enforce Part 1 of Chapter 4 (Watershed Overlay Zone) per G.S. 143-214.5. Failure to adequately enforce these requirements, including by unlawfully exempting farm properties, could subject the County to civil penalties pursuant to G.S. 143-214.5(g).
71. As the Supreme Court has previously explained, a legislative body “does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions.” *King v. Burwell*, 576 U.S. 473, 497 (2015) (internal citation and quotation omitted). In this case, it is unreasonable to think that the Board of Commissioners intentionally sought to extend the bona fide farm exemption in a way that brings the County out of compliance with important state and federal statutory requirements.
72. Regarding CCDO § 4-9, the provision does not contain an express exemption of the Waterbody Buffer Zone for bona fide farms, but rather acknowledges the exemption from county zoning regulations and encourages sound management practices. This vague language is insufficient to warrant the undermining of the Waterbody Buffer Zone requirement.
73. For these reasons, the Commission finds that the Appellant’s claim of the Bona Fide Farm Exemption fails as a matter of law.

D. Subject Property as Bona Fide Farm

74. Even if the Bona Fide Farm Exemption applied to the Waterbody Buffer Zone Overlay, the Subject Property and the metal building located therein do not qualify for the exemption.
75. Per G.S. 160D-903(a):

County zoning regulations may not affect property used for bona fide farm purposes; provided, however, that this section does not limit zoning regulation with respect to the use of farm property for nonfarm purposes. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables,

ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1.

...

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following is sufficient evidence that the property is being used for bona fide farm purposes:

- (1) A farm sales tax exemption certificate issued by the Department of Revenue.
- (2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
- (3) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- (4) A forest management plan.


...

76. Appellant claims that she has a farm sales tax exemption certificate issued by the Department of Revenue that qualifies the property for the exemption. (R. 37, R. 263). However, the Appellant did not submit such a certificate. Rather, the Appellant included an email from the Department of Revenue acknowledging receipt of a State Sales Tax Application for Arstark & Company, Inc. (R. 294). A review of the state sales tax farm registry did not show that an exemption for the Appellant. (R. 75). As such, the Appellant does not qualify for exemption under this criterion.
77. Appellant also claims that the Subject Property qualifies for exemption because it is eligible for participation in the present-use value program. However, Tax Administrator David Thrift testified that the Subject Property was not enrolled in the Present-Use Value program since the 2019 tax year. (R. 70-74). As such, the Appellant does not qualify for exemption under this criterion.
78. Appellant also claims that the Subject Property is a bona fide farm because the farm owner or operator filed a Schedule F as part of their most recent federal income tax return. (R. 263). In support of this claim, Appellant submitted Schedule F's for tax years 2018-2020 filed by John R. Britt. (R. 323-325). The forms were heavily redacted and did not include any financial information. Mr. Britt testified that the Schedule Fs covered revenues derived from cultivating the Subject Property over previous years, but also included several other parcels. There is no evidence that he is continuing to cultivate this property. Appellant has not provided a Schedule F filed in her name either. As such, the Appellant does not qualify for exemption under this criterion.

79. Not qualifying for any of the safe harbors provided in G.S. 160D-903(a), Appellant also offered evidence of the Subject Property being used for bona fide farm purposes. As previously stated, the Appellant likely keeps 2-3 goats, a horse, 2-3 rabbits, and a few chickens on the property. (R. 326-355). However, there is no indication that the Appellant derives any meaningful revenue from raising or cultivating of these animals. Rather they appear more akin to pets located at the Appellant's residence. Such circumstances do not support the proposition that the Subject Property was being used for bona fide farm purposes.
80. Even if the Subject Property was being used for "bona fide farm purposes", the metal building is likely being used for nonfarm purposes, and thus subject to county zoning regulations. As previously stated, the metal building is mainly used as what the Appellant refers to as a "Husky Hut" (R. 58-61), where the Appellant breeds Siberian Husky puppies through her business "Royal Huskies of the Carolinas". (R. 56, 363-364). The Appellant advertised the puppies for \$1,500 per dog. (R. 56-57, 356-357). In 2022, Appellant bred three female huskies, resulting in the birthing of approximately 15 puppies. (R. 57). The puppies were largely kenneled in the metal building, including a cage attached to the exterior of the building and adjacent to the stream. (R. 58-59, 375, 378, 382).
81. The North Carolina Court of Appeals has previously found that "dogs are not included in the classification of livestock and that dog breeding and the operation of a dog kennel are not 'farming' activities within the meaning of G.S. 153A-340."¹ *Dev. Assocs., Inc. v. Wake Cty. Bd. of Adjustment*, 48 N.C. App. 541, 547 (1980).
82. For these reasons, the Commission concludes even if the Bona Fide Farm Exemption applied to the Waterbody Buffer Zone Overlay, the Subject Property and the metal structure located therein do not qualify.

Based on these Findings of Fact and Conclusions of Law, the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, orders that the appeal is **DENIED** and that the Notice of Violation is **AFFIRMED**.

Ordered this 12th day of July 2022, *nunc pro tunc* to March 30, 2022.

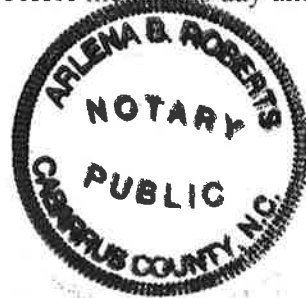

Adam Dagenhart
Chair of the Cabarrus County
Planning and Zoning Commission
Sitting as the Board of Adjustment

¹ G.S. 160D-903 is the successor to G.S. 153A-340.

I, Arlena B. Roberts, Notary for Cabarrus County, North Carolina, certify that Adam Dagenhart, Chair of the Cabarrus Planning and Zoning Commission, appeared before me on this day and signed the foregoing document.



Arlena B. Roberts, Notary Public



My Commission expires March 21, 2027

NOTE: If a party disagrees with the decision of this Board, they may file an appeal in the Superior Court of Cabarrus County within thirty (30) days after the date of this order. See Cabarrus County Development Ordinance § 12-25.

Petition: APPL2021-00001
Appeal of Interpretation of Cabarrus County Zoning and Subdivision Ordinances

Appellant Information: Connie Arstark

Zoning: Agriculture Open

Property Location: 3233 Hahn Scott Road
Mount Pleasant NC 28124

PIN#: 5589-24-3362

Request: Appellant is contesting a Notice of Violation issued for construction of a structure without permits, disturbance of the required water body buffers and wetland disturbance.

Noticing

| | |
|---------------|------------------------------------|
| Letters sent: | February 21, 2022 |
| Newspaper Ad: | February 23, 2022 March 2, 2022 |
| Sign Posted: | February 21, 2022 |

History

7/7/2020 Senior Enforcement Officer James Lowe (Officer Lowe) visited the site to discuss the setbacks for the house with the property owner. An accessory structure was located on the property at that time. Permits were not issued for the structure. At that time, Officer Lowe advised the Appellant that permits would be needed for the structure.

9/25/2020 A complaint was filed with Planning and Development regarding a building being constructed without permits. When Officer Lowe visited the site that same day, it was determined that an accessory structure had been constructed without the proper permits. He also observed grading and tree removal in the required Waterbody Buffer. It also appeared that the newly constructed structure was encroaching into the required Waterbody Buffer Zone area. (See Site Photo dated September 25, 2020)

- Per the Cabarrus County Development Ordinance (CCDO), accessory structures are not permitted unless there is a primary structure on site.
- Per the CCDO, undisturbed buffers are required on all perennial streams as well as any ponds located along those streams. Wetlands also must be buffered.

Officer Lowe talked with the property owner and suggested that work be stopped pending a survey of the site and required buffer areas to determine the level of encroachment and where

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION

Staff Use Only:
Approved: _____
Denied: _____
Tabled _____

additional structures could be located on the site in the future. The property owner stated that a survey of the property was available and that it would be provided to Officer Lowe.

A survey dated 11/1/2020 was provided by the Appellant to Staff. The survey did not show the required buffers on the stream, or the wetlands located on the property. Only the standard setbacks were noted on the property. (See Survey #1)

Officer Lowe advised Appellant the minimum requirement for the stream buffer was 50 feet. The survey determined that a violation of the ordinance existed and that the accessory structure was in the required buffer area. Additionally, based on the survey provided, clearing and grading had occurred in the buffer area as well. A Notice of Violation was issued on 1/14/2021. (See ZNC2021-00023 Notice of Violation)

1/26/2021 Officer Lowe visited the site for a follow up. At that time, it was determined that the property owner had placed two additional structures on the property without permits. The new structures also appeared to be in the waterbody buffer zone. Additionally, there is an RV on the site that has been placed in the buffer and it appears that it is being used as a dwelling. (See Photos dated January 25, 2021) The Appellant appealed the Notice of Violation on 2/12/2021. Filing an Appeal stays further enforcement action for that specific violation issued on the site.

3/1/2021 Officer Lowe visited the site and observed continued, and possibly new, violations of the ordinance. (See Photos Dated March 1, 2021)

5/7/2021 Office Lower and Deputy County Attorney, David Goldberg, visited the subject site to observe conditions. Officer Lowe and Attorney Goldberg observed, and determined, that additional land disturbing and clearing was conducted on the site. (See Photos Dated March 1, 2021)

5/10/2021 Deputy County Attorney David Goldberg and Susie Morris, Planning and Zoning Manager, met with property owner to discuss options for compliance.

A survey dated May 10, 2021, was provided by the Appellant which shows the calculations and delineates the required Waterbody Buffer Zone for the property. It also includes the proposed placement of the house and pool on the subject property. The survey confirms the accessory structure is in the buffer zone, along with the two additional structures and the RV. The area has also been graded, riprap and gravel placed in the buffer area, and vegetation removed. (See Survey #2)

5/11/2021 An second Notice of Violation was issued for the subject property for new clearing related to identified wetlands on the site. A Stop Work Order was also issued for the entire site to prevent additional clearing or development in the required buffers. (See ZNC2021-00215

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION

Staff Use Only:
Approved: _____
Denied: _____
Tabled _____

Notice of Violation, May 7 Photos, Informal and Preliminary Notice of Buffer Violation, Stop Work Order)

Prior to the site visits by Officer Lowe in July and then in September, the Appellant was in contact with multiple staff members in Planning and Development about the requirements for the road right-of-way, soil suitability testing application submittal requirements, permitting requirements for a new home, pool, and an accessory structure (barn) to be located on the property after the new home was built. (See Timeline for Staff Contacts and Emails)

- *February 25, 2020 - Appellant submitted for soil suitability analysis testing for property located at 3233 Hahn Scott Road.*
- *April 14, 2020 - The Appellant initiated contact with the Zoning Office in April of 2020 regarding applying for a permit to build a new single-family home and how to apply for soil suitability testing, also commonly known as a perc test, and a well permit.*
- *6/12/2020-6/25/2020 During the month of June, the Appellant continued conversations with Staff about permitting for the house, an accessory use (swimming pool) and the right-of-way width requirements for the road.*
- *The Appellant asked questions of Staff related to a barn. Appellant was informed that a permit would be required for the accessory structure (barn). A letter would also be needed from CHA to say that the accessory structure could be placed in the proposed location without impacting the well and septic systems.*

Findings

1. An accessory structure was constructed on the subject property some time prior to July 7, 2021.
2. The accessory structure was constructed without proper permits in place.

Per Chapter 12, section 12-3, Zoning Compliance Permit

A Zoning Compliance Permit must be obtained from the Zoning Administrator prior to the use or occupancy of any building or premises, or both, hereinafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure.

Additionally, no nonconforming structure or use can similarly be changed or extended without a Zoning Compliance Permit or Certificate of Non-Conformity Adjustment being issued.

3. The accessory structure was constructed without a primary structure or use located on the site.

Chapter 2 of the Cabarrus County Development Ordinance (CCDO) defines accessory use as a subordinate use of a building or use of land which is:

- *Conducted on the same parcel as the principal use to which it is related, and*
- *Clearly incidental to and customarily found in connection with the principal use of the building, structure, or land.*

4. The stream on the subject property is identified and classified as a perennial stream per USGS maps. There are also identified wetlands on the site. (See USGS Map)
5. An accessory structure has been built in the required buffer. (See Survey #2).
6. Grading has occurred in the required buffer. (See Site Photos)
7. The wetland area on the subject property has been disturbed.

Per Chapter 4 of the Cabarrus County Development Ordinance, Section 4-10 The requirements of the Waterbody Buffer Zone:

- *A minimum 50-foot buffer shall be established from the stream bank on all sides of perennial streams in addition to any lakes, ponds or impoundments located along, or on, those streams. Perennial streams include all rivers, streams, lakes, ponds, or waterbodies shown on the USGS Quadrangle Maps as a solid blue line or identified in the Cabarrus County Geographic Information System.*
 - *A minimum 25-foot-buffer shall be established along the edge of any identified wetlands.*
8. Survey provided by Appellant for structure in question clearly shows that it is in the required buffer area.

Per Chapter 4 of the Cabarrus County Development Ordinance, Section 4-10 The requirements of the Waterbody Buffer Zone:

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION

Staff Use Only:
Approved: _____
Denied: _____
Tabled _____

- *The applicant must provide a detailed survey that field verifies the location of all perennial streams, lakes, ponds, impoundments, and wetlands on the subject property and within 100 feet of the boundary of the subject property for all proposed plats and site plans.*

9. Grading has occurred in the required buffer areas. Gravel and riprap have been placed in the required buffer area.

Per Chapter 4 of the Cabarrus County Development Ordinance, Section 4-10 The requirements of the Waterbody Buffer Zone:

- *The Waterbody Buffer Zone shall be determined and clearly delineated on site prior to any development or pre-development activity occurring in order to protect the required buffer from encroachment or damage. No development, including soil disturbing activities or grading, shall occur within the established buffer area.*

10. A structure is in the required buffer area.

11. Grading has occurred in the required buffer area.

12. Gravel and riprap have been placed in the required buffer area.

Per Chapter 4 of the Cabarrus County Development Ordinance, Section 4-10 The requirements of the Waterbody Buffer Zone:

All buffer areas shall remain in a natural, vegetated state. If the buffer area is wooded, it shall remain undisturbed.

13. The property is subject to Cabarrus County Zoning and Construction Standards permitting.

BONA FIDE FARM - The production and activities relating to or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in G.S.106-581.1.

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CABARRUS COUNTY PLANNING AND ZONING COMMISSION

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Approved: _____
Denied: _____
Tabled _____

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- a. A farm sales tax exemption certificate issued by the Department of Revenue.*
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S.105-277.3.*
- c. A copy of the farm owner's or operator's Schedule F from the owner or operator's most recent federal income tax return.*
- d. A forest management plan.*

Information Provided

1. Application Materials Provided by Appellant
2. Staff Report and Exhibits
3. Adjacent Parcel Owner List
4. Letter Sent to Adjacent Parcel Owners
5. Letter Sent to Applicant
6. Picture of Posted Sign

KEY FOR STAFF CONTACTS:

Martha Hernandez (Senior Permit Associate/Primary for Zoning Permitting), Boyd Stanley (Senior Planner), Jay Lowe (Senior Enforcement Officer/Conducts site visits, inspections, and issues NOVs) Susie Morris (Planning and Zoning Manager)

NOTE: There is a period where there were questions about how the ROW should be looked at to establish setbacks for the property. As early as June 29, the surveyor was working on staking the house on the lot and asking questions about the ROW and setbacks. Legal provided determination for how setbacks would be determined for property.

| | |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4/14/2020 | Emailed Connie Arstark information about permitting zoning, answered questions |
| 6/12/2020 | Emailed Connie Arstark information about permitting zoning, answered questions |
| 6/12/2020 | Received completed zoning application for house at 3233 Hahn Scott |
| 6/12/2020 | Emailed approval for zoning permit related to house related to 3233 Hahn Scott |
| 6/15/2020 | Received email with questions on the well fee and building related to 3233 Hahn Scott |
| 6/15/2020 | Responded to email on well & building questions, also emailed back and forth (5 different emails), trying to get signature on house zoning permit related to 3233 Hahn Scott |
| 6/22/2020 | Received email with questions on building pool related to 3233 Hahn Scott |
| 6/22/2020 | Responded with application and swimming pool requirements related to 3233 Hahn Scott |
| 6/22/2020 | Processed zoning application and permit for pool related to 3233 Hahn Scott |
| 6/23/2020 | Received email with the question if a zoning permit is required for a barn, related to 3233 Hahn Scott |
| 6/23/2020 | Answered questions via email on the zoning requirements for a barn related to 3233 Hahn Scott |
| 6/23/2020 | Informed Connie via email the septic permit did not reflect her proposed barn therefore CHA needed to provide letter of approval, I also emailed her the contact information for CHA |
| 6/23/2020 | Connie continued to question via email if a zoning permit was really required for barn to which I gave a simple answer of "Yes.", related to 3233 Hahn Scott |
| 6/24/2020 | Connie asked for help with getting approval from CHA, I emailed her with contact information for Tyler at CHA |
| 6/25/2020 | Connie emailed questions on setbacks and the possible change in address related to 3233 Hahn Scott |

6/25/2020 Answered questions via email on the setback requirements for a barn related to 3233 Hahn Scott

7/7/2020

- Met on site with owner to discuss setbacks for house.
- At that time barn was built. I questioned owner about distance from creek, owner indicated that a survey was done (by Chad Byrd). I recommended that she provide it to our office.

7/15/2020 Emailed Connie reminder that I had not received signed pool permit related to 3233 Hahn Scott

9/15/2020 Received complaint via PC on barn being built without permit on 3233 Hahn Scott

9/15/2020 Emailed Connie information on obtaining a zoning permit

9/15/2020 Emailed Jay Lowe information on the complaint related to 3233 Hahn Scott

9/17/2020 Received zoning application from Connie for barn related to 3233 Hahn Scott

9/17/2020 Emailed informing her that I had to wait for the approval of CHA

9/17/2020 Emailed Jay the information received from Connie, and questioned if the property reflected the plot plan submitted for 3233 Hahn Scott

9/23/2020 Received letter of approval from CHA for property related to 3233 Hahn Scott

9/23/2020 Processed zoning application and permit for barn related to 3233 Hahn Scott

9/23/2020- Took \$150.00 payment over the phone from Connie Arstark for the permit

9/23/2020- Responded to Martha/Connie's email with receipt for payment

9/25/2020

- Site Inspection was made
- Barn had already been built prior to being issued a zoning permit
- Barn looks as though it may be encroaching into the Water Body Buffer
- Further research will need to be done
- Owner indicated that a survey had been done by Chad Byrd (Surveyor) and that he had indicated that the buffer from the creek should only be approximately 30 feet
- Requested that applicant provide copy of the survey

10/2/2020 Emailed reminder that I still had not received signed permit for barn related to 3233 Hahn Scott

11/6/2020 Received email on if I had received survey to complete barn permit something that I didn't know about since she had already submitted her plot plan to me on property related to 3233 Hahn Scott

11/6/2020 Connie emailed Martha and me and asked if we had received a survey from Chad Byrd/Sam King. We had not.

11/10/2020 Chad Byrd sent an email/survey locating the barn and property lines

11/23/20 Spoke with Sam King around 11/23 about my concerns with the placement of the barn. At that time, he indicated that he did not realize that the stream was a perennial and he felt certain that the barn is within the Water Body Buffer. He later sent me his survey map. Staff then followed up with our own mapping of the WBB and discovered that the barn was within the WBB.

12/2/2020 I received a voicemail from Connie asking about the stream and I sent an email showing her a snapshot of the USGS maps, which classify the stream as a perennial.

12/10-2020 Sent detailed email to Susie with all the exhibits, maps, applications, etc. for the case

1/4/2021 Further research shows that an encroachment into the WBB exists and that the location of the building will need to be shifted

1/5/2021 I called Connie to let her know the barn is in violation and would need to be moved

1/6/2021 Received a voicemail from Connie about a letter/NOV and responded to her via email

1/14/21 Warning letter was sent via regular mail and certified

1/26/21

- Site inspection was made
- It seems that property owner has now placed two more buildings on the property without permits. They also look to be in the waterbody buffer
- There also seems to be an RV placed in the waterbody buffer

2/9/2021 Applicant requested an appeal form

3/1/2021 Site inspection was made, more pictures taken

Susie Morris

From: Martha Hernandez
Sent: Tuesday, June 23, 2020 4:52 PM
To: Connie Arstark
Subject: RE: do I need a permit for Barn?

Yes.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Tuesday, June 23, 2020 4:51 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Do we need it if I intend to be a farm once the home is built?
Ca

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Date: 6/23/20 4:42 PM (GMT-05:00)
To: Connie Arstark <connie@arstark.com>
Subject: RE: do I need a permit for Barn?

The septic permit doesn't reflect the barn on the lay-out. We would need approval from the Health Alliance.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Tuesday, June 23, 2020 4:35 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Ok can you email me what I need for that permit? Lol

You guys are taking all my money! Lol

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/23/20 4:33 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Subject: RE: do I need a permit for Barn?

yes

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

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65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

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From: Connie Arstark <connie@arstark.com>
Sent: Tuesday, June 23, 2020 4:32 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

I have a 43x30 metal barn installed on the property. Do I need permit for that as well?

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/23/20 4:03 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Cc: Boyd Stanley <bvstanley@cabarruscounty.us>

Subject: RE: Zoning Permit Requirements-POOL Permit?

Your zoning permit (**ZN2020-00653**) request has been approved. It is ready for payment (**\$75.00**). Someone from our department will be calling you to take your payment over the phone.

Please sign on the **2 places** marked and return attached permit. The permit will not be valid until payment is made **AND** signed permit is returned.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>

Sent: Monday, June 22, 2020 2:53 PM

To: Martha Hernandez <mhernandez@cabarruscounty.us>

Subject: RE: Zoning Permit Requirements-POOL Permit?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Here you go.

thanks so much

Connie

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Sent: Monday, June 22, 2020 2:37 PM

To: Connie Arstark <connie@arstark.com>

Subject: RE: Zoning Permit Requirements-POOL Permit?

Complete the application attached and submit a plot plan that shows measurements on pool and concrete surrounding it.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227



From: Connie Arstark <connie@arstark.com>
Sent: Monday, June 22, 2020 2:22 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: Zoning Permit Requirements-POOL Permit?

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Pool Permit? What info is needed to get this processed.

connie

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Sent: Monday, June 15, 2020 9:31 AM
To: Connie Arstark <connie@arstark.com>
Subject: RE: Zoning Permit Requirements

Yes. The \$725.00 fee includes the well permit.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Friday, June 12, 2020 4:46 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: Zoning Permit Requirements

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Does this include my well permit as well?

I need it too.

Thanks

Ca

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/12/20 4:30 PM (GMT-05:00)

To: connie@arstark.com

Cc: Boyd Stanley <bvstanley@cabarruscounty.us>

Subject: RE: Zoning Permit Requirements

Your zoning permit (**ZN2020-00614**) request has been approved. It is ready for payment (**\$100.00**). In addition to the zoning permit, you also need to pay **\$725.00** for the septic permit (**SE2020-00062**) Someone from our department will be calling you to take your payment over the phone.

Please sign on the **2 places** marked and return attached permit. The permit will not be valid until payment is made **AND** signed permit is returned.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227



From: connie@arstark.com <connie@arstark.com>
Sent: Friday, June 12, 2020 1:39 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Cc: Connie Arstark <connie@arstark.com>
Subject: RE: Zoning Permit Requirements

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Sent: Friday, June 12, 2020 12:45 PM
To: connie@ARSTARK.com
Subject: Zoning Permit Requirements

You can email me application, plot plan and supporting documentation. We will then process and notify when its ready for payment over phone with credit card. Please feel free to call at 704-920-2147 should you have any questions.

I have attached zoning permit application and plot/site plan example. Dimensions of all structures and the applicable setbacks must be included in the plot/site plan submitted. You may use GIS to print out the subject parcel and create a plot plan if a survey of the property is not available. The link for accessing the County's GIS system is below.

GENERAL REQUIREMENTS:

CABARRUS HEALTH ALLIANCE:

- If the property has an **existing** septic system, call the Cabarrus Health Alliance at 704-920-1207 or visit them at 300 Mooresville Road, Kannapolis, for an inspection. CHA will provide a letter for you to turn in with your application.
- If the property requires a **new** septic system, a site evaluation application will need to be completed at the Cabarrus County Governmental Center at 65 Church Street, SE, Concord.

SITE/PLOT PLAN (to scale) that shows:

- size and configuration of the property, including lot dimensions and acreage
 - location and dimensions of all existing structures
 - location and dimensions of all existing parking and driveway areas
 - location and dimensions of any bodies of water or water channels (ponds, streams, swales, etc.)
 - location of identified flood hazard areas, including floodway, 100-year and 500-year
 - location and dimensions of proposed work (new structure, pool, addition to existing building, deck, etc.)
 - setbacks for the applicable zoning district (proposed work must meet established setbacks for district)
- All requests for zoning permits must comply with the standards of the Cabarrus County Development Ordinance.
- Additional information may be needed, or may be required on the plot plan, if the property lies within an Overlay District as defined in Chapter 4 of the Cabarrus County Development Ordinance.

<https://location.cabarruscounty.us/mapcabarrus/>

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

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E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Susie Morris

From: Boyd Stanley
Sent: Monday, June 29, 2020 2:23 PM
To: Chad Byrd; Sam King Jr.; Connie Arstark; Martha Hernandez; Phillip Collins
Cc: Kelly Sifford
Subject: RE: 3233 Hahn Scott Road Mt. Pleasant

Follow Up Flag: Follow up
Flag Status: Completed

Chad,

We spoke with the County Attorney and we're waiting to hear back from Jeff Burleson w/ NCDOT. In short, we just need verification from NCDOT it is not a 60' right-of-way and they only have maintenance from ditch to ditch. Assuming it not a 60' r-o-w, then we can start the 75' setback at the back of the ditch. If not, we'll need to go with the setback from the 60' (approximately 30' from centerline).

I think you have already done this research, but I will let you know when I hear back from Jeff. Thanks.

Boyd V. Stanley, AICP

Senior Planner

Planning and Development

Cabarrus County
65 Church St S
Concord NC 28025
O: 704-920-2149
F: 704-920-2144



From: Chad Byrd <chad@kingengineernc.com>
Sent: Monday, June 29, 2020 9:53 AM
To: Boyd Stanley <bvstanley@cabarruscounty.us>; Sam King Jr. <samkingjr@gmail.com>; Connie Arstark <connie@arstark.com>; Martha Hernandez <mhernandez@cabarruscounty.us>; Phillip Collins <PECollins@cabarruscounty.us>
Cc: Kelly Sifford <KFSifford@cabarruscounty.us>
Subject: Re: 3233 Hahn Scott Road Mt. Pleasant

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Boyd thanks for your quick response, Connie and Jim have decided on facing the house towards Hahn Scott.

Chad A. Byrd
Senior Project Manager
King Engineering of Concord, Inc.

Susie Morris

From: Brandy Webster
Sent: Thursday, June 25, 2020 4:24 PM
To: Boyd Stanley; Martha Hernandez
Cc: connie@arstark.com
Subject: RE: 3233 Hahn Scott Road

Follow Up Flag: Follow up
Flag Status: Completed

10555 Bowman Barrier Rd.

Thank you,
Brandy Webster
E911 Addressing Coordinator

From: Boyd Stanley <bvstanley@cabarruscounty.us>
Sent: Thursday, June 25, 2020 4:15 PM
To: Brandy Webster <bewebster@cabarruscounty.us>
Subject: RE: 3233 Hahn Scott Road

Bowman-Barrier Road

Boyd V. Stanley, AICP
Senior Planner

Planning and Development
Cabarrus County
65 Church St S
Concord NC 28025
O: 704-920-2149
F: 704-920-2144



From: Brandy Webster <bewebster@cabarruscounty.us>
Sent: Thursday, June 25, 2020 4:13 PM
To: Boyd Stanley <bvstanley@cabarruscounty.us>
Subject: RE: 3233 Hahn Scott Road

Where will the driveway take access from?

Thank you,
Brandy Webster
E911 Addressing Coordinator

From: Boyd Stanley <bvstanley@cabarruscounty.us>
Sent: Thursday, June 25, 2020 3:01 PM

To: Brandy Webster <bewebster@cabarruscounty.us>

Subject: 3233 Hahn Scott Road

Hey Brandy,

Hope all is well with you. We have issued permits for a new house at the subject address. She would like change her permit/site plan and rotate the house to face Bowman-Barrier. Can you issue an address for Bowman-Barrier so I can revise the permits? Thanks.



Boyd V. Stanley, AICP
Senior Planner

Planning and Development
Cabarrus County
65 Church St S

35 Church Street S
Suite 107
Concord, NC 28025
704.791.5606

From: Boyd Stanley <bvstanley@cabarruscounty.us>
Sent: Monday, June 29, 2020 9:48:37 AM
To: Chad Byrd <chad@kingengineernc.com>; Sam King Jr. <samkingjr@gmail.com>; Connie Arstark <connie@arstark.com>; Martha Hernandez <mhernandez@cabarruscounty.us>; Phillip Collins <PECollins@cabarruscounty.us>
Cc: Kelly Sifford <KFSifford@cabarruscounty.us>
Subject: RE: 3233 Hahn Scott Road Mt. Pleasant

Chad,

I chatted with Connie last week and explained the setback would start from the street right-of-way. In my expertise, we have not made our determination on whether the right-of-way is dedicated or assumed only what is shown as ROW of GIS.

Based on my conversations with Connie last week, she obtained an new address and was going to revise permit to front the house on Bowman-Barrier.

Let me know if we need to chat further about this. Thanks.

Boyd V. Stanley, AICP

Senior Planner

Planning and Development

Cabarrus County
65 Church St S
Concord NC 28025
O: 704-920-2149
F: 704-920-2144



From: Chad Byrd <chad@kingengineernc.com>
Sent: Monday, June 29, 2020 9:34 AM
To: Kelly Sifford <KFSifford@cabarruscounty.us>; Connie Arstark <connie@arstark.com>; Sam King <sam@kingengineernc.com>
Subject: 3233 Hahn Scott Road Mt. Pleasant

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Kelly

I am working with Connie Arstark, included in this email on staking a new dwelling, as well as other structures on the 10+ acres located at 3233 Hahn Scott Road Mt. Pleasant. This property is zoned AO, and has a 75' front setback,. NCDOT does not have a dedicated Right of Way on Hahn Scott, and our front property line generally runs with the center of the road. The position of the front setback is critical to what the Arstark's plans are. I spoke with the lady that answers the phone in your office, and she says GIS indicates a 60' RW on Hahn Scott which I have verified both through NCDOT as well as searching for any out conveyance on the property to NCDOT. I have also check several houses along Hahn Scott and found that their positioning does not adhere to a 75' setback from an assumed RW of 60', or a total of 105' from the front property line. Can you please let us know if we use the property line to establish the front setback? Or direct me to the correct place in the ordinance where it addresses roads that do not have a RW?
Please call me anytime to discuss. 704.791.5606

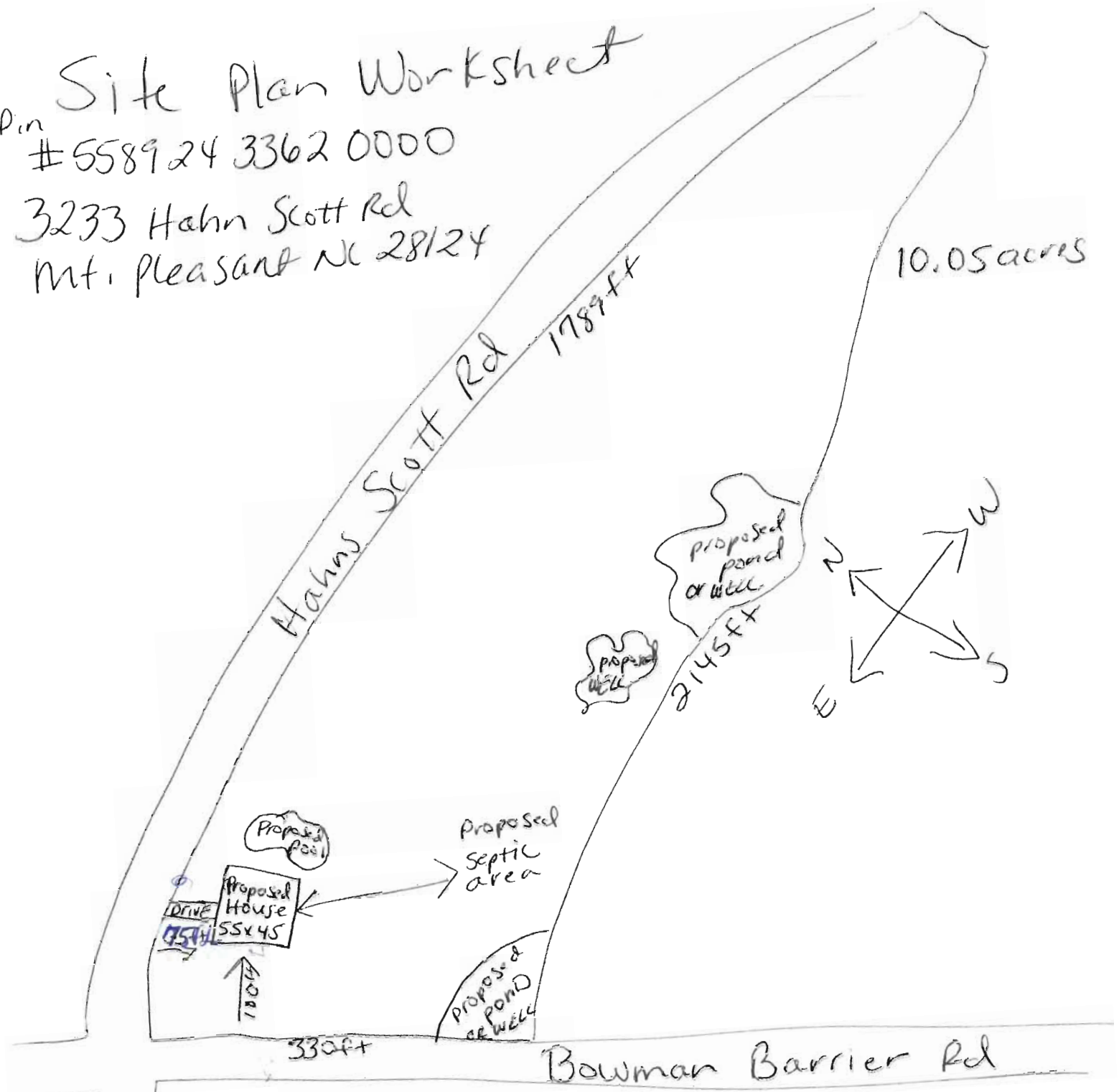
Thanks

Chad A. Byrd
Senior Project Manager
King Engineering of Concord, Inc.
35 Church Street South Suite 107
Concord, NC 28025
704.791.5606

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Site Plan Worksheet

Pin #558924 3362 0000
3233 Hahn Scott Rd
Mt. Pleasant NC 28124



See attached - Diagram
Soil and Site Evaluation
#9 or #11 location
for conventional system
2 chamber w/ pump for
4 BR Basement



3233 → #10
 address for #10
 Hahn Scott Rd
 #11 - perc Test
 #9 - perc Test

■ = Accepted or Low-Profile Chamber Depth Soil
 ■● = Drip Depth Soil



Prepared For:
 Paul Stephen
 McMath

Soil and Site Evaluation
 Hahn-Scott Road
 Mt. Pleasant, NC 28124
 Cabarrus County, North Carolina

Date:
 November 2019
 Scale:
 0 50 100 ft
 TEC Job #:
 19-116

Figure
1

#11 or #9 For House Location

245

~~2100 Lin~~

2145 Feet
~~59 ft~~

330 Feet

1789 ft (4)

)

3233 Hahn Scott Rd
Mt. Pleasant NC 28124

45.24
55.54

55.24
45.54

2.344
4.557

14.17A
8852

2.72A



3180³²³⁵ Hahn Scott Road
Mount Pleasant NC 28124
Tax ID: 5589-14-9533-0000
* 5589-24-3342-0000

SOIL AND SITE EVALUATION

Hahn-Scott Road
Mount Pleasant, NC 28124

Prepared For:

Paul Stephen McMath
3215 Woodchuck Drive
Kannapolis, NC 28081

Prepared By:



Thompson Environmental Consulting, Inc.
PO Box 541
Midland, NC 28107

November 23, 2019



INTRODUCTION & SITE DESCRIPTION

This Soil and Site Evaluation was performed on a portion of a 24.23-acre tract located in the northeast quadrant of the intersection of Bowman-Barrier Road and Hahn-Scott Road in Mount Pleasant, North Carolina (Cabarrus County Tax Parcel 55891495330000). Thompson Environmental Consulting, Inc. (TEC) was retained to determine areas that are suitable for placement of an onsite subsurface wastewater septic system for a single-family residence. The property was evaluated in accordance with North Carolina statutes for waste disposal (“Laws and Rules for Sewage Treatment and Disposal Systems”, amended April 1, 2017).

The property is currently undeveloped and is being used for agricultural production. There is a stream that runs along the eastern property line.

INVESTIGATION METHODOLOGY & SITE PHYSICAL CHARACTERISTICS

Pits were dug with a compact excavator and evaluated. Soil color was determined with a Munsell Soil Color Chart and observations of the landscape (slope, drainage patterns, etc.) as well as soil properties (depth, texture, structure, seasonal wetness, restrictive horizons, etc.) were recorded.

FINDINGS

The field survey was conducted on November 22, 2019 by Larry Thompson, LSS. Ten pits excavated, logged, and their locations noted on the attached Figure 1.

Pits 1, 2, 3, 4, 6, 7, 8, and 9 were rated as “Provisionally Suitable” for Accepted or Low-Profile Chamber Systems. Surfaces typically exhibited a friable silt clay loam texture with weak, medium, subangular blocky structure 2 to 8 inches in depth. Upper subsurface horizons exhibited firm silty clay textures with moderate, medium, subangular blocky structure ranging in depth from 22 to 36 inches. A long-term acceptance rate (LTAR) of 0.275 to 0.3 gal./day/sq. ft. would typically be recommended for these soils.

Pits 5 and 10 were rated as “Provisionally Suitable” for Non-Treated Subsurface Drip Dispersal. Surfaces typically exhibited a friable silt clay loam texture with weak, medium, subangular blocky structure 5 to 8 inches in depth. Upper subsurface horizons exhibited firm silty clay textures with moderate, medium, subangular blocky structure ranging in depth from 18 to 20 inches. A long-term acceptance rate (LTAR) of 0.12 to 0.15 gal./day/sq. ft. would typically be recommended for these soils.

CONCLUSION

The soils evaluated appear to be adequate to support the installation of an Accepted or Low-Profile Chamber System with a Non-Treated Drip Dispersal repair area for a 4-bedroom single family residence. The initial system could be designed with a LTAR of 0.3 gal./day/sq. ft. and would require approximately 4,100 square feet of suitable soil to be allocated and completely

available for a system installation. The proposed repair system would require approximately 3,900 square feet of are to be set aside for this purpose.

The findings presented herein represent TEC's professional opinion based on this Soil and Site Evaluation and knowledge of the current laws and rules governing on-site wastewater systems in North Carolina. Soils naturally change across a landscape and contain many inclusions. As such, attempts to quantify them are not always precise and exact. Due to this inherent variability of soils and the subjectivity when determining limiting factors, there is no guarantee that a regulating authority will agree with the findings of this report. This report does not guarantee or represent approval or issuance of an Improvement Permit, which can only be authorized by the Cabarrus Health Alliance.

Thompson Environmental Consulting, Inc.
 PO Box 541
 Midland, NC 28107

Sheet 1 of 3
 PROPERTY ID #: 558014522_0000
 COUNTY: Currituck

SOIL/SITE EVALUATION
 for ON-SITE WASTEWATER SYSTEM

OWNER: Paul Steven McMath
 ADDRESS: 3415 Woodchuck Dr, Williams, NC 28581
 PROPOSED FACILITY: Pool PROPOSED DESIGN FLOW (.1949): _____
 LOCATION OF SITE: Hain-Scott Level, Williams, NC
 WATER SUPPLY: Private Public Well Spring Other _____
 EVALUATION METHOD: Auger Boring Pit Cut

DATE EVALUATED: 11.22.19
 PROPERTY SIZE: 694.523 ac
 PROPERTY RECORDED: _____

TYPE OF WASTEWATER: Sewage Industrial Process Mixed

| PROFILE # | .1940 LANDSCAPE POSITION/ SLOPE % | HORIZON DEPTH (IN.) | SOIL MORPHOLOGY (.1941) | | OTHER PROFILE FACTORS | | | | PROFILE CLASS & LTAR |
|-----------|-----------------------------------|---------------------|--------------------------|-------------------------------|---------------------------|------------------|-------------------|-------------------|----------------------|
| | | | .1941 STRUCTURE/ TEXTURE | .1941 CONSISTENCE/ MINERALOGY | .1942 SOIL WETNESS/ COLOR | .1943 SOIL DEPTH | .1956 SAPRO CLASS | .1944 RESTR HORIZ | |
| 1 | LS 5% | 0-3 | GR/SIC | FR/med w/pt | N/A | 36" | lean | N/A | PS 0.3 |
| | | 3-7 | CS/SICL | FR/med w/pt | | | | | |
| | | 7-36 | SB/SIC | FR/med w/pt | | | | | |
| | | 36" | N/A | FR/med w/pt | | | | | |
| 2 | LS 5% | 0-3 | GR/SIC | FR/med w/pt | N/A | 26" | N/A | 24" P/M | PS 0.3 |
| | | 3-7 | SB/SIC | FR/med w/pt | | | | | |
| | | 7-24 | SB/SIC | FR/med w/pt | | | | | |
| 3 | LS 5% | 0-2 | GR/SIC | FR/med w/pt | N/A | 22" | N/A | 25" P/M | PS 0.3 |
| | | 2-7 | SB/SIC | FR/med w/pt | | | | | |
| | | 7-20 | SB/SIC | FR/med w/pt | | | | | |
| 4 | LS 5% | 0-6 | SB/SIC | FR/med w/pt | N/A | 29" | N/A | 20" P/M | PS 0.3 |
| | | 6-29 | SB/SIC | FR/med w/pt | | | | | |

| | | | |
|-------------------------|----------------|---------------------|------------------------------------------------------------|
| DESCRIPTION | INITIAL SYSTEM | REPAIR SYSTEM | OTHER FACTORS (.1946): |
| Available Space (.1945) | DS | PS | SITE CLASSIFICATION (.1948): <u>Provisionally Suitable</u> |
| System Type(s) | Accepted | Low Profile or Deep | EVALUATED BY: <u>Larry Thompson, LSS</u> |
| Site LTAR | 0.3 | 0.3/0.2 | OTHER(S) PRESENT: <u>Various Corals</u> |

COMMENTS:

SOIL/SITE EVALUATION
(Continuation Sheet-Complete all field in full)

PROPERTY ID #: 5589149533 0000
DATE OF EVALUATION: 11-22-11
COUNTY: CLATSOP

| P R O F I L E # | .1940 LANDSCAPE POSITION/ SLOPE % | HORIZ ON DEPTH (IN.) | SOIL MORPHOLOGY (.1941) | | OTHER PROFILE FACTORS | | | | PROFILE CLASS & LTAR |
|--------------------------------------|--------------------------------------------|-------------------------------|--------------------------------|-------------------------------------|------------------------------------|------------------------|-------------------------|-------------------------|----------------------------|
| | | | .1941 STRUCTURE/ TEXTURE | .1941 CONSISTENCE/ MINERALOGY | .1942 SOIL WETNESS/ COLOR | .1943 SOIL DEPTH | .1956 SAPRO CLASS | .1944 RESTR HORIZ | |
| 5 | LS 12% | 0-2 | SSC/SIC | Fine sand | n/a | 30" | n/a | 30" (H) | 0.3 |
| | | 2-30 | SSC/SIC | Fine sand | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 6 | LS 5% | 0-2 | SSC/SIC | Fine sand | n/a | 30" | n/a | 30" (H) | 0.3 |
| | | 2-8 | SSC/SIC | Fine sand | | | | | |
| | | 8-9 | SSC/SIC | Fine sand | | | | | |
| | | | | | | | | | |
| 7 | LS 5% | 0-6 | SSC/SIC | Fine sand | n/a | 33" | n/a | 33" (H) | 0.3 |
| | | 6-33 | SSC/SIC | Fine sand | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 8 | LS 8% | 0-2 | SSC/SIC | Fine sand | n/a | 30" | n/a | 30" (H) | 0.3 |
| | | 2-15 | SSC/SIC | Fine sand | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 9 | LS 10% | 0-7 | SSC/SIC | Fine sand | n/a | 30" | n/a | 30" (H) | 0.3 |
| | | 7-33 | SSC/SIC | Fine sand | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

COMMENTS:

SOIL/SITE EVALUATION
(Continuation Sheet-Complete all field in full)

Sheet 3 of 3

PROPERTY ID #: 5589149533.0000
DATE OF EVALUATION: 11-22-14
COUNTY: Calaveras

| P R O F I L E # | .1940 LANDSCAPE POSITION/ SLOPE % | HORIZ ON DEPTH (IN.) | SOIL MORPHOLOGY (.1941) | | OTHER PROFILE FACTORS | | | | PROFILE CLASS & LTAR |
|--------------------------------------|--------------------------------------------|-------------------------------|--------------------------------|-------------------------------------|------------------------------------|------------------------|-------------------------|-------------------------|----------------------------|
| | | | .1941 STRUCTURE/ TEXTURE | .1941 CONSISTENCE/ MINERALOGY | .1942 SOIL WETNESS/ COLOR | .1943 SOIL DEPTH | .1956 SAPRO CLASS | .1944 RESTR HORIZ | |
| 9 | LS 5% | 0-7 | Sb ₁ /S2CL | Fine sand, steep | M ₁ H | 27" | M ₁ | 57" PM | 1-3 2-3 |
| | | 8-29 | Sb ₂ /S2C | Fine sand, steep | | | | | |
| | | | | | | | | | |
| 10 | LS 5% | 0-8 | Sb ₁ /S2CL | Fine sand, steep | M ₁ H | 18" | M ₁ | 45" PM | 1-3 2-3 |
| | | 8-19 | Sb ₂ /S2C | Fine sand, steep | | | | | |
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COMMENTS: _____

LEGEND

use the following standard abbreviations

| LANDSCAPE POSITION | GROUP | SOIL TEXTURE | CONVENTIONAL | | MINERALOGY/ CONSISTENCE | STRUCTURE |
|--------------------|-------|------------------------|--------------|--------------------|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | .1955 LTAR* | LPP .1957 LTAR* | | |
| CC (Concave Slope) | I | S (Sand) | 1.2 - 0.8 | 0.6 - 0.4 | SEXP (Slightly Expansive) EXP (Expansive) | G (Single Grain) |
| CV (Convex Slope) | | LS (Loamy Sand) | | | | M (Massive) |
| D (Drainage Way) | II | SL (Sandy Loam) | 0.8 - 0.6 | 0.4 - 0.3 | | CR (Crumb) |
| DS (Debris Slump) | | L (Loam) | | | | GR (Granular) |
| FP (Flood Plain) | | | | | | SBK (Subangular Blocky) |
| FS (Foot Slope) | III | Si (Silt) | 0.6 - 0.3 | 0.3 - 0.15 | | ABK (Angular Blocky) |
| H (Head Slope) | | SiCL (Silty Clay Loam) | | | | PL (Platy) |
| L (Linear Slope) | | CL (Clay Loam) | | | | PR (Prismatic) |
| N (Nose Slope) | | SCL (Sandy Clay Loam) | | | | |
| R (Ridge) | | SiL (Silt Loam) | | | | |
| S (Shoulder Slope) | | | | | | |
| T (Terrace) | IV | SC (Sandy Clay) | 0.4 - 0.1 | 0.2 - 0.05 | <u>MOIST</u> VFR (Very Friable) FR (Friable) FI (Firm) VFI (Very Firm v. Very Sticky) EFI (Extremely Firm) | <u>WET</u> NS (Non-sticky) SS (Slightly Sticky) S (Sticky) VS (Very Sticky) NP (Non-plastic) SP (Slightly Plastic) P (Plastic) VP (Very Plastic) |
| | | SiC (Silty Clay) | | | | |
| | | C (Clay) | | | | |
| | | O (Organic) | None | None | | |
| | | | | | | |

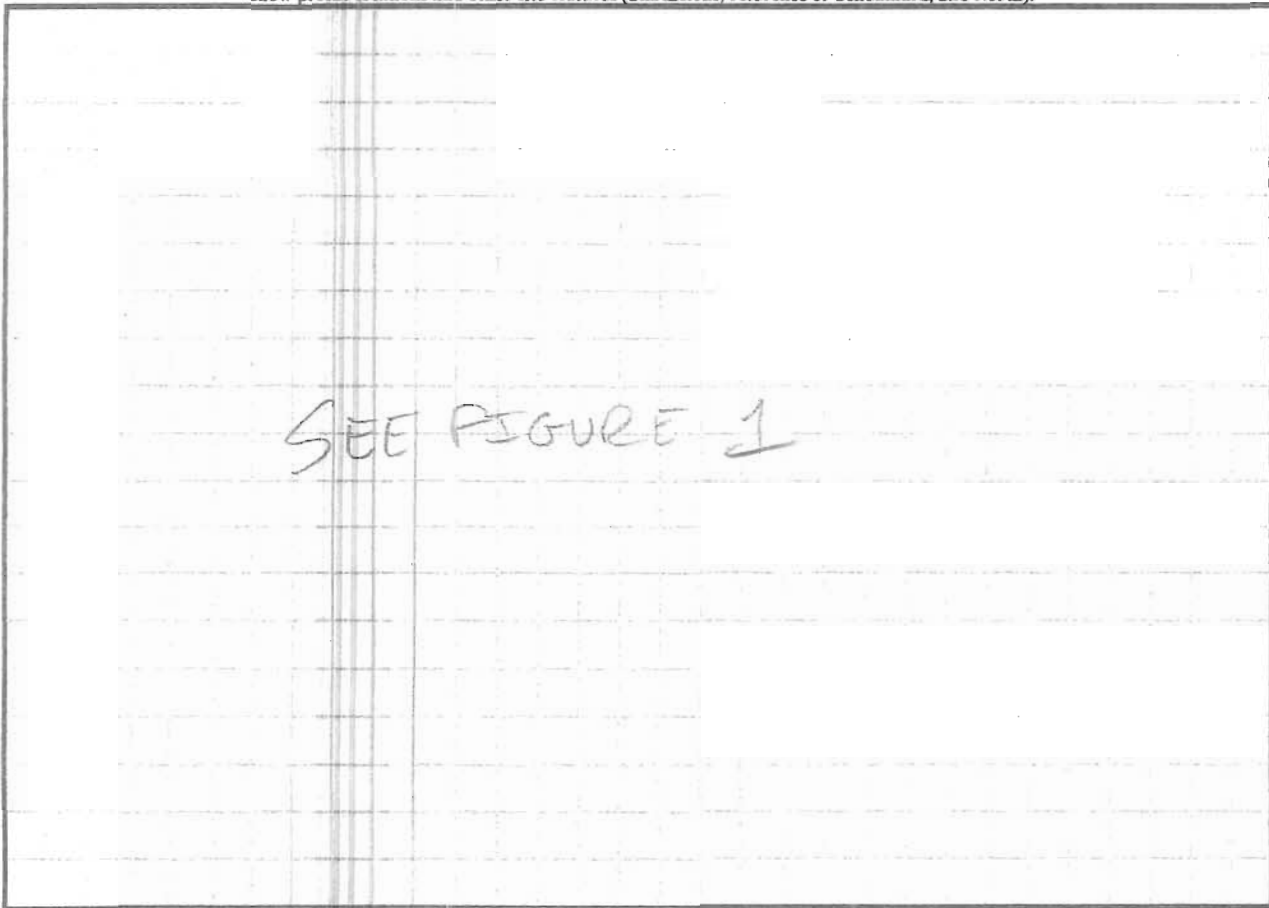
*Adjust LTAR due to depth, consistence, structure, soil wetness, landscape, position, wastewater flow and quality.

NOTES

- HORIZON DEPTH** In inches below natural soil surface
- DEPTH OF FILL** In inches from land surface
- RESTRICTIVE HORIZON** Thickness and depth from land surface
- SAPROLITE** S(suitable) or U(unsuitable)
- SOIL WETNESS** inches from land surface to free water or inches from land surface to soil colors with chroma 2 or less - record Munsell color chip designation
- CLASSIFICATION** S (Suitable), PS (Provisionally Suitable), or U (Unsuitable)

Evaluation of saprolite shall be by pits.
 Long-term Acceptance Rate (LTAR): gal/day/ft²

Show profile locations and other site features (dimensions, reference or benchmark, and North).





The applicant is responsible for preparing property for a site evaluation by an Environmental Health Specialist. The applicant must address each of the items listed below prior to the evaluation

1. **Property Lines must be marked:** All property lines and corners must be clearly marked and readily identifiable. If you are proposing to subdivide property, the proposed property lines must be clearly marked.
2. **The area to be evaluated must be accessible:** In order to conduct a site evaluation, the lot must be easily accessible. If fallen trees, underbrush, or other obstacles prevent free movement across the property, then clearing will be required. Clearing "sight lines" (clearing paths to see the ground) in the area to be evaluated (example: cleared undergrowth to allow easy accessibility and at least 50 feet visibility in any direction; All sites may not require clearing. **NOTE: Soil disturbance must be minimized during the clearing process in order to avoid removing natural soil and adversely affecting site/soil characteristics.**
3. **House/structures must be marked:** The proposed location of a house or any other structure must be clearly marked on the property.

PLEASE CHECK ONE OF THE FOLLOWING:

- My property presently meets the conditions mentioned above and is ready to be evaluated by Cabarrus Health Alliance Environmental Health*
- My property presently does not meet the conditions mentioned above. When these conditions are met I will contact the Environmental Health office at **704-920-1207** to have my property scheduled for a soils evaluation.*

I understand if the aforementioned conditions are not met the property will not be evaluated and that BEING ON SITE AT THE TIME OF THE EVALUATION IS NOT A SUBSTITUTE FOR MARKING THE PROPERTY. All applications are scheduled on a first come first serve basis.

Signature *Connie H. Stark*

PLEASE NOTE:

- Test sites are done in one acre increments
- A plat or tax map that shows property dimensions MUST be included with the application.
- If a proper evaluation cannot be accomplished with an auger (example: rock at shallow depths or too close to the surface), the NC Administrative Code states that you may be required to dig backhoe pits which will permit us to do a more complex evaluation.

OFFER TO PURCHASE AND CONTRACT - VACANT LOT/LAND
 [Consult "Guidelines" (form 12G) for guidance in completing this form]

NOTE: This contract is intended for unimproved real property that Buyer will purchase only for personal use and does not have immediate plans to subdivide. It should not be used to sell property that is being subdivided unless the property has been platted, properly approved and recorded with the register of deeds as of the date of the contract. If Seller is Buyer's builder and the sale involves the construction of a new single family dwelling prior to closing, use the standard Offer to Purchase and Contract--New Construction (Form 800-T) or, if the construction is completed, use the Offer to Purchase and Contract (Form 2-T) with the New Construction Addendum (Form 2A3-T).

For valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Buyer offers to purchase and Seller upon acceptance agrees to sell and convey the Property on the terms and conditions of this Offer To Purchase and Contract and any addendum or modification made in accordance with its terms (together the "Contract").

1. TERMS AND DEFINITIONS: The terms listed below shall have the respective meaning given them as set forth adjacent to each term.

- (a) "Seller": Paul Stephen McMath, spouse Brenda Fowler McMath
 (b) "Buyer": JIM and CONNIE ARSTARK
 (c) "Property": The Property shall include all that real estate described below together with all appurtenances thereto including the improvements located thereon.

NOTE: If the Property will include a manufactured (mobile) home(s), Buyer and Seller should consider including the Manufactured (Mobile) Home provision in the Additional Provisions Addendum (Standard Form 2A11-T) with this offer.

Street Address: 3233 Hahn Scott Rd
 City: Mount Pleasant Zip: 28124
 County: Cabarrus, North Carolina


NOTE: Governmental authority over taxes, zoning, school districts, utilities and mail delivery may differ from address shown.

Legal Description: (Complete ALL applicable)
 Plat Reference :Lot/Unit 10.05ac, Block/Section —, Subdivision/Condominium none
Hahn Scott Rd - 17004, as shown on Plat Book/Slide _____ at Page(s) _____
 The PIN/PID or other identification number of the Property is: 5589 24 33620000
 Other description: 10 acres at the corner of Hahn Scott Rd and Bowman Barrier
 Some or all of the Property may be described in Deed Book 13870 at Page 165

(d) "Purchase Price":

\$ 85,000
 \$ 1500
 \$ 0
 \$ 0
 \$ 0
 \$ 0
 \$ 83,500

paid in U.S. Dollars upon the following terms:
 BY DUE DILIGENCE FEE made payable and delivered to Seller by the Effective Date.
 BY INITIAL EARNEST MONEY DEPOSIT made payable and delivered to Escrow Agent named in Paragraph 1(f) by cash personal check official bank check wire transfer, electronic transfer, EITHER with this offer OR within five (5) days of the Effective Date of this Contract.
 BY (ADDITIONAL) EARNEST MONEY DEPOSIT made payable and delivered to Escrow Agent named in Paragraph 1(f) by cash, official bank check, wire transfer or electronic transfer no later than 5 p.m. on _____,
TIME BEING OF THE ESSENCE.
 BY ASSUMPTION of the unpaid principal balance and all obligations of Seller on the existing loan(s) secured by a deed of trust on the Property in accordance with the attached Loan Assumption Addendum (Standard Form 2A6-T).
 BY SELLER FINANCING in accordance with the attached Seller Financing Addendum (Standard Form 2A5-T).
 BALANCE of the Purchase Price in cash at Settlement (some or all of which may be paid with the proceeds of a new loan).

 This form jointly approved by:
 North Carolina Bar Association
 North Carolina Association of REALTORS®, Inc.



STANDARD FORM 12-T
 Revised 7/2019
 © 7/2019

Buyer initials [Signature] Seller initials [Signature]

Should Buyer fail to deliver either the Due Diligence Fee or any Initial Earnest Money Deposit by their due dates, or should any check or other funds paid by Buyer be dishonored, for any reason, by the institution upon which the payment is drawn, Buyer shall have one (1) banking day after written notice to deliver cash, official bank check, wire transfer or electronic transfer to the payee. In the event Buyer does not timely deliver the required funds, Seller shall have the right to terminate this Contract upon written notice to Buyer.

(e) **"Earnest Money Deposit"**: The Initial Earnest Money Deposit, the Additional Earnest Money Deposit and any other earnest monies paid or required to be paid in connection with this transaction, collectively the "Earnest Money Deposit", shall be deposited and held in escrow by Escrow Agent until Closing, at which time it will be credited to Buyer, or until this Contract is otherwise terminated. In the event: (1) this offer is not accepted; or (2) a condition of any resulting contract is not satisfied, then the Earnest Money Deposit shall be refunded to Buyer. In the event of breach of this Contract by Seller, the Earnest Money Deposit shall be refunded to Buyer upon Buyer's request, but such return shall not affect any other remedies available to Buyer for such breach. In the event of breach of this Contract by Buyer, the Earnest Money Deposit shall be paid to Seller. The payment of the Earnest Money Deposit to Seller and the retention of any Due Diligence Fee by Seller (without regard to their respective amounts, including zero) together shall serve as liquidated damages ("Liquidated Damages") and as Seller's sole and exclusive remedy for such breach, but without limiting Seller's rights under Paragraphs 4(d) and 4(e) for damage to the Property. It is acknowledged by the parties that the amount of the Liquidated Damages is compensatory and not punitive, such amount being a reasonable estimation of the actual loss that Seller would incur as a result of a breach of this Contract by Buyer. The payment to Seller and/or retention by Seller of the Liquidated Damages shall not constitute a penalty or forfeiture but actual compensation for Seller's anticipated loss, both parties acknowledging the difficulty determining Seller's actual damages for such breach. If legal proceedings are brought by Buyer or Seller against the other to recover the Earnest Money Deposit, the prevailing party in the proceeding shall be entitled to recover from the non-prevailing party reasonable attorney fees and court costs incurred in connection with the proceeding.

(f) **"Escrow Agent"** (insert name): NA

NOTE: In the event of a dispute between Seller and Buyer over the disposition of the Earnest Money Deposit held in escrow, a licensed real estate broker ("Broker") is required by state law (and Escrow Agent, if not a Broker, hereby agrees) to retain the Earnest Money Deposit in the Escrow Agent's trust or escrow account until Escrow Agent has obtained a written release from the parties consenting to its disposition or until disbursement is ordered by a court of competent jurisdiction. Alternatively, if a Broker or an attorney licensed to practice law in North Carolina ("Attorney") is holding the Earnest Money Deposit, the Broker or Attorney may deposit the disputed monies with the appropriate clerk of court in accordance with the provisions of N.C.G.S. §93A-12.

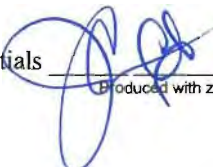
THE PARTIES AGREE THAT A REAL ESTATE BROKERAGE FIRM ACTING AS ESCROW AGENT MAY PLACE THE EARNEST MONEY DEPOSIT IN AN INTEREST BEARING TRUST ACCOUNT AND THAT ANY INTEREST EARNED THEREON SHALL BE DISBURSED TO THE ESCROW AGENT MONTHLY IN CONSIDERATION OF THE EXPENSES INCURRED BY MAINTAINING SUCH ACCOUNT AND RECORDS ASSOCIATED THEREWITH.

(g) **"Effective Date"**: The date that: (1) the last one of Buyer and Seller has signed or initialed this offer or the final counteroffer, if any, and (2) such signing or initialing is communicated to the party making the offer or counteroffer, as the case may be. The parties acknowledge and agree that the initials lines at the bottom of each page of this Contract are merely evidence of their having reviewed the terms of each page, and that the complete execution of such initials lines shall not be a condition of the effectiveness of this Agreement.

(h) **"Due Diligence"**: Buyer's opportunity to investigate the Property and the transaction contemplated by this Contract, including but not necessarily limited to the matters described in Paragraph 2 below, to decide whether Buyer, in Buyer's sole discretion, will proceed with or terminate the transaction.

(i) **"Due Diligence Fee"**: A negotiated amount, if any, paid by Buyer to Seller with this Contract for Buyer's right to terminate the Contract for any reason or no reason during the Due Diligence Period. It shall be the property of Seller upon the Effective Date and shall be a credit to Buyer at Closing. The Due Diligence Fee shall be non-refundable except in the event of a material breach of this Contract by Seller, or if this Contract is terminated under Paragraph 6(n) or as otherwise provided in any addendum hereto. Buyer and Seller each expressly waive any right that they may have to deny the right to conduct Due Diligence or to assert any defense as to the enforceability of this Contract based on the absence or alleged insufficiency of any Due Diligence Fee, it being the intent of the parties to create a legally binding contract for the purchase and sale of the Property without regard to the existence or amount of any Due Diligence Fee.

(j) **"Due Diligence Period"**: The period beginning on the Effective Date and extending through 5:00 p.m. on on or before May 01, 2020 ***TIME BEING OF THE ESSENCE.***

Buyer initials  Seller initials 

(k) **"Settlement"**: The proper execution and delivery to the closing attorney of all documents necessary to complete the transaction contemplated by this Contract, including the deed, settlement statement, deed of trust and other loan or conveyance documents, and the closing attorney's receipt of all funds necessary to complete such transaction.

(l) **"Settlement Date"**: The parties agree that Settlement will take place on May 31, 2020 (the "Settlement Date"), unless otherwise agreed in writing, at a time and place designated by Buyer.

(m) **"Closing"**: The completion of the legal process which results in the transfer of title to the Property from Seller to Buyer, which includes the following steps: (1) the Settlement (defined above); (2) the completion of a satisfactory title update to the Property following the Settlement; (3) the closing attorney's receipt of authorization to disburse all necessary funds; and (4) recordation in the appropriate county registry of the deed(s) and deed(s) of trust, if any, which shall take place as soon as reasonably possible for the closing attorney after Settlement. Upon Closing, the proceeds of sale shall be disbursed by the closing attorney in accordance with the settlement statement and the provisions of Chapter 45A of the North Carolina General Statutes. If the title update should reveal unexpected liens, encumbrances or other title defects, or if the closing attorney is not authorized to disburse all necessary funds, then the Closing shall be suspended and the Settlement deemed delayed under Paragraph 9 (Delay in Settlement/Closing).

WARNING: The North Carolina State Bar has determined that the performance of most acts and services required for a closing constitutes the practice of law and must be performed only by an attorney licensed to practice law in North Carolina. State law prohibits unlicensed individuals or firms from rendering legal services or advice. Although non-attorney settlement agents may perform limited services in connection with a closing, they may not perform all the acts and services required to complete a closing. A closing involves significant legal issues that should be handled by an attorney. Accordingly it is the position of the North Carolina Bar Association and the North Carolina Association of REALTORS® that all buyers should hire an attorney licensed in North Carolina to perform a closing.

(n) **"Special Assessments"**: A charge against the Property by a governmental authority in addition to ad valorem taxes and recurring governmental service fees levied with such taxes, or by an owners' association in addition to any regular assessment (dues), either of which may be a lien against the Property. A Special Assessment may be either proposed or confirmed.

"Proposed Special Assessment": A Special Assessment that is under formal consideration but which has not been approved prior to Settlement.

"Confirmed Special Assessment": A Special Assessment that has been approved prior to Settlement whether payable in a lump sum or future installments.

NOTE: Any Proposed and Confirmed Special Assessments must be identified by Seller in paragraph 5(b), and Buyer's and Seller's respective responsibilities for Proposed and Confirmed Special Assessments are addressed in paragraphs 4(a) and 6(k).

2. **BUYER'S DUE DILIGENCE PROCESS:**

WARNING: BUYER IS STRONGLY ENCOURAGED TO CONDUCT DUE DILIGENCE DURING THE DUE DILIGENCE PERIOD. If Buyer is not satisfied with the results or progress of Buyer's Due Diligence, Buyer should terminate this Contract, *prior to the expiration of the Due Diligence Period*, unless Buyer can obtain a written extension from Seller. SELLER IS NOT OBLIGATED TO GRANT AN EXTENSION. Although Buyer may continue to investigate the Property following the expiration of the Due Diligence Period, Buyer's failure to deliver a Termination Notice to Seller prior to the expiration of the Due Diligence Period will constitute a waiver by Buyer of any right to terminate this Contract based on any matter relating to Buyer's Due Diligence. Provided however, following the Due Diligence Period, Buyer may still exercise a right to terminate if Seller fails to materially comply with any of Seller's obligations under paragraph 6 of this Contract or for any other reason permitted under the terms of this Contract or North Carolina law.

(a) **Loan:** Buyer, at Buyer's expense, shall be entitled to pursue qualification for and approval of the Loan if any.

NOTE: Buyer's obligation to purchase the Property is not contingent on obtaining a Loan. Therefore, Buyer is advised to consult with Buyer's lender prior to signing this offer to assure that the Due Diligence Period allows sufficient time for the appraisal to be completed and for Buyer's lender to provide Buyer sufficient information to decide whether to proceed with or terminate the transaction.

(b) **Property Investigation:** Buyer or Buyer's agents or representatives, at Buyer's expense, shall be entitled to conduct all desired tests, surveys, appraisals, investigations, examinations and inspections of the Property as Buyer deems appropriate, including but NOT limited to the following:

Buyer initials [Signature] Seller initials [Signature]

- (i) **Soil And Environmental:** Reports to determine whether the soil is suitable for Buyer's intended use and whether there is any environmental contamination, law, rule or regulation that may prohibit, restrict or limit Buyer's intended use.
- (ii) **Septic/Sewer System:** Any applicable investigation(s) to determine: (1) the condition of an existing sewage system, (2) the costs and expenses to install a sewage system approved by an existing Improvement Permit, (3) the availability and expense to connect to a public or community sewer system, and/or (4) whether an Improvement Permit or written evaluation may be obtained from the County Health Department for a suitable ground absorption sewage system.
- (iii) **Water:** Any applicable investigation(s) to determine: (1) the condition of an existing private drinking water well, (2) the costs and expenses to install a private drinking water well approved by an existing Construction Permit, (3) the availability, costs and expenses to connect to a public or community water system, or a shared private well, and/or (4) whether a Construction Permit may be obtained from the County Health Department for a private drinking water well.
- (iv) **Review of Documents:** Review of the Declaration of Restrictive Covenants, Bylaws, Articles of Incorporation, Rules and Regulations, and other governing documents of any applicable owners' association and/or subdivision. If the Property is subject to regulation by an owners' association, it is recommended that Buyer review the completed Owners' Association And Addendum (Standard Form 2A12-T) provided by Seller prior to signing this offer. It is also recommended that the Buyer determine if the owners' association or its management company charges fees for providing information required by Buyer's lender or confirming restrictive covenant compliance.
- (v) **Appraisals:** An appraisal of the Property.
- (vi) **Survey:** A survey to determine whether the property is suitable for Buyer's intended use and the location of easements, setbacks, property boundaries and other issues which may or may not constitute title defects.
- (vii) **Zoning and Governmental Regulation:** Investigation of current or proposed zoning or other governmental regulation that may affect Buyer's intended use of the Property, adjacent land uses, planned or proposed road construction, and school attendance zones.
- (viii) **Flood Hazard:** Investigation of potential flood hazards on the Property, and/or any requirement to purchase flood insurance in order to obtain the Loan.
- (ix) **Utilities and Access:** Availability, quality, and obligations for maintenance of utilities including electric, gas, communication services, storm water management, and means of access to the Property and amenities.
- (x) **Streets/Roads:** Investigation of the status of the street/road upon which the Property fronts as well as any other street/road used to access the Property, including: (1) whether any street(s)/road(s) are public or private, (2) whether any street(s)/road(s) designated as public are accepted for maintenance by the State of NC or any municipality, or (3) if private or not accepted for public maintenance, the consequences and responsibility for maintenance and the existence, terms and funding of any maintenance agreements.

NOTE: NC General Statutes Section 136-102.6(f) (the "Statute") requires that under circumstances described in the Statute, a buyer must be provided a subdivision streets disclosure statement prior to entering into an agreement to buy subdivided property described in the Statute. If Buyer or Seller are uncertain whether the sale of the Property described in this Contract is subject to the Statute, consult a NC real estate attorney.

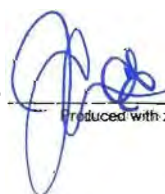
- (xi) **Sale/Lease of Existing Property:** As noted in paragraph 3(b), this Contract is not conditioned upon the sale/lease or closing of other property owned by Buyer. Therefore, if Buyer must sell or lease other real property in order to qualify for a new loan or to otherwise complete the purchase of the Property, Buyer should seek to close on Buyer's other property prior to the end of the Due Diligence Period or be reasonably satisfied that closing on Buyer's other property will take place prior to the Settlement Date of this Contract.

(c) **Buyer's Obligation to Repair Damage:** Buyer shall, at Buyer's expense, promptly repair any damage to the Property resulting from any activities of Buyer and Buyer's agents and contractors, but Buyer shall not be responsible for any damage caused by accepted practices applicable to any N.C. licensed professional performing reasonable appraisals, tests, surveys, examinations and inspections of the Property. This repair obligation shall survive any termination of this Contract.

(d) **Indemnity:** Buyer will indemnify and hold Seller harmless from all loss, damage, claims, suits or costs, which shall arise out of any contract, agreement, or injury to any person or property as a result of any activities of Buyer and Buyer's agents and contractors relating to the Property except for any loss, damage, claim, suit or cost arising out of pre-existing conditions of the Property and/or out of Seller's negligence or willful acts or omissions. This indemnity shall survive this Contract and any termination hereof.

(e) **Buyer's Right to Terminate:** Buyer shall have the right to terminate this Contract for any reason or no reason, by delivering to Seller written notice of termination (the "Termination Notice") during the Due Diligence Period (or any agreed-upon written extension of the Due Diligence Period), **TIME BEING OF THE ESSENCE**. If Buyer timely delivers the Termination Notice, this Contract shall be terminated and the Earnest Money Deposit shall be refunded to Buyer.

Buyer initials



Seller initials



(f) **CLOSING SHALL CONSTITUTE ACCEPTANCE OF THE PROPERTY IN ITS THEN EXISTING CONDITION UNLESS PROVISION IS OTHERWISE MADE IN WRITING.**

3. **BUYER REPRESENTATIONS:**

(a) **Loan:** Buyer does does not intend to obtain a new loan in order to purchase the Property. If Buyer is obtaining a new loan, Buyer intends to obtain a loan as follows: Conventional Other: _____ loan at a Fixed Rate Adjustable Rate in the principal amount of _____ for a term of _____ year(s), at an initial interest rate not to exceed _____ % per annum (the "Loan").

NOTE: Buyer's obligation under this Contract are not conditioned upon obtaining or closing any loan.

NOTE: If Buyer does not intend to obtain a new loan, Seller is advised, prior to signing this offer, to obtain documentation from Buyer which demonstrates that Buyer will be able to close on the Property without the necessity of obtaining a new loan.

(b) **Other Property:** Buyer DOES DOES NOT have to sell or lease other real property in order to qualify for a new loan or to complete the purchase. *(Complete the following only if Buyer DOES have to sell or lease other real property:)*

Other Property Address: 5625 WEDDINGTON ROAD, CONCORD NC 29027

(Check if applicable) Buyer's other property IS under contract as of the date of this offer, and a copy of the contract has either been previously provided to Seller or accompanies this offer. *(Buyer may mark out any confidential information, such as the purchase price and the buyer's identity, prior to providing a copy of the contract to Seller.)* Failure to provide a copy of the contract shall not prevent this offer from becoming a binding contract; however, SELLER IS STRONGLY ENCOURAGED TO OBTAIN AND REVIEW THE CONTRACT ON BUYER'S PROPERTY PRIOR TO ACCEPTING THIS OFFER.

(Check if applicable) Buyer's other property IS NOT under contract as of the date of this offer. Buyer's property *(check only ONE of the following options):*

is listed with and actively marketed by a licensed real estate broker.

will be listed with and actively marketed by a licensed real estate broker.

Buyer is attempting to sell/lease the Buyer's Property without the assistance of a licensed real estate broker.

NOTE: This Contract is NOT conditioned upon the sale/lease or closing of Buyer's other property. If the parties agree to make this Contract conditioned on a sale/lease or closing of Buyer's other property, an appropriate contingency addendum should be drafted by a North Carolina real estate attorney and added to this Contract.

(c) **Performance of Buyer's Financial Obligations:** To the best of Buyer's knowledge, there are no other circumstances or conditions existing as of the date of this offer that would prohibit Buyer from performing Buyer's financial obligations in accordance with this Contract, except as maybe specifically set forth herein.

4. **BUYER OBLIGATIONS:**

(a) **Responsibility for Proposed Special Assessments:** Buyer shall take title subject to all Proposed Special Assessments.

(b) **Responsibility for Certain Costs:** Buyer shall be responsible for all costs with respect to:

(i) any loan obtained by Buyer, including charges by an owners association and/or management company as agent of an owners' association for providing information required by Buyer's lender;

(ii) charges required by an owners' association declaration to be paid by Buyer for Buyer's future use and enjoyment of the Property, including, without limitation, working capital contributions, membership fees, or charges for Buyer's use of the common elements and/or services provided to Buyer, such as "move-in fees";

(iii) determining restrictive covenant compliance;

(iv) appraisal;

(v) title search;

(vi) title insurance;

(vii) any fees charged by the closing attorney for the preparation of the Closing Disclosure, Seller Disclosure and any other settlement statement;

(viii) recording the deed; and

(ix) preparation and recording of all instruments required to secure the balance of the Purchase Price unpaid at Settlement.

(c) **Authorization to Disclose Information:** Buyer authorizes the Buyer's lender(s), the parties' real estate agent(s) and closing attorney:(1) to provide this Contract to any appraiser employed by Buyer or by Buyer's lender(s); and (2) to release and disclose any buyer's closing disclosure, settlement statement and/or disbursement summary, or any information therein, to the parties to this transaction, their real estate agent(s) and Buyer's lender(s).



5. **SELLER REPRESENTATIONS:**

(a) **Ownership:** Seller represents that Seller:

- has owned the Property for at least one year.
- has owned the Property for less than one year.
- does not yet own the Property.

(b) **Assessments:** To the best of Seller's knowledge there are are not any Proposed Special Assessments. If any Proposed Special Assessments, identify: _____

Seller warrants that there are are not any Confirmed Special Assessments. If any Confirmed Special Assessments, identify: _____

NOTE: Buyer's and Seller's respective responsibilities for Proposed and Confirmed Special Assessments are addressed in paragraphs 4(a) and 6(k).

(c) **Owners' Association(s) and Dues:** To best of Seller's knowledge, ownership of the Property subjects does not subject Buyer to regulation by one or more owners' association(s) and governing documents, which impose various mandatory covenants, conditions and restrictions upon the Property and Buyer's enjoyment thereof, including but not limited to obligations to pay regular assessments (dues) and Special Assessments. If there is an owners' association, then an Owners' Association Disclosure and Addendum For Properties Exempt from Residential Property Disclosure Statement (Standard Form 2A12-T) shall be completed by Seller, at Seller's expense, and must be attached as an addendum to this Contract.

(d) **Sewage System Permit:** (Applicable Not Applicable) Seller warrants that the sewage system described in the Improvement Permit attached hereto has been installed, which representation survives Closing, but makes no further representations as to the system.

(e) **Private Drinking Water Well Permit:** (Applicable Not Applicable) Seller warrants that a private drinking water well has been installed, which representation survives Closing, but makes no further representations as to the well. (If well installed after July1,2008, attach Improvement Permit hereto.)

6. **SELLER OBLIGATIONS:**

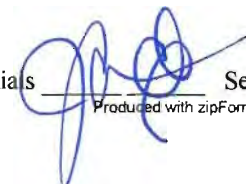

(a) **Evidence of Title, Payoff Statement(s) and Non Foreign Status:**

- (i) Seller agrees to use best efforts to provide to the closing attorney as soon as reasonably possible after the Effective Date, copies of all title information in possession of or available to Seller, including but not limited to: title insurance policies, attorney's opinions on title, surveys, covenants, deeds, notes and deeds of trust, leases, and easements relating to the Property.
- (ii) Seller shall provide to the closing attorney all information needed to obtain a written payoff statement from any lender(s) regarding any security interest in the Property as soon as reasonably possible after the Effective Date, and Seller designates the closing attorney as Seller's agent with express authority to request and obtain on Seller's behalf payoff statements and/or short-pay statements from any such lender(s).
- (iii) If Seller is not a foreign person as defined by the Foreign Investment in Real Property Tax Act, Seller shall also provide to the closing attorney a non-foreign status affidavit (pursuant to the Foreign Investment in Real Property Tax Act). In the event Seller shall not provide a non-foreign status affidavit, Seller acknowledges that there maybe withholding as provided by the Internal Revenue Code.

(b) **Authorization to Disclose Information:** Seller authorizes: (1) any attorney presently or previously representing Seller to release and disclose any title insurance policy in such attorney's file to Buyer and both Buyer's and Seller's agents and attorneys; (2) the Property's title insurer or its agent to release and disclose all materials in the Property's title insurer's (or title insurer's agent's) file to Buyer and both Buyer's and Seller's agents and attorneys, and (3) the closing attorney to release and disclose any seller's closing disclosure, settlement statement and/or disbursement summary, or any information therein, to the parties to this transaction, their real estate agent(s) and Buyer's lender(s).

(c) **Access to Property:** Seller shall provide reasonable access to the Property through the earlier of Closing or possession by Buyer, including, but not limited to, allowing the Buyer and/or Buyer's agents or representatives an opportunity to (i) conduct Due Diligence, (ii) verify the satisfactory completion of negotiated repairs/improvements, and (iii) conduct a final walk-through inspection of the Property. Seller's obligation includes providing existing utilities operating at Seller's cost including any connections and dewatering. To the extent applicable, Seller shall also be responsible for timely clearing that portion of the Property required by the County to perform tests, inspections and/or evaluations to determine the suitability of the Property for a sewage system and/or private drinking water well.

NOTE: See WARNING in paragraph 2 above for limitation on Buyer's right to terminate this Contract as a result of Buyer's continued investigation of the Property following the expiration of the Due Diligence Period.

Buyer initials  Seller initials 

(d) **Removal of Seller's Property:** Seller shall remove from the Property, by the date possession is delivered, (i) all personal property which is not a part of the purchase and (ii) unless otherwise agreed, all garbage and debris.

(e) **Affidavit and Indemnification Agreement:** Seller shall furnish at Settlement an affidavit(s) and indemnification agreement(s) in form satisfactory to Buyer and Buyer's title insurer, if any, executed by Seller and any person or entity who has performed or furnished labor, services, materials or rental equipment to the Property within 120 days prior to the date of Settlement and who may be entitled to claim a lien against the Property as described in N.C.G.S. §44A-8 verifying that each such person or entity has been paid in full and agreeing to indemnify Buyer, Buyer's lender(s) and Buyer's title insurer against all loss from any cause or claim arising there from.

(f) **Designation of Lien Agent, Payment and Satisfaction of Liens:** If required by N.C.G.S. §44A-11.1, Seller shall have designated a Lien Agent, and Seller shall deliver to Buyer as soon as reasonably possible a copy of the appointment of Lien Agent. All deeds of trust, deferred ad valorem taxes, liens and other charges against the Property, not assumed by Buyer, must be paid and satisfied by Seller prior to or at Settlement such that cancellation may be promptly obtained following Closing. Seller shall remain obligated to obtain any such cancellations following Closing.

(g) **Good Title, Legal Access:** Seller shall execute and deliver a GENERAL WARRANTY DEED for the Property in recordable form no later than Settlement, which shall convey fee simple marketable and insurable title, without exception for mechanics' liens, and free of any other liens, encumbrances or defects, including those which would be revealed by a current and accurate survey of the Property, except: ad valorem taxes for the current year (prorated through the date of Settlement); utility easements and unviolated covenants, conditions or restrictions that do not materially affect the value of the Property; and such other liens, encumbrances or defects as may be assumed or specifically approved by Buyer in writing. The Property must have legal access to a public right of way.

NOTE: Buyer's failure to conduct a survey or examine title of the Property prior to the expiration of the Due Diligence Period does not relieve the Seller of their obligation to deliver good title under this paragraph.

NOTE: If any sale of the Property may be a "short sale," consideration should be given to attaching a Short Sale Addendum (Standard Form 2A14-T) as an addendum to this Contract.

(h) **Deed, Taxes, and Fees:** Seller shall pay for preparation of a deed and all other documents necessary to perform Seller's obligations under this Contract, and for state and county excise taxes, and any deferred, discounted or rollback taxes, and local conveyance fees required by law. The deed is to be made to: JAMES N. ARSTARK
CONNIE G. ARSTARK (MARRIED)

(i) **Agreement to Pay Buyer Expenses:** Seller shall pay at Settlement \$ _____ toward any of Buyer's expenses associated with the purchase of the Property, at the discretion of Buyer and/or lender, if any, including any FHA/VA lender and inspection costs that Buyer is not permitted to pay.

(j) **Owners' Association Fees/Charges: Seller shall pay:** (i) any fees required for confirming Seller's account payment information on owners' association dues or assessments for payment or proration; (ii) any fees imposed by an owners' association and/or a management company as agent of the owners' association in connection with the transaction contemplated by this Contract other than those fees required to be paid by Buyer under paragraph 4(b) above; and (iii) fees incurred by Seller in completing the Residential Property and Owners' Association Disclosure Statement, and resale or other certificates related to a proposed sale of the Property.

(k) **Payment of Confirmed Special Assessments:** Seller shall pay, in full at Settlement, all Confirmed Special Assessments, whether payable in a lump sum or future installments, provided that the amount thereof can be reasonably determined or estimated. The payment of such estimated amount shall be the final payment between the Parties.

(l) **Late Listing Penalties:** All property tax late listing penalties, if any, shall be paid by Seller.

(m) **Owners' Association Disclosure and Condominium Resale Statement Addendum** (Standard Form 2A12-T): If applicable, Seller shall provide the completed Owners' Association Disclosure and Condominium Resale Statement Addendum to Buyer on or before the Effective Date.

(n) **Seller's Failure to Comply or Breach:** If Seller fails to materially comply with any of Seller's obligations under this Paragraph 6 or Seller materially breaches this Contract, and Buyer elects to terminate this Contract as a result of such failure or breach, then the Earnest Money Deposit and the Due Diligence Fee shall be refunded to Buyer and Seller shall reimburse to Buyer the reasonable costs actually incurred by Buyer in connection with Buyer's Due Diligence without affecting any other remedies.

Buyer initials [Signature] Seller initials [Signature]

legal proceedings are brought by Buyer against the Seller to recover the Earnest Money Deposit, the Due Diligence Fee and/or the reasonable costs actually incurred by Buyer in connection with Buyer's Due Diligence, the prevailing party in the proceeding shall be entitled to recover from the non-prevailing party reasonable attorney fees and court costs incurred in connection with the proceeding.

7. **PRORATIONS AND ADJUSTMENTS:** Unless otherwise provided, the following items shall be prorated, with Seller responsible for the prorated amounts through the date of Settlement, and either adjusted between the parties or paid at Settlement:

- (a) **Taxes on Real Property:** Ad valorem taxes and recurring governmental service fees levied with such taxes on real property shall be prorated on a calendar year basis;
- (b) **Rents:** Rents, if any, for the Property;
- (c) **Dues:** Owners' association regular assessments (dues) and other like charges.

8. **RISK OF LOSS/CONDITION OF PROPERTY AT CLOSING:** The risk of loss or damage by fire or other casualty prior to Closing shall be upon Seller. Seller is advised not to cancel existing insurance on the Property until after confirming recordation of the deed.

Buyer's obligation to complete the transaction contemplated by this Contract shall be contingent upon the Property being in substantially the same or better condition at Closing as on the date of this offer, reasonable wear and tear excepted. If the Property is not in substantially the same or better condition at Closing as on the date of this offer, reasonable wear and tear excepted, Buyer may terminate this Contract by written notice delivered to Seller and the Earnest Money Deposit shall be refunded to Buyer. If the Property is not in such condition and Buyer does NOT elect to terminate this Contract, Buyer shall be entitled to receive, in addition to the Property, the proceeds of any insurance claim filed by Seller on account of any damage or destruction to the Property.

9. **DELAY IN SETTLEMENT/CLOSING:** Absent agreement to the contrary in this Contract or any subsequent modification thereto, if a party is unable to complete Settlement by the Settlement Date but intends to complete the transaction and is acting in good faith and with reasonable diligence to proceed to Settlement ("Delaying Party"), and if the other party is ready, willing and able to complete Settlement on the Settlement Date ("Non-Delaying Party") then the Delaying Party shall give as much notice as possible to the Non-Delaying Party and closing attorney and shall be entitled to a delay in Settlement. If the parties fail to complete Settlement and Closing within fourteen (14) days of the Settlement Date (including any amended Settlement Date agreed to in writing by the parties) or to otherwise extend the Settlement Date by written agreement, then the Delaying Party shall be in breach and the Non-Delaying Party may terminate this Contract and shall be entitled to enforce any remedies available to such party under this Contract for the breach.

10. **POSSESSION:** Unless otherwise provided herein, possession, including all means of access to the Property (keys, codes, including security codes, gate openers, electronic devices, etc.) shall be delivered at Closing as defined in Paragraph 1(m). No alterations, excavations, tree or vegetation removal or other such activities may be done before possession is delivered.

11. **ADDENDA:** CHECK ALL STANDARD ADDENDA THAT MAY BE A PART OF THIS CONTRACT, IF ANY, AND ATTACH HERETO. ITEMIZE ALL OTHER ADDENDA TO THIS CONTRACT, IF ANY, AND ATTACH HERETO.

- | | |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Additional Provisions Addendum (Form 2A11-T) | <input type="checkbox"/> Owners' Association Disclosure And Addendum For Properties Exempt from Residential Property Disclosure Statement (Form 2A12-T) |
| <input type="checkbox"/> Additional Signatures Addendum (Form 3-T) | <input type="checkbox"/> Seller Financing Addendum (Form 2A5-T) |
| <input type="checkbox"/> Back-Up Contract Addendum (Form 2A1-T) | <input type="checkbox"/> Short Sale Addendum (Form 2A14-T) |
| <input type="checkbox"/> Loan Assumption Addendum (Form 2A6-T) | |
| <input type="checkbox"/> Identify other attorney or party drafted addenda: | |

Mineral Rights Conveyed w/ Land

NOTE: UNDER NORTH CAROLINA LAW, REAL ESTATE BROKERS ARE NOT PERMITTED TO DRAFT ADDENDA TO THIS CONTRACT.

12. **ASSIGNMENTS:** This Contract may not be assigned without the written consent of all parties except in connection with a tax-deferred exchange, but if assigned by agreement, then this Contract shall be binding on the assignee and assignee's heirs and successors.

13. **TAX-DEFERRED EXCHANGE:** In the event Buyer or Seller desires to effect a tax-deferred exchange in connection with the conveyance of the Property, Buyer and Seller agree to cooperate in effecting such exchange; provided, however, that the exchanging party shall be responsible for all additional costs associated with such exchange, and provided further, that a non-exchanging party shall not assume any additional liability with respect to such tax-deferred exchange. Buyer and Seller shall execute such additional

documents, including assignment of this Contract in connection therewith, at no cost to the non-exchanging party, as shall be required to give effect to this provision.

14. **PARTIES:** This Contract shall be binding upon and shall inure to the benefit of Buyer and Seller and their respective heirs, successors and assigns. As used herein, words in the singular include the plural and the masculine includes the feminine and neuter genders, as appropriate.

15. **SURVIVAL:** If any provision herein contained which by its nature and effect is required to be observed, kept or performed after the Closing, it shall survive the Closing and remain binding upon and for the benefit of the parties hereto until fully observed, kept or performed.

16. **ENTIRE AGREEMENT:** This Contract contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed herein. All changes, additions or deletions hereto must be in writing and signed by all parties. Nothing contained herein shall alter any agreement between a REALTOR® or broker and Seller or Buyer as contained in any listing agreement, buyer agency agreement, or any other agency agreement between them.

17. **CONDUCT OF TRANSACTION:** The parties agree that any action between them relating to the transaction contemplated by this Contract may be conducted by electronic means, including the signing of this Contract by one or more of them and any notice or communication given in connection with this Contract. Any written notice or communication may be transmitted to any mailing address, e-mail address or fax number set forth in the "Notice Information" section below. Any notice or communication to be given to a party herein, any any fee, deposit of other payment to be delivered to a party herein, may be given to the party or to such party's agent. Seller and Buyer agree that the "Notice Information" and "Acknowledgment of Receipt of Monies" sections below shall not constitute a material part of this Contract, and that the addition or modification of any information therein shall not constitute a rejection of an offer or the creation of a counter offer.

18. **EXECUTION:** This Contract may be signed in multiple originals or counterparts, all of which together constitute one and the same instrument.

19. **COMPUTATION OF DAYS/TIME OF DAY:** Unless otherwise provided, for purposes of this Contract, the term "days" shall mean consecutive calendar days, including Saturdays, Sundays, and holidays, whether federal, state, local or religious. For the purposes of calculating days, the count of "days" shall begin on the day following the day upon which any act or notice as provided in this Contract was required to be performed or made. Any reference to a date or time of day shall refer to the date and/or time of day in the State of North Carolina.

THE NORTH CAROLINA ASSOCIATION OF REALTORS®, INC. AND THE NORTH CAROLINA BAR ASSOCIATION MAKE NO REPRESENTATION AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION OF THIS FORM IN ANY SPECIFIC TRANSACTION. IF YOU DO NOT UNDERSTAND THIS FORM OR FEEL THAT IT DOES NOT PROVIDE FOR YOUR LEGAL NEEDS, YOU SHOULD CONSULT A NORTH CAROLINA REAL ESTATE ATTORNEY BEFORE YOU SIGN IT.

This offer shall become a binding contract on the Effective Date. Unless specifically provided otherwise, Buyer's failure to timely deliver any fee, deposit or other payment provided for herein shall not prevent this offer from becoming a binding contract, provided that any such failure shall give Seller certain rights to terminate the contract as described herein or as otherwise permitted by law.

Date: 2-22-2020
Buyer: [Signature]

Date: 2/22/2020
Seller: [Signature]

Date: 2-22-2020
Buyer: [Signature]

Date: 2/22/2020
Seller: [Signature]

Entity Buyer:

(Name of LLC/Corporation/Partnership/Trust/etc.)

Entity Seller:

(Name of LLC/Corporation/Partnership/Trust/etc.)

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

WIRE FRAUD WARNING

TO BUYERS: BEFORE SENDING ANY WIRE, YOU SHOULD CALL THE CLOSING ATTORNEY'S OFFICE TO VERIFY THE INSTRUCTIONS. IF YOU RECEIVE WIRING INSTRUCTIONS FOR A DIFFERENT BANK, BRANCH LOCATION, ACCOUNT NAME OR ACCOUNT NUMBER, THEY SHOULD BE PRESUMED FRAUDULENT. DO NOT SEND ANY FUNDS AND CONTACT THE CLOSING ATTORNEY'S OFFICE IMMEDIATELY.

TO SELLERS: IF YOUR PROCEEDS WILL BE WIRED, IT IS RECOMMENDED THAT YOU PROVIDE WIRING INSTRUCTIONS AT CLOSING IN WRITING IN THE PRESENCE OF THE ATTORNEY. IF YOU ARE UNABLE TO ATTEND CLOSING, YOU MAY BE REQUIRED TO SEND AN ORIGINAL NOTARIZED DIRECTIVE TO THE CLOSING ATTORNEY'S OFFICE CONTAINING THE WIRING INSTRUCTIONS. THIS MAY BE SENT WITH THE DEED, LIEN WAIVER AND TAX FORMS IF THOSE DOCUMENTS ARE BEING PREPARED FOR YOU BY THE CLOSING ATTORNEY. AT A MINIMUM, YOU SHOULD CALL THE CLOSING ATTORNEY'S OFFICE TO PROVIDE THE WIRE INSTRUCTIONS. THE WIRE INSTRUCTIONS SHOULD BE VERIFIED OVER THE TELEPHONE VIA A CALL TO YOU INITIATED BY THE CLOSING ATTORNEY'S OFFICE TO ENSURE THAT THEY ARE NOT FROM A FRAUDULENT SOURCE.

WHETHER YOU ARE A BUYER OR A SELLER, YOU SHOULD CALL THE CLOSING ATTORNEY'S OFFICE AT A NUMBER THAT IS INDEPENDENTLY OBTAINED. TO ENSURE THAT YOUR CONTACT IS LEGITIMATE, YOU SHOULD NOT RELY ON A PHONE NUMBER IN AN EMAIL FROM THE CLOSING ATTORNEY'S OFFICE, YOUR REAL ESTATE AGENT OR ANYONE ELSE.

[THIS SPACE INTENTIONALLY LEFT BLANK]

NOTICE INFORMATION

NOTE: INSERT AT LEAST ONE ADDRESS AND/OR ELECTRONIC DELIVERY ADDRESS EACH PARTY AND AGENT APPROVES FOR THE RECEIPT OF ANY NOTICE CONTEMPLATED BY THIS CONTRACT. INSERT "N/A" FOR ANY WHICH ARE NOT APPROVED.

BUYER NOTICE ADDRESS:

Mailing Address: 5625 WEDDINGTON RD CONCORD NC 28027

Buyer Fax#: 704-788-2615

Buyer E-mail: connie@arstark.com

SELLER NOTICE ADDRESS:

Mailing Address: 3215 Woodchuck Dr. Kannapolis, NC 28081

Seller Fax#: _____

Seller E-mail: smcmath@net.net

CONFIRMATION OF AGENCY/NOTICE ADDRESSES

Selling Firm Name: _____
Acting as [] Buyer's Agent [] Seller's(sub)Agent [] Dual Agent
Firm License#: _____
Mailing Address: _____

Listing Firm Name: _____
Acting as [] Seller's Agent [] Dual Agent
Firm License#: _____
Mailing Address: _____

Individual Selling Agent: _____
[] Acting as a Designated Dual Agent (check only if applicable)

Individual Listing Agent: _____
[] Acting as a Designated Dual Agent (check only if applicable)

Selling Agent License#: _____

Listing Agent License#: _____

Selling Agent Phone#: _____

Listing Agent Phone#: _____

Selling Agent Fax#: _____

Listing Agent Fax#: _____

Selling Agent E-mail: _____

Listing Agent E-mail: _____

[THIS SPACE INTENTIONALLY LEFT BLANK]

ACKNOWLEDGMENT OF RECEIPT OF MONIES

Seller: _____ ("Seller")

Buyer: _____ ("Buyer")

Property Address: _____ ("Property")

LISTING AGENT ACKNOWLEDGMENT OF RECEIPT OF DUE DILIGENCE FEE

Paragraph 1(d) of the Offer to Purchase and Contract between Buyer and Seller for the sale of the Property provides for the payment to Seller of a Due Diligence Fee in the amount of \$ _____, receipt of which Listing Agent hereby acknowledges.

Date: _____

Firm: _____

By: _____

(Signature)

(Print name)

SELLER ACKNOWLEDGMENT OF RECEIPT OF DUE DILIGENCE FEE

Paragraph 1(d) of the Offer to Purchase and Contract between Buyer and Seller for the sale of the Property provides for the payment to Seller of a Due Diligence Fee in the amount of \$ 1500.00, receipt of which Seller hereby acknowledges.

Date: 2-22-2020

Seller: *R. Stephen M. Smith*

(Signature)

Date: 2-22-2020

Seller: *Brenda J. Smith M. Smith*

(Signature)

ESCROW AGENT ACKNOWLEDGMENT OF RECEIPT OF INITIAL EARNEST MONEY DEPOSIT

Paragraph 1(d) of the Offer to Purchase and Contract between Buyer and Seller for the sale of the Property provides for the payment to Escrow Agent of an Initial Earnest Money Deposit in the amount of \$ _____. Escrow Agent as identified in Paragraph 1(f) of the Offer to Purchase and Contract hereby acknowledges receipt of the Initial Earnest Money Deposit and agrees to hold and disburse the same in accordance with the terms of the Offer to Purchase and Contract.

Date: _____

Firm: _____

By: _____

(Signature)

(Print name)

ESCROW AGENT ACKNOWLEDGMENT OF RECEIPT OF (ADDITIONAL) EARNEST MONEY DEPOSIT

Paragraph 1(d) of the Offer to Purchase and Contract between Buyer and Seller for the sale of the Property provides for the payment to Escrow Agent of an (Additional) Earnest Money Deposit in the amount of \$ _____. Escrow Agent as identified in Paragraph 1(f) of the Offer to Purchase and Contract hereby acknowledges receipt of the (Additional) Earnest Money Deposit and agrees to hold and disburse the same in accordance with the terms of the Offer to Purchase and Contract.

Date: _____

Firm: _____

Time: _____ AM. PM

By: _____

(Signature)

(Print name)








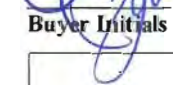
STATE OF NORTH CAROLINA
MINERAL AND OIL AND GAS RIGHTS MANDATORY DISCLOSURE STATEMENT

Instructions to Property Owners

- The Residential Property Disclosure Act (G.S. 47E) ("Disclosure Act") requires owners of certain residential real estate such as single-family homes, individual condominiums, townhouses, and the like, and buildings with up to four dwelling units, to furnish purchasers a Mineral and Oil and Gas Rights Disclosure Statement ("Disclosure Statement"). This form is the only one approved for this purpose.
- A disclosure statement is not required for some transactions. For a complete list of exemptions, see G.S. 47E-2(a). **A DISCLOSURE STATEMENT IS REQUIRED FOR THE TRANSFERS IDENTIFIED IN G.S. 47E-2(b)**, including transfers involving the first sale of a dwelling never inhabited, lease with option to purchase contracts where the lessee occupies or intends to occupy the dwelling, and transfers between parties when both parties agree not to provide the Residential Property and Owner's Association Disclosure Statement.
- You must respond to each of the following by placing a check in the appropriate box.

MINERAL AND OIL AND GAS RIGHTS DISCLOSURE

Mineral rights and/or oil and gas rights can be severed from the title to real property by conveyance (deed) of the mineral rights and/or oil and gas rights from the owner or by reservation of the mineral rights and/or oil and gas rights by the owner. If mineral rights and/or oil and gas rights are or will be severed from the property, the owner of those rights may have the perpetual right to drill, mine, explore, and remove any of the subsurface mineral and/or oil or gas resources on or from the property either directly from the surface of the property or from a nearby location. With regard to the severance of mineral rights and/or oil and gas rights, Seller makes the following disclosures:

| | Yes | No | No Representation |
|----------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|
|  Buyer Initials | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 1. Mineral rights were severed from the property by a previous owner. | | | |
|  Buyer Initials | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Seller has severed the mineral rights from the property. | | | |
|  Buyer Initials | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Seller intends to sever the mineral rights from the property prior to transfer of title to the Buyer. | | | |
|  Buyer Initials | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Oil and gas rights were severed from the property by a previous owner. | | | |
|  Buyer Initials | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Seller has severed the oil and gas rights from the property. | | | |
|  Buyer Initials | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Seller intends to sever the oil and gas rights from the property prior to transfer of title to Buyer. | | | |

Note to Purchasers

If the owner does not give you a Mineral and Oil and Gas Rights Disclosure Statement by the time you make your offer to purchase the property, or exercise an option to purchase the property pursuant to a lease with an option to purchase, you may under certain conditions cancel any resulting contract without penalty to you as the purchaser. To cancel the contract, you must personally deliver or mail written notice of your decision to cancel to the owner or the owner's agent within three calendar days following your receipt of this Disclosure Statement, or three calendar days following the date of the contract, whichever occurs first. However, in no event does the Disclosure Act permit you to cancel a contract after settlement of the transaction or (in the case of a sale or exchange) after you have occupied the property, whichever occurs first.

Property Address: 3233 Hahn Scott Rd / Bowman Barrier Rd

Owner's Name(s): Paul and Brenda McMath

Owner(s) acknowledge having examined this Disclosure Statement before signing and that all information is true and correct as of the date signed.

Owner Signature: P. Stephen McMath Date 2/22/2020

Owner Signature: Brenda Louise McMath Date 2/22/2020

Purchaser(s) acknowledge receipt of a copy of this Disclosure Statement; that they have examined it before signing; that they understand that this is not a warranty by owner or owner's agent; and that the representations are made by the owner and not the owner's agent(s) or subagent(s).

Purchaser Signature: [Signature] Date _____

Purchaser Signature: Counie Arstark Date 2/22/2020

Zoning / Compliance Certificate
Cabarrus County, NC (704) 920-2137
Date: 9/23/2020



Application #: ZN2020-01166
Parcel Number: 55892433620000

Fees: Residential Addition / Accessory structures zoning permit (accessory) \$150.00 9/23/2020
TOTAL \$150.00

Project Name: CONNIE ARSTARK

Applicant: ARSTARK **Work Location:** 3233 HAHN SCOTT RD
5625 WEDDINGTON RD MT PLEASANT, NC 28124
CONCORD, NC 28027 **Phone:** 7044006366

Property Owner: ~~MCMATH PAUL STEPHEN~~ ^{CONNIE} ARSTARK **Owner Phone:**

Contractor: *Connie Arstark* **Proposed use:** ACCESSORY BUILDING 1290 SQ.FT,
WITH 43 'X 30 ' DIMENSIONS
Previous use: RESIDENCE UNDER CONSTRUCTION

Setback Information

Front Corner Lot: — **Front Local Road:** 50' **Front Minor Collector:** 75'
Side Yard: 20-40' **Side Yard Accessory:** 20-40' **Max Impermeable Surface:** 15'
Rear Yard: 30' **Rear Yard Accessory Setback** 5' **Max Structural Coverage:** 10'
15ft or less:

Subdivision and Lot Number:

Total Lot Area: 10 **Max Acc Bldg Size:** 8712 **Number Of Dwelling Units:**
Max Height (Principal/Acc): 40/40' **Project Description:** ACCESSORY BUILDING 1290 SQ.FT, WITH 43
'X 30 ' DIMENSIONS

Zone: AO Conventional

Development of this property will also involve:

Approve Site Plan Accessory / Building / Structure Signs Watershed Overlay District
 Fence / Screen / Buffer Yard Flood Damage Prevention Ordinance

Comments: NO FLOODPLAIN OR WATERSHED WITHIN PROPERTY

ACCESSORY BUILDING - A BUILDING LOCATED ON THE SAME LOT AND CUSTOMARILY
INCIDENTAL AND SUBORDINATE TO THE PRINCIPAL DWELLING

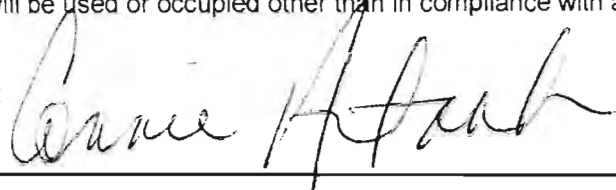
ACCESSORY BUILDINGS UP TO 15 FEET IN HEIGHT MUST MEET THE FRONT AND SIDE
SETBACKS REQUIREMENTS OF THE PRIMARY STRUCTURE. THE REAR SETBACK SHALL BE
NO LESS THAN 5 FEET. IF STRUCTURE IS GREATER THAN 15 FEET IN HEIGHT THEN ALL
PRIMARY STRUCTURE SETBACKS MUST BE MET IN ACCORDANCE WITH CABARRUS COUNTY
ORDINANCE CHAPTER 7, SECTION 3, PART 1.

Zoning Staff Signature:

Martha Hernandez

I, the undersigned, certify that all work designated on this application and on approved attached plans (if any) will be performed as indicated, and arrangement of land and / or structures will conform to all information presented herein and to all regulations of the zoning ordinance. No structures will be used or occupied other than in compliance with a valid certificate of zoning compliance / occupancy issued.

Signature of Owner or Applicant as Owners' Authorized Agent:



Important Setback Information

CABARRUS COUNTY

65 CHURCH STREET S - PO Box 707

CONCORD, NC 28025

Office - 704-920-2137 Fax - 704-920-2144

This notice is to inform you that all proposed principle and/or accessory structures shall be built or placed on the subject property in compliance with the setback standards listed on your Zoning Compliance Permit.

Example structures shall include but not be limited to:

- Residential Structures: Site Built, Modular, Mobile Homes
- Residential Accessory Structures: Pools, Storage Buildings, Garages
- Non Residential Structures: Offices, Warehouses, Fire Stations, Banks
- Non Residential Accessory Structures: Display Areas, Gas Pumps, ATM's

A structure built or placed on a property which encroaches a setback boundary shall be considered a violation of the Zoning Ordinance. Such violations are subject to all civil penalties and remedies set forth in the Zoning Ordinance.

Prior to construction, verify setbacks to ensure the structure will be properly built or placed on the property.

All setbacks shall be measured from the existing or proposed right of way of record.

If you question the possibility of an encroachment consult with a land surveyor of your choice to plot out the structure placement.

I HAVE READ AND UNDERSTAND THESE REQUIREMENTS:

Applicant: Connie A. Stark

Date:

Staff: Martha Hernandez

Date:

Owner Copy

Staff Copy

STAFF USE ONLY:

Application/Accela#: _____
 Reviewed by: _____
 Date: _____
 Amount Paid: _____

ZONING PERMIT TYPE REQUESTED:

| | |
|-------------------------------------|--------------------|
| <input type="checkbox"/> | New Construction |
| <input checked="" type="checkbox"/> | Accessory Building |
| <input type="checkbox"/> | Swimming Pool |
| <input type="checkbox"/> | Deck/Porch |

| | |
|--------------------------|--------------------|
| <input type="checkbox"/> | Addition/Expansion |
| <input type="checkbox"/> | Accessory Dwelling |
| <input type="checkbox"/> | Manufactured Home |
| <input type="checkbox"/> | Other: |

UTILITIES:

| | |
|--------------------------|--------------|
| <input type="checkbox"/> | Septic Tank |
| <input type="checkbox"/> | Private Well |

| | |
|--------------------------|--------------|
| <input type="checkbox"/> | Public Sewer |
| <input type="checkbox"/> | Public Water |

GENERAL INFORMATION:

Barn / Building
 PROJECT DESCRIPTION
3233 Hahn Scott Rd Pleasant Mt. NC 28124
 PROJECT ADDRESS
5589 24 336 20000
 PROJECT PARCEL NUMBER (PIN)
Cabarrus County
 COUNTY ZONING DESIGNATION FOR PROPERTY

CONNIE ARSTARK
 PROPERTY OWNER NAME
6305 Lynnwood Dr. Concord NC 28027
 PROPERTY OWNER MAILING ADDRESS
704-400-6366
 PHONE NUMBER
connie@arstark.com
 EMAIL ADDRESS

APPLICANT INFORMATION:

This person will receive the official correspondence to and from Cabarrus County regarding the zoning permit application and plot plan review.

CONNIE ARSTARK
 NAME
704 400 6366
 PHONE NUMBER
connie@arstark.com
 EMAIL ADDRESS

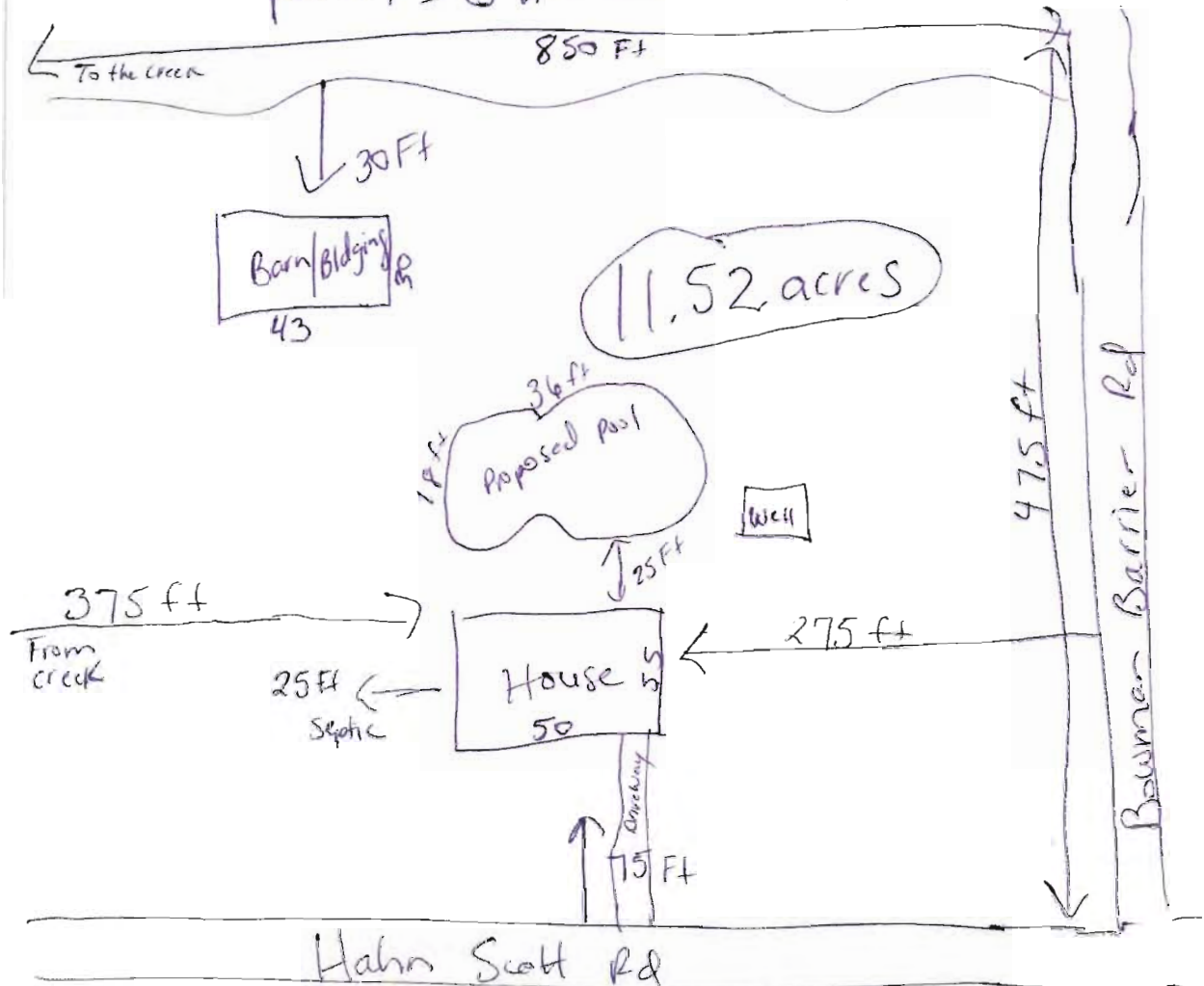
owner
 CONTRACTOR LICENSE NUMBER
6305 Lynnwood Dr. Concord NC 28027
 ADDRESS
Concord NC 28027
 CITY, STATE, ZIP CODE

I hereby affirm that the above information is accurate and correct to the best of my knowledge. By signing below, I agree to conform to all applicable County ordinances and regulations and understand that deviations from the plan submitted may be cause for a zoning violation or a stop work order to be issued.

Signed by: Connie Arstark Date: 9/17/2020

Plot Plan: 3233 Hahn Scott Rd

Parcel ID #: 55892433620000





at NC Research Campus

Date: 9/23/20

File # 20-77

Connie Arstark

3233 Hahn Scott rd.

Mt Pleasant, NC 28124

Dear Ms. Arstark

On September 22, 2020 an existing septic inspection was performed at 3233 Hahn Scott rd. The proposed barn with a bathroom (no bedroom) appears to meet 15A NCAC 18A .1950. And permission is granted to construct.

The structure must be located a minimum of five feet away from any part of the existing septic tank system and twenty five feet away from the well.

You may call or write the local health department if you need any additional information or assistance.
7049201261

Sincerely,


Tyler W. Robertson, R.E.H.S.

Important Setback Information

CABARRUS COUNTY

65 CHURCH STREET S - PO Box 707

CONCORD, NC 28025

Office - 704-920-2137 Fax - 704-920-2144

This notice is to inform you that all proposed principle and/or accessory structures shall be built or placed on the subject property in compliance with the setback standards listed on your Zoning Compliance Permit.

Example structures shall include but not be limited to:

- Residential Structures: Site Built, Modular, Mobile Homes
- Residential Accessory Structures: Pools, Storage Buildings, Garages
- Non Residential Structures: Offices, Warehouses, Fire Stations, Banks
- Non Residential Accessory Structures: Display Areas, Gas Pumps, ATM's

A structure built or placed on a property which encroaches a setback boundary shall be considered a violation of the Zoning Ordinance. Such violations are subject to all civil penalties and remedies set forth in the Zoning Ordinance.

Prior to construction, verify setbacks to ensure the structure will be properly built or placed on the property.

All setbacks shall be measured from the existing or proposed right of way of record.

If you question the possibility of an encroachment consult with a land surveyor of your choice to plot out the structure placement.

I HAVE READ AND UNDERSTAND THESE REQUIREMENTS:

Applicant:

Date:

Staff:

Date:

Owner Copy

Staff Copy



ZONING PERMIT APPLICATION CABARRUS COUNTY-ZONING DIVISION

STAFF USE ONLY:

Application/Accela#: _____

Reviewed by: _____

Date: _____

Amount Paid: _____

WHEN IS A ZONING PERMIT APPLICABLE?

Zoning permits are required for all new construction. Whether it is a new residential or commercial structure, an addition to an existing structure, an outside storage building, or an attached deck, a zoning permit is required. Permits are also required for the installation of swimming pools (above or in ground), car ports, and to change the use of an existing structure.

GENERAL REQUIREMENTS:

CABARRUS HEALTH ALLIANCE:

- If the property has an **existing** septic system, call the Cabarrus Health Alliance at 704-920-1207 or visit them at 300 Mooresville Road, Kannapolis, for an inspection. CHA will provide a letter for you to turn in with your application.
- If the property requires a **new** septic system, a site evaluation application will need to be completed at the Cabarrus County Governmental Center at 65 Church Street, SE, Concord.

SITE/PLOT PLAN (to scale) that shows:

- size and configuration of the property, including lot dimensions and acreage
 - location and dimensions of all existing structures
 - location and dimensions of all existing parking and driveway areas
 - location and dimensions of any bodies of water or water channels (ponds, streams, swales, etc.)
 - location of identified flood hazard areas, including floodway, 100-year and 500-year
 - location and dimensions of proposed work (new structure, pool, addition to existing building, deck, etc.)
 - setbacks for the applicable zoning district (proposed work must meet established setbacks for district)
- All requests for zoning permits must comply with the standards of the Cabarrus County Development Ordinance.
- Additional information may be needed, or may be required on the plot plan, if the property lies within an Overlay District as defined in Chapter 4 of the Cabarrus County Development Ordinance.

ZONING PERMIT APPLICATION SUBMISSION:

Zoning is located on the second floor of the Cabarrus County Governmental Center at 65 Church Street SE, Concord. The application package should include a complete application form along with the appropriate zoning permit fee, plot/site plan, and supporting documentation.

Incomplete plan submittals and applications will not be processed and will be returned to the applicant

BUILDING PLAN SUBMISSION:

The zoning review process does not include NC Building Code review. When you submit the zoning permit application, you should also submit to Cabarrus County Building Standards. For additional information, call 704-920-2128.

STAFF USE ONLY:

Application/Accela#: _____
Reviewed by: _____
Date: _____
Amount Paid: _____

ZONING PERMIT TYPE REQUESTED:

| | |
|-------------------------------------|--------------------|
| <input checked="" type="checkbox"/> | New Construction |
| <input type="checkbox"/> | Accessory Building |
| <input type="checkbox"/> | Swimming Pool |
| <input type="checkbox"/> | Deck/Porch |

| | |
|--------------------------|--------------------|
| <input type="checkbox"/> | Addition/Expansion |
| <input type="checkbox"/> | Accessory Dwelling |
| <input type="checkbox"/> | Manufactured Home |
| <input type="checkbox"/> | Other: |

UTILITIES:

| | |
|-------------------------------------|--------------|
| <input checked="" type="checkbox"/> | Septic Tank |
| <input type="checkbox"/> | Private Well |

| | |
|--------------------------|--------------|
| <input type="checkbox"/> | Public Sewer |
| <input type="checkbox"/> | Public Water |

GENERAL INFORMATION:

Arstark Custom Home

PROJECT DESCRIPTION

CONNIE ARSTARK

PROPERTY OWNER NAME

3233 Hahns South Rd

PROJECT ADDRESS

6035 Lynwood Drive

PROPERTY OWNER MAILING ADDRESS Concord NC 28027

55892433620000

PROJECT PARCEL NUMBER (PIN)

704 400 6366

PHONE NUMBER

Cabarrus

COUNTY ZONING DESIGNATION FOR PROPERTY

connie@arstark.com

EMAIL ADDRESS

APPLICANT INFORMATION:

This person will receive the official correspondence to and from Cabarrus County regarding the zoning permit application and plot plan review.

CONNIE ARSTARK

NAME

NA

CONTRACTOR LICENSE NUMBER

704 400 6366

PHONE NUMBER

ADDRESS

connie@arstark.com

EMAIL ADDRESS

CITY, STATE, ZIP CODE

I hereby affirm that the above information is accurate and correct to the best of my knowledge. By signing below, I agree to conform to all applicable County ordinances and regulations and understand that deviations from the plan submitted may be cause for a zoning violation or a stop work order to be issued.

Signed by: Connie Arstark

Date: 6/12/2020

Applicant's Name: CONNIE Arstark Company Name: _____

Email: connie@arstark.com Phone: 704 784-1078

Job Site Address: 3233 Hahn Scott Road Mt. Pleasant 28124 Lot # _____

- Occupancy: Custom/Model/Single Family Single Fam Repeat Single Family Townhome Single Family Duplex
- Modular Multi Family Units (Comm) Single Family Manufactured Home Single Family Remodel/Upfit
- Assembly: Religious/Theater Assembly: Spectator Seating Assembly: Rest and Banquet Hall Small Rest
- Office, Med, Prof, etc. Educ Bld K-12 Med/24 Hr Care Day Care Fac Retail Sales Repair Gar/Serv St
- Storage (Mod Haz) Park Gar or Low Haz Storage Hotel/Motel
- Type of Work: New Addition Renovation Shell Upfit Complete Demolition Accessory

Residential

Commercial

Total Sq. Ft: 3100

Jurisdiction: circle one
Concord Cabarrus Kannapolis Locust
Midland Harrisburg Mt. Pleasant

Total Cost \$ _____

Total Cost: \$ _____

Square Footage _____

Stories 2

Subdivision: NH

Domestic Water Line Size _____

Habitable Rooms: _____

*** If there isn't a choice marked or a Repeat PRB number listed, you will be charged for a Master Plan. ***

Vanilla Box
Shell
Complete

Bedrooms: 5

Master Plan (never reviewed)
OR

Multi-Family Units # Units: _____

Bathroom(s): 3

Repeat PRB (previously reviewed)

Other

Fireplace(s): 2

PRB#: NO

Signs Total sq. ft _____

Basement Finished Sq. Ft. 1000

Total Project Cost: \$ _____

Unfinished Sq. Ft. _____

Septic Septic # _____

Wall Signs # of signs _____

City Water and Sewer

Monuments Sign # of signs _____

Mobile Home

Mobile Homes

Sq. Footage _____

- ~ Completed Application
- ~ Approved and paid Zoning
- ~ Tax Assessors form if the mobile home has never been in Cabarrus County before (signed and stamped on 1st floor)
- ~ Well/Septic or WSACC info-new lots on City water /Sewer will be charged WSACC fee (\$2,040.00) unless a letter is provided from zoning or WSACC proving sewer was on lot before

Pole Sign # of signs _____

Est. Cost of Set Up \$ _____

Pools Total sq. ft _____

Is this mobile home replacing an existing mobile home at this address?
 YES NO

Total Project Cost: \$ _____

If YES, please provide documentation from ZONING showing fees paid for this address. If NO, you must choose one of the options below.

*Permit Fee is based on square footage and includes all trade permits.

New WSACC fees
Domestic Water Line Size _____

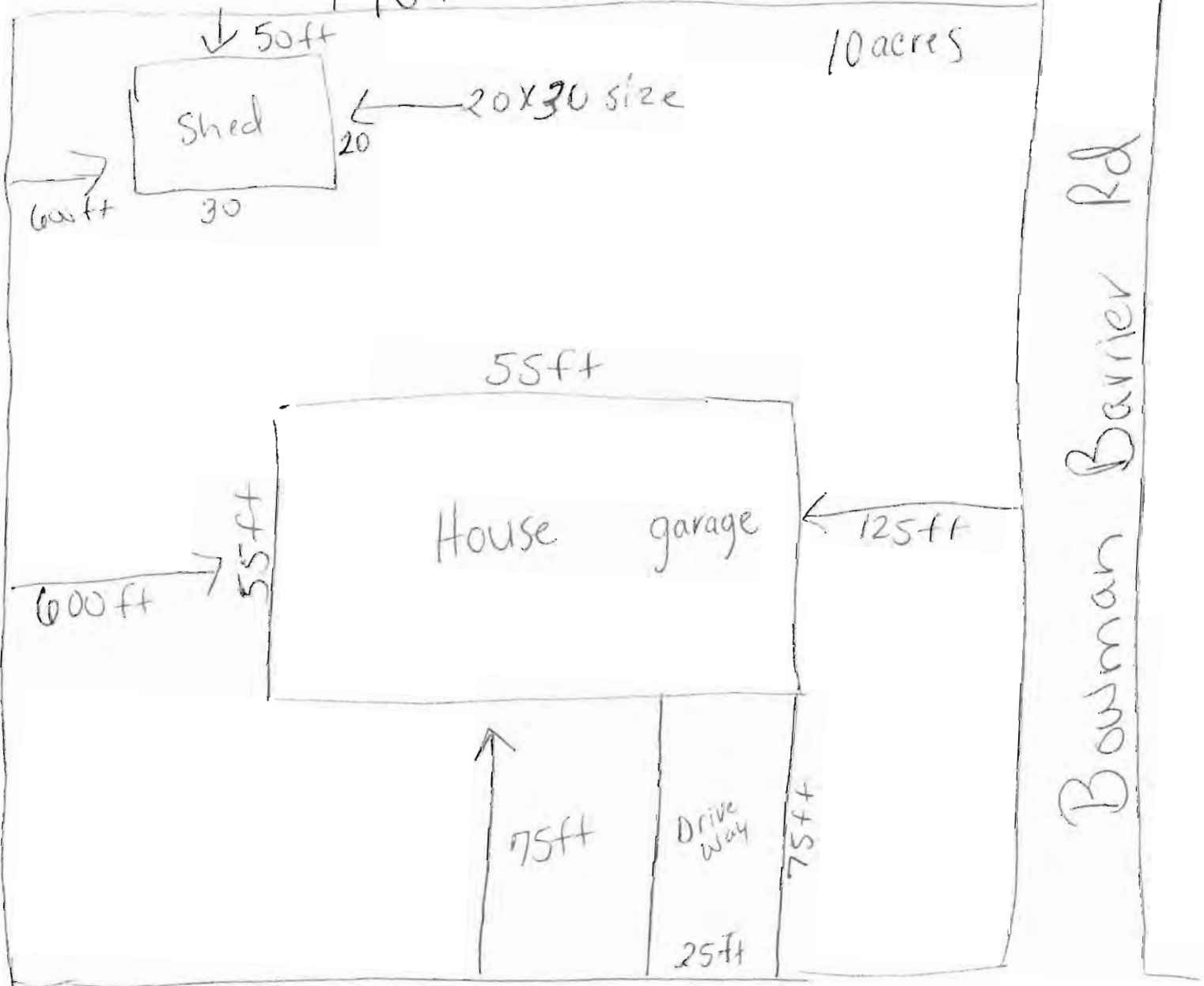
*Mobile Homes from 1976- present can be moved and set up.

New Well/ Septic
Septic # _____

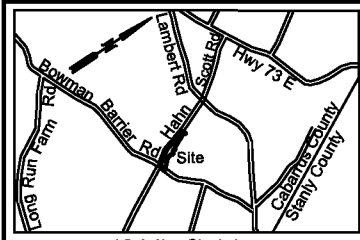
Decks/Piers Total sq. ft _____

Total Project Cost: \$ _____

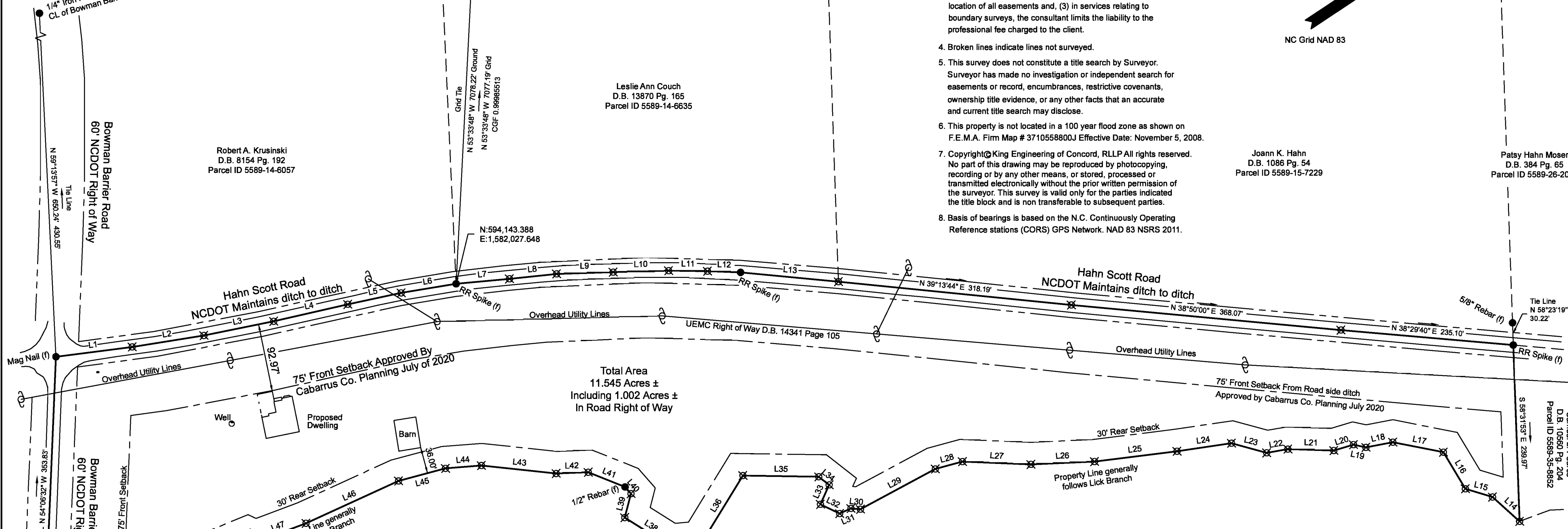
Plot Plan



3233 Hahn Scott Rd



Vicinity Sketch
Not to Scale



NCGS Long Run 2018
N:598,347.370
E:1,576,333.110

Leslie Ann Couch
D.B. 13870 Pg. 165
Parcel ID 5589-14-6635

Robert A. Krusinski
D.B. 8154 Pg. 192
Parcel ID 5589-14-6057

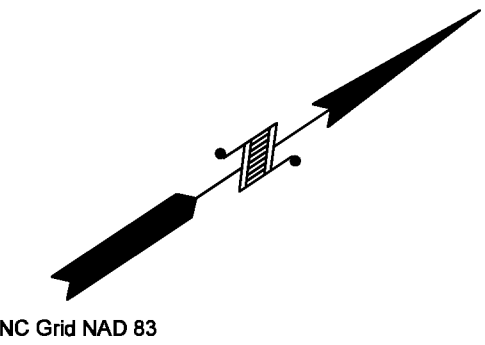
N:594,143.388
E:1,582,027.648

Total Area
11.545 Acres ±
Including 1.002 Acres ±
In Road Right of Way

- All distances are horizontal unless otherwise noted.
- All acreage is by coordinate method.
- The Client acknowledges (1) that boundary surveying services do not determine land ownership and that the professional land survey provides only an opinion of previously described boundary lines which may or may not be upheld by a court of law and, (2) the general survey does not include the location of all easements and, (3) in services relating to boundary surveys, the consultant limits the liability to the professional fee charged to the client.
- Broken lines indicate lines not surveyed.
- This survey does not constitute a title search by Surveyor. Surveyor has made no investigation or independent search for easements or record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- This property is not located in a 100 year flood zone as shown on F.E.M.A. Firm Map # 3710558800J Effective Date: November 5, 2008.
- Copyright © King Engineering of Concord, RLLP All rights reserved. No part of this drawing may be reproduced by photocopying, recording or by any other means, or stored, processed or transmitted electronically without the prior written permission of the surveyor. This survey is valid only for the parties indicated the title block and is non transferable to subsequent parties.
- Basis of bearings is based on the N.C. Continuously Operating Reference stations (CORS) GPS Network. NAD 83 NSRS 2011.

Joann K. Hahn
D.B. 1086 Pg. 54
Parcel ID 5589-15-7229

Patsy Hahn Moser
D.B. 364 Pg. 65
Parcel ID 5589-26-2017



Thomas L. Fitzgibbons
D.B. 4973 Pg. 50
M.B. 43 Pg. 12
Parcel ID 5589-34-5293

| LINE | BEARING | DISTANCE |
|------|---------------|--------------|
| L1 | N 26°11'26" E | 104' 5 7/8" |
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- Legend
- ⊗ ⊙ Denotes Computed Point no Monument Set
 - 1/2" Rebar (r) Denotes Existing Monumentation
 - Right of Way
 - N90°00'00"E Property Line
 - - - - - Setback Line
 - - - - - Adjoining Property Line
 - ⊕ Utility Pole

Revised October 8, 2020 to show relocated UEMC Utility Poles, and new Barn.

Boundary Survey for:
James N. Arstark & Connie G. Arstark
3233 Hahn Scott Road Mt. Pleasant, North Carolina, 28124
11.546 Acre ± Tract Parcel ID 5589-24-3362
Recorded in Deed Book 1623 Page 46
Number Eight Township Cabarrus County, North Carolina

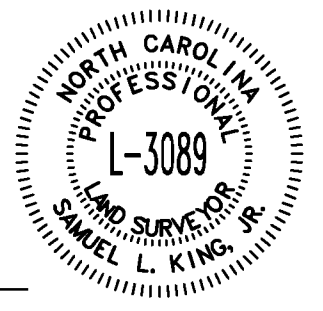
Plat Prepared By:
King Engineering of Concord, RLLP
35 Church Street South Suite 107
Concord, NC 28025
Phone (828) 403 - 5586
Mailing Address:
401 Potat Drive, Morganton, NC 28655

November 1, 2020
Job Number 202097
Scale: 1" = 100'
0 50' 100' 200' 300'

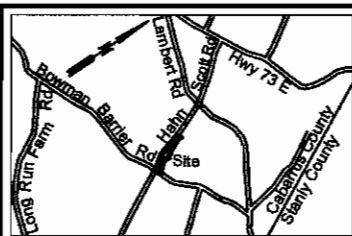
I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in D.B. 1623, Pg. 46); that the boundaries not surveyed are indicated as drawn from information in M.B. 43, Pg. 12; that the ratio of precision or positional accuracy is 1:82,215; and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)

This 1st day of November, 2020.

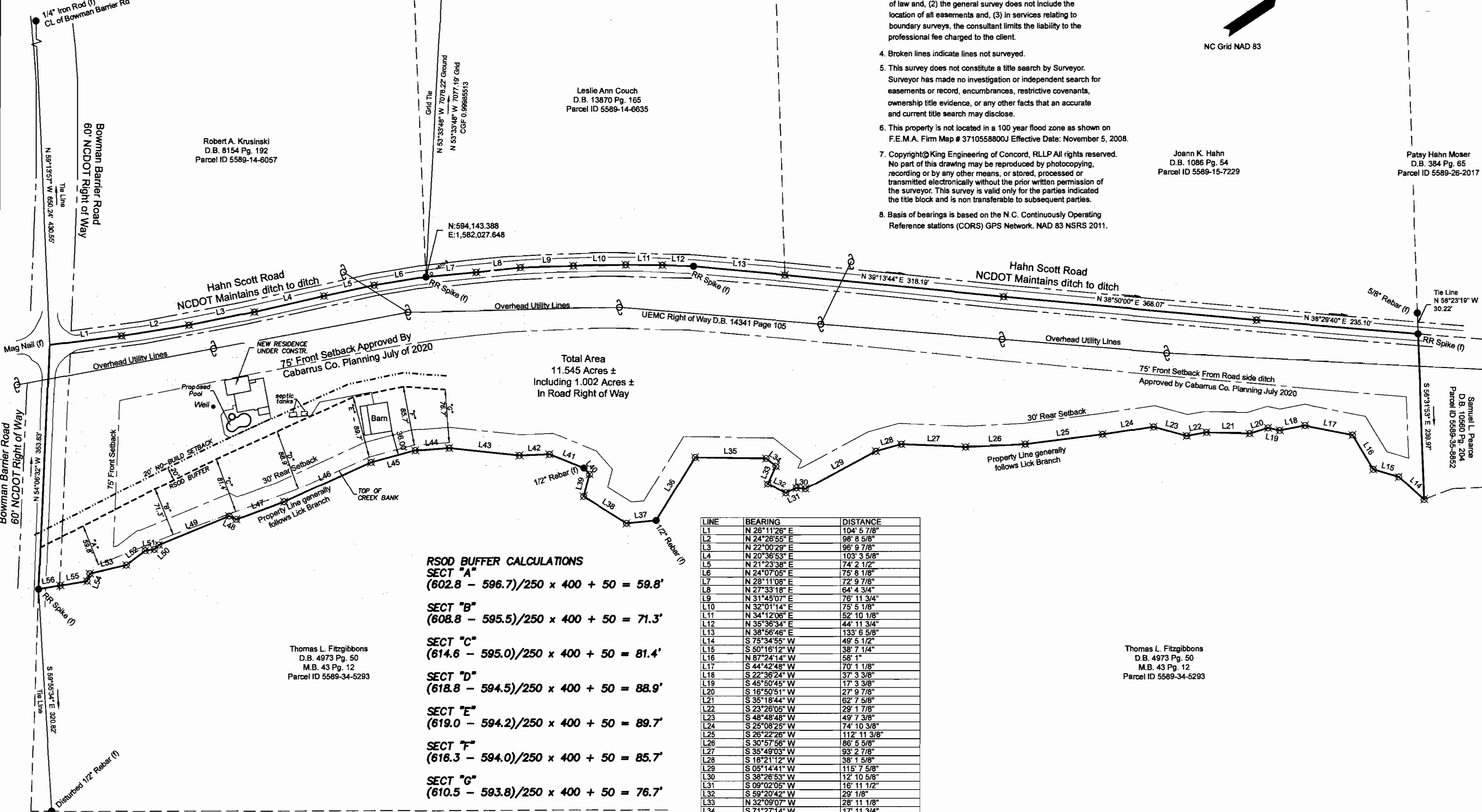
Samuel L. King, Jr.
Professional Land Surveyor License No. L-3089



Revised November 1st 2020 to show Barn and proposed dwelling.



Vicinity Sketch
Not to Scale



NCGS Long Run 2018
N:598,347.370
E:1,576,333.110

Leslie Ann Couch
D.B. 13870 Pg. 165
Parcel ID 5589-14-6635

Robert A. Krusinski
D.B. 8154 Pg. 192
Parcel ID 5589-14-6057

N:594,143.388
E:1,582,027.648

Total Area
11.545 Acres ±
Including 1.002 Acres ±
In Road Right of Way

Joann K. Hahn
D.B. 1086 Pg. 54
Parcel ID 5589-15-7229

Patsy Hahn Moser
D.B. 384 Pg. 65
Parcel ID 5589-26-2017

Thomas L. Fitzgibbons
D.B. 4973 Pg. 50
M.B. 43 Pg. 12
Parcel ID 5589-34-5293

Thomas L. Fitzgibbons
D.B. 4973 Pg. 50
M.B. 43 Pg. 12
Parcel ID 5589-34-5293

RSOD BUFFER CALCULATIONS

SECT "A"
 $(602.8 - 596.7)/250 \times 400 + 50 = 59.8'$

SECT "B"
 $(608.8 - 595.5)/250 \times 400 + 50 = 71.3'$

SECT "C"
 $(614.6 - 595.0)/250 \times 400 + 50 = 81.4'$

SECT "D"
 $(618.8 - 594.5)/250 \times 400 + 50 = 88.9'$

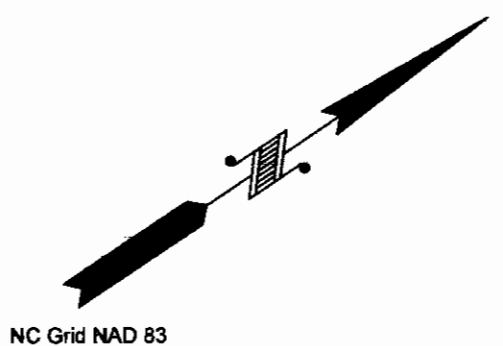
SECT "E"
 $(619.0 - 594.2)/250 \times 400 + 50 = 89.7'$

SECT "F"
 $(616.3 - 594.0)/250 \times 400 + 50 = 85.7'$

SECT "G"
 $(610.5 - 593.8)/250 \times 400 + 50 = 76.7'$

| LINE | BEARING | DISTANCE |
|------|---------------|--------------|
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- All distances are horizontal unless otherwise noted.
- All acreage is by coordinate method.
- The Client acknowledges (1) that boundary surveying services do not determine land ownership and that the professional land survey provides only an opinion of previously described boundary lines which may or may not be upheld by a court of law and, (2) the general survey does not include the location of all easements and, (3) in services relating to boundary surveys, the consultant limits the liability to the professional fee charged to the client.
- Broken lines indicate lines not surveyed.
- This survey does not constitute a title search by Surveyor. Surveyor has made no investigation or independent search for easements or record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- This property is not located in a 100 year flood zone as shown on F.E.M.A. Firm Map # 3710558800J Effective Date: November 5, 2008.
- Copyright © King Engineering of Concord, RLLP All rights reserved. No part of this drawing may be reproduced by photocopying, recording or by any other means, or stored, processed or transmitted electronically without the prior written permission of the surveyor. This survey is valid only for the parties indicated the title block and is non transferable to subsequent parties.
- Basis of bearings is based on the N.C. Continuously Operating Reference stations (CORS) GPS Network. NAD 83 NSRS 2011.



I certify that this map was drawn under my supervision from an actual survey made under my supervision (see description recorded in D.B. 1623, Pg. 46); that the boundaries not surveyed are indicated as drawn from information in M.B. 43, Pg. 12; that the ratio of precision or positional accuracy is 1:62,215; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 58-160).

This 1st day of November, 2020.

Samuel L. King, Jr.
Professional Land Surveyor License No. L-3089



Revised May 10, 2021 to River Stream Overlay District, (RSOD), new residence, well, septic and proposed pool.
Revised November 1, 2020 to show Barn and proposed dwelling, and new Barn.
Revised October 8, 2020 to show relocated UEMC Utility Poles, and new Barn.

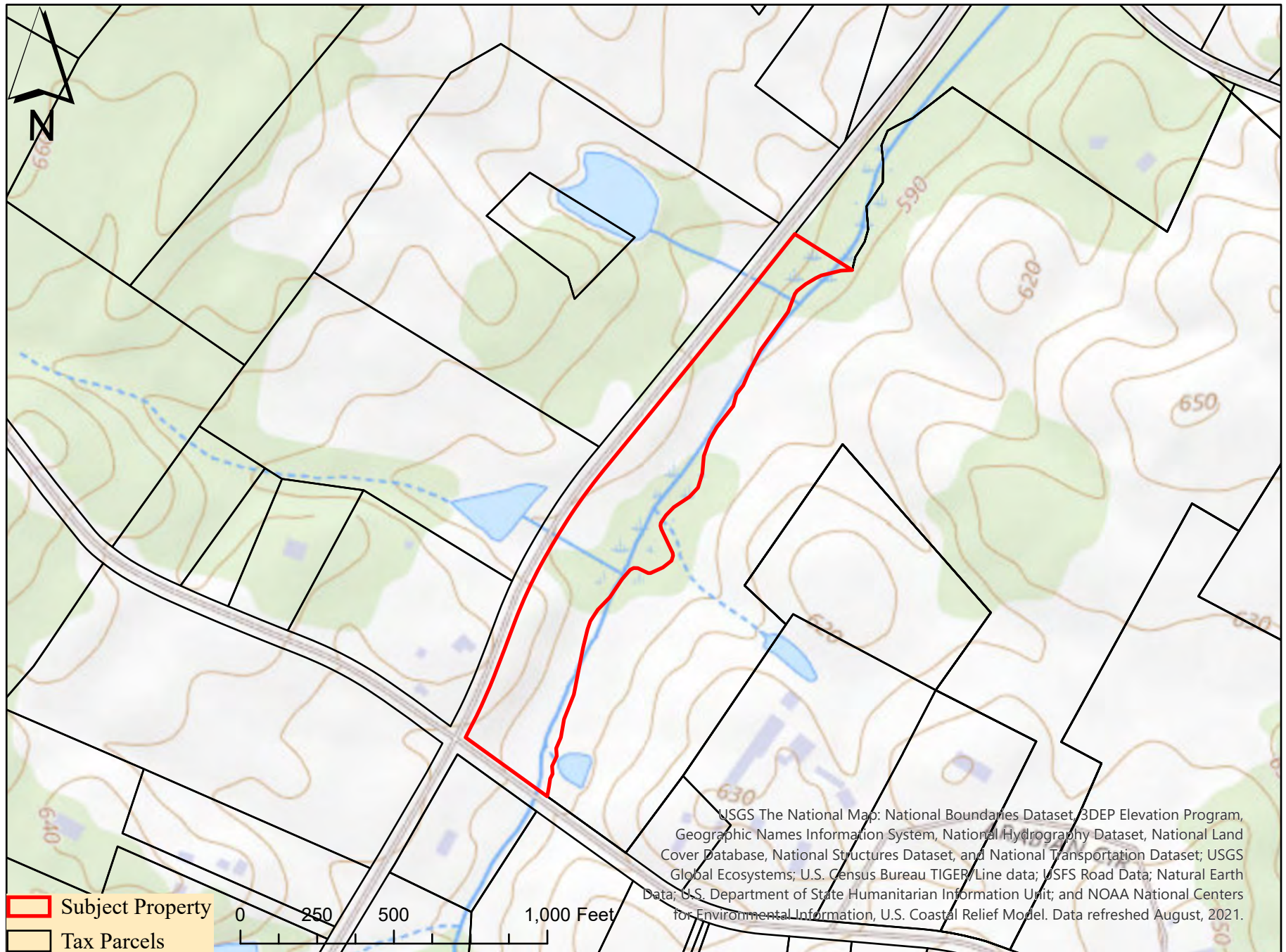
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- ⊗ ⊙ Denotes Computed Point no Monument Set
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 - Right of Way
 - N90°00'00"E Property Line
 - - - - - Setback Line
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 - ⊕ Utility Pole

Boundary Survey for:
James N. Arstark & Connie G. Arstark
3233 Hahn Scott Road Mt. Pleasant, North Carolina, 28124
11.546 Acre ± Tract Parcel ID 5589-24-3362
Recorded in Deed Book 1623 Page 46
Number Eight Township Cabarrus County, North Carolina

Plat Prepared By:
King Engineering of Concord, RLLP
35 Church Street South Suite 107
Concord, NC 28025
Phone (828) 403 - 5586
Mailing Address:
401 Potat Drive, Morganton, NC 28655

November 1, 2020
Job Number 202097
Scale: 1" = 100'
0 50' 100' 200' 300'

USGS MAP OF SUBJECT PROPERTY



From: [David Goldberg](#)
To: connie@arstark.com
Cc: [Susie Morris](#); [Jay Lowe](#); lawoffice@RichardKochLaw.com
Subject: Informal and Preliminary Notice of Buffer Violations
Date: Friday, May 7, 2021 10:07:00 PM
Attachments: [RE_Arstark.pdf](#)
Importance: High

Dear Ms. Arstark,

Thank you very much for showing Jay and I around your property (PIN 55892433620000) earlier today. Our visit gave us more context on the property's current state and your plans for it. Ultimately, we hope to be on a path towards a fair and lawful resolution of the status of the steel building.

Unfortunately, Jay and I also observed other conditions on the property that gave us great concern. After discussing it with county staff, we believe your ongoing and imminent actions likely constitute further violations of the [Cabarrus County Development Ordinance \(CCDO\)](#). Cabarrus County has a duty to faithfully implement the ordinance and to take enforcement action as needed. I am writing to give you informal and preliminary notice of our concerns in hopes that you do not do cause further irreparable harm before we are able to issue formal administrative actions next week. Further violations will only make it more difficult to resolve this matter to your satisfaction.

Destruction of Natural Vegetation in Waterbody Buffer Zone

During our visit, Jay and I saw that you were in the process of clearing trees, plants, and other vegetation near the Lick Branch stream. We saw a backhoe, piles of vegetation, and ground recently cleared of vegetation very close to the stream. You stated that your neighbor was clearing the area to increase farmable land and that he planned to continue the clearing activities soon.

We believe the clearing activities we saw encroached in the Waterbody Buffer Zone established pursuant to Cabarrus County Development Ordinance Sec. 4-10. As we have explained previously in relation to the steel building on the property, the Lick Branch stream is a perennial stream identified on both the USGS Quadrangle Maps as a solid blue line and in the Cabarrus County Geographic Information System. As such, this stream is protected by the Waterbody Buffer Zone, which ranges from 50 ft to 120 ft from the top of the stream bank depending on slope. There is also a 25 ft buffer from identified wetlands. Areas within the Waterbody Buffer Zone must "remain in a natural, vegetated state" and wooded areas in the buffer must remain "undisturbed". CCDO § 4-10(8). The ordinance further provides that "all disturbed areas within the buffer zone shall be revegetated with appropriate vegetation immediately." CCDO § 4-10(12). In addition to the legal requirements, violations of the buffer may have caused irreparable harm to the surrounding environment. Violations may also imperil Cabarrus County's compliance with a federal Clean Water Act § 404 permit issued by the Army Corp of Engineers in 1990 that requires the adoption and strict enforcement of the buffer requirements.

Based on our observations, Cabarrus County intends to issue a Notice of Violation and Stop Work Order next week. These administrative actions will further notify you of our concerns, demand that you cease the unlawful activities described, and the process for appealing those actions. [Urge you](#)

to immediately stop all activities disturbing or encroaching on the Waterbody Buffer Zone on your property until this matter is resolved. You should also ensure that your activities comply with applicable state and federal laws surrounding the protection of waterbodies and wetlands.

House Construction May Encroach on Waterbody Buffer Zone

We were also concerned when you told us that you plan to begin construction on a house on the property in the coming days. On June 12, 2020, you submitted a Zoning Permit Application for the “Arstark Custom Home” project. The application asked you to submit a “Site/Plot Plan” that, in part, indicated the “location and dimensions of any bodies of water or water channels (ponds, streams, swales, etc.).” Your application did not indicate the Lick Branch stream or any other waterbody. The County approved this permit application based on your representations.

Subsequent site visits and surveys you submitted suggested that the planned house would encroach in the “Minimum Building Setback”, also known as the “No Building Buffer Area”. This area extends at least 20 feet from the waterbody buffer zone described above. See CCDO § 4-10(14). Property owners may not construct any buildings or other structures within this area. Further, only “minimal land disturbance” is permitted within this area. *Id.* “No development, including soil disturbing activities or grading, shall occur within the established buffer area.” § 4-10(6).

Since the King Engineering survey you sent did not indicate the Waterbody Buffer Zone, county staff performed a GIS-based estimate of the zone and overlaid it over the survey. The analysis showed that most of the steel structure and parts of the planned house construction encroached on the buffer. County Attorney Rich Koch notified your attorney at the time, Jim Scarbrough, of our findings on March 19, 2021. In the email, Mr. Koch stated “the County strongly urges your client to hold off on further construction on that property that could violate the buffer and no build zone.” I have attached the email string for your reference.

You explained to Jay and I today that you intend to start construction of the house in the coming days despite the county’s concerns regarding compliance with the Waterbody Buffer Zone. As we explained, the county has cause to believe that this construction will violate the buffer and beginning construction could be a costly mistake. The best way to ensure compliance with the buffer is by obtaining a stamped survey defining the Waterbody Buffer Zone and No Building Buffer Area and showing that the planned construction is outside of these areas. Such survey is required under CCDO § 4-10(3), which states:

The applicant must provide a detailed survey that field verifies the location of all perennial streams, lakes, ponds, impoundments and wetlands on the subject property and within 100 feet of the boundary of the subject property for all proposed plats and site plans.

This survey will then allow you to mark the limits of the buffer on the site in compliance with CCDO § 4-10(6). It will also allow you to comply with CCDO § 4-10(7), which requires that the buffer “be shown on all site plans or subdivision plats related to the project submitted for review.”

To prevent construction in the buffer prior to obtaining this survey, Cabarrus County plans to formally revoke the zoning permit for the house next week and issue a Stop Work Order if also

appropriate. These administrative actions will further notify you of our concerns, tell you how to reinstate the permit, and how to appeal the decision. I urge you to not begin construction on the house until we can ensure that it will not violate the Waterbody Buffer Zone and the permit is restored. You mentioned that you have had two surveys performed on the property so far and have consulted with surveyors on the extent of the buffer, so I am hoping that this can be resolved quickly.

While I imagine this is disappointing news, we thought it was important to give you as much warning possible before we take the more formal actions described above. I hope that this information will help you avoid further violations and put this project on the path towards compliance.

Best,
David Goldberg

David B. Goldberg
Deputy County Attorney

County Manager's Office
Cabarrus County
O: (704) 920-2408
M: (919) 675-1042





STOP WORK ORDER

Mr. James Arstark and Mrs. Connie Arstark:

You are ordered to immediately stop all activity or work within the Waterbody Buffer Zone established pursuant to Cabarrus County Development Ordinance (CCDO) § 4-10. The Waterbody Buffer Zone extends from 50 feet to 120 feet from the top of a stream bank, depending on slope, with an additional 20 foot no build buffer. The Waterbody Buffer Zone also extends 25 feet from identified wetlands.

Subject Location

This order applies to 3233 Hanh Scott Road, Mt. Pleasant, North Carolina 28124 (PIN 5589-24-3362).

Reason for Order

On Friday, March 7, 2021, Senior Zoning Enforcement Officer Jay Lowe observed active and ongoing destruction of trees, plants, and other vegetation within and adjacent to Lick Branch stream and associated wetlands on the subject location, which are identified on the USGS topographic maps and the U.S. Fish and Wildlife Service National Wetlands Inventory.

The observed activity is in substantial non-compliance with Cabarrus County Development Ordinance § 4-10. Areas within the Waterbody Buffer Zone must "remain in a natural, vegetated state" and wooded areas in the buffer must remain "undisturbed". CCDO § 4-10(8)

Conditions Under Which Work or Activity May Be Resumed

1. Cease all work or activity within the Waterbody Buffer Zone.
2. Provide a detailed survey that field verifies the location of all covered waterbodies and wetlands and mark the buffer on the site.
3. Revegetate all disturbed areas within the buffer zone with appropriate vegetation in compliance with CDDO § 4-10(13).
4. Follow all other requirements in the CDDO.

Authority


This order is authorized by NC. Gen. Stat. § 160D-4-4(b) and CCDO § 12-30.2.

Penalty

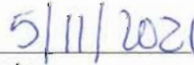
Violation of this order constitutes a Class 1 misdemeanor.

Effective Date

This order is effective upon signing and continues until rescinded by the Cabarrus County Zoning Administrator.



Zoning Administrator



Date

Zoning Complaint: ZNC2021-00023

Tuesday, January 12, 2021

Inspector: James Lowe
Jurisdiction: Cabarrus County
Complaint: Disturbance of WBB
Building in WBB
Construction of a structure with no permits
Violator: ARSTARK CONNIE GAIL
Zoning: AO
Parcel: 55892433620000
Location: Northeast corner of Bowman Barrier Road and Hahn Scott Road
Address: 3233 HAHN SCOTT RD

Complaint History

01/12/2021 **Type: Initial**
Site inspection was made 9/25/20.
Barn had already been built prior to being issued a zoning permit.
Barn looks as though it may be encroaching into the Water Body Buffer.
Further research will need to be done.
Owner indicated that a survey had been done by Chad Byrd (Surveyor) and that he had indicated that the buffer from the creek should only be approximately 30 feet.
I did ask the applicant to provide us with a copy of the survey.
1/4/21 Further research shows that an encroachment into the WBB exists and that the location of the building will need to be shifted.

01/14/2021 **Type: History**
Warning letter was sent via regular mail and certified.

01/26/2021 **Type: Follow Up**
Site inspection was made.
It seems that property owner has now placed two more buildings on the property without permits. They also look to be in the waterbody buffer.
There also seems to be an RV placed in the waterbody buffer.

02/09/2021 **Type: History**
Applicant requested an appeal form

05/07/2021 **Type: Follow Up**
Site inspection was made.
County Attorney, David Goldberg and I met the property owners on the site.
Additional violations of the Waterbody Buffer were discovered.
Pictures were taken.



1/14/2021

File # : ZNC2021-00023

Arstark Connie Gail
3233 Hahn Scott Rd
Mt Pleasant, NC 28124

Inspection Date: 01/14/2021

NOTICE OF VIOLATION

RE: 3233 HAHN SCOTT RD Zoning: AO
Parcel(s): 5589-24-3362
Nature of Violation: Disturbance of Required Waterbody Buffer.
Building in Required Waterbody Buffer.
Construction of a structure with no permits

The following provision(s) of the CABARRUS COUNTY Zoning Ordinance has been violated:

- 04-10 WATER BODY BUFFER ZONE
- 06-02 ZONING AFFECTS EVERY STRUCTURE AND USE
- 12-03 ZONING COMPLIANCE PERMIT REQUIRED

Dear Arstark Connie Gail,

An on-site inspection of your property has found you to be in violation of the Cabarrus County Zoning Ordinance Sections 4-10, 6-2 and 12-03. You have constructed an accessory structure within the required water body buffer prior to acquiring a zoning permit.

This notice is to serve as a warning

In order to correct this violation, you must: move the structure outside of the waterbody buffer zone and restore the site to its previous condition.

You have 10 days from the receipt of this letter to comply with this ordinance.

You may appeal this decision to the Board of Adjustment within thirty (30) days. This department reserves the right to exercise the following remedies per NC G.S.153A-123:

- Issue a civil starting at \$450.00 and if unpaid a judgment could become a lien on the property.
- File lawsuit against a property owner in North Carolina Superior Court for violation of the Zoning Ordinance.

In order to avoid any monetary citations please correct this matter within the aforementioned time frame.

If you have any questions concerning this matter or if you are in the process of clearing this matter, please call our office at (704) 920-2140 so we can make appropriate arrangements.

Thank you in advance for your cooperation.

Sincerely,

James Lowe, Senior Zoning Inspector



Cabarrus County
Planning & Development
Post Office Box 707
Concord, NC 28026-0707
www.cabarruscounty.us

attn: Jay Lowe



U.S. POSTAGE >> PITNEY BOWES



ZIP 27409 \$ 007.05⁰
02 4W
0000373342 JAN 15 2021



7004 1160 0002 691

UNE

ARSTARK CONNIE GAIL
ARSTARK JAMES N
3233 Hahn Scott Rd.
Mt. Pleasant, NC 28124

1-24
2-3

28026-0707

7004 1160 0002 6994 8900

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

J.L.
Zowling

For delivery information visit our website at www.usps.com®

OFFICIAL USE

| | |
|---------------------------------------------------|----|
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |



Sent To

ARSTARK CONNIE GAIL

Street, Apt. No.,
or PO Box No. ARSTARK JAMES N

City, State, ZIP+4 3233 Hahn Scott Rd.
Mt. Pleasant, NC 28124

PS Form 3800, July 2010 Use for Instructions

Zoning Complaint: ZNC2021-00215

Monday, May 10, 2021

Inspector: James Lowe
Jurisdiction: Cabarrus County
Complaint: Disturbance of the Required Water Body Buffer
Violator ARSTARK CONNIE & JAMES
Zoning: AO
Parcel: 55892433620000
Location: Corner of Hahn Scott and Bowman Barrier
Address: 3233 HAHN SCOTT RD

Complaint History

05/10/2021 **Type: Initial**
Site inspection was made on 5/7/2021.
The owner had encroached into the required Waterbody Buffer and cleared additional natural vegetation.

05/10/2021 **Type: History**
Warning Citation



5/11/2021

Arstark Connie & James
3233 Hahn Scott Rd
Mt Pleasant, NC 28124

File #: ZNC2021-00215

Inspection Date: 05/07/2021

NOTICE OF VIOLATION

RE: 3233 HAHN SCOTT RD Zoning: AO

Parcel(s): 55892433620000

Nature of Violation: Disturbance of Waterbody Buffer Zone

The following provision(s) of the CABARRUS COUNTY Development Ordinance has been violated:

Section 4-10 (Waterbody Buffer Zone)

Dear Connie & James Arstark,

An on-site inspection of your property on Friday, May 7, 2021 indicated the clearing of trees, plants, and other vegetation on the property adjacent to Lick Branch stream and adjacent wetlands. This clearing activity encroached on the Waterbody Buffer Zone established pursuant to Cabarrus County Development Ordinance (CCDO) § 4-10. The Lick Branch stream is a perennial stream identified on both the USGS Quadrangle Maps as a solid blue line and in the Cabarrus County Geographic Information System. The USGS topographic maps also identify wetlands on your property. As such, the stream and wetlands are protected by the Waterbody Buffer Zone, which ranges from 50 ft to 120 ft from the top of the stream bank depending on slope with an additional 20 ft no build buffer. There is also a 25 ft buffer from identified wetlands. Areas within the Waterbody Buffer Zone must "remain in a natural, vegetated state" and wooded areas in the buffer must remain "undisturbed". CCDO § 4-10(8).

This notice is to serve as a Warning Citation

In order to correct this violation, you must:

Restore the impacted areas to their previous condition in compliance with CDDO § 4-10(12) and (13).

You have 30 days from the receipt of this letter to comply with this ordinance.

You may appeal this decision to the Board of Adjustment within thirty (30) days. This department reserves the right to exercise the following remedies per G.S. 160D-404:

- Issue a civil starting at \$450.00 and if unpaid a judgment could become a lien on the property.
- File lawsuit against a property owner in North Carolina Superior Court for violation of the Development Ordinance.

In order to avoid any monetary citations please correct this matter within the aforementioned time frame.

If you have any questions concerning this matter or if you are in the process of clearing this matter, please call our office at (704) 920-2140 so we can make appropriate arrangements.

Thank you in advance for your cooperation.

Sincerely,

James Lowe, Senior Zoning Inspector

J. L. ~~Arstark~~ Zominy

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ARSTARK CONNIE GAIL
 ARSTARK JAMES N
 323 Mahn Scott Rd.
 Mt. Pleasant, NC 28124



9590 9402 2195 6193 5377 59

2. Article Number *(Transfer from service label)*

7001 0518 0808 5508 334

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature *CONNIE GAIL ARSTARK* Agent
 Addressee

B. Received by (Printed Name) *CONNIE GAIL ARSTARK*

C. Date of Delivery *5/19/21*

D. Is delivery address different from item 1? Yes
 No

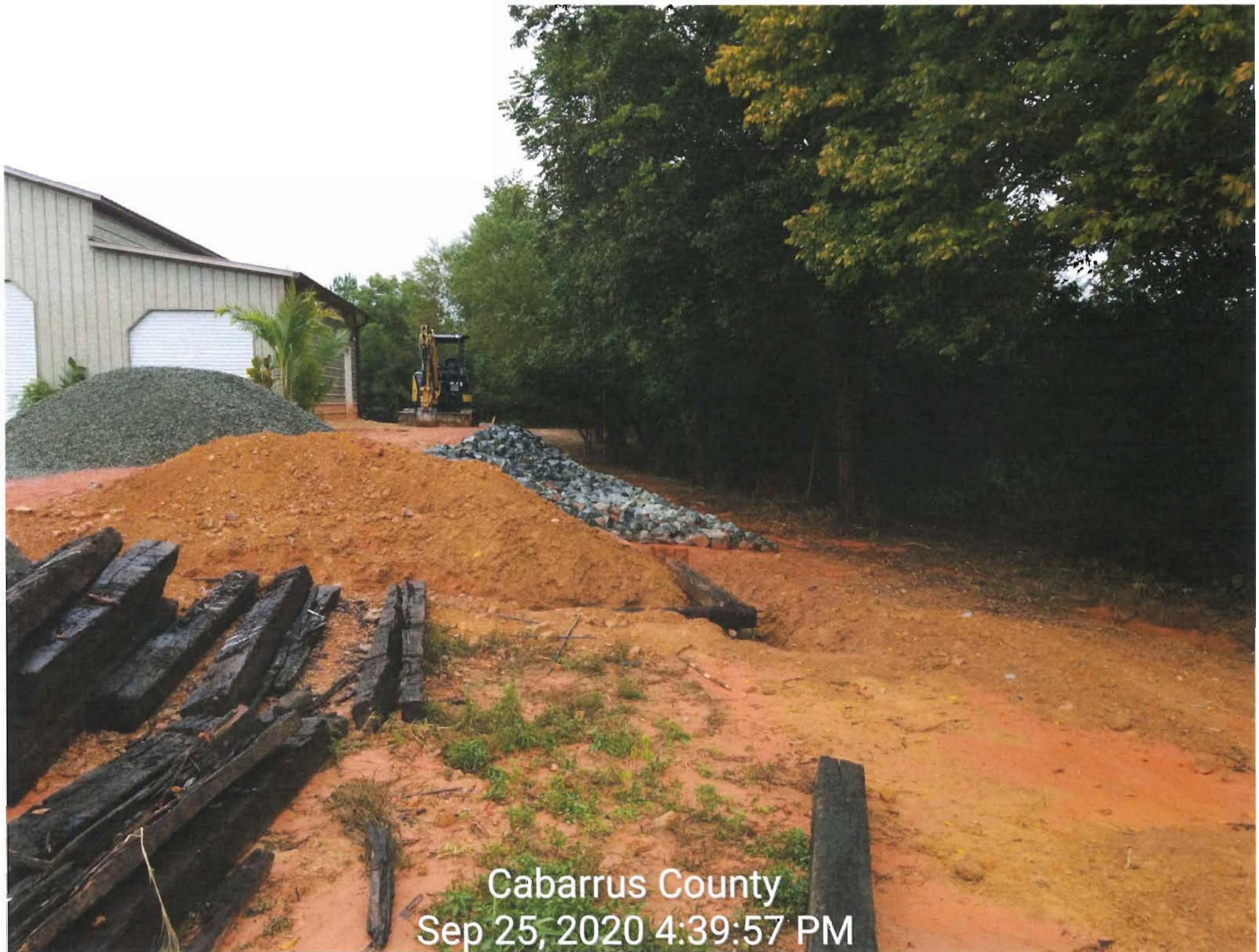
3. Service Type

| | |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

September 25th, 2020
Jay Lowe





Cabarrus County
Sep 25, 2020 4:39:57 PM



Cabarrus County
Sep 25, 2020 4:38:56 PM



Cabarrus County

Jan 26, 2021 5:21:49 PM



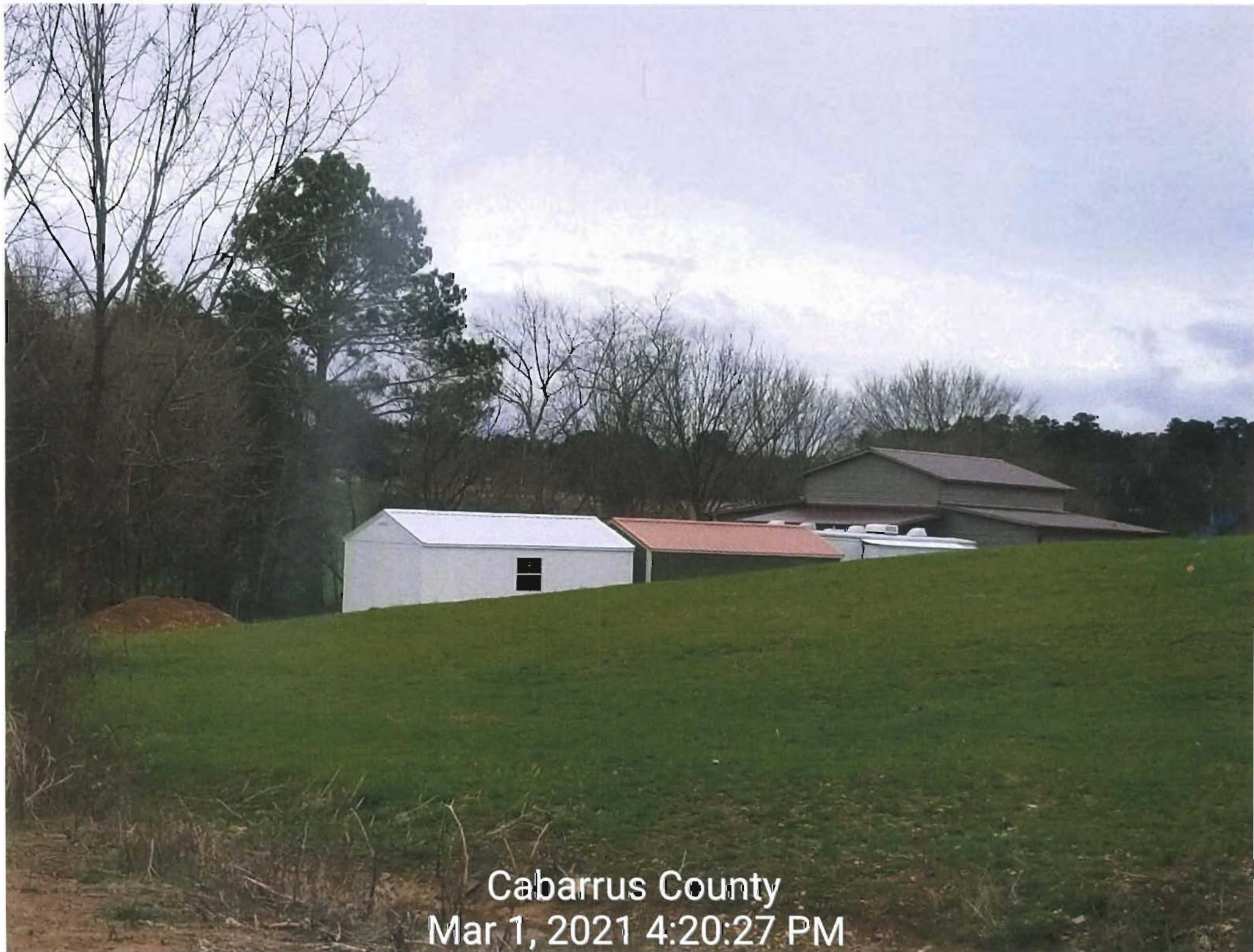
Cabarrus County
Jan 26, 2021 5:21:18 PM



Cabarrus County
Mar 1, 2021 4:21:41 PM



Cabarrus County
Mar 1, 2021 4:24:23 PM



Cabarrus County
Mar 1, 2021 4:20:27 PM

May 7, 2021 at 1:20 PM



May 7, 2021 at 1:37 PM



May 7, 2021 at 1:37 PM



May 7, 2021 at 1:36 PM



May 7, 2021 at 1:41 PM



May 7, 2021 at 1:41 PM



May 7, 2021 at 1:43 PM



May 7, 2021 at 1:39 PM



May 7, 2021 at 1:41 PM



May 7, 2021 at 2:19 PM



May 7, 2021 at 2:12 PM



May 7, 2021 at 1:45 PM



May 7, 2021 at 1:48 PM



May 7, 2021 at 1:44 PM





Cabarrus County Government – Planning and Development Department

February 21, 2022

Dear Property Owner:

An appeal of a Notice of Violation has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday March 8, 2022 at 6:30 PM in the 2nd floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S Concord, NC 28025. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this request, I encourage you to attend this meeting.

| | |
|--------------------------------------|-----------------------------------------------------------|
| Petitioner | Connie Arstark |
| Petition Number | APPL2021-00001 |
| Property Location | 3233 Hahn Scott Road |
| Parcel ID Number | 5589-24-3362 |
| Existing Zoning | Agriculture / Open Space (AO) |
| Appeal of Notice of Violation | Section 4-10 Cabarrus County Development Ordinance |

If you have any questions regarding this petition, or the hearing process, please contact me at Cabarrus County Planning and Development at 704.920.2181.

Sincerely,

Phillip Collins, AICP
Senior Planner
Cabarrus County Planning and Development
704.920.2181



Cabarrus County Government – Planning and Development Department

February 21, 2021

Dear Property Owner:

An appeal of a Notice of Violation has been filed in our office for property **adjacent** to yours. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday March 8, 2022 at 6:30 PM in the 2nd floor Commissioner’s Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S Concord, NC 28025. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this request, I encourage you to attend this meeting.

| | |
|--------------------------------------|-----------------------------------------------------------|
| Petitioner | Connie Arstark |
| Petition Number | APPL2021-00001 |
| Property Location | 3233 Hahn Scott Road |
| Parcel ID Number | 5589-24-3362 |
| Existing Zoning | Agriculture / Open Space (AO) |
| Appeal of Notice of Violation | Section 4-10 Cabarrus County Development Ordinance |

If you have any questions regarding this petition, or the hearing process, please contact me at Cabarrus County Planning and Development at 704.920.2181.

Sincerely,

A handwritten signature in cursive script that reads "Phillip Collins".

Phillip Collins, AICP
Senior Planner
Cabarrus County Planning and Development
704.920.2181

| Surrounding Property Owners | | | | | |
|-----------------------------|----------------------------------|----------------------------|--------------|-------|----------|
| PIN | Name | Mailing Address | City | State | Zip Code |
| 5589-13-0771 | AUSTIN C & HAYDEN L RADFORD | 7980 MOUNT OLIVE RD | CONCORD | NC | 28025 |
| 5589-23-1019 | CURTIS L & COLLEEN A PYLE | 10690 BOWMAN BARRIER RD | MT PLEASANT | NC | 28124 |
| 5589-15-7229 | JOANNE K HAHN | PO BOX 1415 | MT PLEASANT | NC | 28124 |
| 5589-13-8331 | KELLY & TRACY CRUSE | 3411 HAHN SCOTT RD | MT PLEASANT | NC | 28124 |
| 5589-14-6635 | LESLIE A & WILLIAM K COUCH | 7206 TIMOTHY DR | CONCORD | NC | 28025 |
| 5589-26-2017 | PATSY HAHN MOSER | 307 LARRY DR | KANNAPOLIS | NC | 28083 |
| 5589-14-6057 | ROBERT A & SHERRY L KRUSINSKI | 3250 HAHN SCOTT RD | MT PLEASANT | NC | 28124 |
| 5589-35-8852 | SAMUEL L PEARCE | 33 POWDER VIEW CT | BALTIMORE | MD | 21236 |
| 5589-34-5293 | THOMAS L FITZGIBBONS | 249 LEEWARD ISLAND DR | ST AUGUSTINE | FL | 32080 |
| Owner Information | | | | | |
| 5589-24-3362 | CONNIE G & JAMES N ARSTARK | 3233 HAHN SCOTT RD | MT PLEASANT | NC | 28124 |

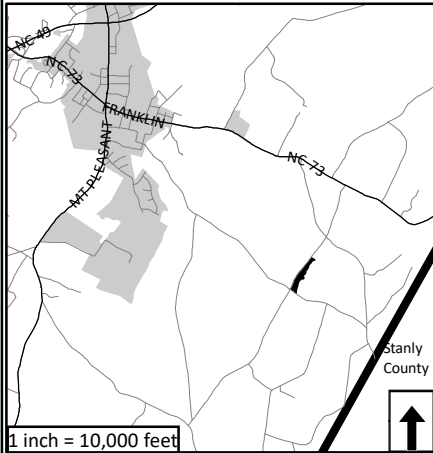
Monday, February 21, 2022 11:14AM
Cabarrus County



**Eastern Planning Area
Existing Zoning**

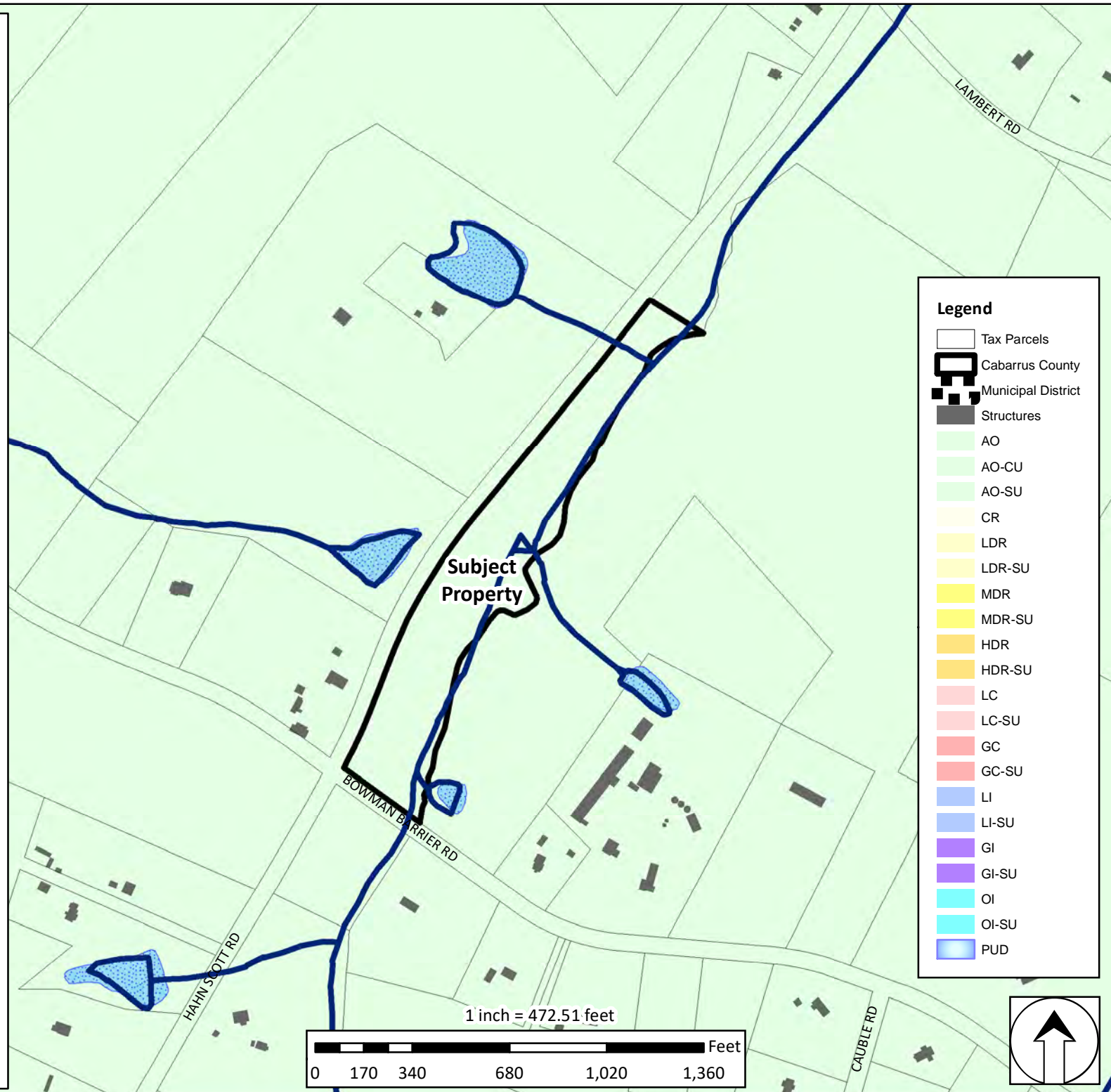


Appellant: Connie Arstark
 Owner: Connie Arstark
 Case: APPL2021-00001
 Address: 3233 Hahn Scott Road
 Purpose: Appeal of Notice of Violation
 PIN: 5589-24-3362

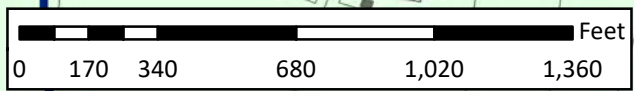


Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

Map Prepared by Cabarrus County Planning & Development - March 2021



| Legend | |
|--------|--------------------|
| | Tax Parcels |
| | Cabarrus County |
| | Municipal District |
| | Structures |
| | AO |
| | AO-CU |
| | AO-SU |
| | CR |
| | LDR |
| | LDR-SU |
| | MDR |
| | MDR-SU |
| | HDR |
| | HDR-SU |
| | LC |
| | LC-SU |
| | GC |
| | GC-SU |
| | LI |
| | LI-SU |
| | GI |
| | GI-SU |
| | OI |
| | OI-SU |
| | PUD |

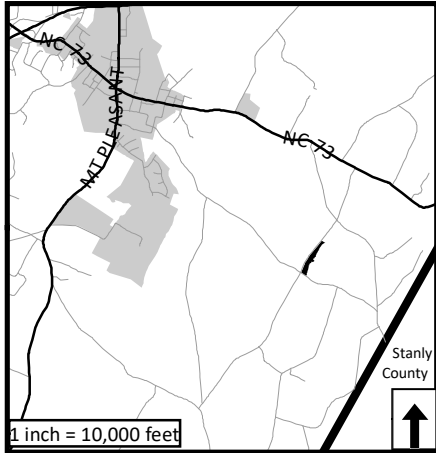


Eastern Planning Area Aerial Map



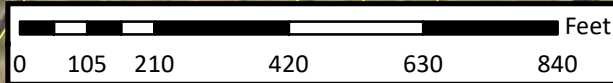
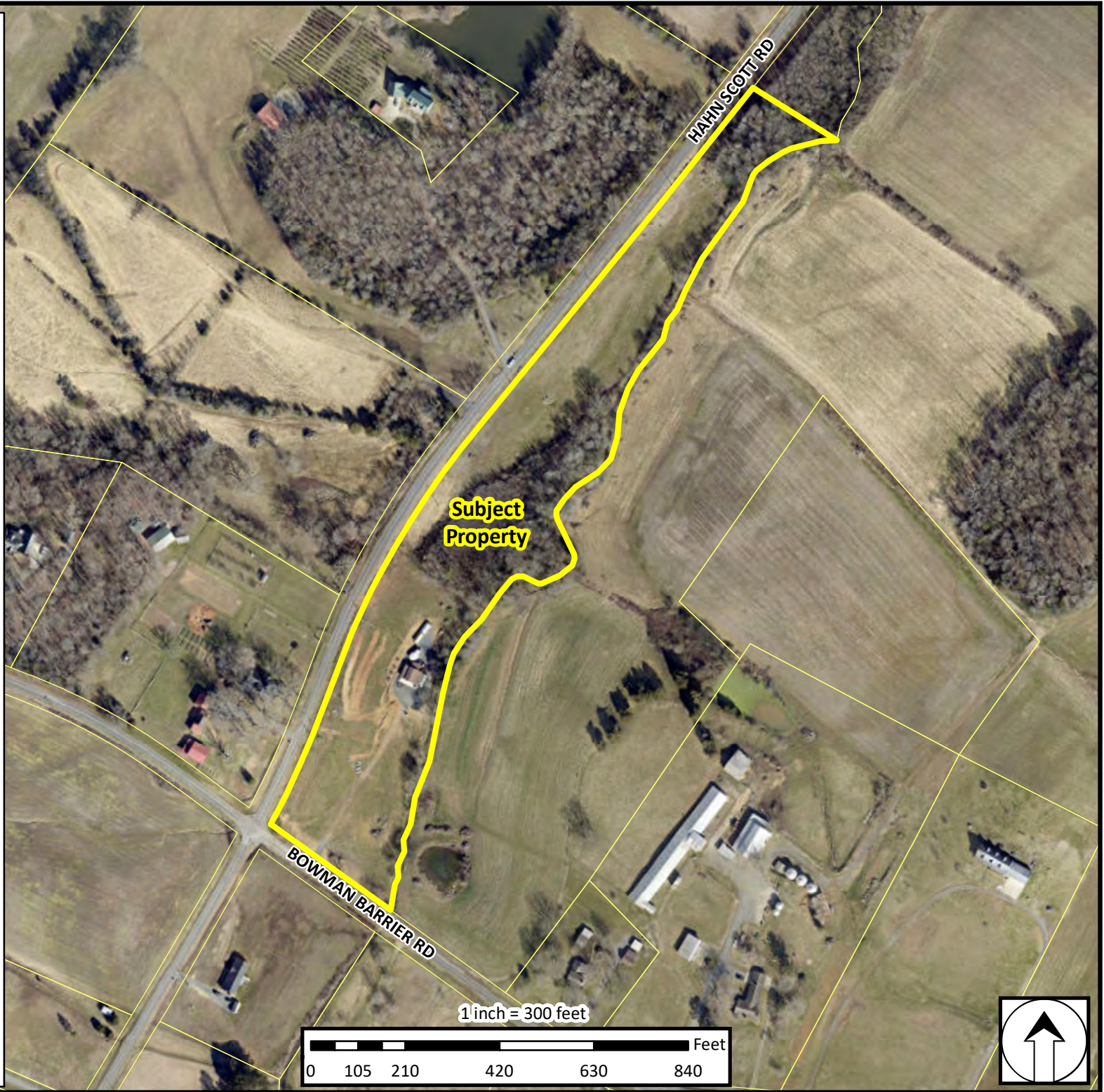
Appellant: Connie Arstark
Owner: Connie Arstark
Case: APPL2021-00001
Address: 3233 Hahn Scott Road
Purpose: Appeal of Notice of Violation
PIN: 5589-24-3362

- Cabarrus County
- Municipal District
- Tax Parcels



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

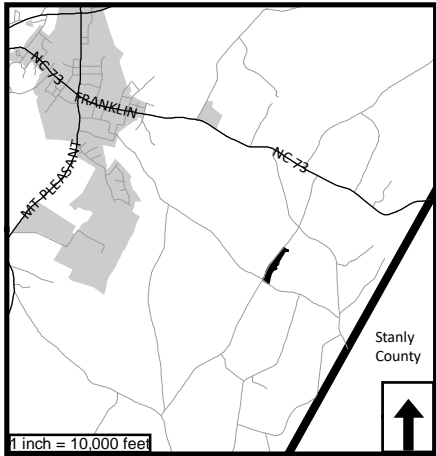
Map Prepared by Cabarrus County Planning & Development - March 2021



**Eastern Planning Area
Future Land Use**

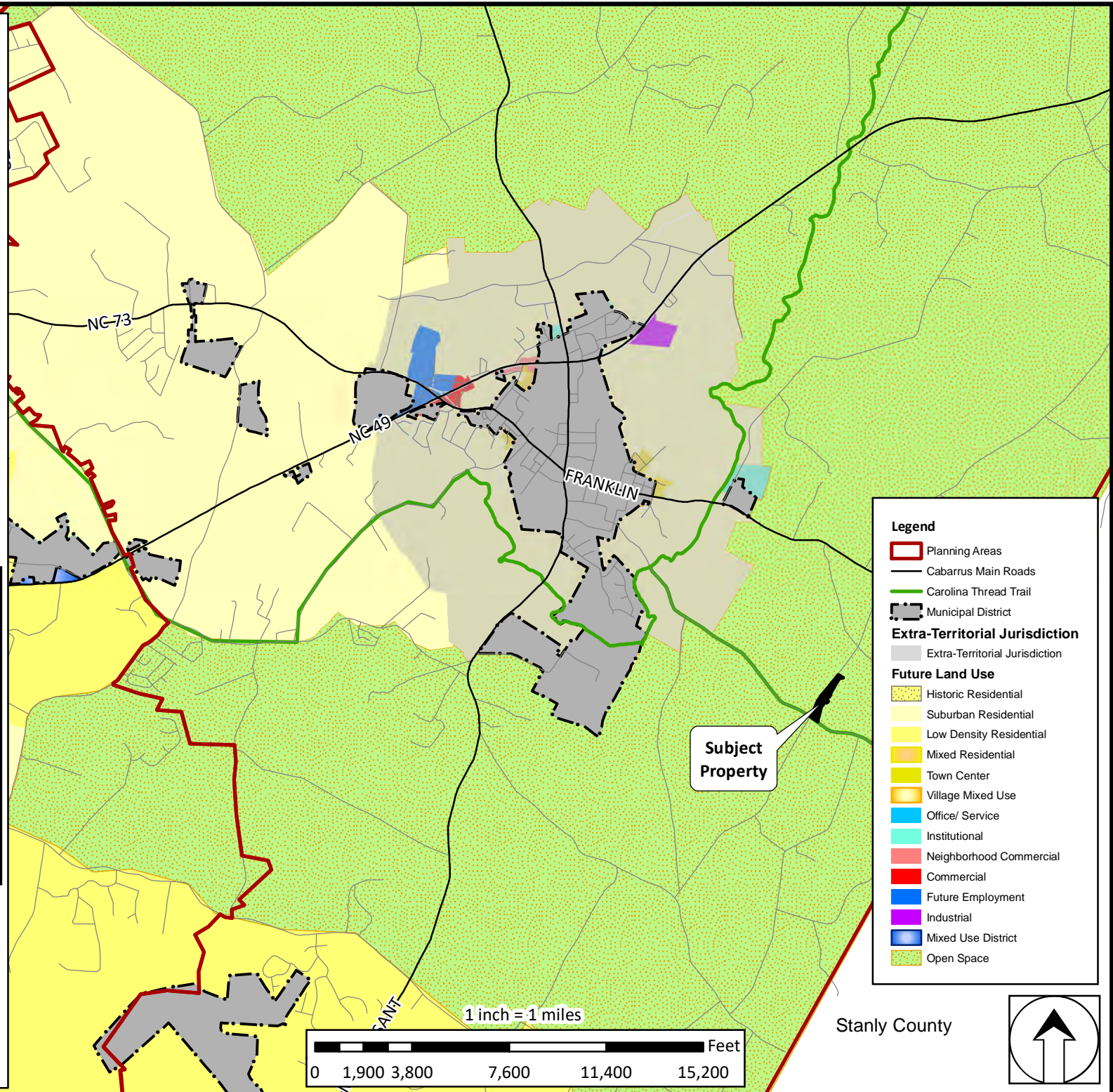


Appellant: Connie Arstark
 Owner: Connie Arstark
 Case: APPL2021-00001
 Address: 3233 Hahn Scott Road
 Purpose: Appeal of Notice of Violation
 PIN: 5589-24-3362



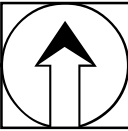
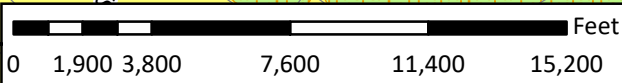
Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

Map Prepared by Cabarrus County Planning & Development - March 2021



Legend

- Planning Areas
- Cabarrus Main Roads
- Carolina Thread Trail
- Municipal District
- Extra-Territorial Jurisdiction**
- Extra-Territorial Jurisdiction
- Future Land Use**
- Historic Residential
- Suburban Residential
- Low Density Residential
- Mixed Residential
- Town Center
- Village Mixed Use
- Office/ Service
- Institutional
- Neighborhood Commercial
- Commercial
- Future Employment
- Industrial
- Mixed Use District
- Open Space



— SCARBROUGH —
SCARBROUGH & TRILLING PLLC
— ATTORNEYS AT LAW —

JAMES E. SCARBROUGH
JES@SandsLegal.net

February 12, 2021

HAND DELIVERED

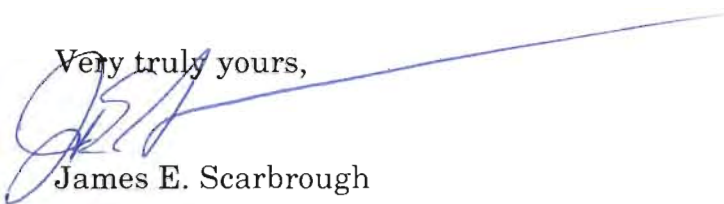
To: Cabarrus County Board of Adjustments

I represent the appellant Connie Gail Arstark. Enclosed is the application, fee of \$450.00 and copies of some documentation to be submitted for appeal in your file 2 NC2021-00023 for 3233 Hahn Scott Rd., Mt. Pleasant, NC 28124.

There will be additional documentation submitted as evidence at the hearing. At this point, please provide immediately 1) a copy of the county's file in this matter, 2) the name of any complainant and any complaint communicated to the county in this matter, and 3) the rules of procedure adopted by the Board pursuant to G. S. 160D-308..

Pursuant to G. S. 160D-406, I will submit a request for the subpoena of documents and possibly witnesses which I will identify. If a subpoena is needed for the information requested in the preceding paragraph, please let me know.

Very truly yours,



James E. Scarbrough

cc: Rich Koch



**APPEAL OF ADMINISTRATIVE
DECISION, INTERPRETATION
OR NOTICE OF VIOLATION**

STAFF USE ONLY:

Application/Accela#: APPPL2021-00001

Reviewed by: PEC

Date: 2-12-21

Amount Paid: \$450

In order to request an appeal from an interpretation or administrative decision made by the Zoning Administrator, the applicant must submit the following:

1. Complete application
2. Fee of \$450.00 plus cost of advertising and noticing
3. Copies of any documentation to be submitted to the Board of Adjustment as evidence. (If large format copies are included in the documentation, applicant must submit 18 copies.)

If there are additional questions concerning this process, please call the Planning and Development Department at (704) 920-2141, Monday through Friday, 8:00 am to 5:00 pm.

Incomplete applications will be returned to the applicant and will not be processed.

To the Cabarrus County Board of Adjustment:

I **CONNIE GAIL ARSTARK**, hereby appeal the following decision of the Zoning Administrator to the Board of Adjustment: **DECISION OF JAY LOWE IN ZONING DIVISION, FILE ZNC 2021-00023; COPY ATTACHED; SEC. 4-10 AND 6-2 AND 12-03 CONSTRUCTED STRUCTURE WITHIN WATER BUFFER PRIOR TO ZONING PERMIT.**

You may attach additional sheet(s) if needed.

I request an interpretation of:

The Zoning Atlas (Zoning classification of subject property)

The following section(s) of the Zoning Ordinance:

4-10; 6-2; 12-03.

You may attach additional sheet(s) if needed.

As it relates to the use of the property located at:

ADDRESS: **3233 HAHN SCOTT ROAD, MT. PLEASANT, NC 28124**

PARCEL IDENTIFICATION NUMBER (PIN): **5589-24-3362**

PROPERTY OWNER: **JAMES N. ARSTARK and CONNIE G. ARSTARK**

In the space provided below, present your interpretation of the Zoning Atlas or Zoning Ordinance provision(s) in question and state what reasons you have for believing that your interpretation is the correct one. In addition, state the facts you are prepared to present to the Board of Adjustment to show that the decision was erroneous.

SEE ATTACHED.

You may attach additional sheet(s) if needed.

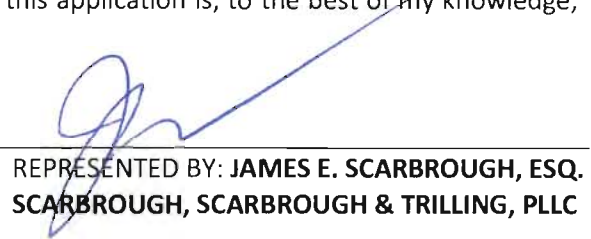
Required Vote: The vote requirement for an appeal of the Administrator’s decision or interpretation to be upheld or overturned is a simple majority.

APPLICATION CERTIFICATION:

I certify that all of the information presented by me in this application is, to the best of my knowledge, true and correct.



SIGNATURE OF APPLICANT



REPRESENTED BY: **JAMES E. SCARBROUGH, ESQ.**
SCARBROUGH, SCARBROUGH & TRILLING, PLLC

ADDRESS

ADDRESS
137 UNION STREET SOUTH

CITY, STATE, ZIP CODE

CITY, STATE, ZIP CODE
CONCORD, NC 28025

PHONE NUMBER

PHONE NUMBER
704-782-3112

FAX NUMBER

FAX NUMBER
704-782-3116
JES@SANDSLEGAL.NET

E-MAIL ADDRESS

E-MAIL ADDRESS

Appeal in File ZNC 2021-00023 (additional sheet)

1. James N. Arstark, a landowner, has not received a notice of violation as required by county ordinance and G. S. 160D-404. Therefore, the notice of violation is defective.
2. The necessary permits have been issued for the structure(s) in question.
3. A zoning compliance permit has been issued. It was issued after the issue of the water buffer issue was raised. Therefore, the setback issue has been resolved by the county in favor of appellant.
4. Prior to construction and on several occasions, appellant requested of the county all setback requirements. Appellant was given the setbacks for the AO district. The water buffer zone, if applicable, and the setback for the buffer zone, if applicable, were not given to applicant by the county. Applicant was only given the AO zone setbacks and they were followed.
5. The county cannot overrule or set aside the permits issued regarding this structure by issuing a notice of violation.
6. The “water body” in question is not identified as a perennial stream on any county maps. It only contains water after a heavy rainfall.
7. The county application for zoning and building permits does not require the applicant to identify stream or water buffers.
8. The survey map submitted by appellant to the county prior to construction showed a “creek” on it and the county gave the AO setbacks to appellant to follow.
9. All claims of violations in the notice of violation are denied.



**APPEAL OF ADMINISTRATIVE
DECISION, INTERPRETATION
OR NOTICE OF VIOLATION**

STAFF USE ONLY:

Application/Accela#: _____

Reviewed by: _____

Date: _____

Amount Paid: _____

TABLE OF CONTENTS

- 1. NORTH CAROLINA GENERAL WARRANTY DEED
-BOOK 14293, PAGE 108- CABARRUS COUNTY REGISTRY**
- 2. JUNE 30, 2020 LETTER FROM CABARRUS HEALTH ALLIANCE
-SEPTIC TANK APPROVAL**
- 3. APRIL 14, 2020 CABARRUS HEALTH ALLIANCE PRIVATE DRINKING
WATER WELL CONSTRUCTION PERMIT
-WELL PERMIT**
- 4. EMAILS
-BARN BUILDING PERMIT**
- 5. ZONING COMPLIANCE PERMIT
-BARN**
- 6. JULY 11, 2020 & NOVEMBER 1, 2020- BOUNDARY SURVEY MAPS**
- 7. EMAILS
-JUNE 12, 2020 THROUGH JUNE 29, 2020**

FILED Jun 30, 2020
AT 01:27:00 PM
BOOK 14293
START PAGE 0108
END PAGE 0111
INSTRUMENT # 20415
EXCISE TAX \$170.00

Excise Tax \$ 170.00

Recording Time, Book and Page

NORTH CAROLINA GENERAL WARRANTY DEED

FILE # 20-2188te

Tax Lot No. Parcel Identifier No. 55892433620000

Mail after recording to Ferguson, Hayes, Hawkins & DeMay, PLLC, PO BOX 444, Concord, NC 28026
This instrument was prepared by RYAN C. HAWKINS, Ferguson, Hayes, Hawkins & DeMay, PLLC

Brief Description for the index

[Empty box for brief description]

THIS DEED made this 30th day of June, 2020, by and between

GRANTOR

GRANTEE

**P. STEPHEN MCMATH and wife,
BRENDA F. MCMATH**

**JAMES N. ARSTARK and wife,
CONNIE G. ARSTARK**

Mailing Address:

Mailing Address:

3215 Woodchuck Drive
Kannapolis, North Carolina 28081

3233 Hahn Scott Road
Mt. Pleasant, North Carolina 28124

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Number EIGHT (8) Township, CABARRUS County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

Submitted electronically by "Ferguson, Hayes, Hawkins & DeMay, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the Memorandum of Understanding with
the Office of the Register of Deeds of Cabarrus County. NCGS 47-14(a1)(5).

The property hereinabove described was acquired by Grantor by instrument recorded in Book 11589, Page 141.

All or a portion of the property herein conveyed does or does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book __, Page __.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

SUBJECT TO easements and restrictions of record.

SUBJECT TO easements and setback lines as shown on the recorded plat.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

P. Stephen McMATH (SEAL)
P. STEPHEN MCMATH

Brenda F. McMATH (SEAL)
BRENDA F. MCMATH

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

P. STEPHEN MCMATH

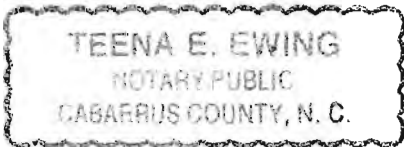
Date: **June 30, 2020**

(Official Seal)

Teena E. Ewing Notary Public

Printed or Typed Name: **Teena E. Ewing**

My commission expires: **1/13/2022**



STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

BRENDA F. MCMATH

Date: **June 30, 2020**

(Official Seal)



[Signature] Notary Public

Printed or Typed Name: RYAN C HAWKINS

My commission expires: 12/14/2021

EXHIBIT "A"

(legal description for 3233 Hahn Scott Road Mt. Pleasant, NC)

Lying and Being in Number Eight (8) Township of Cabarrus County, North Carolina, adjoining the property of W. E. Hahn, J. F. Hahn, and George L. Barrier, and being more fully described as follows: Old Description

BEGINNING at a point in the center of Lick Branch, a corner of J. F. Hahn, and runs thence North, with his line, 59 West (passing an iron pin on the West bank of the Branch at 12.0 feet) 1343.1 feet to a stone, corner of J. F. Hahn; thence South 59 West 190.0 feet to a stone, corner of J. F. Hahn; thence South 35-07 West 1175.9 feet to a point, corner of J. F. Hahn and George L. Barrier property; thence with the line of Barrier, South 34-57 West 1235.2 feet to an iron pin in a stump hole; thence South 37-57 West 44.5 feet to an iron pin, thence South 65-56 East 1656.7 feet (passing an iron pin on the West side of Lick Branch at 1651.7 feet) to a point in the center of Lick Branch; thence in a Northeastern direction with Lick Branch as it meanders to a point in the center of the bridge in the road leading from Mt. Pleasant to Mission; thence down said Lick Branch as it meanders to the BEGINNING, containing 84.02 acres, more or less, according to a survey made by Brown Engineering Company, dated August 6, 1957, of the property of Bart M. Hahn.

Less and Excepted from the above described property are the 3 tracts shown as Tract A, B, and C in Deed dated March 18, 1996 and recorded in Book 1623, Page 46, Cabarrus Registry, to which Deed reference is hereby made for a complete description of the property excepted herein; and additionally, any other portions of the above described property which have been conveyed prior hereto, including but not limited to the property conveyed in Book 13870 Page 165, Book 11323, Page 285, Cabarrus Registry and in Book 8154, Page 192, Cabarrus Registry.

For back title reference see the property designated as Tract 1 in the deed recorded in Deed Book 11589, Page 141, Cabarrus County Registry.



CABARRUS
HEALTH
ALLIANCE

at NC Research Campus

Date: 6/30/20

File # 20-77

Connie Arstark

3233 Hahn Scott Rd.

Mt Pleasant, NC 28124

Approved

Dear Ms. Arstark

On June 29, 2020 an existing septic inspection was performed at 3233 Hahn Scott rd. The proposed Barn with no plumbing appears to meet 15A NCAC 18A .1950. And permission is granted to construct.

The structure must be located a minimum of five feet away from any part of the existing septic tank system and twenty five feet away from the well.

You may call or write the local health department if you need any additional information or assistance.
7049201261

Sincerely,

Tyler W. Robertson, R.E.H.S.

CABARRUS HEALTH ALLIANCE PRIVATE DRINKING WATER WELL CONSTRUCTION PERMIT

(Permit Expires 5 Years from Date Issued)

Permit Number 20-77 Date Issued 4/14/20

Physical Location 3233 Hahn Scott - Rd., Mt. Pleasant, NC 28124

THIS WELL IS REQUIRED TO BE GROUTED TO A DEPTH OF 35 FEET YES NO

Well Owner Information

Name Connie Arstark Telephone Number 704-400-6366
Address 5625 Weddington Rd.
City Concord State NC Zip Code 28027

MUST MAINTAIN 100 foot minimum separation from:

- Any subsurface ground absorption waste disposal system
- Animal barns, Animal feedlots, or manure piles
- Fertilizer, pesticide, herbicide or other chemical storage areas
- Non-hazardous waste storage, treatment or disposal lagoons
- Land Clearing and Inert Debris (LCID) landfills
- Chemical or petroleum fuel underground storage tank systems regulated under 15A NCAC 02N: (without secondary containment)
- All other petroleum or chemical storage tank systems

MUST MAINTAIN 50 foot minimum separation from:

- Surface water bodies which act as sources of groundwater recharge, such as ponds, lakes and reservoirs
- Chemical or petroleum fuel underground storage tank systems regulated under 15A NCAC 02N: (with secondary containment)
- Gravesites
- Above ground or underground storage tanks which contain petroleum fuels used for heating equipment, boilers or furnaces, with the exception of tanks used solely for storage of propane, natural gas, or liquefied petroleum gas
- All other potential sources of groundwater contamination

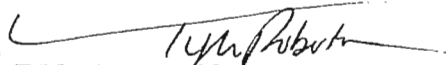
MUST MAINTAIN 25 foot minimum separation from

- Building perimeters, including any attached structures 25 feet
- All other surface water bodies, such as brooks, creeks, streams, rivers

For a water supply well on a lot serving a single-family dwelling and intended for domestic use, where lot size or other fixed conditions preclude the separation distances specified, the required horizontal separation distances shall be the maximum possible but shall in no case be less than:

- 50 feet from a septic tank and drainfield, or designated repair areas, except saporlite systems
- 25 feet from sewage or liquid-waste collection or transfer facility constructed to water main standards in accordance with 15A NCAC 02T .0305(g)(2) or 15A NCAC 18A .1950(e),
- 50 feet from an animal barns

SEE BACK OF
PERMIT FOR
PERMITTED
WELL LOCATION
Call 704-920-1207 if
well cannot be
located in proposed
area



(Authorized REHS)

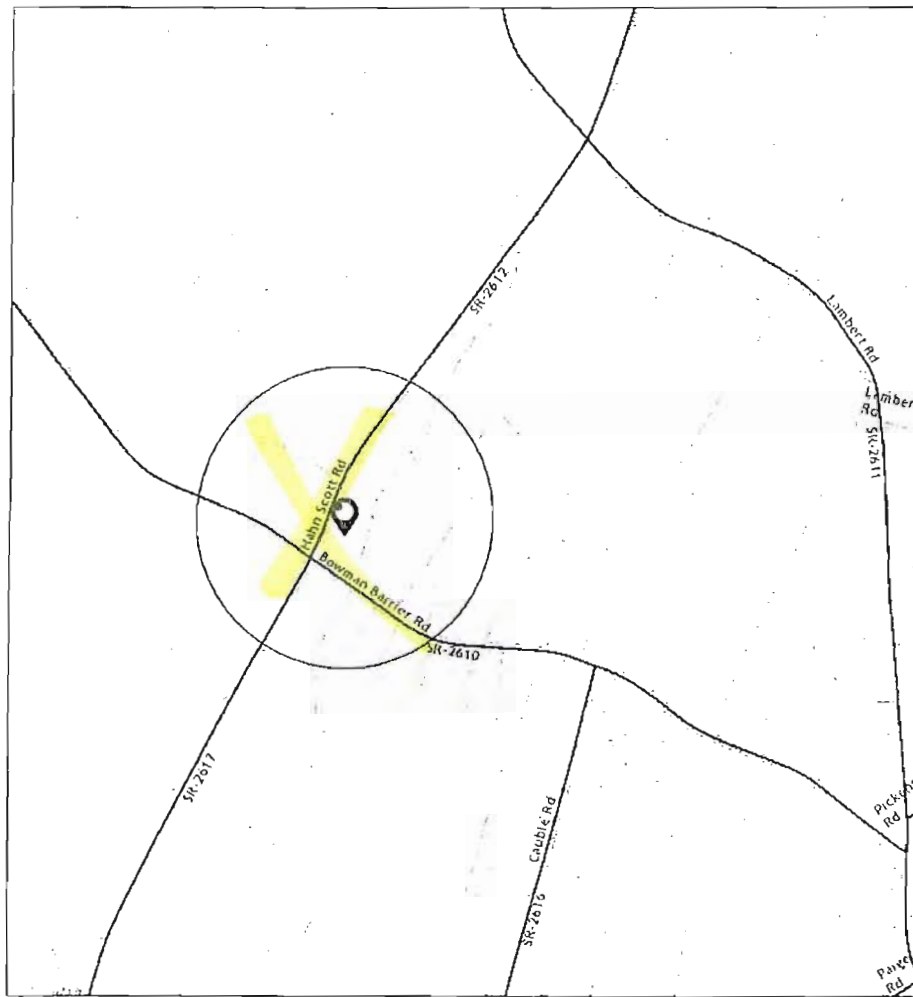
ALL REQUESTS FOR GROUT INSPECTIONS SHALL BE CALLED IN BY 8:45 AM ON
THE DAY IT IS NEEDED CALL 704-920-1237

WPDT Report

Area of Interest (AOI) Information

Area : 3,134,508.8 ft²

Apr 13 2020 16:31:35 Eastern Daylight Time



All North Carolina Department of Environmental Quality (NCDEQ) GIS data is expressly provided "AS IS" and "WITH ALL FAULTS". The NCDEQ makes no warranty of any kind, express or implied, concerning this information, including but not limited to any warranties of merchantability or fitness for any particular purpose. The NCDEQ assumes no responsibility or legal liability concerning the Data's accuracy, reliability, completeness, timeliness, or usefulness. The data is not intended to constitute advice nor is it to be used as a substitute for specific advice from a professional. Users should not act (or refrain from acting) based upon information in the Data without independently verifying the information and obtaining any necessary professional advice. Users are solely responsible for ensuring the accuracy, currency and other qualities of any products derived from or in connection with the NCDEQ's Data. The Data is collected from various sources and may be modified over time without notice to improve spatial and attribute accuracy. The NCDEQ disclaims responsibility for the spatial accuracy and attribution of GIS features and makes no warranty concerning same.

Connie

From: Theresa Wilkinson <tmwilkinson@cabarruscounty.us>
Sent: Monday, September 28, 2020 9:14 AM
To: Connie Arstark
Subject: RE: BARN BU2020-03328 see attached
Attachments: BU2020-03328.pdf; PLACARD 03328.pdf

Connie,
Please sign and return the building permit.
Thank you!

Theresa M. Wilkinson
Permit Associate
Construction Standards

Office Email: CitizenAccess@CabarrusCounty.us
Accela Website: www.citizenaccess.cabarruscounty.us

Direct: 704-920-2159

Office: 704-920-2128
Fax: 704.920.2144

Physical Address: 65 Church Street S., Concord, NC 28025
Mailing Address: PO Box 707, Concord, NC 28026



From: Connie Arstark <connie@arstark.com>
Sent: Friday, September 25, 2020 4:29 PM
To: Theresa Wilkinson <tmwilkinson@cabarruscounty.us>
Subject: RE: BARN BU2020-03328 see attached

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

From: Theresa Wilkinson <tmwilkinson@cabarruscounty.us>
Sent: Friday, September 25, 2020 3:56 PM
To: Connie Arstark <connie@arstark.com>
Subject: RE: BARN BU2020-03328 see attached

Connie,

*See attached
PAID*

Please fill in the "Intended use after completion" line on the form and return to me.

Thank you!

Theresa M. Wilkinson

Permit Associate
Construction Standards

Office Email: CitizenAccess@CabarrusCounty.us
Accela Website: www.citizenaccess.cabarruscounty.us

Direct: 704-920-2159

Office: 704-920-2128

Fax: 704.920.2144

Physical Address: 65 Church Street S., Concord, NC 28025

Mailing Address: PO Box 707, Concord, NC 28026



From: Connie Arstark <connie@arstark.com>

Sent: Friday, September 25, 2020 11:51 AM

To: Theresa Wilkinson <tmwilkinson@cabarruscounty.us>

Subject: RE: BARN BU2020-03328 see attached

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

From: Theresa Wilkinson <tmwilkinson@cabarruscounty.us>

Sent: Friday, September 25, 2020 7:34 AM

To: Connie Arstark <connie@arstark.com>

Subject: BARN BU2020-03328

"PAID"

Good Morning Connie,

The building permit for the barn is created and ready for payment, \$328.64. Please call my direct line, (704) 920-2159, to make the payment. I will need the licensed electrician to sign the application before I can create the no charge electric permit for the barn. I will need this form filled out as well. The other one you submitted is for the house.

Have a great day!

Theresa M. Wilkinson

Permit Associate

Construction Standards



Office Email: CitizenAccess@CabarrusCounty.us

Accela Website: www.citizenaccess.cabarruscounty.us

Direct: 704-920-2159

Office: 704-920-2128

Fax: 704.920.2144

Physical Address: 65 Church Street S., Concord, NC 28025

Mailing Address: PO Box 707, Concord, NC 28026

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

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THIS CARD MUST BE DISPLAYED AT JOBSITE AND ADDRESS DISPLAYED CLEARLY AT
ENTRANCE TO JOBSITE

CABARRUS COUNTY, N.C.

BUILDING PERMIT

NUMBER BU2020-03328 DATE 09.28.2020

ISSUED TO CONNIE ARSTARK

LOCATED AT 3233 HAHN SCOTT RD

CONSTRUCTION OF ACCESSORY BUILDING
1290 SQ.FT, WITH 43 'X 30 ' DIMENSIONS (BARN)

Barn

TRADE PERMITS ASSOCIATED WITH THIS BUILDING PERMIT:

NOTICE: The building for which this permit is issued shall not be occupied until a Certificate of Occupancy has been issued as required by the terms of the City/County Zoning/Fire Ordinances and the North Carolina State Building Code.

Do not proceed with work until the appropriate inspection has been recorded. **INSPECTIONS:**
To schedule or check results, call 704-920-2128 or contractors can log on to www.cabarruscounty.us/departments/construction-standards .



Building Residential BU2020-03328

Cabarrus County, NC

(704) 920 - 2128

9/28/2020

Parcel Pin: 55892433620000

Work Location: 3233 HAHN SCOTT RD
MT PLEASANT, NC 28124

Subdivision/Lot: /

Contractor:

License:

Applicant: CONNIE ARSTARK
3233 HAHN SCOTT RD
MT PLEASANT, NC 28124

Owner: MCMATH PAUL STEPHEN
3215 WOODCHUCK DR
KANNAPOLIS, NC 28081

Description: ACCESSORY BUILDING 1290 SQ.FT, WITH 43 'X 30 '
DIMENSIONS (BARN)

Barn

PERMIT DETAILS

| | | | | | |
|---------------------------|---|------------------------|------|-------------------------|-------|
| Heated Sq Ft: | 0 | Unheated Sq Ft: | 1290 | Total Sq Ft: | 1290 |
| Type Construction: | | Type Heat: | | Habitable Rooms: | |
| Bathrooms: | | Stories: | | Estimated Cost: | 60000 |

FEES

| <u>Item</u> | <u>Fee</u> |
|---------------------------------------------------------------------------------------------|-----------------|
| Accessory Structure / Garage - Detached Residential (No MEP) - First 500 sf | \$250.00 |
| Accessory Structure / Garage - Detached Residential (No MEP) - Each additional 500 sf | \$37.50 |
| Miscellaneous Electrical Work | \$41.14 |
| Total: | \$328.64 |

I, THE UNDERSIGNED, CERTIFY THAT THE WORK DESIGNATED IN THIS APPLICATION WILL BE DONE ACCORDING TO THE BUILDING LAWS OF THE STATE OF NORTH CAROLINA AND CABARRUS COUNTY, AND WILL COMPLY WITH THE ZONING ORDINANCE OF CABARRUS COUNTY AND COMPLY WITH THE SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE OF CABARRUS COUNTY. IF SAID BUILDING IS TO BE ERRECTED IN THE FIRE LIMITS AS ESTABLISHED BY THE CITY ORDINANCE AND CABARRUS COUNTY IN THE ONE MILE AREA, THEN SUCH BUILDING PERMIT IS ISSUED SUBJECT TO THE APPROVAL OF THE INSURANCE COMMISSIONER OF THE STATE OF NORTH CAROLINA.

For Building and Trade Permits only: Informal review of inspectors' decisions is available on the Cabarrus County website: <https://www.cabarruscounty.us/departments/construction-standards>.

For questions concerning this process, please contact Chief Codes Enforcement Officer, Todd Culp, at 704-920-2128 or construction2222@cabarruscounty.us.

Notice for Building Permits: The Building for which this Permit is issued shall not be occupied until a Certificate of Occupancy has been issued as required by the terms of the City/County Zoning Ordinances and the North Carolina State Building Code.

Do not proceed with work until appropriate inspection has been completed. To verify an inspection has passed, or to schedule an inspection, access <https://citizenaccess.cabarruscounty.us>.

For questions, contact 704-920-2128

This permit will expire if:

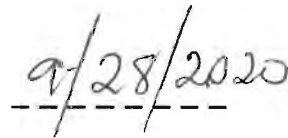
- Work has not started and been inspected within six (6) months of issue date, or
- Work has been discontinued for a period of twelve (12) months.

No Refunds will be issued.

Applicant Signature:



Date:



Zoning / Compliance Certificate

Cabarrus County, NC (704) 920-2137

Date: 9/23/2020

Barn



Application #: ZN2020-01166

Parcel Number: 55892433620000

| | | | |
|--------------|-----------------------------------------------------------------------|----------|-----------|
| Fees: | Residential Addition / Accessory structures zoning permit (accessory) | \$150.00 | 9/23/2020 |
| | TOTAL | \$150.00 | |

Project Name: CONNIE ARSTARK

| | | | |
|------------------------|-----------------------------------------|-----------------------|--------------------------------------------------------------|
| Applicant: | ARSTARK | Work Location: | 3233 HAHN SCOTT RD MT PLEASANT, NC 28124 |
| | 5625 WEDDINGTON RD CONCORD, NC 28027 | Phone: | 7044006366 |
| Property Owner: | MCMATH PAUL STEPHEN | Owner Phone: | |
| Contractor: | | Proposed use: | ACCESSORY BUILDING 1290 SQ.FT, WITH 43 'X 30 ' DIMENSIONS |
| | | Previous use: | RESIDENCE UNDER CONSTRUCTION |

Setback Information

| | | | | | |
|--------------------------|--------|------------------------------------|--------|---------------------------------|-----|
| Front Corner Lot: | — | Front Local Road: | 50' | Front Minor Collector: | 75' |
| Side Yard: | 20-40' | Side Yard Accessory: | 20-40' | Max Impermeable Surface: | 15' |
| Rear Yard: | 30' | Rear Yard Accessory Setback | 5' | Max Structural Coverage: | 10' |
| | | 15ft or less: | | | |

Subdivision and Lot Number:

| | | | | | |
|------------------------------------|--------|-----------------------------|-----------------------------------------------------------|----------------------------------|--|
| Total Lot Area: | 10 | Max Acc Bldg Size: | 8712 | Number Of Dwelling Units: | |
| Max Height (Principal/Acc): | 40/40' | Project Description: | ACCESSORY BUILDING 1290 SQ.FT, WITH 43 'X 30 ' DIMENSIONS | | |

Zone: AO Conventional

Development of this property will also involve:

| | | |
|-------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Approve Site Plan | <input type="checkbox"/> Accessory / Building / Structure Signs | <input type="checkbox"/> Watershed Overlay District |
| <input type="checkbox"/> Fence / Screen / Buffer Yard | <input type="checkbox"/> Flood Damage Prevention Ordinance | |

Comments: NO FLOODPLAIN OR WATERSHED WITHIN PROPERTY

ACCESSORY BUILDING - A BUILDING LOCATED ON THE SAME LOT AND CUSTOMARILY INCIDENTAL AND SUBORDINATE TO THE PRINCIPAL DWELLING

ACCESSORY BUILDINGS UP TO 15 FEET IN HEIGHT MUST MEET THE FRONT AND SIDE SETBACKS REQUIREMENTS OF THE PRIMARY STRUCTURE. THE REAR SETBACK SHALL BE NO LESS THAN 5 FEET. IF STRUCTURE IS GREATER THAN 15 FEET IN HEIGHT THEN ALL PRIMARY STRUCTURE SETBACKS MUST BE MET IN ACCORDANCE WITH CABARRUS COUNTY ORDINANCE CHAPTER 7, SECTION 3, PART 1.

Zoning Staff Signature:

Martha Hernandez

I, the undersigned, certify that all work designated on this application and on approved attached plans (if any) will be performed as indicated, and arrangement of land and / or structures will conform to all information presented herein and to all regulations of the zoning ordinance. No structures will be used or occupied other than in compliance with a valid certificate of zoning compliance / occupancy issued.

Signature of Owner or Applicant as Owners' Authorized Agent:

Connie Atank

Important Setback Information

CABARRUS COUNTY

65 CHURCH STREET S - PO Box 707

CONCORD, NC 28025

Office - 704-920-2137 Fax - 704-920-2144

This notice is to inform you that all proposed principle and/or accessory structures shall be built or placed on the subject property in compliance with the setback standards listed on your Zoning Compliance Permit.

Example structures shall include but not be limited to:

- Residential Structures: Site Built, Modular, Mobile Homes
- Residential Accessory Structures: Pools, Storage Buildings, Garages
- Non Residential Structures: Offices, Warehouses, Fire Stations, Banks
- Non Residential Accessory Structures: Display Areas, Gas Pumps, ATM's

A structure built or placed on a property which encroaches a setback boundary shall be considered a violation of the Zoning Ordinance. Such violations are subject to all civil penalties and remedies set forth in the Zoning Ordinance.

Prior to construction, verify setbacks to ensure the structure will be properly built or placed on the property.

All setbacks shall be measured from the existing or proposed right of way of record.

If you question the possibility of an encroachment consult with a land surveyor of your choice to plot out the structure placement.

I HAVE READ AND UNDERSTAND THESE REQUIREMENTS:

Applicant:

Connie Atank

Date:

10-2-2020

Staff:

Martha Hernandez

Date:

Owner Copy

Staff Copy



Nearest Station
Not in Scope

147' Iron Pipe (I)
CL of Bowman Barrier Rd

N 89° 17' 11" W 60.02' L 130.30'

147' Iron Pipe (I)
CL of Bowman Barrier Rd

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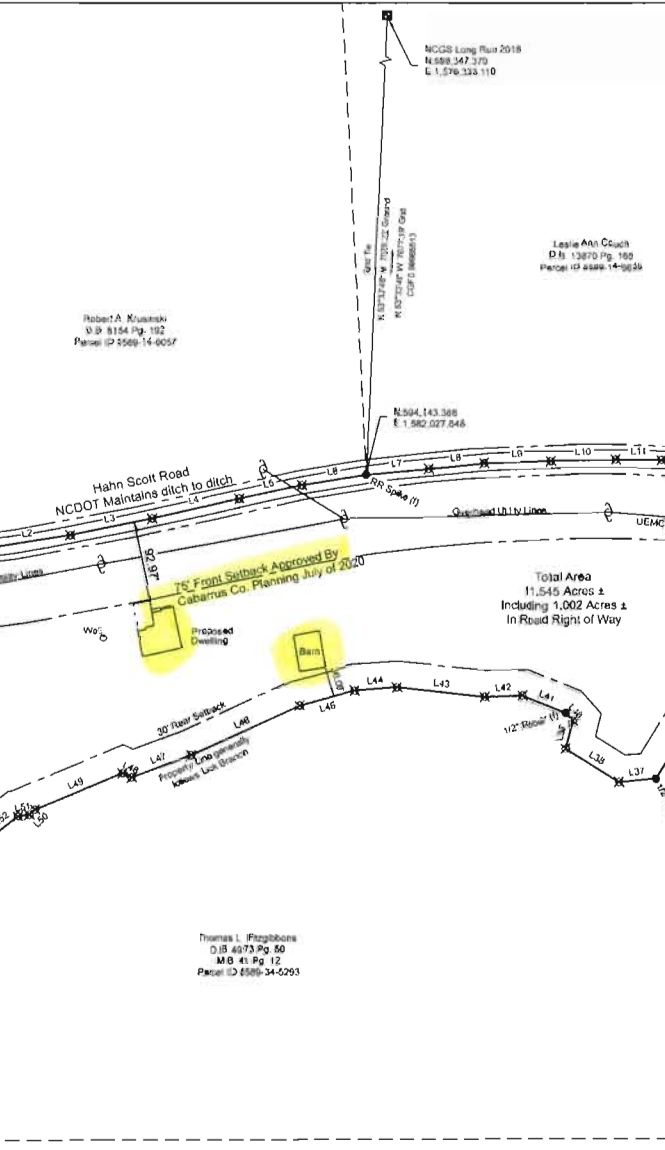
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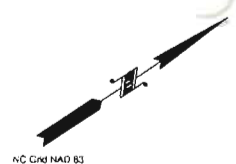


Total Area
11,548 Acres ±
Including 1,002 Acres ±
In Road Right of Way

Thomas L. Fitzgibbons
D.B. 4073 Pg. 50
M.B. 41 Pg. 12
Parcel ID 5589-34-5293

Thomas L. Fitzgibbons
D.B. 4073 Pg. 50
M.B. 43 Pg. 12
Parcel ID 5589-34-5293

- All distances and bearings unless otherwise noted.
- All bearings to be by coordinate method.
- The client acknowledges (1) that boundary surveying services do not constitute land ownership and that the professional land surveyor provides only an opinion of previously established boundary lines which may or may not be upheld by a court of law and (2) that general survey data not include the location of all easements and (3) in services relating to boundary surveys, the consultant limits the liability for the professional to charges to the client.
- Other than those indicated here, not surveyed.
- The client has used Consultant's data as follows by Statewide Surveyor's Act in 2019 for independent search for easements or encroachments, restrictive covenants, and other interests or any other facts that are discoverable and current title search may disclose.
- This property is not located in a 100 year flood zone as shown on F.E.M.A. Flood Map # 17105008000 Effective Date November 5, 2008.
- Copyrighted King Engineering of Concord, RLLP All rights reserved. No part of this drawing may be reproduced by photocopying, recording or by any other means, stored, processed or transmitted electronically without the prior written permission of the surveyor. This survey is valid only for the parties indicated on the title block and is not transferable to subsequent parties.
- Date of bearing is based on the N.C. Coordinate/Geographic Reference System (North of 1983 - NAD 83) North 2011.



Kathy Hahn Moser
D.B. 354 Pg. 56
Parcel ID 5589-29-3017

Frank K. Habel
D.B. 1088 Pg. 54
Parcel ID 5589-15-7191

| LINE | BEARING | DISTANCE | AREA |
|------|-----------------|----------|---------|
| L1 | N 89° 17' 11" W | 60.02' | 130.30' |
| L2 | N 89° 17' 11" W | 60.02' | 130.30' |
| L3 | N 89° 17' 11" W | 60.02' | 130.30' |
| L4 | N 89° 17' 11" W | 60.02' | 130.30' |
| L5 | N 89° 17' 11" W | 60.02' | 130.30' |
| L6 | N 89° 17' 11" W | 60.02' | 130.30' |
| L7 | N 89° 17' 11" W | 60.02' | 130.30' |
| L8 | N 89° 17' 11" W | 60.02' | 130.30' |
| L9 | N 89° 17' 11" W | 60.02' | 130.30' |
| L10 | N 89° 17' 11" W | 60.02' | 130.30' |
| L11 | N 89° 17' 11" W | 60.02' | 130.30' |
| L12 | N 89° 17' 11" W | 60.02' | 130.30' |
| L13 | N 89° 17' 11" W | 60.02' | 130.30' |
| L14 | N 89° 17' 11" W | 60.02' | 130.30' |
| L15 | N 89° 17' 11" W | 60.02' | 130.30' |
| L16 | N 89° 17' 11" W | 60.02' | 130.30' |
| L17 | N 89° 17' 11" W | 60.02' | 130.30' |
| L18 | N 89° 17' 11" W | 60.02' | 130.30' |
| L19 | N 89° 17' 11" W | 60.02' | 130.30' |
| L20 | N 89° 17' 11" W | 60.02' | 130.30' |
| L21 | N 89° 17' 11" W | 60.02' | 130.30' |
| L22 | N 89° 17' 11" W | 60.02' | 130.30' |
| L23 | N 89° 17' 11" W | 60.02' | 130.30' |
| L24 | N 89° 17' 11" W | 60.02' | 130.30' |
| L25 | N 89° 17' 11" W | 60.02' | 130.30' |
| L26 | N 89° 17' 11" W | 60.02' | 130.30' |
| L27 | N 89° 17' 11" W | 60.02' | 130.30' |
| L28 | N 89° 17' 11" W | 60.02' | 130.30' |
| L29 | N 89° 17' 11" W | 60.02' | 130.30' |
| L30 | N 89° 17' 11" W | 60.02' | 130.30' |
| L31 | N 89° 17' 11" W | 60.02' | 130.30' |
| L32 | N 89° 17' 11" W | 60.02' | 130.30' |
| L33 | N 89° 17' 11" W | 60.02' | 130.30' |
| L34 | N 89° 17' 11" W | 60.02' | 130.30' |
| L35 | N 89° 17' 11" W | 60.02' | 130.30' |
| L36 | N 89° 17' 11" W | 60.02' | 130.30' |
| L37 | N 89° 17' 11" W | 60.02' | 130.30' |
| L38 | N 89° 17' 11" W | 60.02' | 130.30' |
| L39 | N 89° 17' 11" W | 60.02' | 130.30' |
| L40 | N 89° 17' 11" W | 60.02' | 130.30' |
| L41 | N 89° 17' 11" W | 60.02' | 130.30' |
| L42 | N 89° 17' 11" W | 60.02' | 130.30' |
| L43 | N 89° 17' 11" W | 60.02' | 130.30' |
| L44 | N 89° 17' 11" W | 60.02' | 130.30' |
| L45 | N 89° 17' 11" W | 60.02' | 130.30' |
| L46 | N 89° 17' 11" W | 60.02' | 130.30' |
| L47 | N 89° 17' 11" W | 60.02' | 130.30' |
| L48 | N 89° 17' 11" W | 60.02' | 130.30' |
| L49 | N 89° 17' 11" W | 60.02' | 130.30' |
| L50 | N 89° 17' 11" W | 60.02' | 130.30' |
| L51 | N 89° 17' 11" W | 60.02' | 130.30' |
| L52 | N 89° 17' 11" W | 60.02' | 130.30' |
| L53 | N 89° 17' 11" W | 60.02' | 130.30' |
| L54 | N 89° 17' 11" W | 60.02' | 130.30' |
| L55 | N 89° 17' 11" W | 60.02' | 130.30' |
| L56 | N 89° 17' 11" W | 60.02' | 130.30' |
| L57 | N 89° 17' 11" W | 60.02' | 130.30' |
| L58 | N 89° 17' 11" W | 60.02' | 130.30' |
| L59 | N 89° 17' 11" W | 60.02' | 130.30' |
| L60 | N 89° 17' 11" W | 60.02' | 130.30' |
| L61 | N 89° 17' 11" W | 60.02' | 130.30' |
| L62 | N 89° 17' 11" W | 60.02' | 130.30' |
| L63 | N 89° 17' 11" W | 60.02' | 130.30' |
| L64 | N 89° 17' 11" W | 60.02' | 130.30' |
| L65 | N 89° 17' 11" W | 60.02' | 130.30' |
| L66 | N 89° 17' 11" W | 60.02' | 130.30' |
| L67 | N 89° 17' 11" W | 60.02' | 130.30' |
| L68 | N 89° 17' 11" W | 60.02' | 130.30' |
| L69 | N 89° 17' 11" W | 60.02' | 130.30' |
| L70 | N 89° 17' 11" W | 60.02' | 130.30' |
| L71 | N 89° 17' 11" W | 60.02' | 130.30' |
| L72 | N 89° 17' 11" W | 60.02' | 130.30' |
| L73 | N 89° 17' 11" W | 60.02' | 130.30' |
| L74 | N 89° 17' 11" W | 60.02' | 130.30' |
| L75 | N 89° 17' 11" W | 60.02' | 130.30' |
| L76 | N 89° 17' 11" W | 60.02' | 130.30' |
| L77 | N 89° 17' 11" W | 60.02' | 130.30' |
| L78 | N 89° 17' 11" W | 60.02' | 130.30' |
| L79 | N 89° 17' 11" W | 60.02' | 130.30' |
| L80 | N 89° 17' 11" W | 60.02' | 130.30' |
| L81 | N 89° 17' 11" W | 60.02' | 130.30' |
| L82 | N 89° 17' 11" W | 60.02' | 130.30' |
| L83 | N 89° 17' 11" W | 60.02' | 130.30' |
| L84 | N 89° 17' 11" W | 60.02' | 130.30' |
| L85 | N 89° 17' 11" W | 60.02' | 130.30' |
| L86 | N 89° 17' 11" W | 60.02' | 130.30' |
| L87 | N 89° 17' 11" W | 60.02' | 130.30' |
| L88 | N 89° 17' 11" W | 60.02' | 130.30' |
| L89 | N 89° 17' 11" W | 60.02' | 130.30' |
| L90 | N 89° 17' 11" W | 60.02' | 130.30' |
| L91 | N 89° 17' 11" W | 60.02' | 130.30' |
| L92 | N 89° 17' 11" W | 60.02' | 130.30' |
| L93 | N 89° 17' 11" W | 60.02' | 130.30' |
| L94 | N 89° 17' 11" W | 60.02' | 130.30' |
| L95 | N 89° 17' 11" W | 60.02' | 130.30' |
| L96 | N 89° 17' 11" W | 60.02' | 130.30' |
| L97 | N 89° 17' 11" W | 60.02' | 130.30' |
| L98 | N 89° 17' 11" W | 60.02' | 130.30' |
| L99 | N 89° 17' 11" W | 60.02' | 130.30' |
| L100 | N 89° 17' 11" W | 60.02' | 130.30' |

- Legend
- ⊗ Debris Completed Post-Installation Set
 - 1/2" Iron Pipe (I)
 - (Double-Line) Measurement
 - Right of Way
 - (Dashed) Property Line
 - (Dotted) Setback Line
 - (Dash-dot) Adjoining Property Line
 - ⊕ Utility Pole

Revised October 8, 2020 to show relocated UEMC Utility Poles, and new Barn.

Boundary Survey for:
James N. Arstark & Connie G. Arstark
3233 Hahn Scott Road Mt. Pleasant, North Carolina, 28124
11,548 Acres ± Tract Parcel ID 5589-24-3362
Recorded in Deed Book 1823 Page 45
Number Eight Township Cabarrus County, North Carolina

Plot Prepared By:
King Engineering of Concord, RLLP
35 Church Street South Suite 107
Concord, NC 28025
Phone: (828) 403-5588
Mailing Address:
401 Polecat Drive, Morganton, NC 28655

November 1, 2020
Job Number 202097
Scale: 1" = 100'
0 50' 100' 200' 300'

I certify that I am a duly licensed and registered professional land surveyor in the State of North Carolina, and that I am duly qualified to perform the services herein described. I am duly licensed and registered as a Professional Land Surveyor in the State of North Carolina, and that I am duly qualified to perform the services herein described. I am duly licensed and registered as a Professional Land Surveyor in the State of North Carolina, and that I am duly qualified to perform the services herein described.



Revised November 1st 2020 to show Barn and proposed dwelling

From: Connie Arstark <connie@arstark.com>
Sent: Monday, June 29, 2020 6:57 AM
To: chad@Kingengineernc.com
Subject: FW: Question on set backs? 3233 hahn scott road

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Sent: Thursday, June 25, 2020 1:53 PM
To: Connie Arstark <connie@arstark.com>
Subject: RE: Question on set backs? 3233 hahn scott road

The property is zoned Agricultural/Open Residential and has the following setbacks:

***Agricultural/Open Space
(AO)***

| | |
|---------------------------------|-----|
| Principal (minimum feet) | |
| Front yard (minor collector) | 75 |
| Front yard (local road) | 50 |
| Side yard (single) | 20 |
| Side yard (total) | 40 |
| Rear yard | 30 |
| Height (maximum feet) | 40 |
| Lot Coverage (maximum) | |
| Impermeable surface | 15% |
| Structural coverage | 10% |

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Thursday, June 25, 2020 12:34 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>; connie@arstark.com
Subject: Question on set backs? 3233 hahn scott road

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Do you remember what the set back guidelines are for my property off hahn scott road?
Thanks
Connie Arstark

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Date: 6/24/20 8:24 AM (GMT-05:00)
To: Connie Arstark <connie@arstark.com>
Cc: Tyler W Robertson <Tyler.Robertson@CabarrusHealth.org>
Subject: FW: Tyler said to call you for getting the barn added to septic it is not a problem. He told me to flag it on the lot which I did. He said it was \$60.00


I don't complete or take payments for secondary applications.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

 Cabarrus County

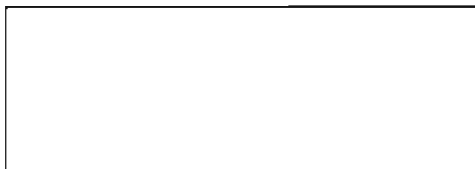
65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

T: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>

Sent: Wednesday, June 24, 2020 8:13 AM

To: Martha Hernandez <mhernandez@cabarruscounty.us>; connie@arstark.com

Subject: RE: Tyler said to call you for getting the barn added to septic it is not a problem. He told me to flag it on the lot which I did. He said it was \$60.00

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Is this something you can help me with?

Thanks

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/23/20 4:52 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Subject: RE: do I need a permit for Barn?

Yes.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

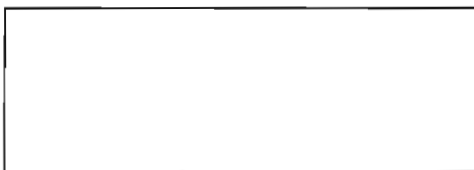
65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>

Sent: Tuesday, June 23, 2020 4:51 PM

To: Martha Hernandez <mhernandez@cabarruscounty.us>

Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Do we need it if I intend to be a farm once the home is built?

Ca

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/23/20 4:42 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Subject: RE: do I need a permit for Barn?

The septic permit doesn't reflect the barn on the lay-out. We would need approval from the Health Alliance.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Tuesday, June 23, 2020 4:35 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Ok can you email me what I need for that permit? Lol

You guys are taking all my money! Lol

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/23/20 4:33 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Subject: RE: do I need a permit for Barn?

yes

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

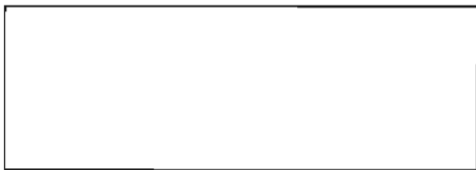
65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>

Sent: Tuesday, June 23, 2020 4:32 PM

To: Martha Hernandez <mhernandez@cabarruscounty.us>

Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

I have a 43x30 metal barn installed on the property. Do I need permit for that as well?

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/23/20 4:03 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Cc: Boyd Stanley <bvstanley@cabarruscounty.us>

Subject: RE: Zoning Permit Requirements-POOL Permit?

Your zoning permit (**ZN2020-00653**) request has been approved. It is ready for payment (**\$75.00**). Someone from our department will be calling you to take your payment over the phone.

Please sign on the **2 places** marked and return attached permit. The permit will not be valid until payment is made AND signed permit is returned.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

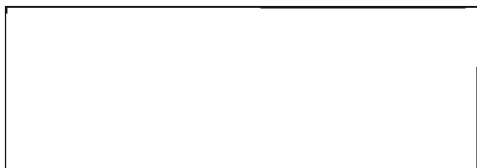
65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Monday, June 22, 2020 2:53 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: Zoning Permit Requirements-POOL Permit?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Here you go.

thanks so much

Connie

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Sent: Monday, June 22, 2020 2:37 PM

To: Connie Arstark <connie@arstark.com>

Subject: RE: Zoning Permit Requirements-POOL Permit?

Complete the application attached and submit a plot plan that shows measurements on pool and concrete surrounding it.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

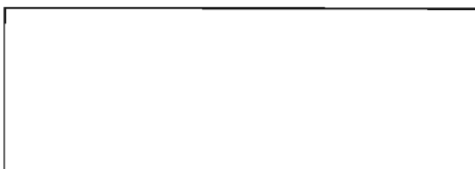
65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>

Sent: Monday, June 22, 2020 2:22 PM

To: Martha Hernandez <mhernandez@cabarruscounty.us>

Subject: RE: Zoning Permit Requirements-POOL Permit?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Pool Permit? What info is needed to get this processed.

connie

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Sent: Monday, June 15, 2020 9:31 AM
To: Connie Arstark <connie@arstark.com>
Subject: RE: Zoning Permit Requirements

Yes. The \$725.00 fee includes the well permit.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us

From: Connie Arstark <connie@arstark.com>
Sent: Friday, June 12, 2020 4:46 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: Zoning Permit Requirements

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Does this include my well permit as well?

I need it too.

Thanks

Ca

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Date: 6/12/20 4:30 PM (GMT-05:00)
To: connie@arstark.com
Cc: Boyd Stanley <bvstanley@cabarruscounty.us>
Subject: RE: Zoning Permit Requirements

Our zoning permit (**ZN2020-00614**) request has been approved. It is ready for payment (**\$100.00**). In addition to the zoning permit, you also need to pay **\$725.00** for the septic permit (**SE2020-00062**) Someone from our department will be calling you to take your payment over the phone.

Please sign on the **2 places** marked and return attached permit. The permit will not be valid until payment is made **AND** signed permit is returned.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: connie@arstark.com <connie@arstark.com>
Sent: Friday, June 12, 2020 1:39 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Cc: Connie Arstark <connie@arstark.com>
Subject: RE: Zoning Permit Requirements

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Sent: Friday, June 12, 2020 12:45 PM
To: connie@ARSTARK.com
Subject: Zoning Permit Requirements

You can email me application, plot plan and supporting documentation. We will then process and notify when its ready for payment over phone with credit card. Please feel free to call at 704-920-2147 should you have any questions.

I have attached zoning permit application and plot/site plan example. Dimensions of all structures and the applicable setbacks must be included in the plot/site plan submitted. You may use GIS to print out the subject parcel and create a plot plan if a survey of the property is not available. The link for accessing the County's GIS system is below.

GENERAL REQUIREMENTS:

CABARRUS HEALTH ALLIANCE:

- If the property has an **existing** septic system, call the Cabarrus Health Alliance at 704-920-1207 or visit them at 300 Mooresville Road, Kannapolis, for an inspection. CHA will provide a letter for you to turn in with your application.
- If the property requires a **new** septic system, a site evaluation application will need to be completed at the Cabarrus County Governmental Center at 65 Church Street, SE, Concord.

SITE/PLOT PLAN (to scale) that shows:

- size and configuration of the property, including lot dimensions and acreage
- location and dimensions of all existing structures
- location and dimensions of all existing parking and driveway areas
- location and dimensions of any bodies of water or water channels (ponds, streams, swales, etc.)
- location of identified flood hazard areas, including floodway, 100-year and 500-year
- location and dimensions of proposed work (new structure, pool, addition to existing building, deck, etc.)
- setbacks for the applicable zoning district (proposed work must meet established setbacks for district)

- All requests for zoning permits must comply with the standards of the Cabarrus County Development Ordinance.
- Additional information may be needed, or may be required on the plot plan, if the property lies within an Overlay District as defined in Chapter 4 of the Cabarrus County Development Ordinance.

<https://location.cabarruscounty.us/mapcabarrus/>

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

abarrus County

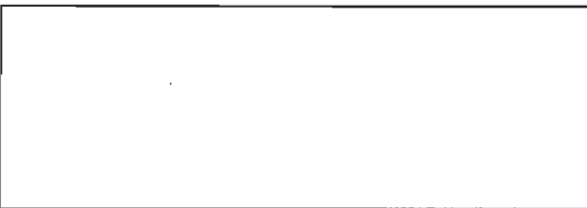
65 Church St. SE, Concord, NC 28025

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F: 704-920-2227

www.cabarruscounty.us



E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Memorandum

To: Cabarrus County Board of Adjustment

From: David Goldberg, Deputy County Attorney

Date: Tuesday, March 8, 2022

RE: Application of Bona Fide Farm Exemption to Waterbody Buffer Zone Overlay

Question

Is a “bona fide farm” exempt from the Waterbody Buffer Zone Overlay at Part II of Chapter 4 of the Cabarrus County Development Ordinance?

Short Answer

No. The farm exemption statute only exempts owners of bona fide farms from “County zoning regulations”. GS 160D-903(a). The Waterbody Buffer Zone Overlay is a “local environmental regulation adopted pursuant to Part 2 of Article 9 of G.S. Ch. 160D. As such, whether a property is a “bona fide farm” exempt from county zoning materials does not affect the application of local environmental regulations, like the Waterbody Buffer Zone.

Background

Cabarrus County adopted a Waterbody Buffer Zone restriction as part of its Development Ordinance in 1990 to implement a special condition of a federal Clean Water Act § 404 permit issued by the Army Corp of Engineers in 1990. The current provision is at Part II of Chapter 4 of the Cabarrus County Development Ordinance. The permit provided, in part:

The Cabarrus County Board of Commissioners, through the Cabarrus County Planning Department, shall implement and maintain a county-wide mandate (ordinance) which strictly limits development within a buffer zone along all perennial streams within the county. This ordinance contains several features which will protect water quality and will also provide benefits to fish and wildlife resources. The ordinance is enforced by the county inspections department. This ordinance must be in full force and effect before the permitted action will be allowed. The buffer zone shall be established as that area which extends 50 feet from the stream bank perpendicular to the centerline of the stream. If the buffer strip is presently wooded, it cannot be disturbed. Perennial streams are defined as those which are illustrated as solid blue lines on the USGS Quadrangle topographic maps for the county. Additional requirements are described in

Cabarrus County Zoning Text Amendment: 3.13 - River/Stream Overlay
Zone (RSOZ) (see attached).

Failure to adequately implement or enforce the zoning amendment or unacceptable modification of the zoning amendment will require alternative mitigation measures to be implemented. The alternative mitigation requirement will include the restoration or creation of approximately 300 acres of forested wetlands as per a plan developed in conjunction with the N.C. Wildlife Resources Commission, the U.S. Fish and Wildlife Service, the EPA, and the Corps of Engineers.

Answer

The farm exemption statute only exempts owners of bona fide farms from “County zoning regulations”. GS 160D-903(a). A “zoning regulation” is a “zoning regulation authorized by Article 7 of [G.S. Ch. 160D].” GS 160D-102(35). Article 7 is entitled “zoning regulations” and authorizes the County to “regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land.” G.S. 160D-702(a). The North Carolina Supreme Court explained that:

Zoning, as a definitional matter, is the regulation by a local governmental entity of the use of land within a given community, and of the buildings and structures which may be located thereon, in accordance with a general plan.

Lanvale Props., LLC v. Cty. of Cabarrus, 366 N.C. 142, 157 (2012) (citations and internal quotations omitted).

In contrast, the Waterbody Buffer Zone Overlay is a “local environmental regulation adopted pursuant to Part 2 of Article 9 of G.S. Ch. 160D. This subdivision authorizes local governments to “adopt and enforce local ordinances pursuant to this Part to the extent necessary to comply with State and federal law, rules, and regulations or permits consistent with the interpretations and directions of the State or federal agency issuing the permit.” G.S. 160D-920(a).

It is important to note that the Cabarrus County Development Ordinance is a “unified development ordinance” adopted pursuant to G.S. 160D-103. “Inclusion of a regulation authorized by this Chapter or local act in a unified development ordinance does not expand, diminish, or alter the scope of authority for those regulations.” G.S. 160D-103.

As such, whether a property is a “bona fide farm” exempt from county zoning materials does not affect application of local environmental regulations, like the Waterbody Buffer Zone.

N.C. Gen. Stat. § 160D-102

Current through Session Laws 2021-192 (end) of the 2021 Regular Session of the General Assembly, except for Session Laws 2021-180 and 2021-189, but does not reflect possible future codification directives relating to Session Laws 2021-163 through 2021-192 from the Revisor of Statutes pursuant to G.S. 164-10.

General Statutes of North Carolina > Chapter 160D. Local Planning and Development Regulation. (Arts. 1 — 14) > Article 1. General Provisions. (§§ 160D-101 — 160D-111)

§ 160D-102. Definitions.

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the following meanings indicated when used in this Chapter:

- (1) Administrative decision. — Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.
- (2) Administrative hearing. — A proceeding to gather facts needed to make an administrative decision.
- (3) Bona fide farm purposes. — Agricultural activities as set forth in *G.S. 160D-903*.
- (4) Charter. — As defined in *G.S. 160A-1(2)*.
- (5) City. — As defined in *G.S. 160A-1(2)*.
- (6) Comprehensive plan. — A comprehensive plan that has been officially adopted by the governing board pursuant to *G.S. 160D-501*.
- (7) Conditional zoning. — A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

- (8) County. — Any one of the counties listed in *G.S. 153A-10*.
- (9) Decision-making board. — A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this Chapter.
- (10) Determination. — A written, final, and binding order, requirement, or determination regarding an administrative decision.
- (11) Developer. — A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.
- (12) Development. — Any of the following:
- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
 - b. The excavation, grading, filling, clearing, or alteration of land.
 - c. The subdivision of land as defined in *G.S. 160D-802*.
 - d.

The initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by this Chapter.
- (13) Development approval. — An administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.

(14) Development regulation. — A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this Chapter, or a local act or charter that regulates land use or development.

(15) Dwelling. — Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of Article 12 of this Chapter, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

(16) Evidentiary hearing. — A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter.

(17) Governing board. — The city council or board of county commissioners. The term is interchangeable with the terms “board of aldermen” and “boards of commissioners” and means any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.

(18) Landowner or owner. — The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

(19) Legislative decision. — The adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of this Chapter.

- (20) Legislative hearing. — A hearing to solicit public comment on a proposed legislative decision.
- (21) Local act. — As defined in G.S. 160A-1(5).
- (22) Local government. — A city or county.
- (23) Manufactured home or mobile home. — A structure as defined in G.S. 143-145(7).
- (24) Person. — An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.
- (25) Planning and development regulation jurisdiction. — The geographic area defined in Part 2 of this Chapter within which a city or county may undertake planning and apply the development regulations authorized by this Chapter.
- (26) Planning board. — Any board or commission established pursuant to G.S. 160D-301.
- (27) Property. — All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.
- (28) Quasi-judicial decision. — A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

(29) Site plan. — A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

(30) Special use permit. — A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

(31) Subdivision. — The division of land for the purpose of sale or development as specified in *G.S. 160D-802*.

(32) Subdivision regulation. — A subdivision regulation authorized by Article 8 of this Chapter.

(33) Repealed by Session Laws *2020-25, s. 3*, effective June 19, 2020.

(34) Zoning map amendment or rezoning. — An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the

zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

(35) Zoning regulation. — A zoning regulation authorized by Article 7 of this Chapter.

History

2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 3, 51(a), (b), (d).

General Statutes of North Carolina

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N.C. Gen. Stat. § 160D-103

Current through Session Laws 2021-192 (end) of the 2021 Regular Session of the General Assembly, except for Session Laws 2021-180 and 2021-189, but does not reflect possible future codification directives relating to Session Laws 2021-163 through 2021-192 from the Revisor of Statutes pursuant to G.S. 164-10.

General Statutes of North Carolina > Chapter 160D. Local Planning and Development Regulation. (Arts. 1 — 14) > Article 1. General Provisions. (§§ 160D-101 — 160D-111)

§ 160D-103. Unified development ordinance.

A local government may elect to combine any of the regulations authorized by this Chapter into a unified ordinance. Unless expressly provided otherwise, a local government may apply any of the definitions and procedures authorized by law to any or all aspects of the unified ordinance and may employ any organizational structure, board, commission, or staffing arrangement authorized by law to any or all aspects of the ordinance. Inclusion of a regulation authorized by this Chapter or local act in a unified development ordinance does not expand, diminish, or alter the scope of authority for those regulations.

History

2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).

General Statutes of North Carolina
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N.C. Gen. Stat. § 160D-702

Current through Session Laws 2021-192 (end) of the 2021 Regular Session of the General Assembly, except for Session Laws 2021-180 and 2021-189, but does not reflect possible future codification directives relating to Session Laws 2021-163 through 2021-192 from the Revisor of Statutes pursuant to G.S. 164-10.

General Statutes of North Carolina > Chapter 160D. Local Planning and Development Regulation. (Arts. 1 — 14) > Article 7. Zoning Regulation. (§§ 160D-701 — 160D-706)

§ 160D-702. Grant of power.

(a) A local government may adopt zoning regulations. Except as provided in subsections (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land. A local government may regulate development, including floating homes, over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12. A zoning regulation shall provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. Where appropriate, a zoning regulation may include requirements that street and utility rights-of-way be dedicated to the public, that provision be made of recreational space and facilities, and that performance guarantees be provided, all to the same extent and with the same limitations as provided for in G.S. 160D-804 and G.S. 160D-804.1.

(b) Any regulation relating to building design elements adopted under this Chapter may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:

(1) The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of this Chapter.

- (2) The structures are located in an area designated as a historic district on the National Register of Historic Places.
- (3) The structures are individually designated as local, State, or national historic landmarks.
- (4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under *G.S. 143-138*.
- (5) Where the regulations are applied to manufactured housing in a manner consistent with *G.S. 160D-908* and federal law.
- (6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval, nor may any such regulations be applied indirectly as part of a review pursuant to *G.S. 160D-604* or *G.S. 160D-605* of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan.

For the purposes of this subsection, the phrase “building design elements” means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase “building design elements” does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

Nothing in this subsection affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

(c) A zoning regulation shall not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.

History

2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 15, 51(a), (b), (d).

General Statutes of North Carolina

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N.C. Gen. Stat. § 160D-920

Current through Session Laws 2021-192 (end) of the 2021 Regular Session of the General Assembly, except for Session Laws 2021-180 and 2021-189, but does not reflect possible future codification directives relating to Session Laws 2021-163 through 2021-192 from the Revisor of Statutes pursuant to G.S. 164-10.

General Statutes of North Carolina > Chapter 160D. Local Planning and Development Regulation. (Arts. 1 — 14) > Article 9. Regulation of Particular Uses and Areas. (Pts. 1 — 5) > Part 2. Environmental Regulation. (§§ 160D-920 — 160D-929)

§ 160D-920. Local environmental regulations.

(a) Local governments are authorized to exercise the powers conferred by Article 8 of Chapter 160A of the General Statutes and Article 6 of Chapter 153A of the General Statutes to adopt and enforce local ordinances pursuant to this Part to the extent necessary to comply with State and federal law, rules, and regulations or permits consistent with the interpretations and directions of the State or federal agency issuing the permit.

(b) Local environmental regulations adopted pursuant to this Part are not subject to the variance provisions of G.S. 160D-705 unless that is specifically authorized by the local ordinance.

History

2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).

End of Document

Protected Area-The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Variance-A permission to develop or use property granted by the Cabarrus County Planning and Zoning Commission, acting as Board of Adjustment, relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Watershed-The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

4-7.4 Word Interpretation

For the purpose of this Watershed Overlay Zone, certain words shall be interpreted as follows:

- Words in the present tense include the future tense.
- Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- The word "structure" shall include the word "building."
- The word "lot" shall include the words, "plot," "parcel," or "tract."
- The word "shall" is always mandatory and not merely directory.
- The word "will" is always mandatory and not merely directory.

PART II WATERBODY BUFFER ZONE

Section 4-8 Intention of Waterbody Buffer Zone

The purpose of the Waterbody Buffer Zone is to provide protected, vegetated strips of land adjacent to streams, rivers, lakes, ponds, impoundments, and wetlands. These buffers are retained in a natural, undisturbed, state, in an effort to avoid erosion problems and to reduce the velocity of overland flow, thus trapping sediment and soil eroded from cropland or land being developed to limit pollutants from entering the waterway.

Section 4-9 Effect upon bona fide farms

While North Carolina law exempts bona fide farms from local zoning regulations, the County strongly encourages the use of best management practices in farming. A waterbody buffer is one of these practices and is therefore consistent with North Carolina Sediment Control Law and thus is a 75% reimbursable North Carolina Agricultural Cost - Share Program. This program is

administered through the Cabarrus Soil and Water District. The following text shall apply to all development or changing of conditions (e.g., timbering, land clearing, etc.) adjacent to waterbodies as defined below.

4.9-1-Impoundments for agricultural purposes

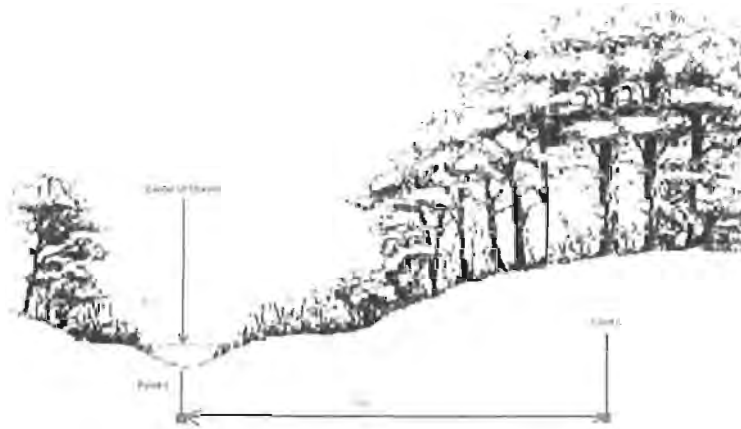
Impoundments used primarily for bona fide agricultural purposes, including animal watering, irrigation, or other agricultural uses shall not be subject to buffering requirements unless the waterbody is part of a natural drainage way (i.e., unless the waterbody is located on a perennial stream);

Section 4-10 Requirements of the Waterbody Buffer Zone

1. A minimum 50-foot buffer shall be established from the stream bank on all sides of perennial streams in addition to any lakes, ponds or impoundments located along, or on, those streams. Perennial streams include all rivers, streams, lakes, ponds or waterbodies shown on the USGS Quadrangle Maps as a solid blue line or identified in the Cabarrus County Geographic Information System.
2. A minimum 25-foot-buffer shall be established along the edge of any identified wetlands.
3. The applicant must provide a detailed survey that field verifies the location of all perennial streams, lakes, ponds, impoundments and wetlands on the subject property and within 100 feet of the boundary of the subject property for all proposed plats and site plans.
4. Streams may exist even if they are not mapped on the USGS Quadrangle Maps or NRCS Soil Survey Maps. A qualified professional must identify streams that exist on the site but are not mapped. For purposes of this section, a qualified professional shall mean an individual that has attended wetlands delineation training using application of the 1987 Wetland Delineation Manual by the US Army Corps of Engineers and Identification of Perennial and Intermittent Streams training supported by the North Carolina Division of Water Quality.
5. The determination that a waterbody or stream indicated on a USGS Map or NRCS soil survey map does not exist must be concurred by the NCDENR Division of Water Quality and/or the US Army Corps of Engineers.
6. The Waterbody Buffer Zone shall be determined and clearly delineated on site prior to any development or pre-development activity occurring in order to protect the required buffer from encroachment or damage. No development, including soil disturbing activities or grading, shall occur within the established buffer area.

7. The waterbody buffer shall be maintained as follows and shall be shown on all site plans or subdivision plats related to the project submitted for review, including soil and erosion control plans:

- a. The size of a perennial stream waterbody buffer shall be measured from the annual average stream bank, perpendicularly for a distance of 50 feet plus 4 times the average percent of slope of area adjacent to the stream. This slope shall be calculated by measuring a distance of 250 feet from the center of the stream. The percent of slope for this distance shall serve as the determining factor. However, the maximum distance shall not exceed 120 feet from the edge of the stream. For Lakes, ponds or impoundments, the buffer shall be computed using the high water elevation in place of the stream bank in the calculation.

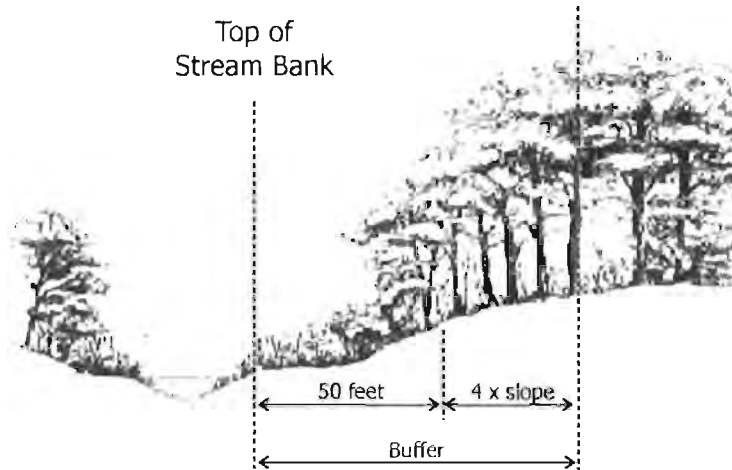


Pre-development elevation of Point 1 in feet = E1

Pre-development elevation of Point 2 in feet = E2

$$S = \frac{E2 - E1 \text{ (feet)}}{250 \text{ feet}} \times 100$$

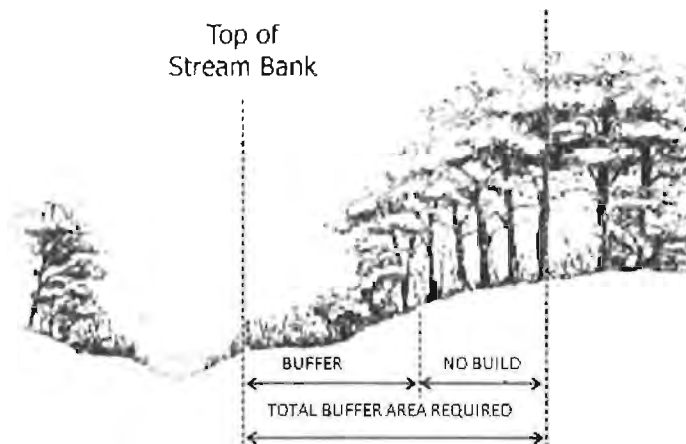
250 feet



$$\text{Width} = [50 + (4 \times S)]$$

Minimum width: 50 feet (areas with flat slopes)

Maximum width: 120 feet (areas with steep slopes)



8. All buffer areas shall remain in a natural, vegetated state. If the buffer area is wooded, it shall remain undisturbed.
9. When agricultural soil disturbing activities such as plowing, grading, ditching, excavating, placement of fill material, or similar activities must occur near the buffer zones, they shall conform to all State and Federal regulations. Other unnamed agricultural activities that would result in significant disturbance of the existing soil, increase soil erosion, or

destroy plant and wildlife habitats can only occur with an approved replacement program and shall also be consistent with North Carolina Sediment Control Law and in coordination with the North Carolina Wildlife Resources Commission's District 6 Biologist, and in consultation with the Cabarrus Soil and Water District Representative. Existing agricultural operations, forested or vegetated areas within stream buffer areas shall follow the State's forest practice guidelines which include best management practices (BMPs) as defined by the North Carolina Soil and Water Conservation Commission.

10. Buffer Encroachments:

- a. **Sewer Easements:** Permitted encroachments in the buffer area include sewer easements, providing the activities strictly adhere to applicable state and local soil and erosion control regulations/guidelines. Perennial vegetation must be established as a necessary step in completing construction of any sewer facilities. Sewer easements should be as close to perpendicular or parallel to the stream channel to minimize the impact on the stream buffer.
- b. **Utilities:** Overhead and/or underground utilities, roads, streets, bridges, or similar structures should be placed within existing public or private rights-of-way and must cross the buffer area as close to perpendicular as possible.
- c. **Driveways and Roads that Pre-date Waterbody Buffer Zone Adoption:** Where residential driveways, right-of-ways, private streets or roads used for agricultural purposes on bona fide farms were installed prior to the adoption of this section of the zoning ordinance (July 23, 1990) and encroach into the required buffers, these roads may remain and continue to be used to access the property. These driveways, right-of-ways, private streets or farm roads, however, may only be improved if it is required for emergency vehicle access.
- d. **Structures that Pre-date Waterbody Buffer Zone Adoption:** Where structures that pre-date the adoption of this section of the zoning ordinance (July 23, 1990) are located in the required buffer areas, these structures may be expanded by up to 50% percent (50%) of the square footage of the structure upon the issuance of a Certificate of Non-conformity Adjustment. To the greatest extent possible, expansions should be directed away from the buffer area. See Chapter 14 for additional information related to the Certificate of Non-conformity Adjustment process.
- e. **Fences** are permitted within the buffer area, provided that the design does not interfere with the flow of water through the buffer area to the waterbody.

11. Any proposed recreation facilities or greenways must be located a minimum of 60' from the top of the stream bank. This includes any proposed pedestrian, hiking or biking trails. Recreational structures are not permitted in the waterbody buffer.
12. In the event that a buffer is disturbed, all disturbed areas within the buffer zone shall be revegetated with appropriate vegetation immediately.
13. A progress report shall be submitted by the individual, corporation, or company disturbing land in the Waterbody Buffer Zone to the Cabarrus County Planning and Zoning Department within 60 days of approval of the replacement program by the Soil and Water Conservation District staff. Two other reports may be required at 120 and 180 days if the program is not completed. The first two reports shall explain what work has been completed and any results as well as a time schedule for completion of the rest of the program. The final report shall document that the replacement program has been completed. The site shall be regularly inspected by the enforcement branch of the Cabarrus County Planning and Zoning Department and the Cabarrus Soil and Water Conservation District to assure activity and compliance. Any noncompliance shall be treated as a zoning violation and be subject to enforcement as described in Chapter Twelve of this Ordinance.
14. The minimum building setback, also known as the no build buffer area shall be at least 20 feet from the established waterbody buffer. If there is a difference in the zoning ordinance setback and the no build buffer, the greater of the two shall apply. No buildings or structures shall be permitted in the no build buffer area. Minimal land disturbance, including the clearing of underbrush, is allowed in the no build buffer.
15. Where the Waterbody Buffer Zone or no build buffer impacts or is part of a lot, a note shall be placed on the plat or site plan and a restriction shall become part of the deed for the property stating that said property is subject to the Waterbody Buffer Zone.
 - a. Land within a stream buffer shall not be used to meet the minimum area requirements for lots that are one acre or less.
 - b. If a lot is greater than one acre in area, the buffer area may be used to meet the minimum lot size requirements, however, at least 50 percent of the lot shall remain outside the stream buffer area.
16. Applicants and property owners are strongly encouraged to consider the dedication of property or easements subject to the Waterbody Buffer Zone to one of the following when appropriate:
 - o Property/Home Owners Association

- Cabarrus Soil and Water Conservation District
- A conservation organization

PART III THOROUGHFARE OVERLAY (TOZ) ZONE

Section 4-11 Intention

The orderly development of land is dependent upon the protection of existing and proposed major roads in the County. It is extremely important because thoroughfares commonly establish a positive image of the quality of life in the County for visitors and residents alike. Preservation of this natural beauty is required to enhance trade, capital investment, tourism and general welfare.

The purpose of the Thoroughfare Overlay Zone (TOZ) is to help assure protection will be included in all land uses developed along several key roadways. Accordingly, these regulations are made with consideration to both the County's land development plan and area plans. They are designed to promote the health and general welfare of the residents of Cabarrus County as well as preserve property values and encourage appropriate land usage. And, finally, these regulations will facilitate the provision of transportation by promoting the safe and efficient movement of traffic and by encouraging development which reduces or eliminates visual clutter, excessive driveway cuts, and poor site layout.

Section 4-12 Setback requirements

All roads classified as minor thoroughfares, major thoroughfares, boulevards, expressways or freeways, in the Cabarrus Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan or listed in the Comprehensive Transportation Plan Index, are subject to the Right-of-Way standards as adopted in the referenced documents.

The setback is measured from the edge of the proposed right-of-way. These setbacks will be in addition to the setbacks required in the applicable zone by the Cabarrus County Zoning Ordinance.

Section 4-13 Additional requirements

Arterial roadways US 29, NC 49, NC 73, NC 24-27, and US 601 are subject to the following. In addition, roadways referenced within the following shall also be subject to the additional requirements beginning in Section 4-16.

1. An official roadway corridor map approved by the Cabarrus County Board of Commissioners.
2. A comprehensive street system plan, collector street plan, or thoroughfare plan adopted by the Cabarrus County Board of Commissioners.



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

October 30, 1990

IN REPLY REFER TO

Regulatory Branch

SUBJECT: File No. CESAW-CO88-N-013-0061

Mr. James W. Lentz, Chairman
Cabarrus County Board of Commissioners
Post Office Box 707
Concord, North Carolina 28025-0707

Dear Mr. Lentz:

In accordance with your written request of November 5, 1987, and the ensuing administrative record, enclosed are two copies of a permit to discharge dredged or fill material into waters of the United States for the construction of an earthen dam and water supply reservoir on Coddle Creek, west of Concord, Cabarrus County, North Carolina.

The proposed project consists of the construction of an earthen dam across a narrow part of the Coddle Creek Valley upstream of N.C. Highway 73, a raw water intake structure, related site piping, and provisions for a future new pump station. Implementation of the project will also require the realignment of N.C. Highway 73, the relocation of (a) a power transmission line, (b) two high pressure refined petroleum pipelines, and (c) an existing raw water pump station and intake for the City of Kannapolis, in addition to construction of a new bridge and approaches for Mooresville Road (N.C. Highway 136).

The proposed dam will have a length of approximately 2,400 feet with a height at the maximum section of 45 feet above the creek bed. The elevation of the top of the dam will be 660 feet mean sea level (MSL). The principal spillway will be a 225-foot-wide concrete ogee crest with a chute spillway and stilling basin, together with a 300-foot-wide concrete spillway. A 500-foot-wide earthen emergency spillway will be located on the left abutment. Excavation from the spillways will be utilized in construction of the embankment.

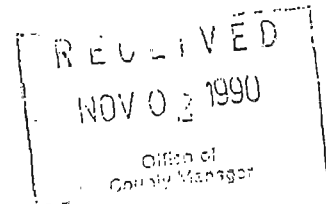
You should acknowledge that you accept the terms and conditions of the enclosed permit by signing and dating each copy in the spaces provided ("Permittee" on page 3). All pages of both copies of the signed permit with drawings should then be returned to this office for final authorization. A self-addressed envelope is enclosed for your convenience.

After the permit is authorized in this office, the original copy will be returned to you; the duplicate copy will be permanently retained in this office. Should you have questions, contact Mr. David Franklin, Regulatory Branch, telephone (919) 251-4952.

Sincerely,

James H. Bradley
Chief, Construction-Operations
Division

Enclosures



DEPARTMENT OF THE ARMY PERMIT

Cabarrus County
Post Office Box 707

Permittee, Concord, North Carolina 28025-0707

Permit No. CESAW-C088-N-013-0061

Issuing Office CESAW-CO-E

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To discharge dredged or fill material into waters of the United States for the construction of an earthen dam and water supply reservoir on Coddle Creek, west of Concord.

Project Location:

Concord, Cabarrus County, North Carolina.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 1993. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See attached. All work required by Special Conditions must be completed prior to impoundment, except as provided for in Special Conditions.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 326.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.
 CABARRUS COUNTY

 (PERMITTEE)

 (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

THOMAS C. SUERMANN, LIEUTENANT COLONEL
 (DISTRICT ENGINEER)

 (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

 (TRANSFeree)

 (DATE)

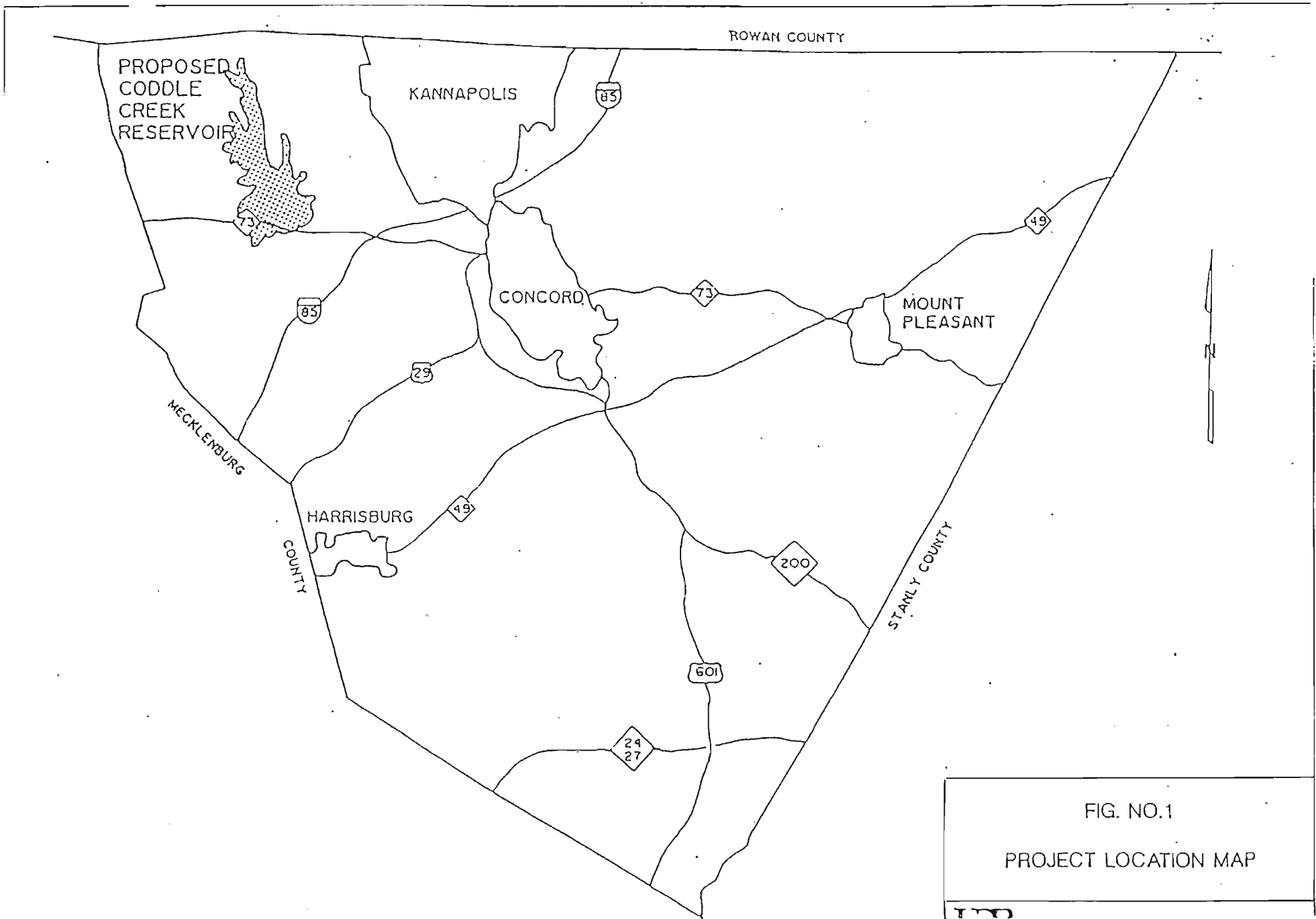


FIG. NO.1
PROJECT LOCATION MAP

SPECIAL CONDITIONS

1. Surrounding the reservoir pool, 526 acres are to be used as mitigation lands. This will include the creation of 186 acres of wetland habitat creation (bottomland hardwoods), reforestation of 170 acres of upland fields, 6 acres of wildlife feed plots, and preservation of 164 acres of forested uplands and wetlands (140 acres of existing upland hardwood forest and 24 acres of bottomland hardwoods). All habitat creation areas will be developed in accordance with a habitat creation mitigation plan to be approved by the U.S. Fish and Wildlife Service, the N.C. Wildlife Resources Commission, EPA, and the Corps of Engineers (COE).

a. Reservoir Shoreline. Surrounding the reservoir pool, 526 acres are proposed for mitigation. Mitigation in this areas will include 188 acres of habitat creation (bottomland hardwoods), 170 acres of upland reforestation, 6 acres of wildlife feed plots, and preservation of 164 acres of moderate quality forested uplands and wetlands (24 acres of wetlands, 140 acres of uplands). Due to the large area involved, each of these various land uses has been plotted out on the attachments (Figures 1, 2, and 3A through 3J). All remaining lands between the maximum pool of 650 feet and 660 feet mean sea level (MSL) (reservoir buffer area) will be reforested/preserved.

(1) Habitat Creation. Three types of habitat creation are proposed for this area: 1) wetland creation through flooding by the reservoir of shoreline areas within the maximum pool area and planting with bottomland hardwoods; 2) reforestation of cleared fields in the upland buffer area surrounding the reservoir, and; 3) vegetating a few small cleared upland areas with wildlife feed sources such as grains, legumes, etc.

(a) Wetland Creation. Cabarrus County is directed by rules developed by the North Carolina Division of Health Services to clear and grub an area from 5 feet below to 2 feet above the normal pool of the reservoir. The normal pool elevation was determined by data developed in the Reservoir Operation Preliminary Report by HDR Engineering (December 1987). The normal pool is defined as the average pool elevation over the period modeled under the following parameters:

| | |
|--------------------------|-----------------------------------|
| Rainfall Data Period | 1951-1986 |
| Maximum Pool Elevation | 650 feet MSL (gates fully closed) |
| Water Supply Demand Year | 2020 |

The normal pool for the reservoir is therefore estimated to be at 646 feet MSL, and so the area for 641 feet to 648 feet will be cleared and grubbed of all vegetation.

The dam facility will be constructed to include a concrete spillway designed with an overflow elevation of 645 feet MSL. Above the spillway, there will be 5-foot gates which will allow the reservoir pool to be raised to maximum pool elevation 650 feet MSL. During certain times of the year, based upon rainfall and withdrawal rates, the pool will temporarily reach this maximum elevation (Figure 1).

All upland areas between 648 feet and 650 feet MSL around the reservoir pool will be cleared of existing vegetation and replanted with bottomland hardwood saplings such as green ash, red maple, box-elder, American sycamore and sweetgum (Figure 2). Species which exhibit higher tolerance to inundation will be planted at the lower elevations within this vegetated zone. The reservoir will be operated to minimize inundation of these species during their early stages of development thereby increasing survivorship. A large number of areas which are presently above 650 feet MSL will be excavated to 650 feet MSL, while a number of other areas which are presently below 648 feet MSL will be filled to 648 feet MSL (Figures 3A-3J). The excavated material will be the source for fill areas; in no instance will more than 3 vertical feet of material be removed from excavation areas, or 2 vertical feet of material placed in fill areas. This effort will only be made in upland areas, while wetlands which occur at these elevations around the reservoir will be preserved.

The hardwood species mentioned above will be bare-root saplings planted on 10-foot centers perpendicular to the shoreline. Before planting, a 4-inch layer of mulch will be spread throughout the planting areas to increase the organic content of recipient soils. For all habitat creation areas, planted trees will be obtained from and installed according to sound horticultural practices by the North Carolina Forest Service.

(b) Upland Reforestation. As illustrated in Figure 2, several agricultural fields in the buffer surrounding the reservoir will be cleared and replanted with upland forest species. Species to be used include shortleaf and Virginia pine, with smaller plots planted with hardwoods such as yellow poplar, red oak and shagbark hickory as stock of these species is available.

(c) Wildlife Feed Plots. Two 3-5 acre agricultural fields (one on each side of the reservoir) will be cleared and replanted with wildlife feed source vegetation by the North Carolina Forest Service with support from the ASCS of Cabarrus County. These two plots are illustrated on Figures 3-C and 3-F.

(2) Preservation. In addition to the creation areas described above, an additional 140 acres of existing forested uplands, and 24 acres of existing forested wetlands, will be preserved. These areas occur within the buffer surrounding the pool. Public access to these areas will be limited to the two public access areas for fishing and canoe launch illustrated on Figures 3-D and 3-F.

2. The County shall implement monitoring programs for vegetation survivorship, growth and recruitment in creation areas, water quality and biotic recruitment in the reservoir pool, and succession and community dynamics within preservation areas, including wildlife utilization of the

project area. Management efforts shall include removal of nuisance vegetation from creation areas, enhancement of project area habitats for wildlife (particularly rare species), and elimination of pest control problems associated with the reservoir pool.

The Cabarrus County Utilities Department or its agent will be responsible for the operation of the reservoir dam facilities according to the approved Reservoir Operations Plan. The Utilities Department, in conjunction with the Cabarrus County Department of Parks and Recreation, will be responsible for the successful development (creation) and management of all mitigation lands. The Utilities Department and/or its agent(s) will conduct biotic monitoring of the pool and created lands. The Utilities Department will be responsible for the timely submittal of all monitoring reports to the appropriate regulatory agencies.

a. Monitoring. A periodic monitoring program will be implemented for: evaluation of growth, recruitment and survivorship of planted vegetation species in creation areas; water quality in the reservoir pool; and assessment of the natural development and wildlife utilization of preservation lands in the project areas. Each of these programs is described in detail below, including information regarding methodology, scheduling and reports.

(1) Wetland Creation. The wetland areas described above will be monitored for survivorship of planted species, recruitment, percent coverage of planted and recruited wetland vegetation, and growth of installed woody vegetation. Periodic monitoring reports will be submitted to the Corps of Engineers (COE).

(a) Methodology. A specific monitoring scheme using standard techniques, including regularly spaced parallel transects, shrub and herbaceous quadrats, photographic stations and qualitative evaluation of recruitment, will be developed for the wetland creation areas. Monitoring will be performed by experienced wetlands biologist.

(b) Survivorship and Replanting. Installed vegetation such as bare-root saplings will be provided and installed by the North Carolina Forest Service. The saplings will be of high quality, and plants are to be installed according to sound horticultural practices. Survivorship of at least 80% of planted individuals is required at the ends of years 1, 2, and 3. An 80% areal coverage of non-nuisance wetland vegetation is required through the end of the 7-year monitoring period. If it is noted on any monitoring events during years 1-3 that percent survivorship of installed species has dropped below 80%, replanting will be done as necessary to accomplish an 80% survivorship level.

In most cases, vegetation will be installed in rows perpendicular to streams. Should it become evident that certain species are not surviving well, either in specific locations around the reservoir or more generally at particular

elevations (i.e. closer to, or in deeper water, or farther up the hill shallower water), then a suitable substitute species will be selected as a replacement. For instance, if survivorship of sweetgum in a certain area is 20% while survivorship of box-elder is 93%, then the dead sweetgum saplings in the sweetgum row will be replaced with box-elder. In the same way, if red maples inundated by 1-2 feet of water at maximum pool all die, but green ash does well in this area, then the dead red maples in the red maple rows will be replaced with green ash. In every instance an effort will be made to maintain the highest diversity attainable while providing for the highest percent survivorship possible.

(c) Scheduling and Reports. Monitoring of habitat creation areas will be done at the beginning, middle, and end of the growing season each year during the first four years, and at the beginning and end of the growing season during years 5, 6 and 7. An initial monitoring report will be due within 60 days after the completion of mitigation construction, and a schedule for the monitoring events will be submitted at that time. An annual progress report will be submitted each year which will summarize the year's vegetation monitoring events and analyze all data collected to date. Required maintenance due to nuisance species problems (described later) will be performed within 60 days of the monitoring events. Required replanting will be performed annually at the beginning of the growing season.

(2) Water Quality. Monitoring of water quality in the pool of the reservoir will be routinely performed as part of the Reservoir Operations Plan. However, it is important to note that data collected to assess compliance with State and Federal drinking water standards will also provide insight into the ecological processes that occur in association with lake eutrophication. Evaluation of such data will be conducted as part of the monitoring of the mitigation areas.

(3) Preservation Lands and Wildlife. As partial mitigation of impacts to 520 acres of wetlands, the 164 acres of moderate to high quality forested uplands and wetlands will be preserved. This acreage occurs in buffer areas around the reservoir. These areas will be periodically monitored to assess the natural process of succession and wildlife utilization.

(a) Methodology. Associated with monitoring of the various habitat creation areas, transects will be established across areas proposed for preservation. For areas requiring more than one transect, these will be spaced approximately 100 meters apart and will span the width of the preserve area. Parameters recorded will include species of trees, number of individuals of each species, and the diameter of breast height (dbh) of each tree within 5 meters of each side of the transect. Other vegetative cover, including shrubs and herbs, along with the distribution and approximate percent cover of each, will be qualitatively assessed within the transect corridor.

Wildlife observations will be made while the vegetation monitoring is being done. A written record will be made of mammal, bird, reptile and amphibian species which are observed or for which calls, scat or tracks are confirmed.

(b) Scheduling and Reports. Monitoring will be done in conjunction with the monitoring efforts in the habitat creation areas. Reports assessing the status and condition of preservation areas, along with wildlife observed or expected, will be submitted to the COE as appendices to the monitoring reports for creation areas.

b. Maintenance. Maintenance of mitigation sites (planted areas, etc.) will be prescribed to remove nuisance species. Vegetation species identified as being of low value due to their opportunistic nature, dominating growth form, toxic secretions, etc. are considered to be a nuisance to the perpetuation on high quality, self-sustaining vegetated systems. Such species in the project area would include Sesbania spp., Ludwigia spp., Crotalaria spp., Alternanthera philoxeroides, and to a much lesser extent Typha spp., and Cephalanthus occidentalis.

Should individuals of any of these species come to dominate more than 20% of the total areas of the site, all individuals will be hand removed from the habitat creation areas and removed from the project area. Such removal will allow for the dominant establishment of planned and/or otherwise propagated desirable wetland species of vegetation. This maintenance will be done immediately following the monitoring events described above. Maintenance for nuisance species will be done as necessary for years 1-7.

c. Management. The applicant (Cabarrus County) will be responsible for all monitoring, maintenance, reports, success requirements and remedial actions associated with this mitigation plan. The County assumes responsibility for the permanent conservation (throughout the life of the reservoir), through whatever means available, of all lands herein described for purposes of habitat creation, preservation, restoration and enhancement.

3. The Cabarrus County Board of Commissioners, through the Cabarrus County Planning Department, shall implement and maintain a county-wide mandate (ordinance) which strictly limits development within a buffer zone along all perennial streams within the county. This ordinance contains several features which will protect water quality and will also provide benefits to fish and wildlife resources. The ordinance is enforced by the county inspections department. This ordinance must be in full force and effect before the permitted action will be allowed. The buffer zone shall be established as that area which extends 50 feet from the stream bank perpendicular to the centerline of the stream. If the buffer strip is presently wooded, it cannot be disturbed. Perennial streams are defined as those which are illustrated as solid blue lines on the USGS Quadrangle topographic maps for the county. Additional requirements are described in Cabarrus County Zoning Text Amendment: 3.13 - River/Stream Overlay Zone (RSOZ) (see attached).

Failure to adequately implement or enforce the zoning amendment or unacceptable modification of the zoning amendment will require alternative mitigation measures to be implemented. The alternative mitigation requirement will include the restoration or creation of approximately 300 acres of forested wetlands as per a plan developed in conjunction with the N.C. Wildlife Resources Commission, the U.S. Fish and Wildlife Service, the EPA, and the Corps of Engineers.

4. There shall be a continuous release of water of at least 6 cfs from the reservoir at all times to augment downstream flows during drought conditions. This shall be accomplished under normal flow conditions from water flowing over the spillway and discharging into the creek below the dam, thereby providing the minimum water requirements necessary to maintain aquatic life. When the water level drops below the crest of the spillway (elevation 645), such as during periods of low flow into the reservoir, the minimum downstream release requirement will be maintained by the discharge through the low level outlet. The low level outlet, which remains open at all times, is located at elevation 624.67. The bottom of the intake structure is at elevation 612. Water will flow into the structure and then through a 48-inch diameter pipe through the dam and discharge into Coddle Creek. Prior to discharge into the creek, the water will flow through an energy dissipator structure and over an 18-foot long riprap lined channel. A staff gauge will be installed immediately downstream of the release.

5. A sedimentation and erosion control plan will be developed and approved by the N.C. Department of Environment, Health and Natural Resources prior to the start of construction. The plan will conform to requirements of the N.C. Sedimentation Control Act. The county will assure that the plan's sedimentation and erosion control measures will be employed to minimize turbidity and siltation impacts.

6. The county will manage fish and wildlife resources in the new reservoir in accordance with a plan developed in consultation with the N.C. Wildlife Resources Commission.

7. The county will assure that the activity be conducted in such a manner as to prevent significant increase in turbidity outside the area of construction or construction-related discharge (increases such that the turbidity in the Stream is 50 NTU's or less are not considered significant).

8. The results of mitigation monitoring shall be sent to the Division of Environmental Management at their Headquarters Office and Mooresville Regional Office. Addresses that should be used are as follows:

N.C. Division of Environmental Management
Water Quality Planning
Post Office Box 27687
Raleigh, North Carolina 27611-7687

N.C. Division of Environmental Management
Water Quality Regional Supervisor
919 North Main Street
Mooresville, North Carolina 28115

N.C. Gen. Stat. § 160D-903

Current through Session Laws 2021-192 (end) of the 2021 Regular Session of the General Assembly, except for Session Laws 2021-180 and 2021-189, but does not reflect possible future codification directives relating to Session Laws 2021-163 through 2021-192 from the Revisor of Statutes pursuant to G.S. 164-10.

General Statutes of North Carolina > Chapter 160D. Local Planning and Development Regulation. (Arts. 1 — 14) > Article 9. Regulation of Particular Uses and Areas. (Pts. 1 — 5) > Part 1. Particular Land Uses. (§§ 160D-901 — 160D-919)

§ 160D-903. Agricultural uses.

(a) Bona Fide Farming Exempt From County Zoning. — County zoning regulations may not affect property used for bona fide farm purposes; provided, however, that this section does not limit zoning regulation with respect to the use of farm property for nonfarm purposes. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, “when performed on the farm” in G.S. 106-581.1(6) includes the farm within the jurisdiction of the county and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a “Goodness Grows in North Carolina” product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm

purposes, any of the following is sufficient evidence that the property is being used for bona fide farm purposes:

- (1) A farm sales tax exemption certificate issued by the Department of Revenue.
- (2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
- (3) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- (4) A forest management plan.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farm sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this subsection subjects the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to G.S. 160D-702 in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

(b) County Zoning of Residential Uses on Large Lots in Agricultural Districts. — A county zoning regulation shall not prohibit single-family detached residential uses constructed in accordance with the North Carolina State Building Code on lots greater than 10 acres in size and in zoning districts where more than fifty percent (50%) of the land is in use for agricultural or silvicultural purposes, except that this restriction does not apply to

commercial or industrial districts where a broad variety of commercial or industrial uses are permissible. A zoning regulation shall not require that a lot greater than 10 acres in size have frontage on a public road or county-approved private road or be served by public water or sewer lines in order to be developed for single-family residential purposes.

(c) Agricultural Areas in Municipal Extraterritorial Jurisdiction. — Property that is located in a city’s extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes is exempt from the city’s zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to this section. As used in this subsection, “property” means a single tract of property or an identifiable portion of a single tract. Property that ceases to be used for bona fide farm purposes becomes subject to exercise of the city’s extraterritorial planning and development regulation jurisdiction under this Chapter. For purposes of complying with State or federal law, property that is exempt from municipal zoning pursuant to this subsection is subject to the county’s floodplain regulation or all floodplain regulation provisions of the county’s unified development ordinance.

(d) Accessory Farm Buildings. — A city may provide in its zoning regulation that an accessory building of a “bona fide farm” has the same exemption from the building code as it would have under county zoning.

(e) City Regulations in Voluntary Agricultural Districts. — A city may amend the development regulations applicable within its planning and development regulation jurisdiction to provide flexibility to farming operations that are located within a city or county, voluntary agricultural district, or enhanced voluntary agricultural district adopted under Article 61 of Chapter 106 of the General Statutes. Amendments to applicable development regulations may include provisions regarding on-farm sales, pick-your-own operations, road signs, agritourism, and other activities incident to farming.

History

2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 22, 51(a), (b), (d); 2020-74, s. 20.

General Statutes of North Carolina

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Siberian Husky Puppies

Description: Our puppies are Direct Relatives of the Disney Togo Bloodline. Very rare and unique! Which is why we ONLY breed once a year and are EXTREMELY selective and protective of who owns one of our rare puppies! We believe we choose youyou don't choose us! We want our puppies to live their best lives with their new families as their parents do on our Farm in North Carolina. We have had ALL of our Furr Family AKC registered, DNA Checked and Vet Verified. We do NOT offer any breeding rights to our puppies. We now have a Litter that has arrived on the Farm. We will offer them to the General Public once we feel they are ready. We have a mixture of Rare Agouti puppies as well as other various colors of Huskies with Blue Eyes. We do NOT create FAKE Deposits or FAKE waiting list. Once we have

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- ✔ I provide a health guarantee for the puppies I sell.
- ✔ I will provide a written bill of sale detailing responsibilities for the buyer and the seller.
- ✔ If the puppy buyer cannot keep a puppy purchased from me, I will take the puppy back under all conditions.
- ✘ After my puppies are permanently identified, I enroll them in AKC Reunite.

LESS

Breed: Siberian Husky

DOB: 11/22/2021 (15 weeks old)

Sire: Sir Bentley Knight Of The Carolinas (WS61358102)

Dam: Lady Somoya Duchess Of The Carolinas (WS71297801)

Males: 2

Females: 4

Price: 1500

Health & Vaccines: All puppies have been Fully Vaccinated and Wormed and Vet Verified! All Parents have been DNA tested.

Last Edited: 03/01/2022

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Our Disney Togo Bloodline is rare Like No other! Only serious qualified inquiries Only will be considered as we ONLY breed once a year for qualified potential owners of our Bloodline. NO Breeding rights offered.

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Breeder Name: Connie Arstark






Website: <http://Royalhuskiesofthecarolinas/facebook.com>

Location: Mount Pleasant, NC 28124

Phone: (704) 400-6366

Distinctions

Breeder Profile

-  **AKC Registration Application Provided**
 -  **AKC National Breed Club Member**
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(704) 400-6366

connie@arstark.com

Very responsive to messages

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About

We ONLY Breed once a year to protect and limit our Disney Togo Relative Bloodline! Therefore we are extremely Protective & Selective. DNA tested,



Additional information

Thank you for your inquiry! We raise our rare Disney Togo relative bloodline on our Family Farm in NC. We only breed once a year! Therefore we are extremely selective and protective of who owns one of our Beautiful Huskies. We do NOT offer breeding rights and we do NOT ship our puppies. Sorry we take the quality of care for our Huskies very seriously. They are our extended Furr Family and we ask that if and when our Huskies choose you that you promise to commit to staying in touch and allowing us to watch them grow.....for any reason at all....ever that you can no longer take care of our Husky we require you to return them back us with no questions! We want to make sure our babies live their BEST life like their parents. We will make that happen! We do an extensive phone inquiry before extending an invitation to The Farm for a Meet & Greet with the Huskies. We believe they choose you.....you don't choose them! Our puppies are DNA verified, Full Pedigrees, vet cleared. Thank you! 704 400 6366 cell

We do NOT do FAKE DEPOSITS OR FAKE WAITING LIST! We believe getting to know you first is most important! No filters are used with our pics or videos.

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We do NOT do FAKE DEPOSITS OR FAKE WAITING LIST! We believe getting to know you first is most important! No filters are used with our pics or videos. See less

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Royal Huskies Of The Carolinas 3h

This beautiful girl available! Watching her Agouti color evolving...her Mask is incredible!



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101 101

Royal Huskies Of The Carolinas

extending an invitation to the farm for a Meet & Greet with the Huskies. We believe they choose you....you don't choose them! Our puppies are DNA verified, Full Pedigrees, vet cleared. Thank you! 704 400 6366 cell
We do NOT do FAKE DEPOSITS OR FAKE WAITING LIST! We believe getting to know you first is most important! No filters are used with our pics or videos.
[See less](#)

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Very responsive to messages
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connie@arstark.com

Price range - \$555

Dog Park

Photos

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Videos

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Our Huskies swim!

18

107 views · 3 days ago

009

[Dog transparency](#)

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Royal Huskies Of The Carolinas

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7

2 Shares

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[Comment](#)

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Write a comment...



Royal Huskies Of The Carolinas

Yesterday at 7:26 AM

She is working from home... with her new mommy! So proud...she needs her glasses! GORGEOUS!



30

6 Comments

[Like](#)

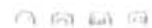
[Comment](#)

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Like Comment Share

Most relevant

Write a comment...

Mary Ann Lewis-Hetrick She's absolutely beautiful!

Royal Huskies Of The Carolinas Mary Ann Lewis-Hetrick she is stunning! I have her twin available!

Christy Lynn 30 seconds! I turned my back and then this - she's the best!

Royal Huskies Of The Carolinas Christy Lynn she must be impressed with your working skills! She wants to be as close as she can get!

Roseanne Bohannon She's exquisite

Charlotte Bliven What a big girl already.


Write a comment...


Royal Huskies Of The Carolinas Yesterday at 4:16 AM


My Big Beautiful "Snuggle Bear" loves her new family! She jumped into her arms and was ready to go! I have held onto this special girl because of her rare and unique bi-eye coloring. She has marbled Green/Blue eyes and when the sun hits them they burst with beautiful colors! But her sweet loveable personality made her special. She is a GIANT Teddy Bear. I am so glad she will be local and close to home so I can "snuggle" her again! Thankful for her new family!





 **Royal Huskies Of The Carolinas**

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 Like



Tonight I received the most amazing beautiful well behaved snuggle bug. She will be loved and spoiled 




  9

1 Share

 Like

 Comment

 Share



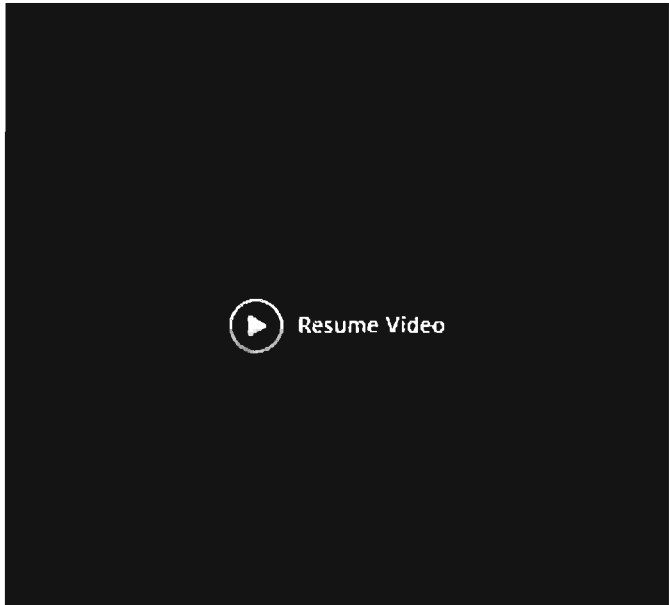
Write a comment...



Royal Huskies Of The Carolinas
March 6 at 7:45 AM



This is soooooo cute:



Photos

See all



Videos

See all



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012

MESSENGER

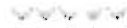
Royal Huskies Of The Carolinas

Send message

Royal Huskies Of The Carolinas

February 23, 2021

Father and Son meet for the First Time This Morning!

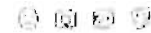


- #siberianhusky #norwichesky #puppies #huskytag #siberianhuskyclub #huskynation #husky #huskypuppy #huskylife

2

Like Comment Share

Write a comment...



Royal Huskies Of The Carolinas March 6 at 4:01 AM

Well another beautiful girl found her perfect family: Her name is Sunny This girl has an extraordinary Mask with heavy eyeliner. Gorgeous long hair plush coat. Her furr is like silk...and her personality is adorable. So happy to keep her close to home! Did I mention...these girls are HUGE! :-



Photos

See all



Videos

See all



Our Huskies swim!

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21 likes

2 Comments · 1 Share

Like Comment Share

Most relevant

Write a comment...

Christy Lynn We LOVE her! ❤️ 🐾

Like Reply 20

Royal Huskies Of The Carolinas Christy Lynn she looks so happy! She is smiling 🐾

Like Reply 20

Royal Huskies Of The Carolinas March 4 at 5:59 PM 🐾

Our Huskies swim!



18 views

Like Comment Share

Write a comment...

Royal Huskies Of The Carolinas February 27 at 9:22 AM 🐾

I have 4 Females available! I have held on to these special girls to see their DNA results. They are HUGE female Huskies. Their Males are

know you first is most important! No filters are used with our pics or videos. See less

576 people like this

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(704) 400-6366

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Send message

conrla@stark.com

Price range - \$\$\$\$

Dog Park

Photos

See all



Videos

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Page created - January 30, 2019



18

Like

Comment

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Write a comment...



Royal Huskies Of The Carolinas

February 27 at 9:52 AM · 🌐

I have 4 Females available! I have held onto these special girls to see their DNA evolve. They are HUGE female Huskies...their Mask are incredible! Heavy Eyeliner around the eyes.

Long hair woolies with soft plush coats. They are Unique! I am extremely selective and protective of where I place these ladies! If you are interested, please private message me and we can discuss if you are a good fit!

Razzle Dazzle Girls 🐾



Royal Huskies Of The Carolinas

Send message

12

Like

Comment

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Most relevant ▾

Write a comment...



Mary Ann Lewis-Hetrick

Photos

See all



Videos

See all



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18 107 views · 9 days ago

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Royal Huskies Of The Carolinas

Send message

12

6 Comments · 1 Share

Like Comment Share

Most relevant

Write a comment...

Mary Ann Lewis-Hetrick Sooo Stunning!

Like Reply 1

Royal Huskies Of The Carolinas Mary Ann Lewis-Hetrick thank you so much! She has silky long fur! It's incredible...

Like Reply Send Message 1

Mary Ann Lewis-Hetrick Royal Huskies Of The Carolinas I know you will find them the perfect forever homes. I absolutely love the silver and white. Wish I could manage it right now. She looks so cuddly!

Like Reply 1

Royal Huskies Of The Carolinas Mary Ann Lewis-Hetrick she would LOVE you guys!

Like Reply Send Message 1

Mary Ann Lewis-Hetrick Royal Huskies Of The Carolinas We had to take Wysteria to the vet Friday. She is going blind in right eye. She also has eye infection (due to entropion). Because of her age and reaction to sedation, they can't do surgery. She also had a skin infection ... See more

Like Reply 1

Royal Huskies Of The Carolinas Mary Ann Lewis-Hetrick I totally understand. Take care of that sweet girl!

Like Reply Send Message 1

Most relevant is selected. In some replies, you may have seen filtered out

Royal Huskies Of The Carolinas February 26 at 4:49 PM

Stay Tune Folks.....in 2 years this will be our Next Litter! It's going to be EPIC!!



[Dog Park](#)

Photos

[See all](#)



Royal Huskies Of The Carolinas
February 26 at 4:49 PM

Stay Tune Folks ...in 2 years this will be our Next Litter! It's going to be EPIC!!



Royal Huskies Of The Carolinas

[Send message](#)

18

1 Comment

[Like](#)

[Comment](#)

[Share](#)

Most relevant

[Write a comment](#)



Paula Condon McNulty
Put me on that list!

[Like](#) [Reply](#)

Royal Huskies Of The Carolinas
February 26 at 3:09 PM

She came for a girl BUT This Gorgeous Boy...stole her heart! Another one Left The Farm today



Videos

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Our Huskies swim!

18

107 views · 3 days ago

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- ✉️ cornie@amstark.com
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📍 Page manager location: United States

Paula Condon McNulty
Put me on that list!
Like Reply

Royal Huskies Of The Carolinas
February 26 at 3:08 PM

She came for a girl BUT This Gorgeous Boy... stole her heart! Another one Left The Farm today 🐾



Royal Huskies Of The Carolinas

Send message

👁️ 17

👍 Like 💬 Comment ➦ Share

Write a comment...

Royal Huskies Of The Carolinas
February 21 at 6:11 PM

Another handsome Boy chose a family today! 🐾

#disneybuddies
#olderandhuskybuddy
#disneytogs
#americankerneltogs

017

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Send message

✉️ connie@arstar.com

📌 Price range - \$\$\$\$

📍 Dog Park

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👍👍 18

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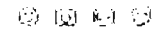
👍👍 17

👍 Like

💬 Comment

🔗 Share

👤 Write a comment...



👤 **Royal Huskies Of The Carolinas**
February 21 at 6:11 PM 🌐

Another handsome Boy chose a family today! 🐾

#disney puppies
#iberianhuskypuppy
#disneytogo
#americankennelclub



Royal Huskies Of The Carolinas

✉️ Send message

👍👍 21

5 Comments

👍 Like

💬 Comment

🔗 Share

Most relevant ▾

👤 Write a comment...



👤 Jennifer Collier
Aww so glad he pick his new home. I'm sure it breaks your heart to see him leave as well

👍 Like Reply 🗨️

👤 1

👤 **Royal Huskies Of The Carolinas**
Jennifer Collier it is NEVER easy! I cry every time they leave me...
I can't help it!

👤 1

Send message

bonnie@vista/judith

Price range - \$\$\$\$

Dog Park

Photos

See all



Videos

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Our Huskies swim!

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21

5 Comments

Like

Comment

Share

All comments



Write a comment...

Emojis



Jennifer Collier

Aww so glad he pick his new home. I'm sure it breaks your heart to see him leave as well

Like Reply 2w

1

Author

Royal Huskies Of The Carolinas

Jennifer Collier it is NEVER easy! I cry every time they leave me... I can't help it!

Like Reply Send Message 2w

1



Jennifer Collier

Royal Huskies Of The Carolinas - aww I would be the same way! :

Like Reply 2w

1



దీపక్ కలపల్లి

Toys shopping with the handsome boy



Like Reply 2w Edited

1

Author

Royal Huskies Of The Carolinas

దీపక్ కలపల్లి he is so beautiful!

#royalhuskiesofthecarolinas

Like Reply Send Message See Translation 1w

Write a comment...



Royal Huskies Of The Carolinas

February 20 at 12:32 PM

...

Relaxing on this Sunny Sunday!



- 👍 576 people like this
- 👤 597 people follow this
- 📞 (704) 400-6366
- ✉️ Very responsive to messages
- ✉️ Send message

- ✉️ connie@astark.com
- 🏠 Price range - \$\$\$\$
- 🏠 Dog Park

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Videos [See all](#)



Our Huskies swim!

👍👍 18
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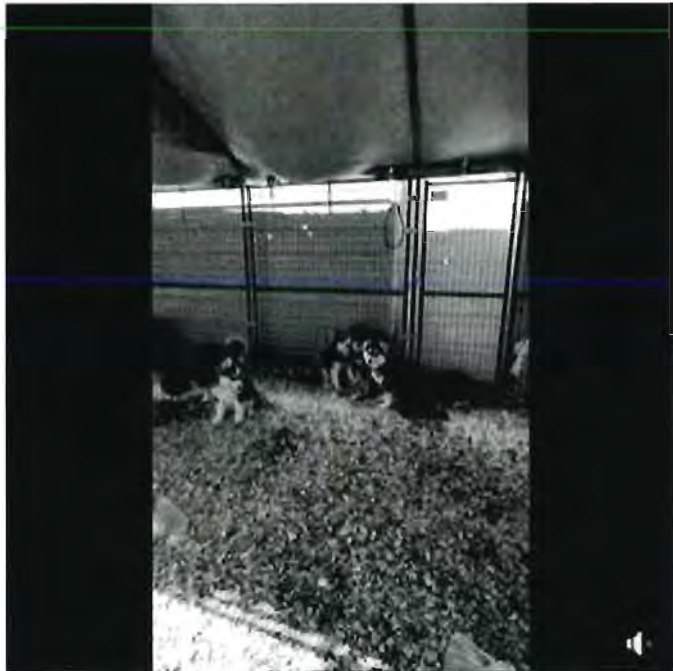
- 📅 Page created - January 30, 2019
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020
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Write a comment.

Royal Huskies Of The Carolinas
February 20 at 12:32 PM

Relaxing on this Sunny Sunday!



MESSANGER **Royal Huskies Of The Carolinas** [Send message](#)

👍👍 10
👍 Like 💬 Comment ➦ Share

Write a comment . . . [👍](#) [👍](#) [👍](#) [👍](#)

Royal Huskies Of The Carolinas
February 15 at 2:45 PM

Another Beautiful Girl chose her forever home! These puppies are EXTREMELY picky....lol
They want to take their own sweet time to find the PERFECT human!
And I support them 100% 🐾🐾



Know your first is most important: no filters are used with our pics or videos.
See less

👍 576 people like this

👤 597 people follow this

📞 (704) 400-6366

📧 Very responsive to messages
Send message

✉️ connie@arstar.com

🏷️ Price range - \$555

📍 Dog Park

Photos

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See all



Our Huskies swim!

👍👤 16

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👤 Royal Huskies Of The Carolinas

February 18 at 2:45 PM

...

Another Beautiful Girl chose her forever home. These puppies are EXTREMELY picky...lol
They want to take their own sweet time to find the PERFECT human!
And I support them 100% 🐾



Royal Huskies Of The Carolinas

Send message

👍👤 13

1 Share

👍 Like

💬 Comment

🔄 Share



Write a comment...

👍👤🔄🗑️

👤 Royal Huskies Of The Carolinas

February 16 at 4:13 AM

...

Every litter I get what I like to call a "snuggle Bear".....well this is her!
She is looking for a loveable family that she can snuggle with 🐾



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- ✉️ 100% responsive to messages
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- 📧 com116@astart.com
- 💰 Price range - \$555
- 🏠 Dog Park

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Our Huskies swim!

👁️ 18
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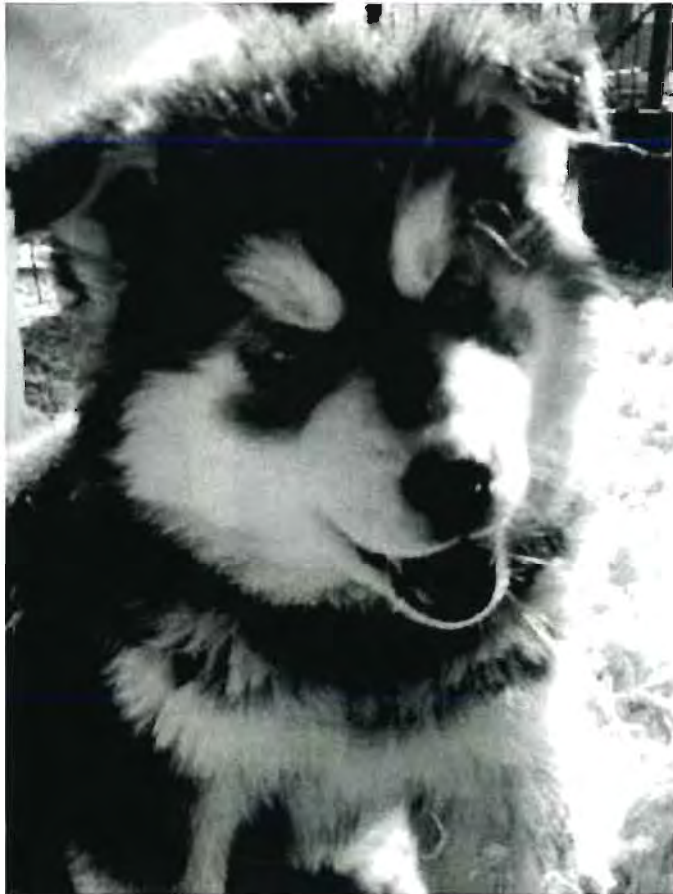
Showcase your work, create ads and connect with

- 👍 Like
- 💬 Comment
- ➦ Share

Write a comment...

Royal Huskies Of The Carolinas
February 16 at 4:13 AM

Every litter I get what I like to call a "snuggle Bear"....well this is her! She is looking for a loveable family that she can snuggle with!🐾



Royal Huskies Of The Carolinas Send message

- 👍 Like
- 💬 Comment
- ➦ Share

Write a comment...

Royal Huskies Of The Carolinas
February 12 at 5:45 PM

These adorable Babies....



Send message

idowha@earthlink.net

Price range: \$555

Dog Park

Photos

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Videos

See all



Our Huskies swim!

18

107 views · 3 days ago

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Royal Huskies Of The Carolinas

Send message

10

Like

Comment

Share



Write a comment...

Like Comment Share



Royal Huskies Of The Carolinas

February 12 at 5:43 PM

These adorable Babies...



6

2 Comments

Like

Comment

Share

Most relevant



Write a comment...

Like Comment Share



Chris Helms

Omg those babies

Like Reply



Royal Huskies Of The Carolinas

Chris Helms I know...are they adorable! I'm in puppy heaven at The Farm!

Like Reply



Royal Huskies Of The Carolinas

February 11 at 6:12 PM

Well my girl 'Jolly Lolly' chose her family today. She is going to live with her beautiful brother Elvis and her NEW name is going to be Priscilla! She is sooooo excited! LOVE that A&L my previous puppy

WARNING: We believe getting to know you first is most important. No filters are used with our pics or videos. See less

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- (704) 400-6366
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- cumins@aristark.com
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Royal Huskies Of The Carolinas February 11 at 6:17 PM

Well my girl Dolly Lolly chose her family today. She is going to live with her beautiful brother Elvis and her NEW name is going to be Priscilla! She is sooooo excited! I LOVE that ALL my previous puppy family always ADDS another after they experience how wonderful they are...their calm and relaxed temperaments make them extraordinary Husky Companions for life!



28 16 Comments

Like Comment Share

Most relevant

Write a comment...

Terri Mincey Deal
Love the names 1

Royal Huskies Of The Carolinas
Terri Mincey Deal it's their personalities...lol

Paula Condon McNulty
Has my boy, Rip, Ben gone to his home?

Send message

donnie@stark.com

Price range · \$555

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Videos

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Our Huskies swim!

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28

16 Comments

Like

Comment

Share

Most relevant



Write a comment...



Terri Mincey Deal
Love the names 🐾 1

Like Reply

Author

Royal Huskies Of The Carolinas

Terri Mincey Deal it's their personalities...lol 🐾

🐾

Like Reply



Paula Condon McNulty
Has my boy Big Ben gone to his home? 🐾 1

Like Reply

Author

Royal Huskies Of The Carolinas

Paula Condon McNulty shhhhh...I'm keeping him hidden!

Like Reply

Author

Royal Huskies Of The Carolinas

Paula Condon McNulty my personal private pic tonight! This Boy is EXTRAORDINARY! A One-Of-A-Kind! 🐾



Like Reply



Paula Condon McNulty
Royal Huskies Of The Carolinas I ❤️ him, it may be the wine, but my resolve is weakening 🐾 1

Like Reply

Author

Royal Huskies Of The Carolinas

Paula Condon McNulty the ONLY person I will share him with is a previous furr family member or he stays with me! We can't go any where together...this Boy draws a crowd and LOVES his Big Old Belly Rubbed! Lol

Like Reply



Paula Condon McNulty
Frankie weighed in at 80 pounds! I came across a video you took of him as a wee pup and am going to post it tomorrow with him doing the same thing now 🐾 1

Like Reply

Author

Send message

contie@aristark.com

Price range: \$\$\$\$

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Videos

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Like Reply ...

Paula Condon McNulty
Royal Huskies Of The Carolinas ❤️ him, it may be the wine, but my resolve is weakening

Like Reply ...

Author
Royal Huskies Of The Carolinas
Paula Condon McNulty the ONLY person I will share him with is a previous furr family member or he stays with me! We can't go any where together...this Boy draws a crowd and LOVES his Big Old Belly Rubbed! Lol

Like Reply ...

Paula Condon McNulty
Frankie weighed in at 80 pounds! I came across a video you took of him as a wee pup and am going to post it tomorrow with him doing the same thing now

Like Reply ...

Author
Royal Huskies Of The Carolinas
Paula Condon McNulty well get ready...this Boy at 10 weeks weighed in at 21.9lbs! He is a HUSKY TANK with a Teddy Bear personality!

Like Reply ...

Paula Condon McNulty
Royal Huskies Of The Carolinas Joseph McNulty has already named him

Like Reply ...

Author
Royal Huskies Of The Carolinas
Unfortunately I feel bad but I have turned so many people away due to the distance for Big Sen to be followed by myself. So it will take someone special and someone I trust for him...for sure! 🙏

Like Reply ...

Paula Condon McNulty
Royal Huskies Of The Carolinas that's what's best for him. I think I would be officially deemed 'insane', but, I am definitely warming tonit

Like Reply ...

Author
Royal Huskies Of The Carolinas
Paula Condon McNulty well...you are the only other furr family that doesn't have their 2nd Husky...lol! I'm having a nice bottle of wine tonight at The Farm. Think about my beautiful Boy!

Like Reply ...

Most Facebook users who like... so some replies may have been filtered out

Reply to Paula Condon McNulty...

Write a comment...

Send message

idwntie@carroll.com

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Most keyboard shortcuts are disabled. Some replies may have been removed.

Reply to Paula Condon McNulty...

Like Comment Reply

Write a comment...

Royal Huskies Of The Carolinas
February 11 at 9:17 AM

Waiting patiently for Breakfast!



Like Comment Reply

8 Comments

Like Comment Share

Most relevant

Write a comment...

Like Comment Reply

Chris Helms
Aww i need the talker. Mine refuses to talk lol
Like Reply 1

Royal Huskies Of The Carolinas
Chris Helms she is my Chunky monkey! She started talking to me the day she was born :)

Like Reply 1

Chris Helms
Royal Huskies Of The Carolinas awwww i wish mine would

Like Reply 1

Chris Helms
Royal Huskies Of The Carolinas I need another one to love. Her talking would be a plus

Like Reply 1

Royal Huskies Of The Carolinas
Chris Helms you really need one of these babies in your life! :D I have 2 female Fluffy baby dolls available



Send message

✉️ corinn@aratski.com

🕒 Price range - \$\$\$\$

📍 Dog Park

Photos

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Videos

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107 views · 3 days ago

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028

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Royal Huskies Of The Carolinas

Chris Helms you really need one of these babies in your life! 🐾 I have 2 female Fluffy baby dolls available



👍 Like Reply

Chris Helms Omg that one on the left !!!

👍 Like Reply

Royal Huskies Of The Carolinas
Chris Helms oh these two are lap snuggle Bear girls! They are sweet hearts...no doubt.

👍 Like Reply

Most relevant & latest, so some replies may have been filtered out

Reply to Chris Helms...

Melanie McBride Lawrence I heard them yesterday morning fir a skinny minute

👍 Like Reply

Write a comment...

Royal Huskies Of The Carolinas
February 9 at 12:44 PM

Wow! Check us out!



MARKETPLACE.ORG

Royal Huskies Of The Carolina - Siberian Husky Puppies For Sale - Born on 11/22/2021

👁️ 5

43 Comments

👍 Like

💬 Comment

🔗 Share

Most relevant

Write a comment...

👍 🗨️ 📄 🌐

- 576 people like this
- 597 people follow this
- (704) 400-6366
- Very responsive to messages
Send Message
- connie@carstark.com
- Price range: \$355
- Dog Page

Photos



Videos



Our Huskies swim!

18 likes
107 views · 3 days ago

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MARKETPLACE.AKC.ORG
Royal Huskies Of The Carolina - Siberian Husky Puppies For Sale - Born on 11/22/2021

48 Comments

- Like
- Comment
- Share

Most relevant

Write a comment...

Royal Huskies Of The Carolinas



Like Reply

Royal Huskies Of The Carolinas



Like Reply

Royal Huskies Of The Carolinas



Like Reply

Royal Huskies Of The Carolinas

Send message

✉ connie@arstark.com

📍 Price range - \$\$\$\$

📍 Dog Park

Photos

[See all](#)



Videos

[See all](#)



Our Huskies swim!

👁️ 18

107 views · 3 days ago

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Like Reply ...



[Author](#)
Royal Huskies Of The Carolinas



Like Reply ...



[Author](#)
Royal Huskies Of The Carolinas



Like Reply ...



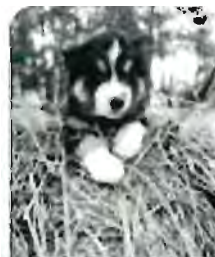
[Author](#)
Royal Huskies Of The Carolinas



Like Reply ...



[Author](#)
Royal Huskies Of The Carolinas



- 👍 576 people like this
- 👤 597 people follow this
- 📞 (704) 400-6366
- 💬 Very responsive to messages
Send message
- ✉️ contact@carolinahusky.com
- 💰 Price range - \$555
- 🏠 Dog Park

Photos [See all](#)



Videos [See all](#)



Our Huskies swim!

👁️ 18
107 views · 3 days ago

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👑 Author
Royal Huskies Of The Carolinas



Like Reply 16

👑 Author
Royal Huskies Of The Carolinas



Like Reply 16

👑 Author
Royal Huskies Of The Carolinas



Like Reply 16

👑 Author
Royal Huskies Of The Carolinas



Like Reply 16

👑 Author
Royal Huskies Of The Carolinas



Send message

connie@bistaf.com

Price range: \$555

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

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Like Reply 1w



Author

Royal Huskies Of The Carolinas



Like Reply 1w



Author

Royal Huskies Of The Carolinas



Like Reply 1w



Author

Royal Huskies Of The Carolinas



Like Reply 1w



Author

Royal Huskies Of The Carolinas



Like Reply 1w



Author

Royal Huskies Of The Carolinas



Send message

✉️ johnis@arstank.com

📍 Price range - \$\$\$\$

🏠 Dog Park

Photos

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Videos

[See all](#)



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Like Reply 1x



Author

Royal Huskies Of The Carolinas



Like Reply 1x



Author

Royal Huskies Of The Carolinas



Like Reply 1x



Author

Royal Huskies Of The Carolinas



Like Reply 1x



Author

Royal Huskies Of The Carolinas



Send message

✉️ connie@aristark.com

🕒 Price range: \$555

📍 Dog Park

Photos

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Videos

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👁️ 18

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Like Reply ...



Author

Royal Huskies Of The Carolinas



Like Reply ...



Author

Royal Huskies Of The Carolinas



Like Reply ...



Author

Royal Huskies Of The Carolinas



Like Reply ...



Author

Royal Huskies Of The Carolinas



Send message

✉️ connie@awesank.com

📍 Price range - \$555

🏠 Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

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Like Reply Jv



Author

Royal Huskies Of The Carolinas



Like Reply Jv



Author

Royal Huskies Of The Carolinas



Like Reply Jv



Author

Royal Huskies Of The Carolinas



Like Reply Jv



Author

Royal Huskies Of The Carolinas



Like Reply Jv



Author

Royal Huskies Of The Carolinas

Send message

✉ comms@astark.com

🕒 Price range - \$555

📍 Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

👁️ 18

107 views · 3 days ago

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Like Reply ...



Author

Royal Huskies Of The Carolinas



Like Reply ...



Author

Royal Huskies Of The Carolinas



Like Reply ...



Author

Royal Huskies Of The Carolinas



Like Reply ...



Author

Royal Huskies Of The Carolinas



Like Reply ...



Author

Royal Huskies Of The Carolinas



Send message

Cookie@arstar.com

Price range: \$555

Dog Park

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Videos [See all](#)



Our Huskies swim!

18
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Author
Royal Huskies Of The Carolinas



Like Reply ...

Author
Royal Huskies Of The Carolinas



Like Reply ...

Author
Royal Huskies Of The Carolinas



Like Reply ...

Author
Royal Huskies Of The Carolinas



Like Reply ...

Author
Royal Huskies Of The Carolinas



Send message

✉️ connie@aristark.com

🏷️ Price range - \$\$\$\$

🏠 Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

👁️ 18

197 views · 3 days ago

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Like Reply ...



Author

Royal Huskies Of The Carolinas



Like Reply ...



Author

Royal Huskies Of The Carolinas



Like Reply ...



Author

Royal Huskies Of The Carolinas



Like Reply ...



Author

Royal Huskies Of The Carolinas



Send message

icowhite@carolinas.com

Price range - \$355

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

107 views · 3 days ago

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Like Reply 1w



Author

Royal Huskies Of The Carolinas



Like Reply 1w



Author

Royal Huskies Of The Carolinas



Like Reply 1w



Author

Royal Huskies Of The Carolinas



Like Reply 1w

Write a comment...



Royal Huskies Of The Carolinas

February 8 · 🌐



If you really LOVE someone This Valentines Day...show Them! Nothing better than The LOVE of A Woolly Husky Teddy Bear! We have a limited few available! PM me please 🐾🐾

If you LOVE your Pet...give them The BEST Friend that they will EVER have...the loyalty of a Husky is like No other! Your lonely Pet deserves it! 🐾

#royalhuskiesofthecarolinas

#dianeyuppies

#alcomerkatplace

#... See more

you! 704 400 6366 cell
We do NOT do FAKE DEPOSITS OR FAKE
WAITING LIST! We believe getting to
know you first is most important! No
filters are used with our pics or videos
See less

- 👍 576 people like this
- 👤 597 people follow this
- 📞 (704) 400-6366
- ✉️ Very responsive to messages
Send message
- ✉️ connie@amstar4.com
- 📍 Price range - \$555
- 🐕 Dog Fan

Photos

See all



Videos

See all



Our Huskies swim!

👍👍 18
107 Views · 3 days ago

🔓 Page transparency

See all

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Royal Huskies Of The Carolinas
February 8

...

If you really LOVE someone This Valentines Day...show Them! Nothing better than The LOVE of A Woolly Husky Teddy Bear! We have a limited few available! PM me please🐾🐾
If you LOVE your Pet...give them The BEST Friend that they will EVER have...the loyalty of a Husky is like No other! Your lonely Pet deserves it! 🐾
#royalhustiesofthecarolinas
#disneypuppies
#slushmarketplace
#americanhermiesclub
#puppies
#1dog
#husky



Royal Huskies Of The Carolinas

📩 Send message

👍👍 9

3 Shares

👍 Like 💬 Comments ➦ Share



Write a comment...



Royal Huskies Of The Carolinas
February 5

...

This Gorgeous Creature of Mine! I adore my Boy Bentley! 🐾



Send message

connie@aristark.com

Price range: \$\$\$

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

107 views · 3 days ago

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Royal Huskies Of The Carolinas

February 3

...

This Gorgeous Creature of Mine! I adore my Boy Bentley!



10

Like

Comment

Share



Write a comment...

10 40 10

Royal Huskies Of The Carolinas

February 3

...

These little Huskies of mine are so sweet and well behaved! Coachable Huskies make Great Companions!



597 people follow this

(704) 400-6366

Very responsive to messages

Send message

connie@arstark.com

Price range - \$\$\$\$

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

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Write a comment

101 49 15



Royal Huskies Of The Carolinas

February 3

...

These little Huskies of mine are so sweet and well behaved! Coachable Huskies make Great Companions!



13

3 Comments 3 Shares

Like

Comment

Share

Most relevant



Write a comment

101 49 15



Charlotte Britt

They have gotten so big!!

Like Reply ...

1

Alpha

Royal Huskies Of The Carolinas

Charlotte Britt I know right! They are 9 weeks old

this is the biggest litter I have ever had

Like Reply ...

View 1 more comment



Royal Huskies Of The Carolinas

February 1

...

If you have one of our puppies and would like to share your experience and puppy please do so by hitting the REVIEW button. Thank you so much!

Like

Comment

Share



Royal Huskies Of The Carolinas

...

Send message

✉️ connie@alastan.com

🏷️ Price range: \$\$\$\$

🏠 Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

👁️ 18

107 Views · 3 days ago

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👑 Royal Huskies Of The Carolinas
February 1

...

if you have one of our puppies and would like to share your experience and puppy please do so by hitting the REVIEW button. Thank you so much!

👍 Like

💬 Comment

🔗 Share

👑 Royal Huskies Of The Carolinas
February 1

...

Another one of my precious pups getting celebrated on his 1st Birthday! I love how all of these wonderful families LOVE their Huskies. They are extraordinary creatures and deserve all the Love and celebrations of their time on this earth. ❤️



Royal Huskies Of The Carolinas

📧 Send message

👁️ 12

1 Comment

👍 Like

💬 Comment

🔗 Share

Most relevant



Write a comment...

👍 🗨️ 📧 🔄



Mary Ann Lewis-Hetrick

Oh, Asher is very much loved 🐾 He is spoiled rotten! Lol!

Like Reply

👍 1

👑 Royal Huskies Of The Carolinas
February 1

...

When you are this Gorgeous on your first birthday....you deserve a self portrait made for yourself! This Gorgeous rare Agouti Husky is one of...

Send message

connie@arstar.com

Price range - \$\$\$\$

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

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Royal Huskies Of The Carolinas

February 1

...

When you are this Gorgeous on your first birthday... you deserve a self portrait made for yourself! This Gorgeous rare Agouti Husky is one of a kind. ...no doubt! Jack is living his BEST life with his incredible family. This makes my heart sobooooo happy! This why Take time in finding the perfect families for my huskies! 🐾



Royal Huskies Of The Carolinas

Send message

15

8 Comments

Like

Comment

Share

Most relevant



Write a comment...



Linda Rose

He is even more handsome in person.

Like Reply

1

Most Relevant is selected, so some replies may have been filtered.

Author

Royal Huskies Of The Carolinas

Linda Rose no doubt! This a gorgeous dog! 🐾

Like Reply Send Message



Linda Rose

I told David and Kathy he needs a playmate!

Like Reply

1

Author

Royal Huskies Of The Carolinas

Linda Rose she is the the perfect fit! 🐾



Send message

connie@arstar1.com

Price range - \$555

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

107 Views · 3 days ago

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Like Reply Send Message

Linda Rose
fingers crossed

Like Reply

Royal Huskies Of The Carolinas
She has the exact same spot on her nose!

Like Reply Send Message

Most relevant selected, so some replies may have been filtered out.

Reply to Linda Rose...

View 1 more comment

Royal Huskies Of The Carolinas
February 1

These 2 beautiful creatures from different litters remind me of each other so much! Beautiful Mask and coloring! Wowza one on the left is male and the one on the right is female. Incredible!



Royal Huskies Of The Carolinas

Send message

12

1 Comment

Like

Comment

Share

Most relevant

Write a comment.

Like Reply

Mary Ann Lewis-Hetrick
Sooo Bentley!

Like Reply

Send message

connie@aratafk.com

Price range - \$555

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

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January 30



Royal Huskies Of The Carolinas

September 11, 2019

Every morning Maverick enjoys his morning swim!

3

Like

Comment

Share



Write a comment...

Emoji icons



Royal Huskies Of The Carolinas

January 30



Send message

✉ connie@anstark.com

📍 Price range - \$\$\$\$

📍 Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

👁️ 18
137 views · 3 days ago

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Royal Huskies Of The Carolinas

December 20, 2020 · 🌐

And then there were only 3! Oh my goodness joyful and heartbreaking at the same time! The 3 Amigos chose their families and headed home to enjoy Christmas with them!

Akc registered

Full pedigrees

DNA tested

Available as of Today! Thank you for ALL the inquiries about our Beautiful puppies! But as I mentioned before...I DONT take deposits or hold puppies. If they meet you and choose you...then your in luck!

👍👍👍 7

4 Comments

👍 Like

💬 Comment

🔗 Share

Most relevant ▾



Write a comment...



Debi Sanders

I like how you handle their adoptions

👍 Like Reply 5w

👍 1



Royal Huskies Of The Carolinas

Debi Sanders thank you! I consider my babies quality of life BEFORE I let a my puppies choose their human. I LOVE them!

👍 Like Reply 5w

👍 1



Debi Sanders

Royal Huskies Of The Carolinas that's awesome and very respectful

👍 Like Reply 5w

👍 1

Most Relevant is selected, so some replies may have been filtered out



Randy Cole

Oh how adorable 🥰

👍 Like Reply 5w

Write a comment...

Send message

✉ connie@arstark.com

📍 Price range \$555

📍 Dog Park

Photos

See all



I take my babies with me when I leave The Farm! They LOVE to go for a ride... 🐾🐾🐾



Videos

See all



Our Huskies swim!

👁️ 18

107 views · 3 days ago

Royal Huskies Of The Carolinas

📧 Send message

👁️👍🗨️ 10

👍 Like

🗨️ Comment

➦ Share



Write a comment...

👁️👍🗨️📧



Royal Huskies Of The Carolinas

January 26 · 🌐

⋮

Getting pics from my families with their New Husky they have added to their existing Husky Family! So happy to see ALL of my babies being LOVED & ADORED! 🐾

🔍 Page transparency

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Send message

✉️ connie@brsstar.com

📍 Price range - \$\$\$\$

📍 Dog Park

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Videos [See all](#)



Our Huskies swim!

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LOVED & ADORING



👍❤️ 15 3 Comments

👍 Like 💬 Comment ➦ Share

Most relevant ▾

👤 Write a comment...

👤 Susan Hollyfield Bryant
Such precious pics! Our 2 boys are inseparable



Like Reply 🗨️

👤 **Royal Huskies Of The Carolinas**
Susan Hollyfield Bryant they are beautiful 🥰

Like Reply 🗨️

👤 Lisa Isley
Oh sooo sweet! 🥰 1

Like Reply 🗨️

Write a comment...

👤 **Royal Huskies Of The Carolinas** ...
January 26 · 🌐

Bentley wanted to bathe his Boy and lay in the sun with him.....so precious!

Send message

corolla@carolinadog.com

Price range · \$\$\$\$

Dog Park

Photos [See all](#)



Videos [See all](#)



Our Huskies swim!

18 views · 3 days ago

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051

Royal Huskies Of The Carolinas January 25

Bentley wanted to bathe his Boy and lay in the sun with him....so precious!



Royal Huskies Of The Carolinas [Send message](#)

12 likes · Comment · Share

Write a comment...

Royal Huskies Of The Carolinas January 26

Vet Day was a success! Big Ben weighed 21LBS at 8 weeks! WOW! The biggest Husky puppy I've ever had from our litters! AMAZING! The Vet said...I never forget him since I saw him the first time he was born...he is a keeper!



576 people like this

597 people follow this

(704) 400-6366

Very responsive to messages
Send message

connie@arstark.com

Price range - \$\$\$\$

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

107 views · 3 days ago

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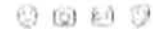
Page manager location: United States

052

Add your business to Facebook

Showcase your work, create ads and connect with

Write a comment



Royal Huskies Of The Carolinas
January 26 · 🌐

Vet Day was a success! Big Ben weighed 27LBS at 8 weeks! WOW! The biggest Husky puppy I've ever had from our litters! AMAZING! The Vet said....I never forget him since I saw him the first time he was born...he is a keeper!



Royal Huskies Of The Carolinas

Send message

26

11 Comments

Like

Comment

Share

Most relevant

Write a comment



Jennifer Collier

Oh wow!! What a big boy!!! He's so handsome 🐾🐾🐾



Like Reply

1

Brandy Davis

That has to be the most beautiful dog I have ever seen in my life

Like Reply

1

Author

Royal Huskies Of The Carolinas

Brandy Davis thank you so much! We think he is pretty special 🐾

Like Reply Send Message

Paula Condon McNulty
I love him

Like Reply

1

Author

Royal Huskies Of The Carolinas

Paula Condon McNulty and he would Adore you

Send message

connie2arstar@com

Price range - \$555

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

107 views · 3 days ago

Page transparency

See all

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Create Page

053

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Like Reply 1

Royal Huskies Of The Carolinas

Paula Condon McNulty and he would Adore you and Frankie! like I said....this guy I will deliver in person :)

Like Reply Send Message 1



Paula Condon McNulty

Royal Huskies Of The Carolinas Joe Joseph McNulty and I were discussing how important it is for you to QUICKLY find him a home

Or we will have to both delete our social media accounts

Like Reply 1



Royal Huskies Of The Carolinas

Paula Condon McNulty this is soooooo funny! Another family just told me the exact same thing after they picked up their 4th Husky this week! 🤔🤔🤔

Like Reply Send Message 1



Paula Condon McNulty

Royal Huskies Of The Carolinas 🤔 scashhnp

Like Reply 1

Most keywords selected so some replies may have been filtered out



Debi Sanders

He's going to be a beast!

Like Reply 1

Royal Huskies Of The Carolinas

Debi Sanders he sure is...but a baby doll. Gentle Giant!

Like Reply Send Message 1



Brigette Golden

Big Ben is special! He is gorgeous and keeps moving up as he gets older ❤️

Like Reply 1

Write a comment...



Royal Huskies Of The Carolinas

January 23

A Husky is NOT for The Weak! Their LOVE is loyal and powerful! But they command the same in Return! They offer a distraction and a Joy that MUST be reciprocated! Their Heart is loyal! Their Angel Wings CANT be seen but they are There! 🤔🤔🤔 God sent them with NO wings so that we could experience their unconditional LOVE. It is an Honor and a Privilege to be Loved by a Husky!



Send message

✉️ connie@arstar.com

📍 Price range - \$\$\$\$

📍 Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

👍👍 18

107 views · 3 days ago

🔍 Page transparency

See all

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📅 Page created - January 30, 2019

📍 Page manager location: United States

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🐾 Royal Huskies Of The Carolinas

January 23

...

A Husky is NOT for The Weak! Their LOVE is loyal and powerful! But they command the same in Return! They offer a distraction and a Joy that MUST be resiprocated! Their Heart is loyal! Their Angel Wings CANT be seen but they are There! 🐾🐾 God sent them with NO wings so that we could experience their unconditional LOVE. It is an Honor and a Privilege to be Loved by a Husky!



Royal Huskies Of The Carolinas

Send message

👍👍 12

1 Comment

👍 Like

💬 Comment

🔗 Share

Most relevant



Write a comment.



Kim Blackwelder Russell
So, so true!

Like Reply ... 1



Royal Huskies Of The Carolinas

January 23

...

Available Puppies! Not All of them...so please text me your pic choice! Thanks!

#royalhuskiesofthecarolinas

#AKC

#akcmarketplace

#SiberianHuskyPuppiesforSaleInMyArea

#siberianhuskyworld

#siberianhusky

#petsofinstagram

#siberianhuskylove

Send message

connie@arastark.com

Price range - \$\$\$\$

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

107 views · 8 days ago

Page transparency

See all

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Page manager location: United States

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Create Page

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Like

Comment

Share

Most relevant



Write a comment...



Evelyn Hogie
Beautiful puppy's

Like Reply

Answer

Royal Huskies Of The Carolinas
Evelyn Hogie thank you so much!

Like Reply Send Message



Belleza La Amorosa
How much

Like Reply Page responded privately



Reply to Evelyn Hogie...



Royal Huskies Of The Carolinas
January 23



Beautiful Peaches is headed to Georgia with her New Family to become a Princess Georgia Pasch. She hit the Lottery with this wonderful human she chose...her Life is about to get incredible. She gets to grow up with siblings! Live your Best Life Peaches! 🥰



Royal Huskies Of The Carolinas

Send message

Send message

✉️ connie@bristol100.com

🏠 Price range - \$555

📍 Dog Park

Photos



Videos



Our Huskies swim!

👁️ 18
107 views · 3 days ago

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Create Page

057



Royal Huskies Of The Carolinas

Send message

👁️ 16

👍 Like 💬 Comment ➦ Share

👤 Write a comment...

📌 Royal Huskies Of The Carolinas
January 23 · 🌐

Female chunky girl available! Beautiful Mask with blue eyes...very snuggable!



👁️ 43

3 Comments · 6 Shares

👍 Like 💬 Comment ➦ Share

👤 Write a comment...

👤 Ann Eddy
She's a beautiful dog
Like Reply 🌐 1

👤 Marsh L Derby
Beautiful
Like Reply 🌐 1

👤 Popeye Ladd
Racing stripes, I love it
Like Reply 🌐 1

👤 Write a comment...

Send message

connie@arstark.com

Price range - \$555

Dog Rank

Photos

See all



Videos

See all



Our Huskies swim!

18
107 views · 5 days ago

Page transparency

See all

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Create Page
058

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Racing stripes, I love it

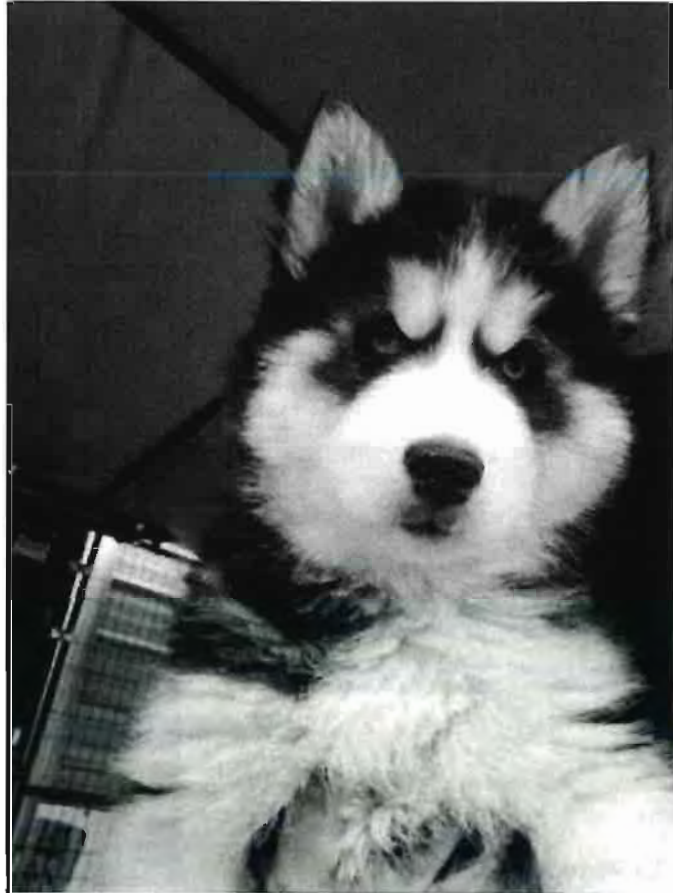
Like Reply 56

Write a comment...

Royal Huskies Of The Carolinas
January 23

...

My handsome HUGE boy is available! This Boy is ALL Heart... his markings and coat are incredible!



Royal Huskies Of The Carolinas

Send message

6

1 Comment

Like

Comment

Share

Most relevant



Write a comment.

Emoji icons



Author

Royal Huskies Of The Carolinas
He looks like my Bertley with his Mask!

Like Reply Send Message 6x



Royal Huskies Of The Carolinas
January 23

...

Available Puppies coming up next week at 8 weeks old!

Send message

✉️ connie@astark.com

📌 Price range - \$535

📍 Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

👤 18

107 views · 3 days ago

🔍 Page transparency

See all

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📅 Page created - January 30, 2019

📍 Page manager location: United States

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Create Page

👑 Royal Huskies Of The Carolinas

January 23 · 🌐

...

Available Puppies coming up next week at 6 weeks old!



MESSANGER

Royal Huskies Of The Carolinas

➡️ Send message

👤 6

👍 Like

💬 Comment

➦ Share



Write a comment...

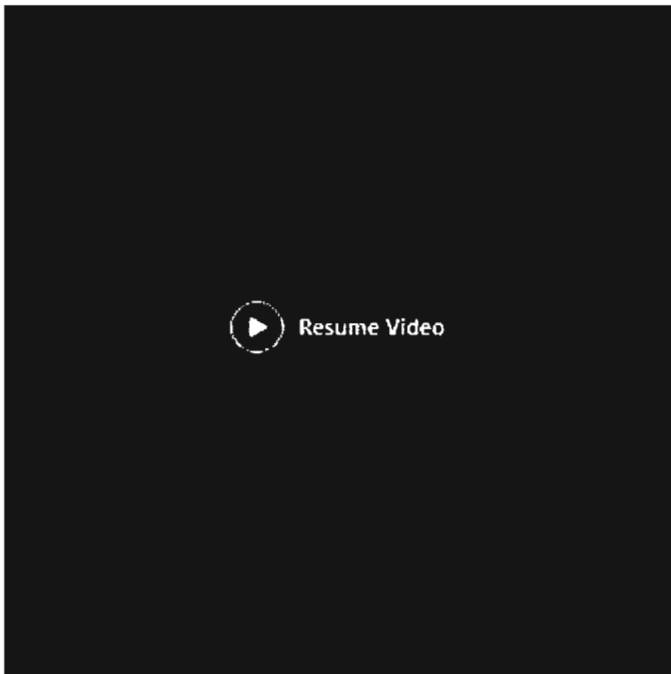
👤 🗨️ 📧 📧

👑 Royal Huskies Of The Carolinas

January 23 · 🌐

...

You guys will Fall in Love with this guy...he is my snuggle Teddy Bear!! LOVE him so much...he is incredibly stunning!



MESSANGER

Royal Huskies Of The Carolinas

➡️ Send message

👤 22

7 Comments · 1 Share

Send message

✉️ connie@arstark.com

🏷️ Price range: \$555

📍 Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

👁️ 18

107 views · 3 days ago

🔗 Page transparency

See all

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📅 Page created - January 30, 2019

📍 Page manager location: United States

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MESSANGER

Royal Huskies Of The Carolinas

Send message

👁️ 22

7 Comments · 1 Share

👍 Like

💬 Comment

🔗 Share

Most relevant



Write a comment...



Diana Albor

How much it is the puppy please 🙏

👍 Like · 🗨️ Reply · 📩 Page responded privately · ⋮

View 5 more comments



Royal Huskies Of The Carolinas

January 23

This Boy is extraordinary! The ONLY one like him in the Litter...stunning! He will be available next week at 8 weeks old!



Send message

connie@starstark.com

Price range: \$555

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

707 views · 3 days ago

Page transparency

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Create Page

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Like Reply



Terrie Moreno

He absolutely gorgeous.

Like Reply

1

More photos in this album, as some screenshots may have been filtered out

Write a comment...



Royal Huskies Of The Carolinas

January 23

...

She is the smallest Husky of the litter. Very Fluffy and adorable. Beautiful ocean color eyes and the sweetest personality!



3

Like

Comment

Share



Write a comment...

Like Comment Share



Royal Huskies Of The Carolinas

January 21

...

Play Time over...snow Day in nc



Send message

✉ iconnla@arstar.com

🏷 Price range - \$553

🏠 Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

👍👍 18

107 views · 3 days ago

🔗 Page transparency

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📍 Page manager location: United States

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Write a comment.



Sarah Trawinski



Like Reply Cx

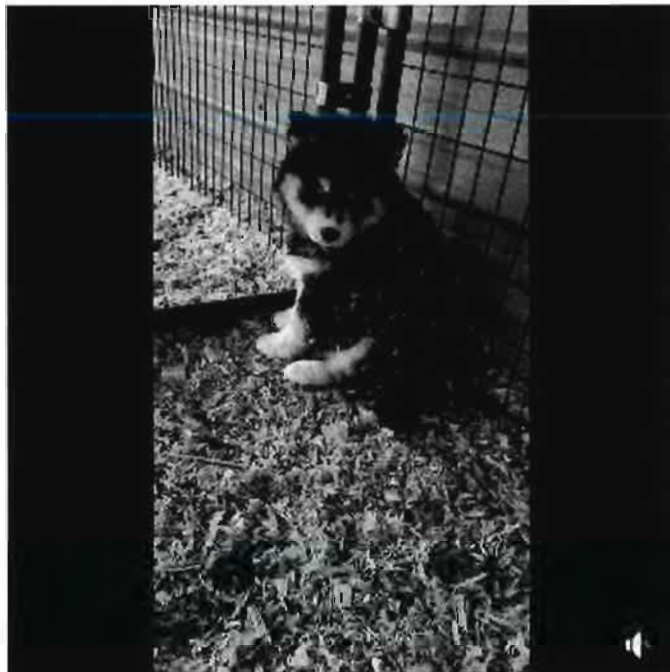


Royal Huskies Of The Carolinas

January 21 · 🌐



He loves his Family!



MESSANGER

Royal Huskies Of The Carolinas

➡ Send message

👍👍 16

1 Share

👍 Like

💬 Comment

➦ Share



Write a comment.

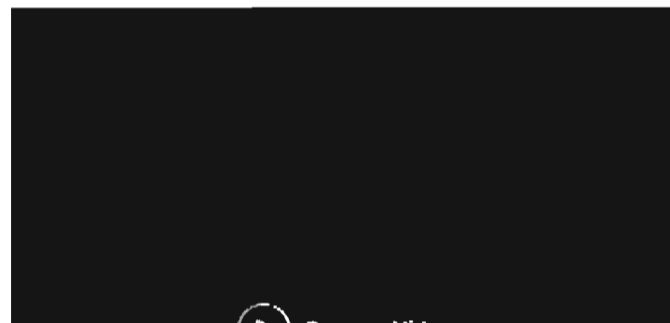


Royal Huskies Of The Carolinas

January 21 · 🌐



Snow Day! Ready to go back into the Barn!



Send message

cornie@anistark.com

Price range - \$\$\$\$

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18

107 views · 3 days ago

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Create Page

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Like

Comment

Share



Write a comment...

Like Comment Share



Royal Huskies Of The Carolinas
January 21

It's a Snow Day in North Carolina!

#husky

#Eucerin#husky#puppies#forsale#inmyarea

#AXO marketplace

#eucerin#husky ... See more



29

4 Comments · 3 Shares

Like

Comment

Share

Most relevant



Write a comment...

Like Comment Share



Susan Hollyfield Bryant

Kyle Bryant cuteness overload!

Like Reply

1



Karen Wiles McAnally

I need to come play with them!!! Soooo cute

Like Reply

1



Terrie Moreno

Very nice pups.

Like Reply

1

Auto

Royal Huskies Of The Carolinas

Terrie Moreno thank you so much! We love and adore them

Like Reply

Write a comment...



Royal Huskies Of The Carolinas

January 20

This Baby Boy Bentley is the Most Loving Sweet Companion that I have ever loved! He is a One Of A Kind!



Send messages

connie@arstark.com

Price range: \$\$\$\$

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18
107 views · 3 days ago

Page transparency

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- Page created - January 30, 2019
- Page manager location: United States

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Like Reply Send Message

View 3 more comments

Royal Huskies Of The Carolinas
December 27, 2021

Sorry if I'm not quick enough to respond...as you can see this process goes very FAST once I make the announcement. I don't ever want to disappoint anyone to not get the puppy they were hoping for... so please send me a pic of your choice so I can make sure our extended furr Family gets first choice! My Phone is blowing up and I can't keep up...my apologies. We now have 15 puppies available...to our extended Family THEN I will release them for consideration of our new families hoping to get one of our babies. Thank you again for your patience and understanding! This is the hard part!



Royal Huskies Of The Carolinas

Send message

17

Like Comment Share

Write a comment...

Royal Huskies Of The Carolinas
December 27, 2021

Well this little Hidden Jewel just chose her new family as well! She is going to one of our furr families and will also join her Brother! This family is lovely and will spoil this baby girl rotten. Check out her super wooly coat and that gorgeous mask with sable highlights! Omg...love this BABY DOLL! Her eyes are like the Ocean....



376 people like this
 597 people follow this
 (704) 400-6366
 Very responsive to messages
 Send message
 connie@aristadogs.com
 Price range - \$\$\$\$
 Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18
 107 views · 3 days ago

Page transparency

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Page created - January 30, 2019

Page manager location: United States

065
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Melanie McBride Lawrence
 I love that sound
 Like Reply ...
 View 3 more comments

Royal Huskies Of The Carolinas
 November 15, 2021

The Farm is Ready for The Holiday Huskies!



12

1 Comment

Like Comment Share

Most relevant

Write a comment...

Charlotte Britt
 Beautiful!
 1
 Like Reply ...

Royal Huskies Of The Carolinas
 November 15, 2021

Puppies are Thriving!



- 576 people like this
- 597 people follow this
- (704) 400-6366
- Very responsive to messages
[Send message](#)
- connie@aristark.com
- Price range - \$\$\$\$
- Dog Park

Photos [See all](#)



Videos [See all](#)



Our Huskies swim!

18
107 views · 3 days ago

Page transparency [See all](#)

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- Page created - January 30, 2019
- Page manager location: United States

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4 4 Shares

Like Comment Share

Write a comment...

Royal Huskies Of The Carolinas
April 9, 2021 ·

Teddy loves to ride...he is such a happy fella!



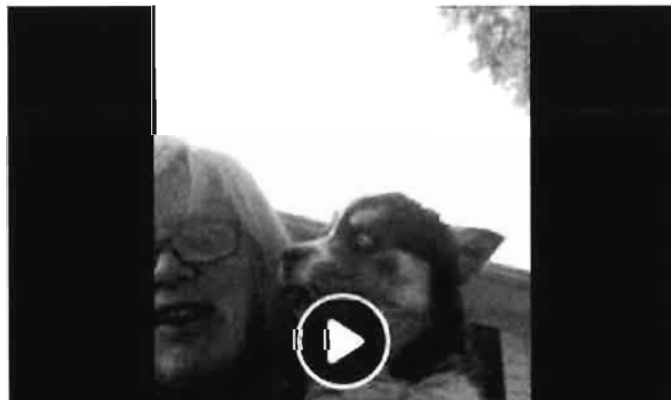
7 2 Shares

Like Comment Share

Write a comment...

Royal Huskies Of The Carolinas
April 9, 2021 ·

So much LOVE this morning! This sweet Baby Boy is available!



Send message

Comics @arabian.com

Price range - \$\$\$\$

Dog Park

Photos

See all



Videos

See all



Our Huskies swim!

18
107 views · 3 days ago

Page transparency

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Page manager location: United States

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remember come we sure been in Harop a some in the pool he goes under water to get it..lol

Like Reply Send Message 40...

Royal Huskies Of The Carolinas
April 7, 2021

These are MY people....



Royal Huskies Of The Carolinas

Send message

27

Like

Comment

Share

Write a comment...



Royal Huskies Of The Carolinas
April 8, 2021

This Big Boy Teddy is hanging out with Mom & Dad today...getting all the attention! Loves the WATER! He is currently AVAILABLE! please inquire BEFORE traveling long distances! I require a phone interview first before extending an invitation to my Farm. DNA tested, akc with FULL pedigrees, vet verified and vaccinated! As stated before...we are BOTH very picky about choosing a family that is perfect for this guy! Last of the Disney Togo relative bloodline...so extremely ... See more



Good Afternoon.

Your request for appeal to the Board of Equalization and Review should be presented in writing. A letter stating your desire to appeal the decision and a brief reasoning will suffice. The address to use is listed on the denial notice. I am attaching an Application for Hearing form that we typically mail after we receive the request for appeal. If you would like to submit both together, it will cut down on some of the back and forth. Please contact me if you have any questions about this.

As to the other comments and questions. As I indicated in our phone call yesterday, the Tax Administration does not question some of the land being used for agricultural purposes, nor do we take a position of whether or not farming is allowed. Our records do show that this property was previously part of a larger tract that qualified for and was enrolled in the Present Use Value program for deferral of taxes. The parcel as it exists now was created in 2019, and was subsequently disqualified from the PUV deferral program and deferred tax bills were created and paid. The parcel was not in the PUV program and no taxes were deferred for tax year 2020.

Regarding the clearing of trees, use of wetlands area and having an expert evaluate the usage and acreage; I think those may all be relevant, because the issue in this instance and the reason for denial of the PUV program is the lack of having a full 10 acres in actual production. My calculations as I showed yesterday did not provide for enough available area for agricultural production to meet an actual area of 10 acres. You will need to have information that shows that the property had 10 acres in production for tax year 2021 to prevail in your potential appeal to the Board of E&R.

David Thrift (PUV)

While rescinding a stated approval for program status is not common, it is my responsibility to ensure that the parcels requesting deferral of property taxes qualify for that benefit.

Please let me know if you have further questions or wish to discuss.

David Thrift

Tax Administrator

Tax Administrator

Cabarrus County

65 Church St. S., Concord, NC 28025

P.O. Box 707, Concord, NC 28026

Forestry Present-Use Value Assessment

(G.S. 105-277.2 through G.S. 105-277.7)

County of Cabarrus, NC

Tax Year 2021

| | | | |
|---------------------------------------------------------------------|------------------------------------|--------------------------|--------------------------------|
| Full Name of Owner(s) <u>JAMES N. ARSTARK and CONNIE ARSTARK</u> | | | |
| Mailing Address of Owner <u>3233 Hahn Scott Road</u> | | | |
| City <u>Mt. Pleasant</u> | State <u>NC</u> | Zip Code <u>28124</u> | |
| Home Telephone Number <u>704 400 6366</u> | Work Telephone Number <u>na</u> | Ext. <u>na</u> | Cell Phone Number <u>na</u> |

Instructions

Application Deadline: This application must be filed during the regular listing period, or within 30 days of a notice of a change in valuation, or within 60 days of a transfer of the land.

Where to Submit Application: Submit this application to the county tax assessor where this property is located. County tax assessor addresses and telephone numbers can be found online at: www.dornc.com/downloads/CountyList.pdf. DO NOT submit this application to the North Carolina Department of Revenue.

- Office Use Only:

This application is for: (check all that apply)

- AGRICULTURE (includes Aquaculture)**

 HORTICULTURE

 FORESTRY

Enter the Parcel Identification Number, acreage breakdown, and acreage total for each tax parcel included in this application:

| PARCEL ID | OPEN LAND in Production | OPEN LAND not in Production | WOOD LAND | WASTE LAND | CRP LAND | HOME SITE | OTHER (Describe in Comments) | TOTAL ACRES |
|-----------------------|----------------------------|-----------------------------------|--------------|---------------|-------------|--------------|------------------------------------|----------------|
| <u>55892433630000</u> | | <u>11.54</u> | | | | <u>.6</u> | | <u>11.54</u> |
| | | <u>10.945</u> | | | | | <u>See Survey</u> | 0.00 |
| | | | | | | | | 0.00 |
| | | | | | | | | 0.00 |
| | | | | | | | | 0.00 |

Comments: _____

Yes No ➔ Does the applicant own property in other counties that is also in present-use value and is within 50 miles of this property? If YES, list the county or counties and parcel identification number(s):

County: _____ Parcel ID: _____

County: _____ Parcel ID: _____

IMPORTANT!

AGRICULTURE and HORTICULTURE applications with LESS than 20 acres of woodland generally need to complete PARTS 1, 2, and 4.

AGRICULTURE and HORTICULTURE applications with MORE than 20 acres of woodland generally need to complete PARTS 1, 2, 3, and 4.

FORESTRY applications need to complete PARTS 1, 3, and 4.

ADDITIONALLY, applications for CONTINUED USE of existing present-use value classification need to complete PART 5.

Please contact the Tax Assessor's office if you have questions about which parts should be completed.

Part 1. Ownership

On what date did the applicant become the owner of the property? DATE: 06-30-2020

If owned less than four full years on January 1, provide: Name of Previous Owner: Stephen McMath

How the Applicant is Related to the Previous Owner: na

Yes No Did one of the applicants reside on the property on January 1 of the year for which this application is made?

If YES, provide name of resident:

Yes No Are any of the acres leased out to a farmer? If YES, indicate: Number of acres leased out:

Name of farmer leasing the land:

Phone:

Choose the legal form of ownership from "a - e" below, and answer the questions, if any, for that ownership:

a. One Individual b. Husband and Wife (as tenants by the entirety)

c. Business Entity. (Circle one: Corporation, Limited Liability Company, Partnership) List all the direct shareholders, members, or partners of the business entity and their farming activities:

| | | | |
|---------|-----------------------|---------------------|-------------------------|
| Member: | <u>James Arstark</u> | Farming Activities: | <u>Soy Beans / Corn</u> |
| Member: | <u>Connie Arstark</u> | Farming Activities: | <u>Soy Beans / Corn</u> |
| Member: | | Farming Activities: | |
| Member: | | Farming Activities: | |

Yes No Are any of the direct shareholders, members, or partners either a business entity or trust (i.e. not an individual)? If YES, you must attach a breakdown of those business entities or trusts until you reach the individual level of ownership interest and you must describe those individuals' farming activities.

Yes No Once you have reached the individual level of ownership interest, are all of the individuals relatives of each other? (See G.S. 105-277.2(5a) for the definition of relative.)

State the principal business of the business entity: na

d. Trust. List the trustee(s), name of the trust, and all of the beneficiaries:

| | | | |
|--------------|-----------|---------------------|--|
| Trustee(s): | <u>na</u> | Name of trust: | |
| Beneficiary: | | Farming Activities: | |
| Beneficiary: | | Farming Activities: | |
| Beneficiary: | | Farming Activities: | |
| Beneficiary: | | Farming Activities: | |

Yes No Are any of the beneficiaries either a business entity or trust (i.e. not an individual)? If YES, you must attach a breakdown of those business entities or trusts until you reach the individual level of ownership interest and you must describe those individual's farming activities.

Yes No Once you have reached the individual level of ownership interest, are all of the beneficiaries either the trust's creator or relatives of the creator? (See G.S. 105-277.2(5a) for the definition of relative.)

e. Tenants in common. List the tenants and their percentage of ownership (round to the nearest 0.1%):

| | | | | | |
|-------|-----------|---|-------|--|---|
| Owner | <u>na</u> | % | Owner | | % |
| Owner | | % | Owner | | % |

Yes No Are any of the tenants either a business entity or trust? If YES, you must make a copy of this page for each business entity or trust. You must complete the business entity section only or trust section only for each tenant, as appropriate, labeling each copy with the name of the business entity or trust.

The Tax Assessor may contact you for additional information after reviewing this application.

Part 2. Agriculture and Horticulture

For the past three years and for each tax parcel within the farm unit, enter the agricultural or horticultural products actually produced on the land and the gross income from the sale of the products, including livestock, poultry, and aquatic species. **INCOME INFORMATION IS SUBJECT TO VERIFICATION.**

If payments are received from any governmental soil conservation or land retirement program, indicate the acres and amount of income in the table below. Provide the name of the program in the Product column.

Do not include income received from the rental of the land. Income must be from the sale of the product.

| Parcel ID | ONE YEAR AGO 20 <u>20</u> | | | TWO YEARS AGO 20 <u>19</u> | | | THREE YEARS AGO 20 <u>18</u> | | |
|-----------|---------------------------|-------|--------|----------------------------|-------|--------|------------------------------|-------|--------|
| | Product | Acres | Income | Product | Acres | Income | Product | Acres | Income |
| | Corn | 10 | \$500 | Corn | 10 | \$500 | Corn | 10 | \$500 |
| | Soy Beans | 10 | \$500 | Soy Beans | 10 | \$500 | Soy Beans | 10 | \$500 |
| | Totals | 0.00 | 0 | Totals | 0.00 | 0 | Totals | 0.00 | 0 |
| | | | | | | | | | |
| | | | | | | | | | |
| | Totals | 0.00 | 0 | Totals | 0.00 | 0 | Totals | 0.00 | 0 |
| | | | | | | | | | |
| | | | | | | | | | |
| | Totals | 0.00 | 0 | Totals | 0.00 | 0 | Totals | 0.00 | 0 |
| | | | | | | | | | |
| | | | | | | | | | |
| | Totals | 0.00 | 0 | Totals | 0.00 | 0 | Totals | 0.00 | 0 |
| | | | | | | | | | |
| | | | | | | | | | |
| | Totals | 0.00 | 0 | Totals | 0.00 | 0 | Totals | 0.00 | 0 |

Yes No ➤ If this application covers a horticultural tract used to grow **Christmas trees**, has a written management plan been prepared? If YES, attach a copy. If NO, attach a full explanation of your operation that contains at least the following: year each tract was planted, gross income from each tract, site management practices, number of trees per acre, and expected date of harvesting for each tract.

If this application covers an aquatic species farming operation, enter the total pounds produced for commercial sale annually for the last three years Year 20 : lbs, Year 20 : lbs, Year 20 : lbs

Part 3. Forestry

Attach a complete copy of your forest management plan. Indicate below who prepared the plan:

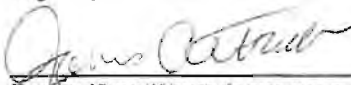
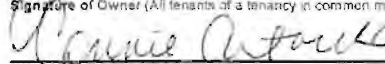
- N.C. Division of Forest Resources
 Consulting Forester
 Owner
 Other

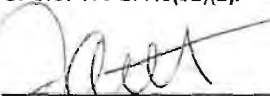
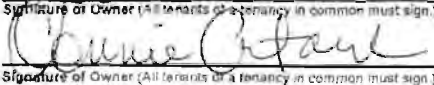
Note: The property must be actively engaged in the commercial growing of trees under a sound management program as of January 1 of the year for which application is made.

Key elements in a written plan for a sound forestland management program are listed below:

1. Management and Landowner Objectives Statement—Long range and short range objectives of owner(s) as appropriate.
2. Location—Include a map or aerial photograph that locates the property described and also delineates each stand referenced in the "Forest Stand(s) Description/Inventory and Stand Management Recommendations" (item 3 below).
3. Forest Stand(s) Description/Inventory and Stand Management Recommendations -- Include a detailed description of various stands within the forestry unit. Each stand description should detail the acreage, species, age, size (tree diameter, basal area, heights), condition (quality and vigor), topography, soils and site index or productivity information. Stand-specific forest management practices needed to sustain productivity, health and vigor must be included with proposed timetable for implementation.
4. Regeneration-Harvest Methods and Dates—For each stand, establish a target timetable for harvest of crop trees, specifying the type of regeneration-harvest (clear cut, seed tree, shelter wood, or selection regeneration systems as applicable).
5. Regeneration Technique—Should include a sound proposed regeneration plan for each stand when harvest of final crop trees is done. Specify intent to naturally regenerate or plant trees.

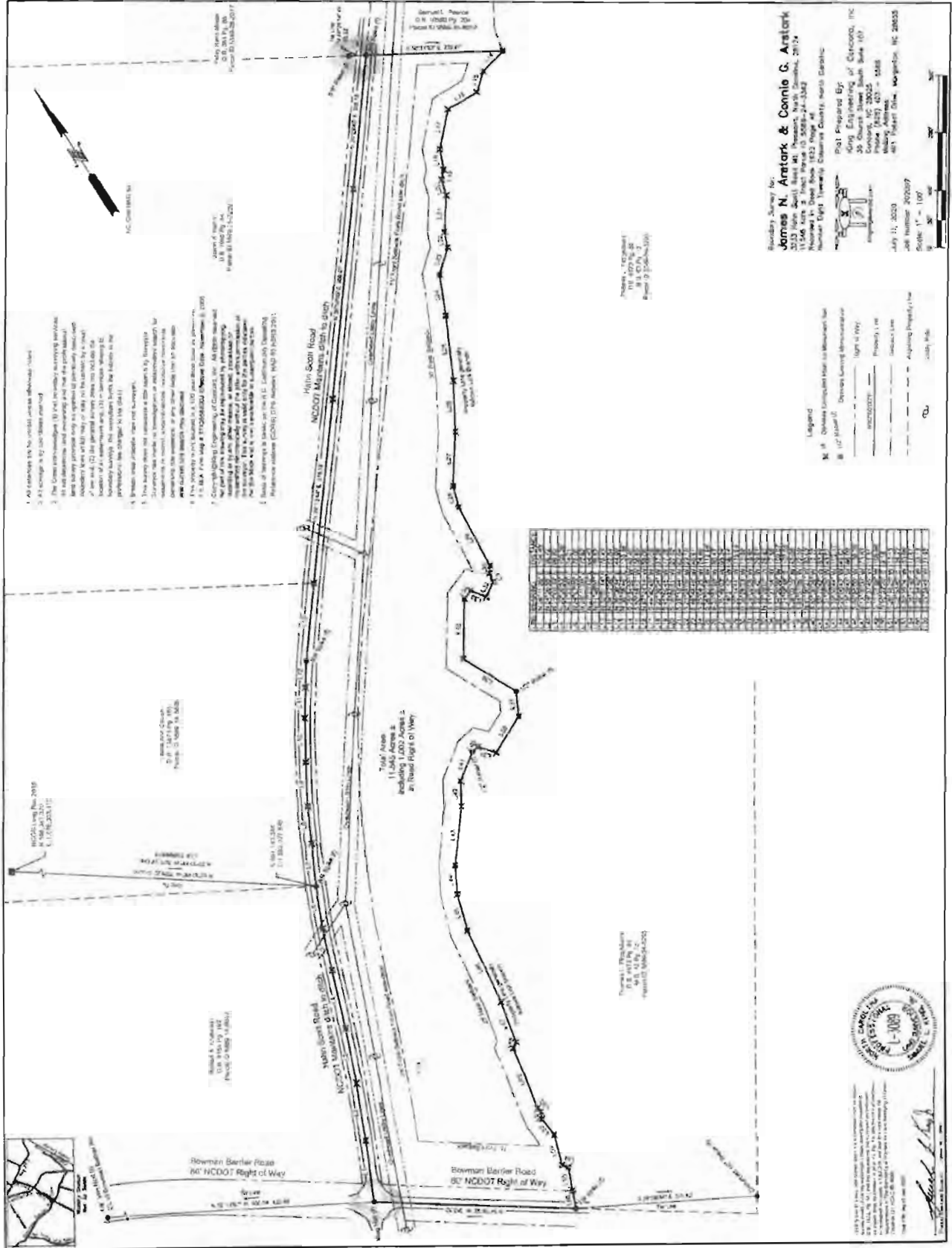
NOTE: Forest management plans can and should be updated as forest conditions significantly change (e.g. change in product class mix as the stand ages and grows, storm damage, insect or disease attack, timber harvest, thinning, wildfire). The county will audit plans periodically and, to remain eligible for use-value treatment, the plan must be implemented.

| Part 4. Affirmation | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------|
| <p>AFFIRMATION OF APPLICANT—I (we) the undersigned declare under penalties of law that this application and any attachments hereto have been examined by me (us) and to the best of my (our) knowledge and belief are true and correct. In addition, I (we) fully understand that an ineligible transfer of the property or failure to keep the property actively engaged in commercial production under a sound management program will result in the loss of eligibility. I (we) fully understand that loss of eligibility will result in removal from the program and the immediate billing of deferred taxes.</p> | | |
|  _____ <small>Signature of Owner (All tenants of a tenancy in common must sign.)</small> | Owner _____ <small>Title</small> | 1/13/2021 _____ <small>Date</small> |
|  _____ <small>Signature of Owner (All tenants of a tenancy in common must sign.)</small> | Owner _____ <small>Title</small> | 1/13/2021 _____ <small>Date</small> |
| _____ <small>Signature of Owner (All tenants of a tenancy in common must sign.)</small> | _____ <small>Title</small> | _____ <small>Date</small> |

| Part 5. Continued Use <i>(Complete only if the property is currently in Present-Use Value and you are applying for immediate eligibility under the Continued Use exception. See G.S. 105-277.3(b2)(1) for full details.)</i> | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------|
| <p>I certify:</p> <ol style="list-style-type: none"> 1. The property is currently in Present-Use Value. 2. I intend to continue the current use of the land under which it currently qualifies. 3. I understand I will be responsible for all deferred taxes due because of any disqualification. 4. I ACCEPT FULL LIABILITY FOR ANY EXISTING DEFERRED TAXES. <p>Note: If the property is currently in Present-Use Value and liability is not accepted, the full amount of the deferred taxes will typically be due in the name of the grantor immediately. Liability need not be accepted and no deferred taxes are due for qualifying transfers pursuant to G.S. 105-277.3(b) and (b1). For example, liability does not need to be accepted for qualifying transfers to relatives. However, any deferred taxes existing at the time of transfer will remain a lien on the property. Owners already receiving Present-Use Value on properties not included in this application may wish to review the alternative provisions of G.S. 105-277.3(b2)(2).</p> | | |
|  _____ <small>Signature of Owner (All tenants of a tenancy in common must sign.)</small> | Owner _____ <small>Title</small> | 1/13/2021 _____ <small>Date</small> |
|  _____ <small>Signature of Owner (All tenants of a tenancy in common must sign.)</small> | Owner _____ <small>Title</small> | 1/13/2021 _____ <small>Date</small> |
| _____ <small>Signature of Owner (All tenants of a tenancy in common must sign.)</small> | _____ <small>Title</small> | _____ <small>Date</small> |

FOR OFFICE USE ONLY: APPROVED DENIED BY _____ REASON FOR DENIAL _____

3233 Hahn Scott Rd



1. All bearings are to be used unless otherwise noted.
2. All bearings are to be used unless otherwise noted.
3. The Corner Coordinates (N, S, E, W) are to be used unless otherwise noted.
4. The bearings are to be used unless otherwise noted.
5. The bearings are to be used unless otherwise noted.
6. The bearings are to be used unless otherwise noted.
7. The bearings are to be used unless otherwise noted.
8. The bearings are to be used unless otherwise noted.
9. The bearings are to be used unless otherwise noted.
10. The bearings are to be used unless otherwise noted.

Boundary Survey for:
James N. Anstark & Connie G. Anstark
 3233 Hahn Scott Rd, Rowan County, NC 28582
 Surveyed by: James N. Anstark & Connie G. Anstark
 North Carolina State Board of Survey
 Number 1741, Temporary Clearance County, North Carolina

Prepared By:
 James N. Anstark & Connie G. Anstark
 3233 Hahn Scott Rd
 Rowan County, NC 28582
 Phone: (757) 437-4388
 4811 Robert Glen, Morganton, NC 28655

Date: July 11, 2023
 Job Number: 202307
 Scale: 1" = 100'

Legend
 M: 60' NCDOT Right of Way
 B: 60' NCDOT Right of Way
 P: 60' NCDOT Right of Way
 R: 60' NCDOT Right of Way
 S: 60' NCDOT Right of Way
 T: 60' NCDOT Right of Way
 U: 60' NCDOT Right of Way
 V: 60' NCDOT Right of Way
 W: 60' NCDOT Right of Way
 X: 60' NCDOT Right of Way
 Y: 60' NCDOT Right of Way
 Z: 60' NCDOT Right of Way



James N. Anstark
 Professional Engineer
 License No. 1008
 State of North Carolina

NO FARMS, NO FOOD

APPL 2021-00001

Connie & Jim Arstark

Summary of Property Owner's Position

1. No violation has occurred. Look at the Zoning Compliance Permit, and the application for it, as well as the Building Permit and the emails with Martha Hernandez. The Arstarks have complied with everything requested of them and everything set forth in the Zoning Compliance Permit.

The Arstarks supplied everything required when applied for the ZCP. See the plot plan provided. A survey is not required to obtain a ZCP. Jay Lowe even came out and personally inspected, and measured the distance from the creek on July 7, 2020. If there is really a buffer, the County missed it.

2. Farms are exempt from zoning and building permitting laws and ordinances. The Cabarrus County Development Ordinance says the same thing. A county ordinance cannot override a specific state law – Cabarrus County already tried that and was made to pay back millions of dollars to developers and builders in the Lanvale v. Cabarrus County case.
3. There's no question this is a farm – it has a state sales tax exemption as a farm, the farmer files a Schedule F to his federal tax returns, and it has received the Present Use Value property tax deferral for all previous years until this dispute arose. It has been farmed for generations – see the aerial photos.
4. There is no way for a person to know that buffers are required – a fundamental principal of law. See the GIS printouts – no wetlands, flood plain or water quality buffers are shown. Nor is it shown on the statewide NC Division of Water Quality state Surface Water Classification maps. These water quality buffers have apparently been required since the early 1990's – yet they are still not shown on the County GIS system. Why not? Not even the surveyor, who has been working in this county for well over 20 years, was aware.
5. There is no enforcement proceeding against the County pending with the State or the U.S. Army Corps of Engineers. See emails from Alan Johnson at the State and Scott Jones at the USACOE.
6. The Arstarks had a wetlands/water quality engineer visit the property yesterday. He reported no evidence of impact to the creek and that there was still substantial vegetation along the creek bank other than where the barn was constructed, and in that area stabilization had been done with riprap and grass. He also confirmed that the Arstarks stated a willingness to voluntarily plant additional vegetation along the bank in a good faith effort, even though this is not required.
7. The 2022 farm deferral/PUV application is fully in order – but the County appears to be sitting on it. Why? Because if they grant it, the County is agreeing that this is a farm – and therefore the CDO does not apply to it.
8. The Arstarks have common law vested rights to build/maintain their barn as permitted. They relied on the assurances of the County that no permit was required, as per the emails with Martha Hernandez, in building the barn, and received their permits after a personal inspection by the head zoning inspector. The County legally cannot now revoke the permit by claiming that it has been "violated".

Bottom line: There is no possible way for a layperson – or many at the County, for that matter – to know that there is purported buffer here – or anywhere else. Even if there were, this is a bona fide farm and is exempt from the ordinance. If it is not, that means a sea change for farmers throughout Cabarrus County. The Arstarks reasonably relied on the guidance and the approvals they were given, and have spent many thousands of dollars defending that reliance. Engineers and other experts have stated that no damage to the creek has occurred, and that the state and federal authorities are not concerned. This is nothing more than a small barn on a small farm like hundreds of others throughout the County. The notice of violation should be overturned and the Board rule that the Arstarks are not in violation in any way.

1

Zoning / Compliance Certificate

Cabarrus County, NC (704) 920-2137

Date: 9/23/2020

"Approved"



Application #: ZN2020-01166

Parcel Number: 55892433620000

| | | | |
|--------------|-----------------------------------------------------------------------|----------|-----------|
| Fees: | Residential Addition / Accessory structures zoning permit (accessory) | \$150.00 | 9/23/2020 |
| | TOTAL | \$150.00 | |

Project Name: CONNIE ARSTARK

| | | | |
|------------------------|-----------------------------------------|-----------------------|--------------------------------------------------------------|
| Applicant: | ARSTARK | Work Location: | 3233 HAHN SCOTT RD MT PLEASANT, NC 28124 |
| | 5625 WEDDINGTON RD CONCORD, NC 28027 | Phone: | 7044006366 |
| Property Owner: | MCMATH PAUL STEPHEN | Owner Phone: | <i>Barn</i> |
| Contractor: | | Proposed use: | ACCESSORY BUILDING 1290 SQ.FT, WITH 43 'X 30 ' DIMENSIONS |
| | | Previous use: | RESIDENCE UNDER CONSTRUCTION |

Setback Information

| | | | | | |
|--------------------------|--------|------------------------------------|--------|---------------------------------|-----|
| Front Corner Lot: | - | Front Local Road: | 50' | Front Minor Collector: | 75' |
| Side Yard: | 20-40' | Side Yard Accessory: | 20-40' | Max Impermeable Surface: | 15' |
| Rear Yard: | 30' | Rear Yard Accessory Setback | 5' | Max Structural Coverage: | 10' |

Set Back

Subdivision and Lot Number:

| | | |
|---------------------------|--------------------------------|----------------------------------|
| Total Lot Area: 10 | Max Acc Bldg Size: 8712 | Number Of Dwelling Units: |
|---------------------------|--------------------------------|----------------------------------|

| | |
|-------------------------------------------|---------------------------------------------------------------------------------------|
| Max Height (Principal/Acc): 40/40' | Project Description: ACCESSORY BUILDING 1290 SQ.FT, WITH 43 'X 30 ' DIMENSIONS |
|-------------------------------------------|---------------------------------------------------------------------------------------|

Zone: AO Conventional

Development of this property will also involve:

| | | |
|-------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Approve Site Plan | <input type="checkbox"/> Accessory / Building / Structure Signs | <input type="checkbox"/> Watershed Overlay District |
| <input type="checkbox"/> Fence / Screen / Buffer Yard | <input type="checkbox"/> Flood Damage Prevention Ordinance | |

Comments: NO FLOODPLAIN OR WATERSHED WITHIN PROPERTY

ACCESSORY BUILDING - A BUILDING LOCATED ON THE SAME LOT AND CUSTOMARILY INCIDENTAL AND SUBORDINATE TO THE PRINCIPAL DWELLING

ACCESSORY BUILDINGS UP TO 15 FEET IN HEIGHT MUST MEET THE FRONT AND SIDE SETBACKS REQUIREMENTS OF THE PRIMARY STRUCTURE. THE REAR SETBACK SHALL BE NO LESS THAN 5 FEET. IF STRUCTURE IS GREATER THAN 15 FEET IN HEIGHT THEN ALL PRIMARY STRUCTURE SETBACKS MUST BE MET IN ACCORDANCE WITH CABARRUS COUNTY ORDINANCE CHAPTER 7, SECTION 3, PART 1.

Zoning Staff Signature:

Martha Hernandez

Exhibit 6

Important Setback Information

CABARRUS COUNTY

65 CHURCH STREET S - PO Box 707

CONCORD, NC 28025

Office - 704-920-2137 Fax - 704-920-2144

This notice is to inform you that all proposed principle and/or accessory structures shall be built or placed on the subject property in compliance with the setback standards listed on your Zoning Compliance Permit.

Example structures shall include but not be limited to:

- Residential Structures: Site Built, Modular, Mobile Homes
- Residential Accessory Structures: Pools, Storage Buildings, Garages
- Non Residential Structures: Offices, Warehouses, Fire Stations, Banks
- Non Residential Accessory Structures: Display Areas, Gas Pumps, ATM's

A structure built or placed on a property which encroaches a setback boundary shall be considered a violation of the Zoning Ordinance. Such violations are subject to all civil penalties and remedies set forth in the Zoning Ordinance.

Prior to construction, verify setbacks to ensure the structure will be properly built or placed on the property.

All setbacks shall be measured from the existing or proposed right of way of record.

If you question the possibility of an encroachment consult with a land surveyor of your choice to plot out the structure placement.

I HAVE READ AND UNDERSTAND THESE REQUIREMENTS:

Applicant: Connie Hawk Date: 10-2-2020

Staff: Martha Hernandez Date: _____

Owner Copy

Staff Copy

THIS CARD MUST BE DISPLAYED AT JOBSITE AND ADDRESS DISPLAYED CLEARLY AT
ENTRANCE TO JOBSITE

CABARRUS COUNTY, N.C.

BUILDING PERMIT

NUMBER BU2020-03328 DATE 09.28.2020

ISSUED TO CONNIE ARSTARK

LOCATED AT 3233 HAHN SCOTT RD

CONSTRUCTION OF ACCESSORY BUILDING
1290 SQ.FT, WITH 43 'X 30 ' DIMENSIONS (BARN)

Barn

TRADE PERMITS ASSOCIATED WITH THIS BUILDING PERMIT:

Exhibit 5

NOTICE: The building for which this permit is issued shall not be occupied until a Certificate of Occupancy has been issued as required by the terms of the City/County Zoning/Fire Ordinances and the North Carolina State Building Code.

Do not proceed with work until the appropriate inspection has been recorded. **INSPECTIONS:**
To schedule or check results, call 704-920-2128 or contractors can log on to
www.cabarruscounty.us/departments/construction-standards.



CABARRUS
HEALTH
ALLIANCE

at NC Research Campus

Date: 6/30/20

File # 20-77

Connie Arstark

3233 Hahn Scott Rd.

Mt Pleasant, NC 28124

Approved

Dear Ms. Arstark

On June 29, 2020 an existing septic inspection was performed at 3233 Hahn Scott rd. The proposed Barn with no plumbing appears to meet 15A NCAC 18A .1950. And permission is granted to construct.

The structure must be located a minimum of five feet away from any part of the existing septic tank system and twenty five feet away from the well.

You may call or write the local health department if you need any additional information or assistance.
7049201261

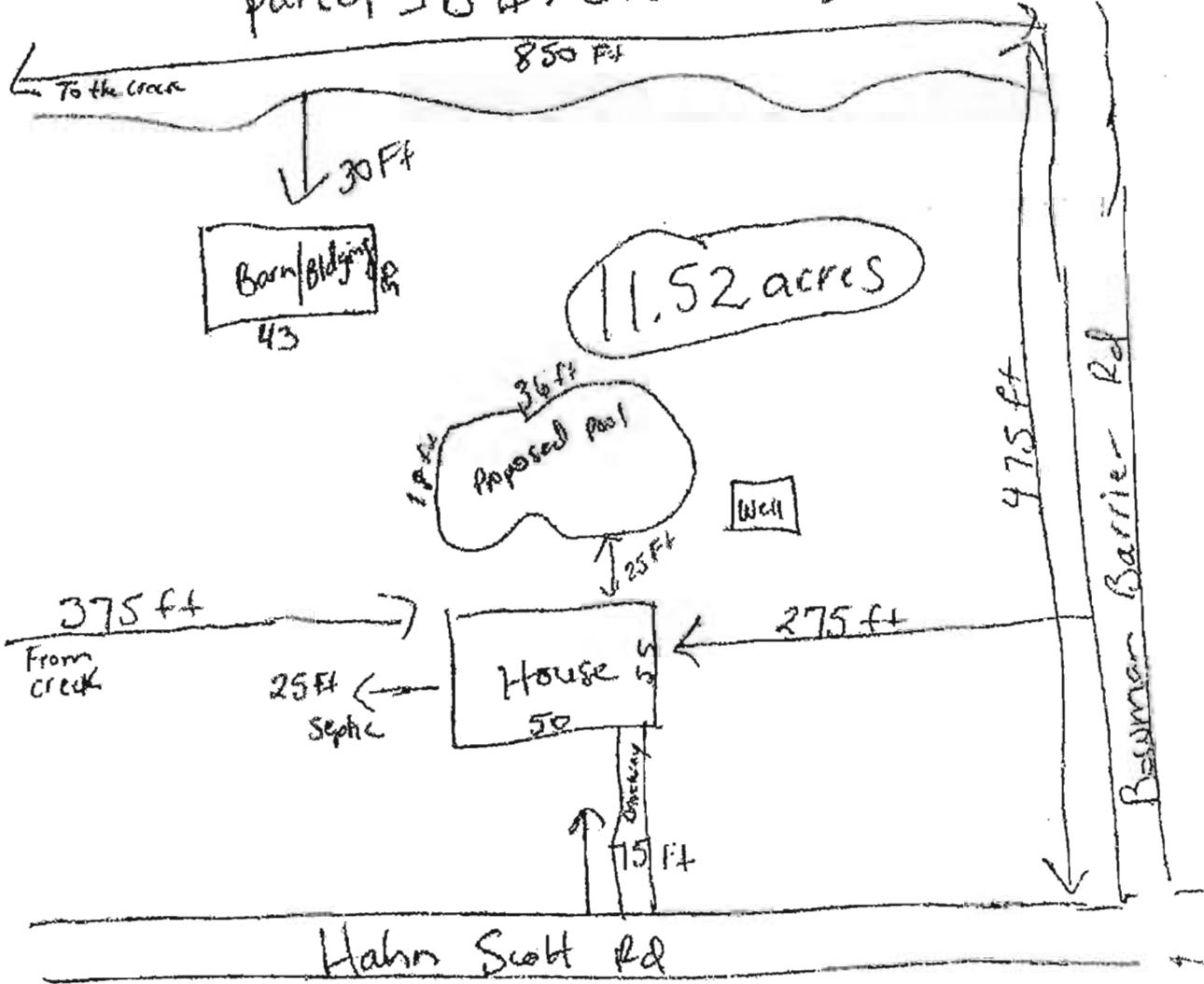
Sincerely,

Tyler W. Robertson, R.L.H.S.

*the County considers
it a Barn for
Agriculture purposes*

Exhibit 7

Plot Plan: 3233 Hahn Scott Rd
Parcel ID #: 5589243362000



From: Connie Arstark <connie@arstark.com>
Sent: Monday, June 29, 2020 6:57 AM
To: chad@Kingengineernc.com
Subject: FW: Question on set backs? 3233 hahn scott road

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Sent: Thursday, June 25, 2020 1:53 PM
To: Connie Arstark <connie@arstark.com>
Subject: RE: Question on set backs? 3233 hahn scott road

The property is zoned Agricultural/Open Residential and has the following setbacks:

Agricultural/Open Space

(AO)

| | |
|---------------------------------|-----|
| Principal (minimum feet) | |
| Front yard (minor collector) | 75 |
| Front yard (local road) | 50 |
| Side yard (single) | 20 |
| Side yard (total) | 40 |
| Rear yard | 30 |
| Height (maximum feet) | |
| 40 | |
| Lot Coverage (maximum) | |
| Impermeable surface | 15% |
| Structural coverage | 10% |

Martha Hernandez
Zoning and Septic Suitability Permit Associate
Planning and Development Department
Cabarrus County
65 Church St. SE, Concord, NC 28025
P.O. Box 707, Concord, NC 28026

O: 704-920-2147
F: 704-920-2227
www.cabarruscounty.us



CABARRUS COUNTY
America Thrives Here

From: Connie Arstark <connie@arstark.com>
Sent: Thursday, June 25, 2020 12:34 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>; connie@arstark.com
Subject: Question on set backs? 3233 hahn scott road

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Do you remember what the set back guidelines are for my property off hahn scott road?
Thanks
Connie Arstark

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Date: 6/24/20 8:24 AM (GMT-05:00)
To: Connie Arstark <connie@arstark.com>
Cc: Tyler W Robertson <Tyler.Robertson@CabarrusHealth.org>
Subject: FW: Tyler said to call you for getting the barn added to septic it is not a problem. He told me to flag it on the lot which I did. He said it was \$60.00

I don't complete or take payments for secondary applications.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

T: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>

Sent: Wednesday, June 24, 2020 8:13 AM

To: Martha Hernandez <mhernandez@cabarruscounty.us>; connie@arstark.com

Subject: RE: Tyler said to call you for getting the barn added to septic it is not a problem. He told me to flag it on the lot which I did. He said it was \$60.00

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Is this something you can help me with?

Thanks

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/23/20 4:52 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Subject: RE: do I need a permit for Barn?

Yes.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>

Sent: Tuesday, June 23, 2020 4:51 PM

To: Martha Hernandez <mhernandez@cabarruscounty.us>

Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Do we need it if I intend to be a farm once the home is built?

Ca

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/23/20 4:42 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Subject: RE: do I need a permit for Barn?

The septic permit doesn't reflect the barn on the lay-out. We would need approval from the Health Alliance.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

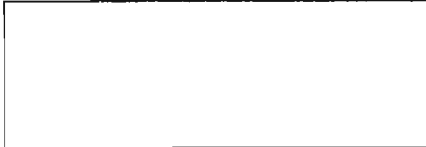
65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-820-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Tuesday, June 23, 2020 4:35 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Ok can you email me what I need for that permit? Lol

You guys are taking all my money! Lol

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/23/20 4:33 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Subject: RE: do I need a permit for Barn?

yes

Many thanks,

Martha Hernandez

Zoning and Septic Sullability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>

Sent: Tuesday, June 23, 2020 4:32 PM

To: Martha Hernandez <mhernandez@cabarruscounty.us>

Subject: RE: do I need a permit for Barn?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

I have a 43x30 metal barn installed on the property. Do I need permit for that as well?

Connie

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mlhernandez@cabarruscounty.us>

Date: 6/23/20 4:03 PM (GMT-05:00)

To: Connie Arstark <connie@arstark.com>

Cc: Boyd Stanley <bvstanley@cabarruscounty.us>

Subject: RE: Zoning Permit Requirements-POOL Permit?

Your zoning permit (**ZN2020-00653**) request has been approved. It is ready for payment (**\$75.00**). Someone from our department will be calling you to take your payment over the phone.

Please sign on the **2 places** marked and return attached permit. The permit will not be valid until payment is made AND signed permit is returned.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Monday, June 22, 2020 2:53 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: Zoning Permit Requirements-POOL Permit?

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Here you go.

thanks so much

Connie

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Sent: Monday, June 22, 2020 2:37 PM

To: Connie Arstark <connie@arstark.com>
Subject: RE: Zoning Permit Requirements-POOL Permit?

Complete the application attached and submit a plot plan that shows measurements on pool and concrete surrounding it.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704 920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Monday, June 22, 2020 2:22 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: Zoning Permit Requirements-POOL Permit?

AUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Pool Permit? What info is needed to get this processed.

connie

From: Martha Hernández <mhernandez@cabarruscounty.us>
Sent: Monday, June 15, 2020 9:31 AM
To: Connie Arstark <connie@arstark.com>
Subject: RE: Zoning Permit Requirements

Yes. The \$725.00 fee includes the well permit.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: Connie Arstark <connie@arstark.com>
Sent: Friday, June 12, 2020 4:46 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Subject: RE: Zoning Permit Requirements

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Does this include my well permit as well?

I need it too.

Thanks

Ca

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Martha Hernandez <mhernandez@cabarruscounty.us>

Date: 6/12/20 4:30 PM (GMT-05:00)

To: connie@arstark.com

Cc: Boyd Stanley <bvstanley@cabarruscounty.us>

Subject: RE: Zoning Permit Requirements

Our zoning permit (ZN2020-00614) request has been approved. It is ready for payment (\$100.00). In addition to the zoning permit, you also need to pay \$725.00 for the septic permit (SE2020-00062). Someone from our department will be calling you to take your payment over the phone.

Please sign on the 2 places marked and return attached permit. The permit will not be valid until payment is made AND signed permit is returned.

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



From: connie@arstark.com <connie@arstark.com>
Sent: Friday, June 12, 2020 1:39 PM
To: Martha Hernandez <mhernandez@cabarruscounty.us>
Cc: Connie Arstark <connie@arstark.com>
Subject: RE: Zoning Permit Requirements

AUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

From: Martha Hernandez <mhernandez@cabarruscounty.us>
Sent: Friday, June 12, 2020 12:45 PM
To: connie@ARSTARK.com
Subject: Zoning Permlt Requirements

You can email me application, plot plan and supporting documentation. We will then process and notify when its ready for payment over phone with credit card. Please feel free to call at 704-920-2147 should you have any questions.

I have attached zoning permit application and plot/site plan example. Dimensions of all structures and the applicable setbacks must be included in the plot/site plan submitted. You may use GIS to print out the subject parcel and create a plot plan if a survey of the property is not available. The link for accessing the County's GIS system is below.

GENERAL REQUIREMENTS:

CABARRUS HEALTH ALLIANCE:

- If the property has an **existing** septic system, call the Cabarrus Health Alliance at 704-920-1207 or visit them at 300 Mooresville Road, Kannapolis, for an inspection. CHA will provide a letter for you to turn in with your application.
- If the property requires a **new** septic system, a site evaluation application will need to be completed at the Cabarrus County Governmental Center at 65 Church Street, SE, Concord.

SITE/PLOT PLAN (to scale) that shows:

- size and configuration of the property, including lot dimensions and acreage
- location and dimensions of all existing structures
- location and dimensions of all existing parking and driveway areas
- location and dimensions of any bodies of water or water channels (ponds, streams, swales, etc.)
- location of identified flood hazard areas, including floodway, 100-year and 500-year
- location and dimensions of proposed work (new structure, pool, addition to existing building, deck, etc.)
- setbacks for the applicable zoning district (proposed work must meet established setbacks for district)

➤ All requests for zoning permits must comply with the standards of the Cabarrus County Development Ordinance.

➤ Additional information may be needed, or may be required on the plot plan, if the property lies within an Overlay District as defined in Chapter 4 of the Cabarrus County Development Ordinance.

<https://location.cabarruscounty.us/mapcabarrus/>

Many thanks,

Martha Hernandez

Zoning and Septic Suitability Permit Associate

Planning and Development Department

Cabarrus County

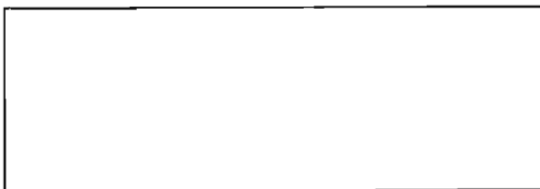
65 Church St. SE, Concord, NC 28025

P.O. Box 707, Concord, NC 28026

O: 704-920-2147

F: 704-920-2227

www.cabarruscounty.us



E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.



ZN2020-00614



Permits ZN2020-00614:

Add to collection

Zoning Residential Single Family

Record Status: Inspections in Progress

Record Info

Payments

Custom Component

TRY OUR MOBILE AP use your phone browser and log in to https://CitizenAccess.CabarrusCounty.us/AMCA.

Work Location

3233 HAHN SCOTT

Permits Details

Applicant:

CONNIE ARSTARK
5625 WEDDINGTON RD
CONCORD, NC, 28027

Owner:

MCMATH PAUL STEPHEN
3215 WOODCHUCK DR
KANNAPOLIS NC 28081

connie@arstark.com

▼ More Details

☑ Application Information

GENERAL

Jurisdiction: Cabarrus County
Max Acc Bldg Size: 8712
Max Front Setback: 50'
Max Height: 40/40'
Min Rear Acc: 5'
Min Rear Yard: 30'
Min Side Acc: 20-40'
Min Side Yard: 20-40'
Use: NEW RESIDENCE WITH APPROX. 55' X 55' DIMENSIONS, APPROX. 3025 SQ.FT FOOTPRINT
Last Use: VACANT
Subdivision: undefined
Total Lot Area: 10
Zone: AO Conventional
Zone Description: Agriculture Open
Comments: NO FLOODPLAIN OR WATERSHED WITHIN PROPERTY
Front Corner Lot Setback: --
Front Minor Collector Setback: 75'
Max Structural Coverage: 10'
Max impermeable Surface: 15'
Max impermeable Surface Area: 0
Max Structural Coverage Area: 0



☑ Application Information Table

INSPECTIONS

Insp Date: 07/07/2020
Inspector: James Lowe
Insp Type: Inspection
Insp Result: Inspected
Comments: Site inspection was made. House was staked off but not started.

☑ Parcel Information

Parcel Number: 55892433620000
Subdivision:
Legal Description: EAST SIDE HAHN-SCOTT RD
Accessory Percentage: 0
Accessory Total:

0

Impervious Percentage:

0

Impervious Total:

0

Neighborhood:

HAHN SCOTT RD

Nbh Number:

17004

Structural Percentage:

0

Structural Total:

0

APF Subdivision:

No APF

Middle School Feeder:

Mt Pleasant MS

Elementary School Feeder:

Mt Pleasant ES

High School Feeder:

Mt Pleasant HS

Jurisdiction:

Cabarrus County

Flood:

No

Flood100:

No

Flood500:

No

Zoning Inspection Dist:

ZN1

Square Footage:

434242

2

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 1-GENERAL PROVISIONS

- Everywhere within the corporate limits or extraterritorial planning areas of any municipality that has adopted a resolution authorizing the Ordinance to be applicable within such areas.

Section 1-4 Bona fide farms exempt

The provisions of this Ordinance shall not affect bona fide farms, owner-operated or leased, but any farm property used for non-farm purposes shall be subject to the provisions of this Ordinance. For purposes of this Ordinance, see Chapter 2, Rules of Construction and Definitions, for the definition of a Bona Fide Farm and Agriculture.

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 2-RULES OF CONSTRUCTION AND DEFINITIONS

BODY PIERCING –The practice of puncturing or cutting a part of the human body, creating an opening in which jewelry may be worn, or where an implant could be inserted.

BONA FIDE FARM - The production and activities relating to or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in G.S.106-581.1.

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- a. A farm sales tax exemption certificate issued by the Department of Revenue.
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S.105-277.3.
- c. A copy of the farm owner's or operator's Schedule F from the owner or operator's most recent federal income tax return.
- d. A forest management plan.

BONA FIDE FARM PURPOSES. – Agricultural activities as set forth in G. S. 160D-903.

CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 4-OVERLAY DISTRICTS AND ZONES

Protected Area-The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Variance-A permission to develop or use property granted by the Cabarrus County Planning and Zoning Commission, acting as Board of Adjustment, relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Watershed-The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

4-7.4 Word Interpretation

For the purpose of this Watershed Overlay Zone, certain words shall be interpreted as follows:

- Words in the present tense include the future tense.
- Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- The word "structure" shall include the word "building."
- The word "lot" shall include the words, "plot," "parcel," or "tract."
- The word "shall" is always mandatory and not merely directory.
- The word "will" is always mandatory and not merely directory.

PART II WATERBODY BUFFER ZONE

Section 4-8 Intention of Waterbody Buffer Zone

The purpose of the Waterbody Buffer Zone is to provide protected, vegetated strips of land adjacent to streams, rivers, lakes, ponds, impoundments, and wetlands. These buffers are retained in a natural, undisturbed, state, in an effort to avoid erosion problems and to reduce the velocity of overland flow, thus trapping sediment and soil eroded from cropland or land being developed to limit pollutants from entering the waterway.

Section 4-9 Effect upon bona fide farms

While North Carolina law exempts bona fide farms from local zoning regulations, the County strongly encourages the use of best management practices in farming. A waterbody buffer is one of these practices and is therefore consistent with North Carolina Sediment Control Law and thus is a 75% reimbursable North Carolina Agricultural Cost - Share Program. This program is

§ 160D-903. Agricultural uses.

(a) Bona Fide Farming Exempt From County Zoning. – County zoning regulations may not affect property used for bona fide farm purposes; provided, however, that this section does not limit zoning regulation with respect to the use of farm property for nonfarm purposes. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) includes the farm within the jurisdiction of the county and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following is sufficient evidence that the property is being used for bona fide farm purposes:

- (1) A farm sales tax exemption certificate issued by the Department of Revenue.
- (2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
- (3) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- (4) A forest management plan.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farm sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this subsection subjects the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to G.S. 160D-702 in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

(b) County Zoning of Residential Uses on Large Lots in Agricultural Districts. – A county zoning regulation shall not prohibit single-family detached residential uses constructed in accordance with the North Carolina State Building Code on lots greater than 10 acres in size and in zoning districts where more than fifty percent (50%) of the land is in use for agricultural or silvicultural purposes, except that this restriction does not apply to commercial or industrial districts where a broad variety of commercial or industrial uses are permissible. A zoning regulation shall not require that a lot greater than 10 acres in size have frontage on a public road or county-approved private road or be served by public water or sewer lines in order to be developed for single-family residential purposes.

3

North Carolina Department of Revenue
Sales and Use Tax

Account ID: 601378691

Issued by the Secretary of Revenue

Certificate of Registration

ARSTARK & COMPANY INC
THE FARM
3233 HAHN SCOTT RD
MT PLEASANT NC 28124-9363



Date Issued: August 25, 2021
County: CABARRUS
Business Class: 5050
City Code: 0013040
County Code: 013
License No: 003792141

#13

connie@arstark.com

NC DEPT OF REVENUE

From: Support Assist <no-reply@salestaxapplication.net>
Sent: Wednesday, August 18, 2021 1:29 PM
To: connie@arstark.com
Subject: Company Registration Status: Arstark & Company Inc.

Attention: Connie Arstark

Company Name: Arstark & Company Inc.

Thank you for your State Sales Tax Application.



Applications are received and begin processing upon information verification.

You will be contacted if any further information is necessary.

A confirmation e-mail will be sent to the address entered on the application connie@arstark.com .

Please do not hesitate to reply with any questions; responses are sent as soon as possible, however please allow a bit longer during peak times.

At times, the confirmation e-mail may go into your "Spam" or "Junk" folder, please be sure to check.

Support



Qualifications For Farm

Exhibit 13

Form: FSA-156EZ

See Page 2 for non-discriminatory Statements.

Abbreviated 156 Farm Record

Operator Name : JOHN R BRITT
 Farms Associated with Operator : 37-025-2981, 37-025-3404, 37-025-3449, 37-025-3502, 37-025-4419, 37-025-4575, 37-025-4882, 37-025-4883, 37-025-4909, 37-025-4910
 CRP Contract Number(s) : None
 Recon ID : 37-025-2021-13
 Transferred From : None
 ARCPLC G//F Eligibility : Eligible

Farm Land Data

| Farmland | Cropland | DCP Cropland | WBP | WRP | CRP | GRP | Sugarcane | Farm Status | Number Of Tracts |
|--------------------|--------------------|------------------------|----------------|------|------|---------------|-----------|-----------------------|------------------------|
| 12.16 | 9.03 | 9.03 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | Active | 1 |
| State Conservation | Other Conservation | Effective DCP Cropland | Double Cropped | | MPL | Acre Election | EWP | DCP Ag. Rel. Activity | Broken From Native Sod |
| 0.00 | 0.00 | 9.03 | 0.00 | | 0.00 | | 0.00 | 0.00 | 0.00 |

Crop Election Choice

| ARC Individual | ARC County | Price Loss Coverage |
|----------------|-------------|---------------------|
| None | OATS, SOYBN | WHEAT, CORN |

DCP Crop Data

| Crop Name | Base Acres | CCC-505 CRP Reduction Acres | PLC Yield | HIP |
|--------------|-------------|-----------------------------|-----------|-----|
| Oats | 0.87 | 0.00 | 56 | |
| Corn | 7.14 | 0.00 | 70 | |
| Soybeans | 0.87 | 0.00 | 22 | |
| TOTAL | 8.88 | 0.00 | | |

NOTES

| |
|--|
| |
|--|

Tract Number : 7548
 Description :
 FSA Physical Location : NORTH CAROLINA/CABARRUS
 ANSI Physical Location : NORTH CAROLINA/CABARRUS
 BIA Unit Range Number :
 HEL Status : HEL field on tract. Conservation system being actively applied
 Wetland Status : Wetland determinations not complete
 WL Violations : None
 Owners : JAMES N ARSTARK, CONNIE GAIL ARSTARK
 Other Producers : None
 Recon ID : 37-025-2016-10

Exhibit 14

Tract Land Data

| Farm Land | Cropland | DCP Cropland | WBP | WRP | CRP | GRP | Sugarcane |
|--------------------|--------------------|------------------------|----------------|------|------|-----------------------|------------------------|
| 12.16 | 9.03 | 9.03 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| State Conservation | Other Conservation | Effective DCP Cropland | Double Cropped | MPL | EWP | DCP Ag. Rel. Activity | Broken From Native Sod |
| 0.00 | 0.00 | 9.03 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

CCC-858
(09-23-14)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

**BASE REALLOCATION AND YIELD UPDATE
DECISION FOR
AGRICULTURE RISK COVERAGE (ARC) AND
PRICE LOSS COVERAGE (PLC) PROGRAMS**

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|------------------------|
| 1. Program Years: 2014 through 2018 | | |
| 2A. County FSA Office Name and Address (Including Zip Code) CABARRUS-MECKLENBURG COUNTY FARM SERVICE AGENCY 715 CABARRUS AVE W RM 201 CONCORD, NC 28027-6214 | | |
| 2B. County FSA Office Telephone Number (Including Area Code) 704)788-2107 x2 | 2C. County FSA Office FAX Number (Including Area Code) (844)325-6881 | |
| 3. State Code 37 | 4. County Code 025 | 5. Farm Number 3617 |

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1412, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Agricultural Act of 2014 (Pub. L. 113-79). The information will be used to determine eligibility to participate in and receive benefits under the Agriculture Risk Coverage Program and Price Loss Coverage Program. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to participate in and receive benefits under the Agriculture Risk Coverage Program and Price Loss Coverage Program.

This information collection is exempted from the Paperwork Reduction Act as specified in the Agricultural Act of 2014 (Pub. L. 113-79, Title I, Subtitle F, Administration). The provisions of criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

THE BASE ACRE REALLOCATION AND YIELD UPDATE DECISION is made by the undersigned current owner of the farm identified above. If FSA receives conflicting yield update or base acre reallocation requests from another current owner, all current owners will be required to resolve their dispute providing CCC with written evidence of the dispute resolution by the end of the yield update period or reallocation period.

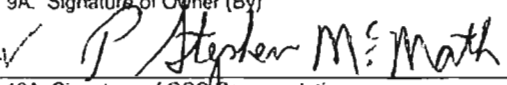
FARM BASE ACRE REALLOCATION

| | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 6A. I agree to maintain the farm's 2013 base acres on the following crops, excluding cotton acres | | <input type="checkbox"/> 6B. I agree to reallocate base acres on the following crops, excluding cotton base acres, not to exceed the total base acres in effect on September 30, 2013 (see page 2 for tract designation, if applicable) | | 6C. Tract Reallocation Method <input type="checkbox"/> (1) Crop Land <input type="checkbox"/> (2) Owner Designation |
| (1) Commodity | (2) Base Acres | (1) Commodity | (2) Base Acres | |
| Com | 12 | Com | 6.95 | |
| Oats | 1.2 | Oats | 2.64 | |
| Soybeans | 1.2 | Soybeans | 10.25 | |
| Wheat | 7.1 | Wheat | 1.66 | |
| | | | | |

FARM YIELD UPDATE

| | | | |
|-----------------------------------------------------------------------------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 7A. I agree to use the farm's 2013 Counter Cyclical (CC) yield for the PLC yield for the following crops. | | 7B. I agree to update the PLC yield for the following crops based on 90 percent of the farm's 2008 through 2012 average yield per planted acre, excluding any year(s) when no acreage was planted. | |
| (1) Commodity | (2) CC Yield | (1) Commodity | (2) PLC Yield |
| Oats | | Com | 70 |
| Wheat | 40 | Soybeans | 22 |
| | | | |
| | | | |

Exhibit 19

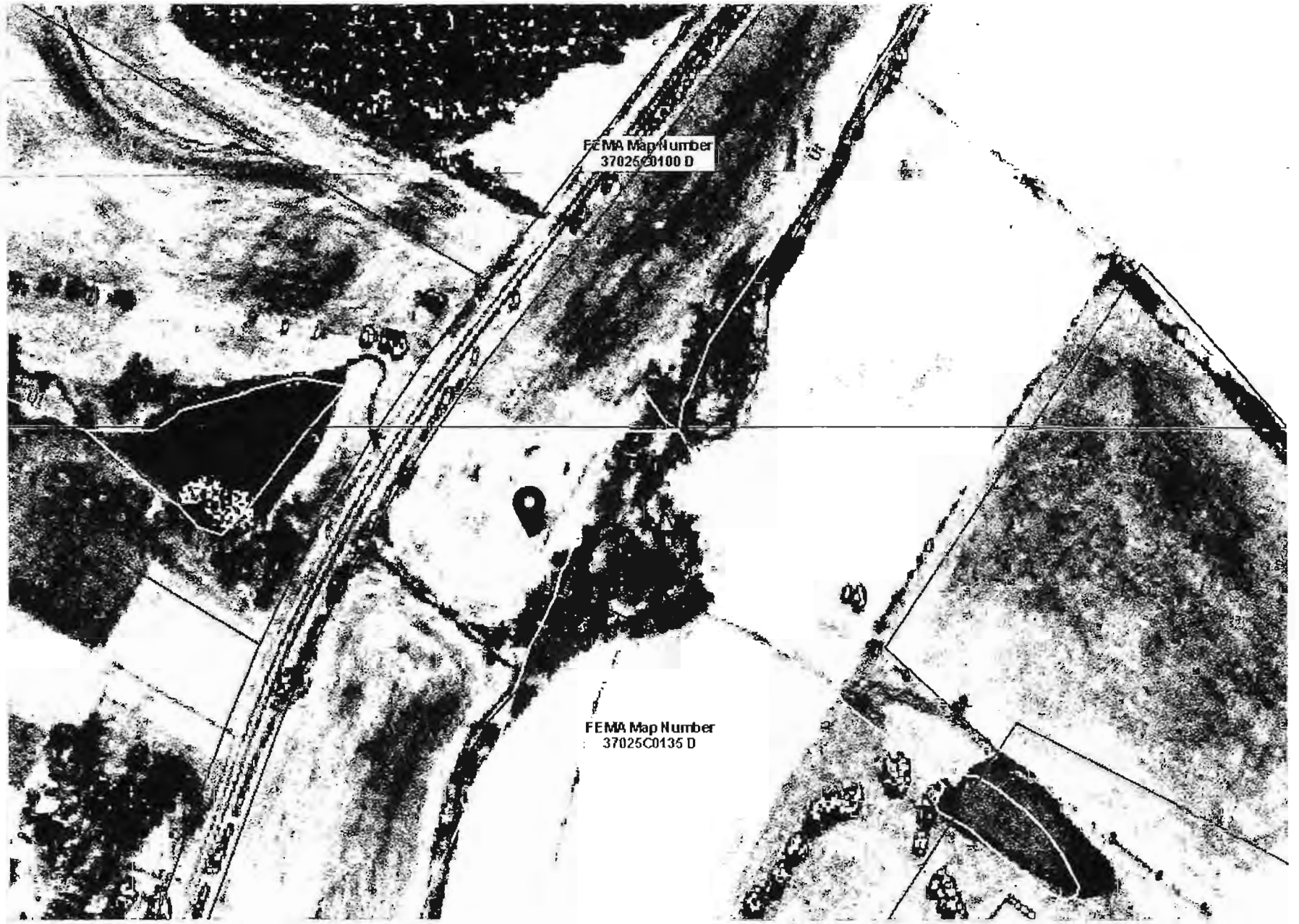
| | | |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------|
| 8. Owner's Name and Address (Including Zip Code) PAUL STEPHEN MCMATH 3215 WOODCHUCK DR KANNAPOLIS, NC 28081-8404 | | |
| 9A. Signature of Owner (By)  | 9B. Title/Relationship of the Individual Signing in the Representative Capacity | 9C. Date (MM-DD-YYYY) 02-23-2015 |
| 10A. Signature of CCC Representative | | 10B. Date (MM-DD-YYYY) |

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) Persons with disabilities who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).
If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 877-9922 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W. Washington, D.C. 20250-9410, by fax (202) 590-7442 or email at program.intake@usda.gov. USDA is an equal opportunity provider and employer.

#29



2007 All The Land Was Farmed
17 acres



FEMA Map Number
37025C0100 D

FEMA Map Number
37025C0135 D

5661



1964

4

Note that the "Ut" ("unnamed tributary") appears differently on the GIS than the "blue line"!

Map Cabarrus

Property Data

Physical Address: 3233 HAHN SCOTT RD MT PLEASANT NC 28124
 PIN: 55892433620000
 Property Real ID: 08-030-0014-14

Account Name: ARSTARK CONNIE GAIL
 ARSTARK JAMES N

Mailing Address: 3233 HAHN SCOTT RD MT PLEASANT, NC 28124

Land Units: 11.543 AC
 Land Value: \$106650
 Building Value: \$41330
 OBXF Value: \$33040
 Assessed Value: \$181020
 Market Value: \$181020
 Sale Date: 6/2020
 Sale Price: \$85000

Plat Book: 00000
 Plat Page: 00000
 Deed Book: 14293
 Deed Page: 0108

Ownership History: View Ownership History Card
 Tax Appraisal Card: View Property Record Card
 Tax Bill: View Tax Bill

555.21
 SR 2812
 (330)
 Lat: 35.37327509683454 Lon: -80.40190775567731

- Aerial 1975
- Aerial 1976
- Aerial 1983
- Aerial 1986
- Aerial 1987
- Aerial 1995
- Aerial 2001
- Aerial 2005
- Aerial 2007
- Aerial 2009
- Aerial 2010
- Aerial 2013
- Aerial 2015
- Aerial 2017
- Aerial 2019
- Aerial 2021
- Addresses
- Lot Dimensions/Easements
- Owners Name
- Parcel Numbers
- Cabarrus Streets
- Cell Towers
- Fire Stations
- Cemeteries
- Contour Lines
- Railroad
- NC Railroad Corridor
- FIRM Panels
- Lakes
- Streams
- Zoning
- Harrisburg Conditional Use
- Floodplain
- Zipcode
- Neighborhoods

Map Cabarrus

Property Data

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 Assessed Value: \$181020
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 Sale Date: 6/2020
 Sale Price: \$85000

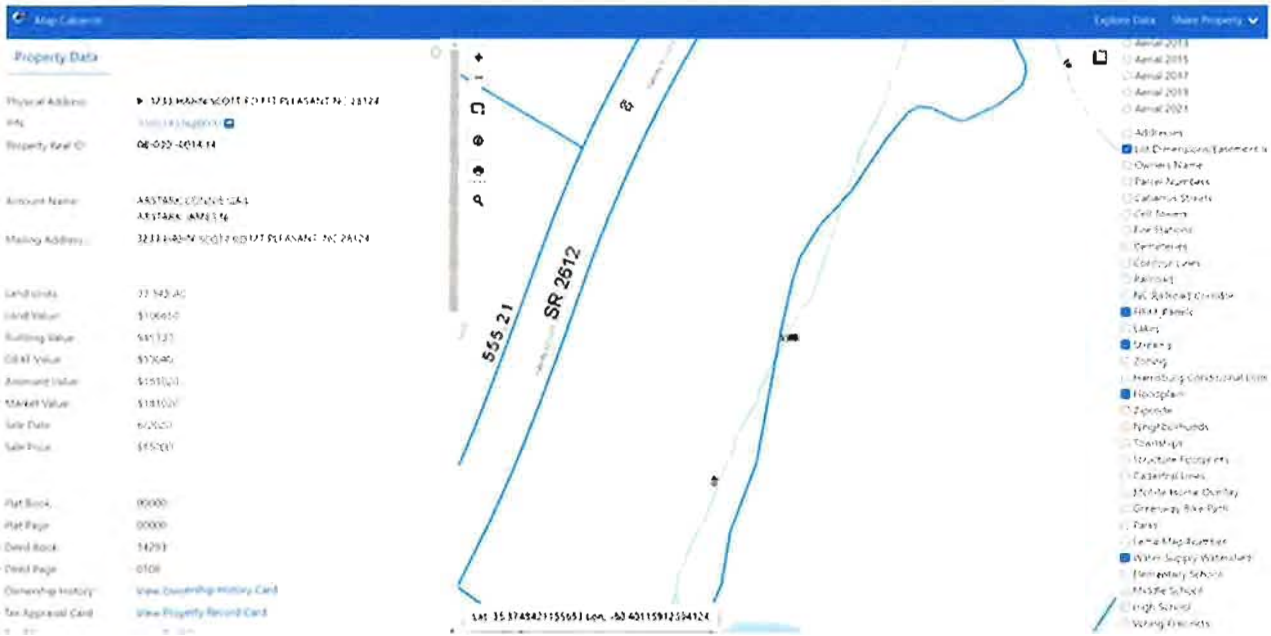
Plat Book: 00000
 Plat Page: 00000
 Deed Book: 14293
 Deed Page: 0108

Ownership History: View Ownership History Card
 Tax Appraisal Card: View Property Record Card
 Tax Bill: View Tax Bill

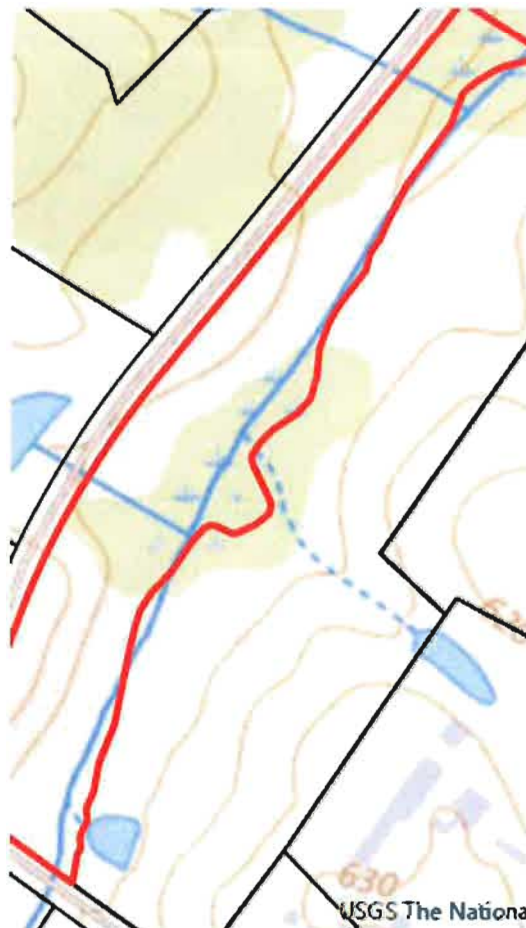
555.21
 SR 2812
 (330)
 Lat: 35.3748421155653 Lon: -80.40115912394124

- Aerial 1975
- Aerial 1976
- Aerial 1983
- Aerial 1986
- Aerial 1987
- Aerial 1995
- Aerial 2001
- Aerial 2005
- Aerial 2007
- Aerial 2009
- Aerial 2010
- Aerial 2013
- Aerial 2015
- Aerial 2017
- Aerial 2019
- Aerial 2021
- Addresses
- Lot Dimensions/Easements
- Owners Name
- Parcel Numbers
- Cabarrus Streets
- Cell Towers
- Fire Stations
- Cemeteries
- Contour Lines
- Railroad
- NC Railroad Corridor
- FIRM Panels
- Lakes
- Streams
- Zoning
- Harrisburg Conditional Use
- Floodplain
- Zipcode
- Neighborhoods

If you turn on the "FIRM_Panels", Lakes, Floodplain and Water Supply Watershed boxes on the GIS, nothing different shows up except for the code number of the flood map – and there is NO FLOOD ZONE per the survey.



The USGS map "blue line" is not even labeled or anything but follows "Ut" line per GIS as opposed to actual creek/property line per survey and GIS. So the "blue line" on the USGS map is different from the blue line shown on the GIS and runs right down through the middle of the property rather than with the creek.



Search Stream Name or ID



Layer List

- Layers
- Surface Water Classifier
- 2018 Integrated Report Data
- Classification B/SB (Recreat)
- Classification SC (Tidal Salt)
- Classification Sw (Swamp)
- Classification NSM (Nutrient)
- Classification on ORW (Outstar Wetland)
- Classification HQW (High C)
- Classification Tr (Trough Water)
- Classification WSI
- Classification WSI-II
- Classification WSI-III
- Classification WSI-IV
- Classification WSI-V
- Water Supply Wetlands
- Eastern Band of Cherokee Indians
- Primary Nursery Areas
- Permanent Secondary Nurseries
- Special Secondary Nurseries
- Unique Wetlands Classifications

Zac Moretz

From: connie arstark.com <connie@arstark.com>
Sent: Tuesday, March 8, 2022 1:45 PM
To: Zac Moretz
Subject: FW: [Non-DoD Source] Re: info request

From: Jones, M Scott (Scott) CIV USARMY CESAW (USA) <Scott.Jones@usace.army.mil>
Sent: Thursday, February 24, 2022 7:31 AM
To: connie arstark.com <connie@arstark.com>
Subject: RE: [Non-DoD Source] Re: info request

Correct.

Scott Jones
O – 828.271.7980, ext. 4222

From: connie <connie@arstark.com>
Sent: Wednesday, February 23, 2022 5:50 PM
To: Jones, M Scott (Scott) CIV USARMY CESAW (USA) <Scott.Jones@usace.army.mil>
Subject: RE: [Non-DoD Source] Re: info request

Thank you for the clarification. But at this time....no action has been taken in reference to my farm? Correct?
Connie Arstark

Sent from my Galaxy

----- Original message -----

From: "Jones, M Scott (Scott) CIV USARMY CESAW (USA)" <Scott.Jones@usace.army.mil>
Date: 2/23/22 5:25 PM (GMT-05:00)
To: connie <connie@arstark.com>
Subject: RE: [Non-DoD Source] Re: info request

Ms. Arstark –

If the Corps determines in the future that the County is not meeting the conditions set forth in the Coddle Creek Reservoir permit, including the mitigation requirements to establish and adhere to local ordinances developed to protect / buffer tributaries and wetlands within the watershed, then the Corps may take said action.

Scott Jones

O – 828.271.7980, ext. 4222

From: connie <connie@arstark.com>
Sent: Wednesday, February 23, 2022 4:57 PM
To: Jones, M Scott (Scott) CIV USARMY CESAW (USA) <Scott.Jones@usace.army.mil>
Subject: RE: [Non-DoD Source] Re: info request

Thank you for the update. The county has shared with me that the ACOE could penalize them up to 300 acres if I do not tear my barn down.

Connie

Sent from my Galaxy

----- Original message -----

From: "Jones, M Scott (Scott) CIV USARMY CESAW (USA)" <Scott.Jones@usace.army.mil>
Date: 2/23/22 4:20 PM (GMT-05:00)
To: connie@arstark.com
Subject: RE: [Non-DoD Source] Re: info request

Ms. Arstark –

I am not aware of any correspondence between the County and the Corps specific to your farm. To my knowledge the County has not been issued any type of notice by the Corps indicating violation of or non-compliance with their authorization for the Coddle Creek Reservoir.

Regards,

Scott Jones

O – 828.271.7980, ext. 4222

From: connie@arstark.com <connie@arstark.com>
Sent: Wednesday, February 23, 2022 2:37 PM
To: Jones, M Scott (Scott) CIV USARMY CESAW (USA) <Scott.Jones@usace.army.mil>
Cc: connie@arstark.com
Subject: [Non-DoD Source] Re: info request

Dear Scott,

Is there any correspondence with the County in reference to my Farm? It has now been over eighteen months and was hoping for a resolution

Between ACOE in reference to the County's violation of their Permit for the Coddle Creek Reservoir. I currently have no attorney and will be going in front of the Board for a hearing dated March 8, 2022 and need such information.

I understand that under the "Freedom of Information Act" I can receive internal information that relates to myself and my Farm. I respect and

Appreciate your time in this matter.

Respectfully,

Connie Arstark

3233 Hahn Scott Road

Mt. Pleasant NC 28124

connie@arstark.com

Army Core of Engineering

From: Jones, M Scott (Scott) CIV USARMY CESAW (USA) <Scott.Jones@usace.army.mil>
Sent: Monday, March 8, 2021 2:40 PM
To: Johnson, Alan
Cc: Stygar, KRISTYNKA B CIV USARMY CESAW (USA); Sugg, Mickey T CIV USARMY CESAW (USA); Winget, Emily M CIV (USA); connie@arstark.com
Subject: FW: [Non-DoD Source] RE: is the branch on my property subject to a buffer?

Hi Alan –

Our District office in Wilmington received the message below regarding stream buffers in Cabarrus County from Ms. Connie Arstark. Thought a more appropriate response should come from you / NCDWR as the Corps has no buffer requirements per se. Ms. Arstark is copied on this message and her contact info is in the email chain below.

Great seeing you last week at Mt. Holly site visit. Talk soon.

Scott Jones
O – 828.271.7980, ext. 4222

From: connie@arstark.com <connie@arstark.com>
Date: Monday, Mar 08, 2021, 10:34 AM
To: Winget, Emily M CIV (USA) <Emily.M.Winget@usace.army.mil>
Subject: RE: [Non-DoD Source] RE: is the branch on my property subject to a buffer?

Cabarrus County. Were you able to find anything out for our farm?
Thanks so much for your assistance.
Connie

From: Winget, Emily M CIV (USA) <Emily.M.Winget@usace.army.mil>
Sent: Friday, March 5, 2021 4:27 PM
To: connie@arstark.com
Subject: RE: [Non-DoD Source] RE: is the branch on my property subject to a buffer?

Hello,

What county are you located in?

Thank you,

Emily Winget
Public Affairs Specialist
U.S. Army Corps of Engineers
Wilmington District
Office 910.251.4625
Cell 910.990.4784
<https://www.facebook.com/USACE.Wilmington>

6

Quible

Quible & Associates, P.C.
ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • RESTORATION
SINCE 1959

90 Church St., Suite B
Black Mountain, NC 28711
Phone: 828-793-0398
Web: quible.com

March 8, 2022

Connie Gail Arstark
3233 Hahn Scott Rd
Mt. Pleasant, NC 28124
Cabarrus County

RE: Agricultural Development of Parcel PIN: 5589-24-3362
11.5 acres
3233 Hahn Scott Rd
Mt. Pleasant, NC 28124
Cabarrus County

Ms. Arstark:

On Friday March 3, 2022, you requested that Quible make a site visit and review information you provided including a Notice of Violation (1/14/21), a Stop Work Order (5/11/21), and a hearing between you and Cabarrus County (3/8/2022) related to alleged stream buffer and wetland impacts on the subject property.

Based on a copy of a survey of the subject parcel, dated July 11, 2020 by Samuel King Jr. that you provided, the eastern property line generally follows "Lick Branch" a perennial stream with a 30 feet setback requirement.

Cabarrus County issued a Building Permit, dated September 28, 2020, to construct a 1,290 square feet accessory building (barn) on the subject parcel. Cabarrus Health Alliance granted permission to construct the barn with respect to well and on-site septic on June 30, 2020. Cabarrus County Tax Administration approved an Application for Agriculture Present Use Value Assessment on February 25, 2021. Correspondence between you and Jonathan Lanier, Attorney with North Carolina Department of Agriculture and Consumer Services indicates that the subject property is a bona fide farm, has been issued a NC Farm Number and that agricultural buildings and activities on the property should be exempt from Cabarrus County zoning ordinances and building codes. You also indicated that Mr. Lanier sent a letter to the County. Cabarrus County issued a Zoning / Compliance Certificate for the barn on September 23, 2021, with comments that included "30 feet rear yard setback and "no floodplain or watershed within property".



Email correspondence from Scott Jones of the Wilmington District of the United States Army Corps of Engineers (USACE) Asheville Regional Office indicates that USACE has no jurisdiction of stream buffers on the subject property.



A review of the North Carolina Department of Environmental Quality (NC DEQ), Surface Water Quality Classifications Map (<https://www.arcgis.com/apps/webappviewer/index.html?id=6e125ad7628f494694e259c80dd64265>) does not show stream(s) on the subject property but indicates the closest receiving water (Bear Creek)

March 8, 2022

* listed as a "C" class water with no state buffer requirements. This information was apparently verified by Allan Johnson of NC DEQ via email with you.

Subsequent to issuance of the building permit, the well and septic approval, and the other approvals and correspondence referenced above, Cabarrus County issued the Notice of Violation and Stop Work order related to County Zoning Ordinance(s) violations (04-10 Water Body Buffer Zone, 06-02 Zoning Affects Every Structure and Use, 12-03 Zoning Compliance Permit).

* Based on Quible's brief site visit on March 7, 2022, and evaluation of the subject property, it was observed and verified that the barn structure is greater than 30 feet from the top of the river-left streambank of Lick Branch. Quarried stone has been placed on the slope below the barn for stabilization and an approximately 10 feet wide bench (at an apparent natural elevation) is vegetated with grass between the rock slope and stream. Additionally, as reported by you, local farmers from the Britt and Hahn families who barter/lease your property to grow hay and other crops have cleared underbrush and downed trees near the stream on your property. Mature trees were observed in the stream buffer downstream of your barn to a width of 30-50 feet from the stream bank. Approximately one-half acre area of land disturbance was observed immediately downstream (northeast) of your barn and the access road. The area closest to the stream remained vegetated with native trees, shrubs, saplings and herbaceous plants. A significant amount of exotic invasive vegetation (privet hedge & multiflora rose) was also observed along the stream. You reported that this area is where processing and burning of dead trees and underbrush had most recently been conducted and that it had not been replanted in hay due to the Stop Work Order. Photos taken during our site visit are attached below.

* Based on Quible's observations of the parcel on March 7, 2022, there was not any observed physical evidence that land disturbance, sediment, or any water quality impacts resulting from the agricultural development of your parcel have impacted the stream. It is Quible's opinion that all disturbed areas on the parcel should be stabilized with temporary and permanent vegetation as quickly as possible during this ideal time for planting. Additionally, while on site, Quible discussed with you the benefits of riparian buffers, both for improving and maintaining water quality and for protecting your property against streambank erosion. You indicated that you would be agreeable to the establishment/enhancement of a native riparian buffer within your property, both to protect your streambanks and improve/protect water quality and habitat in Lick Branch, in a good faith effort to work cooperatively with Cabarrus County.

Quible appreciates the opportunity to provide you with this letter and is available to provide more detailed information with respect to this project if needed.

Thank you,

Joel D. Lenk, P.G.



Quible & Associates, P.C.



Photo 1. Measuring from centerline of Lick Branch to nearest corner of barn.



Photo 2: Close up of measurement from Lick Branch centerline to closest corner of barn.



Photo 3: Close up of measurement from Lick Branch centerline to closest corner of barn.



Photo 4: View southwest of barn in relation to Lick Branch.



Photo 5: Photo of disturbed area northeast of barn and entrance ready to be planted in hay.

7

Zac Moretz

From: connie arstark.com <connie@arstark.com>
Sent: Tuesday, March 8, 2022 2:44 PM
To: Zac Moretz
Subject: FW: please confirm you received my PUV application and you don't need any additional information-thanks

From: Leslie Reimer <LReimer@cabarruscounty.us>
Sent: Thursday, January 27, 2022 12:04 PM
To: connie arstark.com <connie@arstark.com>; David Thrift <MDThrift@cabarruscounty.us>
Cc: jrbritt72@yahoo.com
Subject: RE: please confirm you received my PUV application and you don't need any additional information-thanks

My apologies, I thought I had responded.

Your application was received. We will begin processing new applications, in the order in which they were received, shortly.

Thank you,

Leslie Reimer
Exempt Property Analyst

Tax Administration
Cabarrus County
O: 704-920-2428
F: 704-920-2111



From: connie@arstark.com <connie@arstark.com>
Sent: Thursday, January 27, 2022 12:01 PM
To: David Thrift <MDThrift@cabarruscounty.us>; Leslie Reimer <LReimer@cabarruscounty.us>
Cc: jrbritt72@yahoo.com; connie@arstark.com
Subject: Re: please confirm you received my PUV application and you don't need any additional information-thanks
Importance: High

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Application for Agriculture, Horticulture, and Forestry Present-Use Value Assessment

(G.S. 105-277.2 through G.S. 105-277.7)

County of Cabarrus, NC

Tax Year 2022

| | | | |
|------------------------------------------------------------------------|----------------------------------------------|--------------------------|----------------------------------|
| Full Name of Owner(s) <u>JAMES N. ARSTARK and CONNIE G. ARSTARK</u> | | | |
| Mailing Address of Owner <u>3233 Hahn Scott Rd</u> | | | |
| City <u>Mt. Pleasant</u> | State <u>NC</u> | Zip Code <u>28124</u> | |
| Home Telephone Number <u>NA</u> | Work Telephone Number <u>704 400 6364</u> | Ext. <u></u> | Cell Phone Number <u>same</u> |

Instructions

Application Deadline: This application must be filed during the regular listing period, or within 30 days of a notice of a change in valuation, or within 60 days of a transfer of the land.

Where to Submit Application: Submit this application to the county tax assessor where this property is located. County tax assessor addresses and telephone numbers can be found online at: www.dorn.com/downloads/CountyList.pdf. DO NOT submit this application to the North Carolina Department of Revenue.

- Office Use Only:

This application is for: (check all that apply)

- AGRICULTURE** (includes Aquaculture) **HORTICULTURE** **FORESTRY**

Enter the Parcel Identification Number, acreage breakdown, and acreage total for each tax parcel included in this application:

| PARCEL ID | OPEN LAND In Production | OPEN LAND not in Production | WOOD LAND | WASTE LAND | CRP LAND | HOME SITE | OTHER (Describe in Comments) | TOTAL ACRES |
|----------------------|----------------------------|-----------------------------------|--------------|---------------|-------------|--------------|------------------------------------|----------------|
| <u>5589243362000</u> | <u>11.14</u> | | | | | <u>.4</u> | | 0.00 |
| | | | | | | | | 0.00 |
| | | | | | | | | 0.00 |
| | | | | | | | | 0.00 |
| | | | | | | | | 0.00 |

Comments:

Yes No → Does the applicant own property in other counties that is also in present-use value and is within 50 miles of this property? If YES, list the county or counties and parcel identification number(s):

County: Parcel ID:

County: Parcel ID:

IMPORTANT!

AGRICULTURE and HORTICULTURE applications with LESS than 20 acres of woodland generally need to complete PARTS 1, 2, and 4.

AGRICULTURE and HORTICULTURE applications with MORE than 20 acres of woodland generally need to complete PARTS 1, 2, 3, and 4.

FORESTRY applications need to complete PARTS 1, 3, and 4.

ADDITIONALLY, applications for CONTINUED USE of existing present-use value classification need to complete PART 5.

Please contact the Tax Assessor's office if you have questions about which parts should be completed.

Part 1. Ownership

On what date did the applicant become the owner of the property? DATE: 06-30-2020

If owned less than four full years on January 1, provide: Name of Previous Owner: Stephen McMally

How the Applicant is Related to the Previous Owner: NA

Yes No ➤ Did one of the applicants reside on the property on January 1 of the year for which this application is made?

If YES, provide name of resident: _____

Yes No ➤ Are any of the acres leased out to a farmer? If YES, indicate: Number of acres leased out: _____

Name of farmer leasing the land: _____

Phone: _____

Choose the legal form of ownership from "a - e" below, and answer the questions, if any, for that ownership:

a. One Individual b. Husband and Wife (as tenants by the entirety)

c. Business Entity. (Circle one: Corporation, Limited Liability Company, Partnership) List all the direct shareholders, members, or partners of the business entity and their farming activities:

| | | | |
|---------|------------------------|---------------------|-------------------------------------------------|
| Member: | <u>JAMES ARSTARIC</u> | Farming Activities: | <u>Hay, Soy Beans, Corn</u> |
| Member: | <u>CONNIE ARSTARIC</u> | Farming Activities: | <u>raising Live Stock Horses, goats, Rabbit</u> |
| Member: | | Farming Activities: | <u>Chickens etc.</u> |
| Member: | | Farming Activities: | |

Yes No ➤ Are any of the direct shareholders, members, or partners either a business entity or trust (i.e. not an individual)? If YES, you must attach a breakdown of those business entities or trusts until you reach the individual level of ownership interest and you must describe those individuals' farming activities.

Yes No ➤ Once you have reached the individual level of ownership interest, are all of the individuals relatives of each other? (See G.S. 105-277.2(5a) for the definition of relative.)

State the principal business of the business entity: NA

d. Trust. List the trustee(s), name of the trust, and all of the beneficiaries:

| | | | |
|--------------|-----------|---------------------|--|
| Trustee(s): | <u>NA</u> | Name of trust: | |
| Beneficiary: | | Farming Activities: | |
| Beneficiary: | | Farming Activities: | |
| Beneficiary: | | Farming Activities: | |
| Beneficiary: | | Farming Activities: | |

Yes No ➤ Are any of the beneficiaries either a business entity or trust (i.e. not an individual)? If YES, you must attach a breakdown of those business entities or trusts until you reach the individual level of ownership interest and you must describe those individual's farming activities.

Yes No ➤ Once you have reached the individual level of ownership interest, are all of the beneficiaries either the trust's creator or relatives of the creator? (See G.S. 105-277.2(5a) for the definition of relative.)

e. Tenants in common. List the tenants and their percentage of ownership (round to the nearest 0.1%):

| | | | | | |
|-------|-----------|---|-------|--|---|
| Owner | <u>NA</u> | % | Owner | | % |
| Owner | | % | Owner | | % |

Yes No ➤ Are any of the tenants either a business entity or trust? If YES, you must make a copy of this page for each business entity or trust. You must complete the business entity section only or trust section only for each tenant, as appropriate, labeling each copy with the name of the business entity or trust.

The Tax Assessor may contact you for additional information after reviewing this application.

Part 2. Agriculture and Horticulture

For the past three years and for each tax parcel within the farm unit, enter the agricultural or horticultural products actually produced on the land and the gross income from the sale of the products, including livestock, poultry, and aquatic species. **INCOME INFORMATION IS SUBJECT TO VERIFICATION.**

If payments are received from any governmental soil conservation or land retirement program, indicate the acres and amount of income in the table below. Provide the name of the program in the Product column.

Do not include income received from the rental of the land. Income must be from the sale of the product.

| Parcel ID | ONE YEAR AGO 20 <u>2021</u> | | | TWO YEARS AGO 20 <u>2020</u> | | | THREE YEARS AGO 20 <u>2019</u> | | |
|-----------|-----------------------------|-------|---------------------|------------------------------|-------|---------------------|--------------------------------|-------|---------------------|
| | Product | Acres | Income | Product | Acres | Income | Product | Acres | Income |
| | Corn | | 1500. ⁰⁰ | Hay | | 1500. ⁰⁰ | Soy beans | | 2700. ⁰⁰ |
| | Hay | | 1500. ⁰⁰ | | | | | | |
| | Totals | 0.00 | 0 | Totals | 0.00 | 0 | Totals | 0.00 | 0 |
| | | | | | | | | | |
| | | | | | | | | | |
| | Totals | 0.00 | 0 | Totals | 0.00 | 0 | Totals | 0.00 | 0 |
| | | | | | | | | | |
| | | | | | | | | | |
| | Totals | 0.00 | 0 | Totals | 0.00 | 0 | Totals | 0.00 | 0 |
| | | | | | | | | | |
| | | | | | | | | | |
| | Totals | 0.00 | 0 | Totals | 0.00 | 0 | Totals | 0.00 | 0 |

Yes No If this application covers a horticultural tract used to grow Christmas trees, has a written management plan been prepared? If YES, attach a copy. If NO, attach a full explanation of your operation that contains at least the following: year each tract was planted, gross income from each tract, site management practices, number of trees per acre, and expected date of harvesting for each tract.

If this application covers an aquatic species farming operation, enter the total pounds produced for commercial sale annually for the last three years: Year 20 lbs, Year 20 lbs, Year 20 lbs

Part 3. Forestry

Attach a complete copy of your forest management plan. Indicate below who prepared the plan:

- N.C. Division of Forest Resources Consulting Forester Owner Other

Note: The property must be actively engaged in the commercial growing of trees under a sound management program as of January 1 of the year for which application is made.

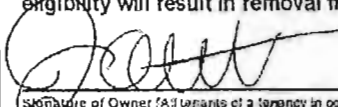
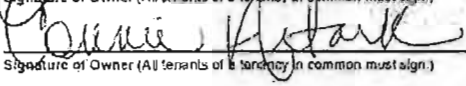
Key elements in a written plan for a sound forestland management program are listed below:

1. Management and Landowner Objectives Statement—Long range and short range objectives of owner(s) as appropriate.
2. Location—Include a map or aerial photograph that locates the property described and also delineates each stand referenced in the "Forest Stand(s) Description/Inventory and Stand Management Recommendations" (item 3 below).
3. Forest Stand(s) Description/Inventory and Stand Management Recommendations – Include a detailed description of various stands within the forestry unit. Each stand description should detail the acreage, species, age, size (tree diameter, basal area, heights), condition (quality and vigor), topography, soils and site index or productivity information. Stand-specific forest management practices needed to sustain productivity, health and vigor must be included with proposed timetable for implementation.
4. Regeneration-Harvest Methods and Dates—For each stand, establish a target timetable for harvest of crop trees, specifying the type of regeneration-harvest (clear cut, seed tree, shelter wood, or selection regeneration systems as applicable).
5. Regeneration Technique—Should include a sound proposed regeneration plan for each stand when harvest of final crop trees is done. Specify intent to naturally regenerate or plant trees.

NOTE: Forest management plans can and should be updated as forest conditions significantly change (e.g. change in product class mix as the stand ages and grows, storm damage, insect or disease attack, timber harvest, thinning, wildfire). The county will audit plans periodically and, to remain eligible for use-value treatment, the plan must be implemented.

Part 4. Affirmation

AFFIRMATION OF APPLICANT – I (we) the undersigned declare under penalties of law that this application and any attachments hereto have been examined by me (us) and to the best of my (our) knowledge and belief are true and correct. In addition, I (we) fully understand that an ineligible transfer of the property or failure to keep the property actively engaged in commercial production under a sound management program will result in the loss of eligibility. I (we) fully understand that loss of eligibility will result in removal from the program and the immediate billing of deferred taxes.

| | | |
|-----------------------------------------------------------------------------------|-------|----------|
|  | Owner | 1/7/2022 |
| Signature of Owner (All tenants of a tenancy in common must sign.) | Title | Date |
|  | Owner | 1/7/2022 |
| Signature of Owner (All tenants of a tenancy in common must sign.) | Title | Date |
| | | |
| Signature of Owner (All tenants of a tenancy in common must sign.) | Title | Date |

Part 5. Continued Use *(Complete only if the property is currently in Present-Use Value and you are applying for immediate eligibility under the Continued Use exception. See G.S. 105-277.3(b2)(1) for full details.)*

- I certify:
1. The property is currently in Present-Use Value.
 2. I intend to continue the current use of the land under which it currently qualifies.
 3. I understand I will be responsible for all deferred taxes due because of any disqualification.
 4. I ACCEPT FULL LIABILITY FOR ANY EXISTING DEFERRED TAXES.

Note: If the property is currently in Present-Use Value and liability is not accepted, the full amount of the deferred taxes will typically be due in the name of the grantor immediately. Liability need not be accepted and no deferred taxes are due for qualifying transfers pursuant to G.S. 105-277.3(b) and (b1). For example, liability does not need to be accepted for qualifying transfers to relatives. However, any deferred taxes existing at the time of transfer will remain a lien on the property. Owners already receiving Present-Use Value on properties not included in this application may wish to review the alternative provisions of G.S. 105-277.3(b2)(2).

| | | |
|--------------------------------------------------------------------|-------|------|
| | | |
| Signature of Owner (All tenants of a tenancy in common must sign.) | Title | Date |
| | | |
| Signature of Owner (All tenants of a tenancy in common must sign.) | Title | Date |
| | | |
| Signature of Owner (All tenants of a tenancy in common must sign.) | Title | Date |

FOR OFFICE USE ONLY: APPROVED DENIED BY: _____ REASON FOR DENIAL: _____



Preliminary

Preliminary

Preliminary

Preliminary

Preliminary

Robert A. Klinehart
D.B. 8154 Pg. 152
Parcel ID 5538-14-9057

Leslie Ann Dancy
D.B. 52010 Pg. 154
Parcel ID 5538-14-6613

Joseph H. Hart
D.B. 1086 Pg. 54
Parcel ID 5538-15-7223

Patty Hays Hines
D.B. 154 Pg. 88
Parcel ID 5648-05-2519

Wells
Area in proposed Dwelling
0.057 Acres ±

Total Area
11.546 Acres ±

| AREA SUMMARY | |
|----------------------|--------------|
| TOTAL AREA: | 11.545 ACRES |
| LESS ROADWAY: | 0.532 ACRES |
| LESS PROP. DWELLING: | 0.057 ACRES |
| AREA REMAINING: | 10.954 ACRES |

10.954 acres
Farm Use

Thomas L. Fryberger
D.B. 4875 Pg. 10
M.D. 11 Pg. 15
Parcel ID 5538-14-5220

Thomas L. Fryberger
D.B. 4875 Pg. 10
M.D. 11 Pg. 15
Parcel ID 5538-14-5220

| Lot | Area | Notes |
|------|-------|----------------|
| L1 | 0.057 | Prop. Dwelling |
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Property of
James N. Arstark & Connie G. Arstark
2075 Haver Street, Raleigh, NC 27614
11.546 Acres ± Parcel ID 5538-14-5220
Refer to Deed Book 1022 Page 76
Kudlow Eight Townships Callahan County, North Carolina

Plot Prepared By:
King Engineering of Concord, PLLC
26 Stuart Street, Suite 107
Concord, NC 28602
Phone: (703) 403-2526
Kudlow Account
401 Pickett Drive, Winston, NC 26605

November 4, 2021
Job Number: 202007
Scale: 1" = 100'



**SCHEDULE F
Form 1040)**

Profit or Loss From Farming

OMB No. 1545-0074

2018

Attachment
Sequence No. **14**

Department of the Treasury
Internal Revenue Service (99)

▶ Attach to Form 1040, Form 1040NR, Form 1041, or Form 1065.
▶ Go to www.irs.gov/ScheduleF for instructions and the latest information.

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------|
| Name of proprietor John R Britt | | Social security number (SSN) 342-23-4835 |
| A Principal crop or activity Hay | B Enter code from Part IV 111100 | C Accounting method: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual |
| E Did you "materially participate" in the operation of this business during 2018? If "No," see instructions for limit on passive losses | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| F Did you make any payments in 2018 that would require you to file Form(s) 1099 (see instructions)? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| G If "Yes," did you or will you file required Forms 1099? | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Part I Farm Income—Cash Method. Complete Parts I and II (Accrual method. Complete Parts II and III, and Part I, line 9.)

| | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------------------------|-------------------|----|
| 1a Sales of livestock and other resale items (see instructions) | 1a | | | |
| b Cost or other basis of livestock or other items reported on line 1a | 1b | | | |
| c Subtract line 1b from line 1a | | | 1c | |
| 2 Sales of livestock, produce, grains, and other products you raised | | | 2 | |
| 3a Cooperative distributions (Form(s) 1099-PATR) | 3a | | 3b Taxable amount | 3b |
| 4a Agricultural program payments (see instructions) | 4a | | 4b Taxable amount | 4b |
| 5a Commodity Credit Corporation (CCC) loans reported under election | | | 5a | |
| b CCC loans forfeited | 5b | | 5c Taxable amount | 5c |
| 6 Crop insurance proceeds and federal crop disaster payments (see instructions) | | | | |
| a Amount received in 2018 | 6a | | 6b Taxable amount | 6b |
| c If election to defer to 2019 is attached, check here <input type="checkbox"/> | | 6d Amount deferred from 2017 | 6d | |
| 7 Custom hire (machine work) income | | | 7 | |
| 8 Other income, including federal and state gasoline or fuel tax credit or refund (see instructions) | | | 8 | |
| 9 Gross income. Add amounts in the right column (lines 1c, 2, 3b, 4b, 5a, 5c, 6b, 6d, 7, and 8). If you use the accrual method, enter the amount from Part III, line 50. See instructions | | | 9 | |

Part II Farm Expenses—Cash and Accrual Method. Do not include personal or living expenses. See instructions.

| | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------|---------------------------------------|-----|
| 10 Car and truck expenses (see instructions). Also attach Form 4562 | 10 | | 23 Pension and profit-sharing plans | 23 |
| 11 Chemicals | 11 | | 24 Rent or lease (see instructions): | |
| 12 Conservation expenses (see instructions) | 12 | | a Vehicles, machinery, equipment | 24a |
| 13 Custom hire (machine work) | 13 | | b Other (land, animals, etc.) | 24b |
| 14 Depreciation and section 179 expense (see instructions) | 14 | | 25 Repairs and maintenance | 25 |
| 15 Employee benefit programs other than on line 23 | 15 | | 26 Seeds and plants | 26 |
| 16 Feed | 16 | | 27 Storage and warehousing | 27 |
| 17 Fertilizers and lime | 17 | | 28 Supplies | 28 |
| 18 Freight and trucking | 18 | | 29 Taxes | 29 |
| 19 Gasoline, fuel, and oil | 19 | | 30 Utilities | 30 |
| 20 Insurance (other than health) | 20 | | 31 Veterinary, breeding, and medicine | 31 |
| 21 Interest (see instructions) | | | 32 Other expenses (specify): | |
| a Mortgage (paid to banks, etc.) | 21a | | a See Attached Statement | 32a |
| b Other | 21b | | b | 32b |
| 22 Labor hired (less employment credits) | 22 | | c | 32c |
| | | | d | 32d |
| | | | e | 32e |
| | | | f | 32f |
| 33 Total expenses. Add lines 10 through 32f. If line 32f is negative, see instructions | | | | 33 |
| 34 Net farm profit or (loss). Subtract line 33 from line 9. If a profit, stop here and see instructions for where to report. If a loss, complete lines 35 and 36. | | | | 34 |
| 35 Reserved for future use. | | | | |
| 36 Check the box that describes your investment in this activity and see instructions for where to report your loss. | | | | |
| a <input checked="" type="checkbox"/> All investment is at risk. | | b <input type="checkbox"/> Some investment is not at risk. | | |

For Paperwork Reduction Act Notice, see the separate instructions.

Schedule F (Form 1040) 2018

Exhibit 17

SCHEDULE F

Form 1040 or 1040-SR)

Profit or Loss From Farming

OMB No. 1545-0074

2019

Attachment Sequence No. 14

Department of the Treasury Internal Revenue Service (99)

Attach to Form 1040, Form 1040-SR, Form 1040-NR, Form 1041, or Form 1065. Go to www.irs.gov/ScheduleF for instructions and the latest information.

Name of proprietor: John R Britt; Social security number (SSN): 242-23-8857; Principal crop or activity: Hay; Enter code from Part IV: 111100; Accounting method: [X] Cash [] Accrual; Employer ID number (EIN):

E Did you "materially participate" in the operation of this business during 2019? [X] Yes [] No; F Did you make any payments in 2019 that would require you to file Form(s) 1099? [] Yes [X] No; G If "Yes," did you or will you file required Form(s) 1099? [] Yes [] No

Part I Farm Income—Cash Method. Complete Parts I and II (Accrual method. Complete Parts II and III, and Part I, line 9.)

Table with 4 columns: Line number, Description, Sub-column (1a, 1b, 3a, 3b, etc.), and Amount. Includes rows for Sales of livestock, Cooperative distributions, Agricultural program payments, CCC loans, Crop insurance proceeds, Custom hire, and Other income.

Part II Farm Expenses—Cash and Accrual Method. Do not include personal or living expenses. See instructions.

Table with 4 columns: Line number, Description, Sub-column (a, b, c, d, e, f), and Amount. Includes rows for Car and truck expenses, Chemicals, Conservation expenses, Depreciation, Employee benefit programs, Feed, Fertilizers, Freight, Gasoline, Insurance, Interest, Labor hired, Pension, Rent, Vehicles, Repairs, Seeds, Storage, Supplies, Taxes, Utilities, Veterinary, and Other expenses.

For Paperwork Reduction Act Notice, see the separate instructions.

Schedule F (Form 1040 or 1040-SR) 2019

HTA

Exhibit 16

Qualifications for the Approval of June 1, 2021

SCHEDULE F

Form 1040

Profit or Loss From Farming

OMB No. 1545-0074

2020

Attachment Sequence No. 14

Department of the Treasury Internal Revenue Service (99)

Attach to Form 1040, Form 1040-SR, Form 1040-NR, Form 1041, or Form 1065. Go to www.irs.gov/ScheduleF for instructions and the latest information.

Name of proprietor: John R Britt; Social security number (SSN): 720-82-4825

A Principal crop or activity: Hay; B Enter code from Part IV: 111100; C Accounting method: [X] Cash [] Accrual; D Employer ID number (EIN) (see instr.):

E Did you "materially participate" in the operation of this business during 2020? [X] Yes [] No; F Did you make any payments in 2020 that would require you to file Form(s) 1099? [] Yes [X] No; G If "Yes," did you or will you file required Form(s) 1099? [] Yes [] No

Part I Farm Income—Cash Method. Complete Parts I and II (Accrual method. Complete Parts II and III, and Part I, line 9).

Table with 9 rows and 4 columns: Description, Sub-description, Taxable amount, and Total. Includes lines 1a-9d for sales, cooperative distributions, CCC loans, crop insurance, and custom hire.

Part II Farm Expenses—Cash and Accrual Method. Do not include personal or living expenses. See instructions.

Table with 36 rows and 4 columns: Description, Sub-description, Taxable amount, and Total. Includes lines 10-36 for car/truck, chemicals, depreciation, labor, and other expenses.

For Paperwork Reduction Act Notice, see the separate instructions.

Schedule F (Form 1040) 2020

Exhibit 15





