



TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: February 20, 2025 (for the February 26-27, 2025 CRC Meeting)

RE: **Variance Request by Betty Earnest (CRC-VR-25-01)**

Petitioner Betty Earnest owns property at 1180 New River Inlet Road in North Topsail Beach, Onslow County. Petitioner proposes to develop the Site with a 2,600 TFA house which does not meet the applicable 90' oceanfront erosion setback measured from the more-restrictive vegetation line. The site plan submitted with the minor permit application was not designed to meet the "grandfather" exception at 7H .0309(b). On September 24, 2024, DCM denied Petitioner's CAMA Minor Permit application as the proposed design did not meet the applicable 90' setback measured from the vegetation line as required by 7H.0306. In anticipation of this variance request, Petitioner submitted a revised site plan which pulled the proposed 2,600 TFA structure landward, but which does not meet the 90' setback or the 60' minimum setback. Petitioner now seeks a variance to waive the 90' oceanfront setback and 60' minimum setback in order to develop her revised site plan design.

The following additional information is attached to this memorandum:

Attachment A: Relevant Rules
Attachment B: Stipulated Facts
Attachment C: Petitioner's Positions and Staff's Responses to Variance Criteria
Attachment D: Petitioner's Variance Request Materials
Attachment E: Stipulated Exhibits including powerpoint

cc(w/enc.): I Clark Wright, Jr., Esq., Petitioner's Attorney, electronically
Samantha Hamilton, Esq. Petitioner's Attorney, electronically
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically
Deb Hill, NTB Planning Director, electronically



ATTACHMENT A**RELEVANT RULES****SECTION .0300 - OCEAN HAZARD AREAS****15A NCAC 07H .0301 OCEAN HAZARD CATEGORIES**

The Ocean Hazard categories of AECs encompass the natural hazard areas along the Atlantic Ocean shoreline where, because of their vulnerability to erosion or other adverse effects of sand, wind, and water, uncontrolled or incompatible development could endanger life or property. Ocean hazard areas include beaches, frontal dunes, inlet lands, and other areas in which geologic, vegetative and soil conditions may subject the area to erosion or flood damage.

15A NCAC 07H .0302 SIGNIFICANCE OF THE OCEAN HAZARD CATEGORY

(a) Hazards associated with ocean shorelines are due to the constant forces exerted by waves, winds, and currents upon the unstable sands that form the shore. During storms, these forces are intensified and can cause changes in the bordering landforms and to structures located on them. Ocean hazard area property is in the ownership of a large number of private individuals as well as several public agencies and is used by a vast number of visitors to the coast. Ocean hazard areas are critical due to both the severity of the hazards and the intensity of interest in these areas.

(b) The location and form of the various hazard area landforms, in particular the beaches, dunes, and inlets, are in a permanent state of flux, responding to meteorologically induced changes in the wave climate. For this reason, the siting of development on and near these landforms shall be subject to the provisions in this Section in order to avoid their loss or damage. The flexible nature of these landforms presents hazards to development situated immediately on them and offers protection to the land, water, and structures located landward of them. The value of each landform lies in the particular role it plays in affording protection to life and property. Development shall not diminish the energy dissipation and sand storage capacities of the landforms essential to the maintenance of the landforms' protective function.

15A NCAC 07H .0303 MANAGEMENT OBJECTIVE OF OCEAN HAZARD AREAS

(a) The CRC recognizes that absolute safety from the destructive forces of the Atlantic Ocean shoreline is an impossibility for development located adjacent to the coast. The loss of life and property to these forces, however, can be greatly reduced by the proper location and design of structures and by care taken in prevention of damage to natural protective features particularly primary and frontal dunes. Therefore, it is the CRC's objective that development in ocean hazard areas shall be sited to minimize danger to life and property and achieve a balance between the financial, safety, and social factors that are involved in hazard area development.

(b) The rules set forth in this Section shall further the goals set out in G.S. 113A-102(b), to minimize losses to life and property resulting from storms and long-term erosion, prevent encroachment of permanent structures on public beach areas, preserve the natural ecological conditions of the barrier dune and beach systems, and reduce the public costs of development within ocean hazard areas, and protect common-law and statutory public rights of access to and use of the lands and waters of the coastal area.

15A NCAC 07H .0306 GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS

(a) In order to protect life and property, all development not otherwise specifically exempted or allowed by law or elsewhere in the Coastal Resources Commission's rules shall be located according to whichever of the following is applicable:

(1) The ocean hazard setback for development shall be measured in a landward direction from the vegetation line, the pre-project vegetation line, or the measurement line, whichever is applicable.

(2) The ocean hazard setback shall be determined by both the size of development and the shoreline long term erosion rate as defined in Rule .0304 of this Section. "Development size" is defined by total floor area for structures and buildings or total area of footprint for development other than structures and buildings. Total floor area includes the following:

(A) The total square footage of heated or air-conditioned living space;

(B) The total square footage of parking elevated above ground level; and

(C) The total square footage of non-heated or non-air-conditioned areas elevated above ground level, excluding attic space that is not designed to be load-bearing.

Decks, roof-covered porches, and walkways shall not be included in the total floor area unless they are enclosed with material other than screen mesh or are being converted into an enclosed space with material other than screen mesh.

(3) With the exception of those types of development defined in 15A NCAC 07H .0309(a), no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback. This includes roof overhangs and elevated structural components that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The ocean hazard setback shall be established based on the following criteria:

(A) A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;

(5) If no primary dune exists, but a frontal dune does exist in the AEC on or landward of the lot where the development is proposed, the development shall be set landward of the frontal dune or ocean hazard setback, whichever is farthest from the vegetation line, pre-project vegetation line, or measurement line, whichever is applicable.

(6) Structural additions or increases in the footprint or total floor area of a building or structure represent expansions to the total floor area and shall meet the setback requirements established in this Rule and 15A NCAC 07H .0309(a). New development landward of the applicable setback may be cosmetically but not be structurally attached to an existing structure that does not conform with current setback requirements.

(7) Established common law and statutory public rights of access to and use of public trust lands and waters in ocean hazard areas shall not be eliminated or restricted, nor shall such development increase the risk of damage to public trust areas. Development shall not encroach upon public accessways, nor shall it limit the intended use of the accessways.

(8) Development setbacks in areas that have received large-scale beach fill as defined in 15A NCAC 07H .0305 shall be measured landward from the pre-project vegetation line as defined in this Section, unless an unexpired static line exception or Beach Management Plan approved by the Commission has been approved for the local jurisdiction by the Coastal Resources Commission in accordance with 15A NCAC 07J .1200.

(9) A local government, group of local governments involved in a regional beach fill project, or qualified "owners' association" as defined in G.S. 47F-1-103(3) that has the authority to approve the locations of structures on lots within the territorial jurisdiction of the association and has jurisdiction over at least one mile of ocean shoreline, may petition the Coastal Resources Commission for approval of a "Beach Management Plan" in accordance with 15A NCAC 07J .1200. If the request for a Beach Management Plan is approved, the Coastal Resources Commission shall allow development setbacks to be measured from a vegetation line that is oceanward of the pre-project vegetation line under the following conditions:

(A) Development meets all setback requirements from the vegetation line defined in

Subparagraphs (a)(1) and (a)(3) of this Rule;

(B) Development setbacks shall be calculated from the shoreline erosion rate in place at the time of permit issuance;

(C) No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward-most adjacent habitable building or structure. The alignment shall be measured from the most oceanward point of the adjacent building or structure's roof line, including roofed decks, if applicable. An "adjacent" property is one that shares a boundary line with the site of the proposed development. When no adjacent buildings or structures exist, or the configuration of a lot, street, or shoreline precludes the placement of a building or structure in line with the landward-most adjacent building or structure, an average line of construction shall be determined by the Director of the Division of Coastal Management based on an approximation of the average seaward-most positions of the rooflines of adjacent structures along the same shoreline, extending 500 feet in either direction. If no structures exist within this distance, the proposed structure must meet the applicable setback from the Vegetation Line and will not be held to the landward-most adjacent structure or an average line of structures.

(D) With the exception of swimming pools, the exceptions defined in Rule .0309(a) of this Section shall be allowed oceanward of the pre-project vegetation line.

(b) Development shall not cause irreversible damage to historic architectural or archaeological resources as documented by the local historic commission, the North Carolina Department of Natural and Cultural Resources, or the National Historical Registry.

(c) Mobile homes shall not be placed within the high hazard flood area unless they are within mobile home parks existing as of June 1, 1979.

(d) Development proposals shall incorporate measures to avoid or minimize adverse impacts of the project. These measures shall be implemented at the applicant's expense and may include actions that:

(1) minimize or avoid adverse impacts by limiting the magnitude or degree of the action;

(2) restore the affected environment; or

(3) compensate for the adverse impacts by replacing or providing substitute resources.

(e) Prior to the issuance of any permit for development in the ocean hazard AECs, there shall be a written acknowledgment from the applicant to the Division of Coastal Management that the applicant is aware of the risks associated with development in this hazardous area and the limited suitability of this area for permanent structures. The acknowledgement shall state that the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development.

(f) The relocation or elevation of structures shall require permit approval.

(1) Structures relocated landward with public funds shall comply with the applicable ocean hazard setbacks and other applicable AEC rules.

(2) Structures relocated landward entirely with non-public funds that do not meet current applicable ocean hazard setbacks may be relocated the maximum feasible distance landward of its present location. Septic tanks shall not be relocated oceanward of the primary structure.

(3) Existing structures shall not be elevated if any portion of the structure is located seaward of the vegetation line.

(g) Permits shall include the condition that any structure shall be relocated or dismantled when it becomes imminently threatened by changes in shoreline configuration as defined in 15A NCAC 07H .0308(a)(2)(B). Any such structure shall be relocated or dismantled within eight years of the time when it becomes imminently threatened, and in any case upon its collapse or subsidence. However, if natural shoreline recovery or beach fill takes place within eight years of the time the structure becomes imminently threatened, so that the structure is no longer imminently threatened, then it need not be relocated or dismantled. This permit condition shall not affect the permit holder's right to seek authorization of temporary protective measures allowed pursuant to 15A NCAC 07H .0308(a)(2).

**15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS:
EXCEPTIONS**

(a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) campsites;
- (2) driveways and parking areas with clay, packed sand, or gravel;
- (3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a footprint of 500 square feet may be replaced with no enlargement beyond their original dimensions;
- (4) beach accessways consistent with Rule .0308(c) of this Section;
- (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- (6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less;
- (7) temporary amusement stands consistent with Section .1900 of this Subchapter;
- (8) sand fences;
- (9) swimming pools; and
- (10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be placed.

In all cases, this development shall be permitted only if it is landward of the vegetation line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; is not essential to the continued existence or use of an associated principal development; and meets all other non-setback requirements of this Subchapter.

(b) Where application of the oceanfront setback requirements of Rule .0306(a) of this Section would preclude placement of a structure on a lot existing as of June 1, 1979, the structure shall be permitted seaward of the applicable setback line in Ocean Erodible Areas, State Ports Inlet Management Areas, and Inlet Hazard Areas, but not Unvegetated Beach Areas if each of the following conditions are met:

- (1) The development is set back from the ocean the maximum feasible distance possible on the existing lot and the development is designed to minimize encroachment into the setback area;**
- (2) The development is at least 60 feet landward of the vegetation line, measurement line, or pre-project vegetation line, whichever is applicable;**
- (3) The development is not located on or oceanward of a frontal dune, but is entirely behind the landward toe of the frontal dune;**

(4) The development incorporates each of the following design standards, which are in addition to those required by Rule .0308(d) of this Section;

(A) All pilings shall have a tip penetration that extends to at least four feet below mean sea level;

(B) The footprint of the structure shall be no more than 1,000 square feet, and the total floor area of the structure shall be no more than 2,000 square feet. For the purpose of this Section, roof-covered decks and porches that are structurally attached shall be included in the calculation of footprint;

(C) Driveways and parking areas shall be constructed of clay, packed sand or gravel except in those cases where the development does not abut the ocean and is located landward of a paved public street or highway currently in use. In those cases, other material may be used; and

(D) No portion of a building's total floor area, including elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, may extend oceanward of the total floor area of the landward-most habitable building or structure. The alignment shall be measured from the most oceanward point of the adjacent building or structure's roof line, including roofed decks. An "adjacent" property is one that shares a boundary line with the site of the proposed development. When no adjacent building or structure exists, or the geometry or orientation of a lot or shoreline precludes the placement of a building in line with the landward most adjacent structure of similar use, an average line of construction shall be determined by the Director of the Division of Coastal Management based on an approximation of the average seaward-most positions of the rooflines of adjacent structures along the same shoreline, extending 500 feet in either direction. If no structures exist within this distance, the proposed structure shall meet the applicable setback from the Vegetation Line but shall not be held to the landward-most adjacent structure or an average line of structures. The ocean hazard setback shall extend landward of the vegetation line, static vegetation line or measurement line, whichever is applicable, a distance no less than 60 feet.

(5) All other provisions of this Subchapter and other state and local regulations are met. If the development is to be serviced by an on-site waste disposal system, a copy of a valid permit for such a system shall be submitted as part of the CAMA permit application.

1. The Petitioner is Betty C. Earnest (“Petitioner”). She is represented by Samantha Hamilton and I. Clark Wright, Jr. of Davis Hartman Wright LLP. DCM is represented by DEQ Assistant General Counsel, Christine Goebel.
2. Petitioner owns the property at 1180 New River Inlet Road in North Topsail Beach, Onslow County (the “Site”). Petitioner has owned the Site since December 14, 2018, according to a deed recorded at Book 4874, Page 110 of the Onslow County Registry, a copy of which is attached as a stipulated exhibit.
3. The Site is also known as Lot 24, of Section I, Ocean Wynds as shown on a plat recorded on July 29, 1993 and recorded in Map Book 29, Page 223, Slide G-171 of the Onslow County Registry, a copy of which is attached as a stipulated exhibit. The Site was platted after June 11, 1979 (when the Commission’s oceanfront setback rules first took effect). The Site is 0.59 platted acres in area. The plat map depicts the southern boundary as the mean high water line of the ocean, and so this lot is riparian.
4. The Lot is bordered by the Atlantic Ocean to the south, 1174 New River Inlet Road (owned by EDHV, LLC-Michael Burgner Registered Agent) to the west, New River Inlet Road the north, and 1184 New River Inlet Road to the south (owned by Riegle/Griffith).
5. The Site is subject to a 20’ wide private drive easement at the landward most portion of the Site, as provided by an easement recorded as part of the Restrictive Covenants recorded at Book 1130, Page 255 of the Onslow County Registry, a copy of which is attached as a stipulated exhibit. It provides that the landward-most 20’ of Petitioner’s lot cannot be developed as they are subject to this driveway easement for access and use by Petitioner’s neighbors. The Site is also subject to a 10’ wide DOT easement recorded in Book 939, Page 105 and in Book 1082, Page 78 and is also shown on Map Book 26, Page 147, each of which are attached as stipulated exhibits. In sum, the 30’ of Petitioner’s lot most landward are encumbered by these two easements.
6. Nine Google Earth and Division of Coastal Management (“DCM”) aerial photographs depicting the Site, ranging in date from March 23, 2003, to May 21, 2024, are combined and attached as a stipulated exhibit. A review of these aerial photographs and Onslow County tax records confirm that a beach house was on the Site in 2002 and remained there until at least December 14, 2018, the date on which Petitioner purchased it. The beach home that then existed on the Site contained approximately 2,600 square feet of heated/cooled area contained within two living space stories, resting on pilings. A copy of an excerpt of a 2018 appraisal of Petitioner’s property at the time of purchase is attached as a stipulated exhibit.
7. The Site and surrounding area are shown on the attached PowerPoint which has both ground level and aerial (current and past) photos.
8. In July of 2019, two duplex units located at 1174 and 1176 New River Inlet Road burned down. Compare the March 11, 2019 and September 14, 2019 aerial photographs, attached as stipulated exhibit.

9. While Petitioner's home survived the fire, it sustained extensive damage on the side adjacent to the burned structures, including melted siding, cracked windows and doors, roof damage, interior water damage, and a partially burned deck and beach access. Photographs of the damage sustained by Petitioner's house are attached as stipulated exhibits. Restoration work was done between the 2019 adjacent fire and 2022. Petitioner then renovated her kitchen in 2023.
10. On March 24, 2024, Petitioner's own house burned down as seen by comparing photographs attached as stipulated exhibits. Petitioner's insurance provider USAA investigated the fire and as seen in a letter attached as a stipulated exhibit, determined Petitioner not to be at fault.
11. Currently, the Site is developed with a beach accessway, a gazebo and the driveway.
12. The Lot is located within the Ocean Erodible Area of Environmental Concern ("AEC"). N.C.G.S. 113A-118 requires a CAMA permit to authorize any development on the Site.
13. At the Site, the currently applicable (and adopted in 2020) long term average erosion rate is 3' per year. Per 7H.0306(a)(3)(A), a building less than 5,000 square feet requires a minimum setback of $30 \times \text{the erosion rate} = 90'$ at the Site. Attached as a stipulated exhibit is an image from the DCM map viewer showing the Site and the nearby erosion rates, the pre-project vegetation line (fka Static Line), historic shorelines and the erosion rate at the nearest transects to the site (-2.69 to the north and -2.9 to the south).
14. While most of North Topsail Beach has an average annual erosion rate of 2' per year, this 0.74 mile stretch between 1020 New River Inlet Road and 1511 New River Inlet Road has an average annual erosion rate of 3' per year.
15. The Site is subject to a PPVL (f.k.a. static vegetation line) based on the location of the vegetation line in 2012 before the Town's large-scale nourishment in the area of the Site. The Town has not been approved by the Commission for a static line exception or for a beach plan and so the Commission's rules direct that the setback is measured landward from the PPVL or the Vegetation Line, whichever is more restrictive.
16. The location of the PPVL is shown on the Site plans (not a sealed survey) stamped as received by DCM on July 8, 2024 by Charles Riggs, P.L.S., a copy of which is attached as a stipulated exhibit. The PPVL is located where the beach access walkway stairs meet the boardwalk. The vegetation line surveyed on May 7, 2024 is landward of and is more restrictive than the PPVL. While the site plan shows 90' setbacks from both the PPVL and the vegetation line, the applicable setback is the 90' setback from the vegetation line labeled as "CAMA 90' Small Structure Setback Line" on the site plan and is just landward of the proposed house footprint.
17. The Town of North Topsail Beach does not have an approved Static Line Exception or a Beach Management Plan approved by the Commission.
18. On or about July 8, 2024, DCM Field Representative Jonathan Lucas (NTB does not have an LPO program) received a CAMA minor permit application from Petitioner, through her

authorized agent Charles Riggs, a copy of which is attached as a stipulated exhibit. In the corrected plat received on September 23, 2024, Petitioner proposed a footprint of 40.6' by 32' (SF), a 10' by 40.6' covered deck with a proposed TFA of 2837 SF for the three-story (two story with a cupola), four-bedroom, piling-supported home. Petitioner would keep the existing gravel driveway and beach accessway. A copy of the site plans is attached. This footprint is slightly wider on the sides due to the house design chosen but does not extend further oceanward or landward than the prior footprint and meets the town's side setbacks. The cupola adds 284 SF but is within the prior footprint.

19. As part of the CAMA Minor permitting process, the Petitioner sent notice of the project to the two adjacent riparian owners. Tracking information attached indicates that Riegle/Griffith received delivery of the notice letter on July 9, 2024. A copy of the completed notice for Griffith/Riegle is attached.
20. Notice to the other adjacent riparian owner on the CAMA permit application, was to Russell Wenrich of Concord, NC, who is a Manager of EDHV, LLC according to the 2024 filing with the Secretary of State, a copy of which is attached. The tracking receipt, a copy of which is attached, indicates delivery to on July 8, 2024.
21. DCM did not receive any objections to the proposed project.
22. On September 24, 2024, DCM denied the CAMA Minor Permit as inconsistent with 15A NCAC 7H .0306(a)(3)(A) where the proposed development did not meet the applicable 90' setback from the more-restrictive vegetation line. Petitioner did not file a timely contested case petition to challenge this denial.
23. Petitioner stipulates that the permit application was properly denied based on 15A NCAC 7H .0306(a)(5) where it does not meet the applicable setback (90' from the PPVL) and does not meet any of the exceptions in 7H.0309(a) (platted after 1979).
24. Petitioner also stipulates that it did not seek relief from local setbacks as required by the Commission's rule at 15A NCAC 7J.0701 before seeking this variance from the Commission. Petitioner seeks a variance from this procedural rule. Petitioner asserts that this is due to the 30' encumbered by the DOT and driveway easements making the 20' town rear setback moot.
25. As part of the variance process, Petitioner's counsel sent notice letters on December 21, 2024 to the adjacent riparian owners as required by 15A NCAC 7J.0701. Tracking information attached shows these letters were received by Riegle-Griffith on December 23, 2024 and by Mr. Wenrich for EDHV, LLC on December 23, 2024. DCM received an email in support of the project from Riegle-Griffith, a copy of which is attached. Petitioner also received letters of support from her neighbors Ferko (1172 New River Inlet Rd) and Ballard (1226 New River Inlet Road), copies of which are attached.
26. 15A NCAC 7H .0309(b) in effect today has a "grandfather" provision for lots platted before June 1, 1979, which is the date the Commission's oceanfront setback rules first became effective. This allows lots platted before them to meet a 60' setback is the application of the setback rules would "preclude placement of a structure on a lot existing as of June 1,

1979” if four conditions are met including a minimum 60’ setback from applicable line, pulled landward the “maximum feasible distance”, landward of a frontal dune a footprint of no more than 1,000 SF/max TFA of 2,000 SF.

27. During the spring and summer of 2023, DCM Staff were working with the Commission to revise 7H.0305, 7H.0306 and 7H.0309 to, among other things, remove the 1979 date and 1000 SF Footprint for the 60’ “grandfather” exception but retain the 2,000 SF TFA limit. A copy of the April 12, 2023 memo from DCM to the Commission and the April 26, 2023 CRC Minutes are attached as a stipulated exhibit showing that the Commission sent the rules to public hearing.
28. On June 15, 2023, the Commission conditionally approved the fiscal review for the amended version of 7H.0309 pending OBMB approval of the fiscal note. A copy of the June 2023 CRC meeting minutes is attached as a stipulated exhibit. The amendments to these rules have not appeared on the Commission’s agendas since the June 2023 meeting and have not been finally approved by the Commission to date and sent to the RRC for approval.
29. Without a variance, there is an area located waterward of the easement and behind the 90’ setback from the vegetation line which is shown on the site plan and is approximately 20’ deep. Petitioner could also develop the lot with those structures listed in 7H.0309.
30. In effort to minimize the variance needed and to minimize the square footage located within the CAMA 90’ Small Structure Setback, Petitioner directed her agent, Charles Riggs, to redraw the plot plan with the proposed development as far landward as possible, given the 30’ easement. This modification also eliminates the proposed front stairway to allow the house to be located farther landward. A copy of the redrawn plan, along with a statement from Mr. Riggs affirming that the house is as landward as possible, are attached as a stipulated exhibit.
31. In addition to the variance from the Commission’s local variance requirement noted above, Petitioner is seeking a variance from the Commission from the Commission’s rule at 15A NCAC 7H.0306(a)(5) (setting forth the setback) in order to develop the lot as described in the fact above and the associated redrawn plan attached which is more landward than her 2024 application materials.

Stipulated Exhibits

1. Petitioner's Deed 4874-110
2. Plat Map 29- 223, Slide G-171
3. Subdivision Restrictive Covenants 1130-255
4. DOT Easement 939-105 and 1082-78 and Map 25-147
5. Nine Aerial Photos:
 - Aerial photo 1 - March 23, 2003
 - Aerial photo 2 - February 28, 2006
 - Aerial photo 3 - April 26, 2014
 - Aerial photo 4 - February 09, 2017
 - Aerial photo 5 - March 11, 2019
 - Aerial photo 6 - September 14, 2019
 - Aerial photo 7 - January 13, 2021
 - Aerial photo 8 - June 06, 2022
 - Aerial photo 9 - May 21, 2024
6. 2018 Appraisal of Petitioner's House
7. Photographs of Petitioner's house after 2019 fire at neighbor's house
8. Photograph of 1174 New River Inlet Road reconstructed house
9. Photographs of Petitioner's home before and after the 2024 fire, including after debris was removed from the site
10. Letter from Petitioner's insurance provider, USAA, stating Petitioner was not at fault for the fire
11. DCM Map Viewer showing erosion rates, erosion factors, historic shorelines
12. CAMA Minor Permit Application including Site Plan
13. Notice to Adjacent Riparian Owners of CAMA Minor Permit Application
14. September 24, 2024 CAMA Denial Letter
15. Petitioner's Stipulation of Noncompliance
16. Notice of Variance Petition to adjacent neighbors with tracking and letters of support of Petitioner's variance request
17. April 12, 2023 DCM Memo to CRC re: draft amendments to "grandfather" rules, April 26, 2023 CRC Minutes and June 2023 CRC minutes
18. Statement from Charles F. Riggs, PLS, with copy of Revised Plot Plan

PETITIONER'S and STAFF'S POSITIONS**ATTACHMENT C**

As an initial matter, Petitioners seek a variance from the Commission's procedural requirement for variances at 15A NCAC 7J .0701, which requires that a Petitioner must first "seek relief from local requirements restricting use of the property." As stated in the Facts below, Petitioner does not wish to seek a variance from the Town's rear lot setback, as there is a 20' wide road easement along the rear of the lot limiting how far landward a house could be placed on the Site. Staff recommend that Petitioners not be required to first seek a local variance in this circumstance.

I. Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? If so, the petitioner must identify the hardships.

Petitioners' Position: Yes.

Petitioner respectfully contends that the answer is "Yes." Her previously destroyed home and the immediately adjacent destroyed duplexes, coupled with changes in the ocean setback rules applicable in the Town of North Topsail Beach since those now-destroyed structures initially were built constitute a unique set of real property and regulatory circumstances sufficient to support a finding of unnecessary hardship. One thing is for certain – all of the mind-boggling set of "bad luck" circumstances that have beset Petitioner and her property are not in any way her fault or caused by her actions. Quite the opposite. Petitioner here seeks to rebuild the beach home that she bought in December 2018 which has been beset by myriad problems preventing Petitioner and her family from using and enjoying this property – essentially ever since her decision to purchase. Starting just seven months later, the immediately adjacent two duplexes burned to the ground, seriously damaging Petitioner's property in the process. Massive quantities of water were used to extinguish the fire and save Petitioner's home from burning down. Damage from the fire melted siding on the side of Petitioner's beach home and the high volume of water used to save her home caused extensive water damage. For reasons beyond Petitioner's control, especially as a now 90-year-old single woman, contractors took three years to complete repairs to Petitioner's beach home. Many of these repairs had to be redone to meet even basic standards of care, leading to a continuing series of uniquely unfortunate delays. During significant portions of this time, Petitioner was not able to fully use or enjoy her property. Then, only a few months later, and through no fault of her own, in March of 2024 Petitioner's home burned to the ground. The combination of these facts, all uniquely tied to these parcels of real property uniquely tied to each other through this most horrible set of unique circumstances, provide an ample basis for finding that Petitioner has faced a (hopefully) once-in-a-lifetime set of unique and most assuredly unnecessary hardships. Petitioner has taken action to minimize her intrusions into the relevant setbacks – even meeting the 90-foot pre-project line setback that potentially would govern here if the Town of North Topsail Beach had an appropriate beach renourishment plan – and seeking to uniquely reuse portions of the still existing back deck and beach access walkway, thereby making her situation even more unique and further confirming her good faith intentions and desires to minimize any possible adverse impacts.

Staff's Position: No.

The Commission's rules regarding the Ocean Hazard AEC acknowledge that shoreline erosion is part of the oceanfront system, and the intent of the rules is "minimizing losses to life and property resulting from storms and long-term erosion, preventing encroachment of permanent structures on public beach areas, preserving the natural ecological conditions of the barrier dune and beach systems, and reducing the public costs of inappropriately sited development" (15A NCAC 07H .0303(b)). Staff contend that the rules, standards and orders of the Commission do not result in an unnecessary hardship where Petitioner can build without a variance in an 871 SF building envelope, and at two stories and a copula, she could design a house at 2,000 SF TFA which lines up with the 2,000 SF size benchmark already used in the existing exception at 7H .0309(b) (while Petitioner's lot does not meet this existing exception because it was platted after 1979, Petitioner could have proposed such a house design and seek a variance solely from the "platted by" date rule).. To reduce the size of a house in an area subject to erosion is not an unnecessary hardship, even pulled back, on a beach which has received one large-scale project in a Town that lacks a static line exception, a beach plan, or a federally approved nourishment project. Conversely, to propose a house in the same footprint of the originally permitted house is a hardship caused by the Petitioner.

Though Petitioner has proposed to pull the house landward 35' in anticipation of seeking this variance and after the permit denial, she cannot meet the 90' setback where the 90' setback line would bisect the "pulled back" house location.

For all these reasons, Staff contends that allowing Petitioner to build a new structure waterward of both the 90' setback (either the designed reviewed/denied during permitting or the "pulled back" location) and the same 2,600 SF size of her prior home would constitute inappropriately sited development.

II. Do such hardships result from conditions peculiar to the petitioner's property, such as location, size, or topography of the property? Explain.**Petitioners' Position: Yes.**

Petitioner respectfully answers "Yes." See all statements contained in #1 above. Petitioner's property is located on a portion of North Topsail Beach whose erosion rate is higher than that of many surrounding sections of shoreline. Moreover, according to information provided by DCM, the measured erosion rate over the past 20+ years has slightly decreased. While still well above 2 feet per year, this slight decline provides some additional, unique factual background. As noted above, the real property purchased by Petitioner in December of 2018 has been uniquely impacted by a series of unnecessary hardships. It is worth noting that Petitioner's commitment in her variance request to move the footprint of her rebuilt home some 35 feet landward takes her entire footprint outside of the 90-foot setback as computed from the pre (beach nourishment) project line. And the location of Petitioner's property relative to the immediately adjacent parcel where the two long existing duplexes burned to the ground, uniquely damaging Petitioner's property (likely planting the seeds that later would blossom into an electrical fire totally destroying Petitioner's

home) further constitutes a peculiar set of conditions justifying a finding in Petitioner's favor on this factor.

Additionally, the unique and peculiar circumstances of a recorded driveway access easement serving only four homes has tied Petitioner's hands in terms of seeking to further reduce or eliminate her oceanfront setback nonconformance. As noted in Petitioner's surveyor's December 20, 2024, email (attached as Stipulated Exhibit), Petitioner cannot legally move her proposed rebuild beach home footprint any further landward due to the unique recorded driveway access easement serving her property and three others. Petitioner's property is further uniquely encumbered by a recorded NCDOT right-of-way/easement, upon information and belief first recorded in 1989 in connection with relocation of New River Inlet Road. See Stipulated Exhibits.

Staff's Position: No.

Staff contends that any hardship suffered by Petitioner is primarily due to the long-term erosion which takes place at this Site, and the impact storms have had on the location of the vegetation line, despite a large-scale nourishment project in 2012. These are not peculiarities along North Topsail Beach or the coast. Staff acknowledge that this stretch of North Topsail Beach is a section with a 3' average annual erosion rate instead of the 2'/year rate for much of the larger shoreline. While Staff acknowledge that Petitioner's property is also limited by the DOT and driveway easements at the rear of Petitioner's lot the primary issue is the ocean shoreline erosion and resulting location of the vegetation line (which is in a landward location than where it was in 2012 when the PPVL was set).

Staff find no peculiarities with the size, location or topography of the Site which cause any hardships to Petitioner. The Site has an average annual erosion rate of 3'/year and corresponding setback of 90' (for a structure 5,000 SF or less). As this lot was platted in 1993, it has not been able to use the 1979-date grandfather rule at 7H .0309(b) without a variance. Due to erosion in the area of the Site, the Site is also now within the bounds of a large-scale beach nourishment project with a corresponding PPVL from which to measure the setback unless the vegetation line is more restrictive as in this case. This is common in many areas along the coast where the vegetation line has retreated landward of the PPVL due to storms and other natural coastal processes. Staff were unable to identify any conditions peculiar to this property which would cause the Petitioner's claimed hardship.

Staff disagree with Petitioner that the house fire is a condition of the property, where it is not the size, location, topography, or similar feature as required by law for this factor.

III. Do the hardships result from the actions taken by the Petitioner? Explain.**Petitioners' Position: No.**

Petitioner respectfully contends that the answer to this unusually worded (essentially a double negative) variance criteria is "No" - In other words, no, these hardships did not result from her actions. Goodness knows that Petitioner has been beset by a multi-pronged series of terrible consequences, all of which clearly are not in any way of her own making. Petitioner incorporates here her responses above, as well as the stipulated facts and exhibits, all of which confirm that her hardships do not result in any way from her own actions. Quite the opposite. At every turn Petitioner has sought guidance and advice on how she can minimize any possible adverse impacts from her efforts to – at long last – be able to enjoy the use of her property, along with her family and friends. As discussed at some length above, the final blow came in March of last year when Petitioner's real property (a home attached to real property becomes a unique and integral part of that real property) burned to the ground. Although the exact cause is still being investigated, Petitioner's insurance company has expressly found that Petitioner was not at fault for the fire and did not cause it in any way. See Stipulated Exhibits. Petitioner has simply been struck repeatedly by misfortune she played no part in creating, and at this time wants only to rebuild the home she lost and, at long last, be able to END her six year gauntlet of dealing with the uniquely awful hardships that have befallen her and her beach home property.

Staff's Position: Yes.

While Staff agree that Petitioner did not cause the hardship of the long-term erosion of the dune systems and resulting vegetation line and static line, the driveway easement or the house fire, Staff note that Petitioner proposes a home the same size as what had been there previously at approximately 2,600 SF and not something smaller in the available building envelope.

IV. Will the variance requested by the petitioner (1) be consistent with the spirit, purpose, and intent of the rules, standards, or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve substantial justice? Explain.**Petitioners' Position: Yes.**

Petitioner respectfully requests that each CRC Member vote "Yes" on this most important variance request factor. Petitioner relies on and incorporates all prior facts, statements and exhibits. Petitioner respectfully contends that her carefully limited variance request will not in any measurable way jeopardize public health, safety, or welfare. Considering the terrible set of hardships afflicting Petitioner and Petitioner's real property, Petitioner respectfully contends that her limited variance request will most definitely preserve substantial justice under the unique circumstances of this matter. Petitioner's proposed structure will be set back significantly further than many of the existing nonconforming structures located on the shoreline in the immediately surrounding area. Petitioner has agreed to move her proposed redevelopment as far landward as legally possible. To the extent that they are found to be structurally sound, Petitioner has committed to reuse as much of her remaining rear deck and beach access walkway as possible. Petitioner can

do little regarding the Town of NTB's current beach renourishment status, but she is confident that her proposed replacement of her beach home, to be set back significantly further than the one she bought just six years ago, will not materially impact those efforts (or vice-versa). Finally, and perhaps most uniquely relevant, the immediately adjacent property where Petitioner's misfortunes began with the total destruction by fire of the two duplexes then located thereon, now sports a brand new single family home, similar to what Petitioner seeks CRC approval to rebuild, and Petitioner has proposed to set back her rebuilt home essentially as far back as her immediately adjacent neighbor's newly built home.

By granting Petitioner's request for a variance, Petitioner respectfully contends that her newly rebuilt beach home will be more consistent with the spirit, purpose, and intent of the CAMA statute and implementing rules than her prior home was. At present, Petitioner's property is vacant, with burned remnants of her beach house, a currently unusable free-standing rear deck and beach access walkway, and little more. It is an eyesore; does not add value to Petitioner's property or the surrounding neighborhood; and does not benefit the natural ecosystem because there is still a structure present. Petitioner's proposed development will match (or in many cases exceed) the setback locations and aesthetics of her neighbors and will be consistent with Petitioner's neighbor at 1174 New River Inlet Road, who rebuilt their duplexes with a single-family home in 2021 after it burned down in late 2019, causing significant damage to Petitioner's then-existing beach house. Petitioner's neighbors at 1184 New River Inlet Road (vacant property immediately adjacent to the east) support Petitioner's efforts to rebuild her home, just as Petitioner was supportive of her neighbor at 1174 in redeveloping his property with a single-family home in 2020-2021. A written statement of support from the adjacent riparian landowners Dan Reigle and Jen Griffith at 1184 New River Inlet Road is included as Stipulated Exhibit. Petitioner has notified her adjacent neighbors at 1174 New River Inlet Road but has not heard back. See Stipulated Exhibits (confirming notification sent via certified mail, return receipt requested for 1174 and 1184, and confirming delivery of same to neighbor at 1174).

According to relevant portions of DCM's online interactive map, attached as Stipulated Exhibits, historical and current erosion rates previously were measured as high as 3.5 feet per year, resulting in application of a setback factor of 3. As of 2020, the most recent year for which data is available, the measured shoreline erosion rate in this area has reduced to an average of about 2.75 feet per year. While this reduction is not significant enough to change the setback factor of 3, it does provide additional information justifying issuance of the requested variance.

Staff's Position: No.

Staff contend that granting a variance to the Petitioner in order to vary the Commission's oceanfront erosion setback rules to allow the Petitioner to build a new structure waterward of both the applicable 90' setback and waterward of the minimum 60' oceanfront setback exception is not consistent with the spirit, purpose, and intent of the Commission's rules. The Commission's rules have required oceanfront erosion setbacks since 1979 and all structures are required to meet an oceanfront setback (in this case, 90-feet) landward of the vegetation line or PPVL/static line—whichever is most restrictive. The Commission has made limited exceptions for some types of development to be sited oceanward of the required setback, including the minimum 60' oceanfront setback exception provision for structures no more than 2,000 SF and which meet other conditions

in 7H .0309(b), and also authorizes limited development within the setback (See the nine types of development listed in 07H .0309). The purpose of the Commission's Ocean Hazard rules is stated at 15A NCAC 7H .0303(b), which notes that

The rules set forth in this Section shall further the goals set out in G.S. 113A-102(b), to minimize losses to life and property resulting from storms and long-term erosion, prevent encroachment of permanent structures on public beach areas, preserve the natural ecological conditions of the barrier dune and beach systems, and reduce the public costs of development within ocean hazard areas, and protect common-law and statutory public rights of access to and use of the lands and waters of the coastal area.

While Staff are sympathetic to Petitioner's circumstances, Staff believes the Commission should strictly enforce the oceanfront erosion setback requirements in order to prevent the re-development of inappropriately sited structures and the costs associated with such structures. In this case, Staff appreciate that the Petitioner, following the permit denial and in anticipation of this variance request, has proposed a new site plan which pulls the 2,600 SF structure somewhat landward than proposed in her application, but Staff also have concerns that the size of the proposed structure remains 2,600 SF.

Under existing rules and with a variance only needed from the platted by date condition of this exception, Petitioner has an 871 SF building envelope in which she could design a home of 2,000 SF, which is the maximum size for structures using "grandfather" provisions in 7H.0309(b). Staff believe it is a benchmark of the Commission which should be observed.

is the need to limit the Total Floor Area of a structure on this Site is especially true where the Town of North Topsail Beach does not have a federally authorized project, a Beach Plan or a Static Line Exception. It is uncertain when the Site might again receive nourishment and so allowing a larger structure entirely within the 90' setback (and partially into the 60' minimum setback) when Petitioner could design and build a 2,000 SF structure meeting the setback does not seem in the spirit of the oceanfront setback exception or potential amended rules under discussion.

Staff believe a variance of the oceanfront setback rules would not protect public safety and welfare where the proposed structure does not meet the 90' applicable setback or entirely meet the 60' minimum setback while proposing a 2,600 SF structure. Staff contends that granting a variance would not preserve substantial justice where the Petitioner can design a home within the existing 871 SF building envelope without a variance with a Total Floor Area closer to 2,000 SF instead of seeking a variance for either the larger home in the original footprint or the larger home "pulled back" in anticipation of seeking this variance.

ATTACHMENT D

Petitioner's Petition Materials
(without initial proposed facts or duplicative exhibits)

CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____PETITIONER'S NAME: Betty C. EarnestCOUNTY WHERE THE DEVELOPMENT IS PROPOSED: **ONslow**

Pursuant to N.C.G.S. § 113A-120.1 and 15A N.C.A.C. 07J .0700 *et seq.*, the above-named Petitioner now applies to the Coastal Resources Commission (CRC) for a variance.

VARIANCE HEARING PROCEDURES

A variance petition will be considered by the CRC at a regularly scheduled meeting, heard in chronological order based upon the date of receipt of a complete petition. 15A N.C.A.C. 07J .0701(e). A complete variance petition, as described below, must be *received* by the Division of Coastal Management (DCM) a minimum of six (6) weeks in advance of the first day of a regularly scheduled CRC meeting to be eligible for consideration by the CRC at that meeting. 15A N.C.A.C. 07J .0701(e). The final set of stipulated facts must be agreed to at least four (4) weeks prior to the first day of a regularly scheduled meeting. 15A N.C.A.C. 07J .0701(e). The dates of CRC meetings can be found at DCM's website: **www.nccoastalmanagement.net**

If there are controverted facts that are significant in determining the propriety of a variance, or if the Commission determines that more facts are necessary, the facts will be determined in an administrative hearing. 15A N.C.A.C. 07J .0701(b).

VARIANCE CRITERIA

The petitioner has the burden of convincing the CRC that it meets the following criteria:

- (a) Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? Explain the hardships.
- (b) Do such hardships result from conditions peculiar to the petitioner's property such as the location, size, or topography of the property? Explain.
- (c) Do the hardships result from actions taken by the petitioner? Explain.
- (d) Will the variance requested by the petitioner (1) be consistent with the spirit, purpose, and intent of the rules, standards or orders issued by the Commission; (2) secure the public safety and welfare; and (3) preserve substantial justice? Explain.

SEE ATTACHED DOCUMENT INCORPORATED BY THIS REFERENCE

For this variance request to be complete, the petitioner must provide the information listed below. The undersigned petitioner verifies that this variance request is complete and includes:

- The name and location of the development as identified on the permit application;
- A copy of the permit decision for the development in question;
- A copy of the deed to the property on which the proposed development would be located;
- A complete description of the proposed development including a site plan;
- A stipulation that the proposed development is inconsistent with the rule at issue;
- Proof that notice was sent to adjacent owners and objectors*, as required by 15A N.C.A.C. 07J .0701(c)(7);
- Proof that a variance was sought from the local government per 15A N.C.A.C. 07J .0701(a), if applicable – ***No Local Variance Possible Due to Recorded Easement for Access Drive to Petitioner’s Property and Three Other Adjacent Homes (see survey);***
- Petitioner’s written reasons and arguments about why the Petitioner meets the four variance criteria, listed above; [***See Separate Document Attached***];
- A draft set of proposed stipulated facts and stipulated exhibits. Please make these verifiable facts free from argument. Arguments or characterizations about the facts should be included in the written responses to the four variance criteria instead of being included in the facts. [***See Separate Document Attached***];
- This form completed, dated, and signed by the Petitioner or Petitioner’s Attorney.

**Please contact DCM or the local permit officer for a full list of comments received on your permit application. Please note, for CAMA Major Permits, the complete permit file is kept in the DCM Morehead City Office.*

Due to the above information and pursuant to statute, the undersigned respectfully requests that the Coastal Resources Commission grant Betty C. Earnest a variance from the applicable CAMA use standards referenced in her September 24, 2024, denial letter, in accordance with the attached site plan and other materials contained in her Variance Request.

s/ I. Clark Wright, Jr.	01/06/2025
Signature of Petitioner's Attorney	Date
I. Clark Wright, Jr.	icw@dhwlegal.com
Printed Name of Petitioner's Attorney	Email address of Petitioner's Attorney
Davis Hartman Wright LLP 209 Pollock St. New Bern, NC 28560	(252) 229-5900
Mailing Address of Petitioner's Attorney	Telephone No. of Petitioner's Attorney
	(252) 262-7054
	Fax Number of Petitioner's Attorney

DELIVERY OF THIS VARIANCE HEARING REQUEST

This variance petition must be **received** by the Division of Coastal Management at least six (6) weeks before the first day of the regularly scheduled Commission meeting at which it is heard. A copy of this request must also be sent to the Attorney General's Office, Environmental Division. [See 15A N.C.A.C. 07J .0701(e).]

Contact Information for DCM:

Contact Information for Attorney General's Office:

By mail, express mail or hand delivery:

By mail:

Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

DCM Attorney
Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001

By Fax:

By express mail:

Environmental Division
(252) 247-3330

114 W. Edenton Street
Raleigh, NC 27603


By Email:

Check DCM website for the email address of the current DCM Director

By Fax:

(919) 716-6767

Tom



Doc ID: 014125480003 Type: CRP
 Recorded: 12/14/2018 at 01:03:56 PM
 Fee Amt: \$1,286.00 Page 1 of 3
 Revenue Tax: \$1,260.00
 Onslow County, NC
 Rebecca L. Pollard Reg. of Deeds
 BK **4874** PG **110-112**

Delinquent taxes, if any, to be paid by the closing attorney to the Onslow County Tax Collector upon disbursement of closing proceeds.

GENERAL WARRANTY DEED

Excise Tax: \$1,260.00

Tax Parcel ID No. 052537

Verified by _____ County

on the ____ day of _____, 20__ By: _____

Mail/Box to: Betty C. Earnest, 2041 Somerset Terrace, Fort Mill, SC 29707

This instrument was prepared by: TISDALE, McCONNELL & BARDILL, LLP, ATTORNEYS AT LAW

Brief description for the Index: Lot 24, Section I, Oceanwynds

THIS DEED, made this the 20th day of November, 2018, by and between

GRANTOR: JOHN T. LYONS AND WIFE, BARBARA J. LYONS
 whose mailing address is 116 Ivy Lane, Bridgewater, NJ 08807
 (herein referred to collectively as Grantor)

GRANTEE: BETTY C. EARNEST
 whose mailing address is 2041 Somerset Terrace, Fort Mill, SC 29707
 (herein referred to collectively as Grantee)

WITNESSETH:

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided, if any, the following described property located in the Township of Stump Sound, County of Onslow, State of North Carolina, more particularly described as follows:

Being all of Lot 24 as shown on survey plat entitled "Final Plat, Section I, Oceanwynds", dated July 29, 1993, prepared by Parker & Associates, Inc., and is recorded in Map Book 29, page 223, Slide G-171, Onslow County Registry, to which reference is hereby made for a more particular description.

Said property having been previously conveyed to Grantor by instrument recorded in Book 1964, page 929, and being reflected on plat recorded in Map Book 29, page 223.

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

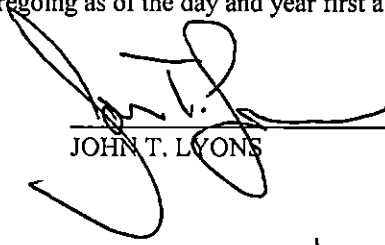
TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

And Grantor hereby warrants that Grantor is seized of the premises in fee and has the right to convey same in fee simple, that title is marketable and is free and clear of encumbrances other than as set forth herein, and that Grantor will forever warrant and defend the title against the lawful claims of all persons or entities whomsoever.

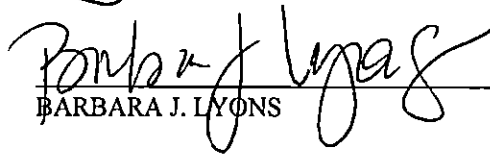
This conveyance is made subject to the following Exceptions and Reservations: Subject to Restrictive Covenants recorded in Book 1239, page 848, and 2018 ad valorem taxes which Grantee assumes and agrees to pay by the acceptance of this deed.

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

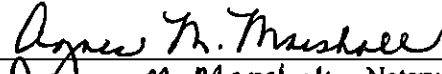
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.



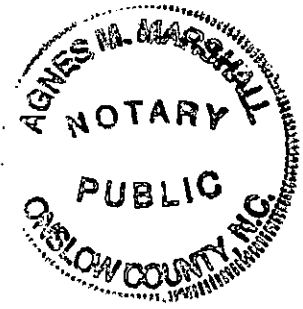
JOHN T. LYONS (SEAL)



BARBARA J. LYONS (SEAL)

State of North Carolina
County of Onslow
I, a Notary Public of the County and State aforesaid, certify that JOHN T. LYONS AND WIFE, BARBARA J. LYONS personally appeared before me this day and acknowledged the execution of the foregoing instrument.
Witness my hand and official stamp or seal this 21st day of November, 2018.


Agnes M. Marshall, Notary Public
Notary's Printed or Typed Name
My Commission Expires:
Sept 7, 2021

(Official/Notarial Seal)




Tax Certification Form

(Check One Box)



This certifies that there are no delinquent ad valorem taxes, or other taxes which the Onslow County Tax Collector is charged with collecting, that are a lien on:

Parcel Identification Number:

052537-GRANTEE: BETTY C EARNEST

This is not a certification that this Onslow County Parcel Identification Number matches the deed description.



No certification required, as attorney statement that any delinquent taxes will be paid from closing proceeds is included on first page of deed.



Balance due on account. It must be paid to Onslow County Tax Collector within 5 days of closing.

VALERIA B COX

Digitally signed by VALERIA B COX
DN: cn=VALERIA B COX, o=ONLOW COUNTY TAX
ADMINISTRATION, ou,
email=valeria_cox@onslowcountync.gov, c=US
Date: 2018.12.14 09:43:20 -0500

Tax Collections Staff Signature

12/14/2018

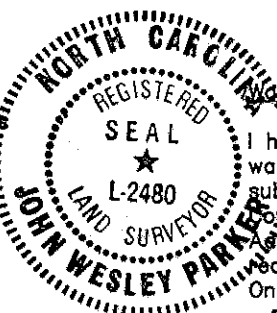
Date



This parcel may have deferred taxes which become due upon transfer of the property. Call the Tax Office, Land Records Division at 910-989-2204 for more information.

I, John W. Parker, certify that this map was drawn under my supervision from an actual survey with control corners set made under my supervision completed on 08-04-93 that the error of closure as calculated by lats. and deps. is 1:10,000 that the boundaries not surveyed are shown as broken lines, that this map was prepared in accordance with G.S. 47-30 as amended, this map was prepared for recording purposes.

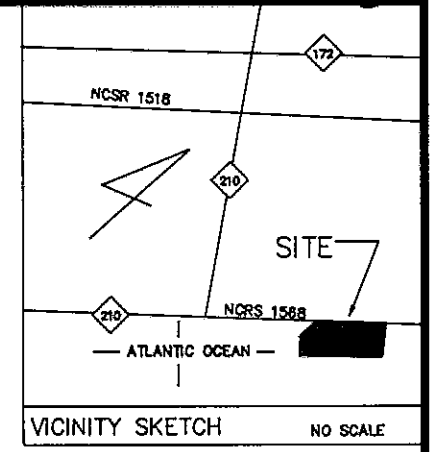
I, John W. Parker, certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.



Water and Sewer Advisory Commission Certification
I hereby certify that the plans and specifications for the water system for OCEAN WYNDS subdivision have been reviewed and approved by the Onslow County Water Department and/or Onslow County Water and Sewer Advisory Commission. Installation, materials and dedication requirements are subject to the terms and conditions of the Onslow County Water Ordinance.

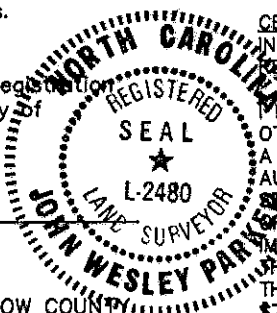
Bill Harvey
Onslow County Utilities Director
8-4-93

- NOTES:
- PURCHASERS ATTENTION IS CALLED TO THE LOCATION OF CAMA SETBACK LINES, AND ARE ENCOURAGED, WHERE PRACTICAL, TO LOCATE STRUCTURES AT A GREATER DISTANCE FROM THE ATLANTIC OCEAN.
 - THIS DEVELOPMENT IS LOCATED WITHIN AN AREA SUBJECT TO RESTRICTIONS BY THE COASTAL BARRIERS RESOURCES ACT (CBRA) AND IS NOT ENTITLED TO FEDERAL FLOOD INSURANCE ASSISTANCE.
 - THIS DEVELOPMENT IS RESTRICTED TO NO MORE THAN 25% TOTAL BUILT UPON AREA. SEE RESTRICTIVE COVENANTS FOR SPECIFIC LIMITATIONS.
 - TELEPHONE AND ELECTRICAL LINES EXIST ALONG N.C.S.R. 1568.
 - LOT ACCESS IS RESTRICTED TO ONLY THOSE SHOWN ON THIS PLAN.
 - REFERENCE IRON STAKES SET PARALLEL TO AND 190.0' FROM THE MEAN HIGH WATER LINE SHOWN.
 - WETLANDS LINE LOCATIONS TAKEN FROM A MAP ENTITLED "OCEAN WYNDS, SECTION I" BY JOHN L. PIERCE - SURVEYING, JACKSONVILLE, NORTH CAROLINA, DATED FEBRUARY 21, 1992.
 - FLOOD ZONE INFORMATION TAKEN FROM F.I.R.M. PANEL 469 OF 556 OF ONSLOW COUNTY WITH EFFECTIVE DATE OF JULY 2, 1987.
 - THE OCEAN ERODIBLE AREA OF ENVIRONMENTAL CONCERN IS LOCATED ON THE NORTH SIDE OF N.C.S.R. 1568 (APPROXIMATELY 450 FEET FROM THE FIRST LINE OF VEGETATION).
 - ALL LOTS ARE SUBJECT TO A 20' DRAINAGE AND UTILITY EASEMENT ALONG N.C.S.R. 1568, BEGINNING AT THE SOUTHERN SIDE OF THE 10' EXPANSION EASEMENT
 - ALL LOT CORNERS ARE NEW IRON STAKES UNLESS OTHERWISE NOTED.
 - ALL DISTANCES ARE HORIZONTAL GROUND, UNLESS OTHERWISE NOTED.
 - ALL AREAS ARE CALCULATED BY COORDINATES.
 - PRIVATE DRIVE PAVEMENT WIDTH: 16'



Witness my original signature, register number and seal the 4 day of Aug. AD 1993.

John W. Parker, R.L.S., L-2480



CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS.
I HEREBY CERTIFY THAT ALL STREETS, UTILITIES AND OTHER REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED IN A MANNER APPROVED BY THE APPROPRIATE STATE OR LOCAL AUTHORITY AND ACCORDING TO CITY SPECIFICATIONS AND STANDARDS IN THE OCEAN WYNDS SUBDIVISION THAT GUARANTEES THE INSTALLATION OF THE REQUIRED IMPROVEMENTS IN AN AMOUNT AND MANNER SATISFACTORY TO THE TOWN OF NORTH TOPSAIL BEACH HAS BEEN RECEIVED, AND THAT THE FILING FEE FOR THIS PLAT, IN THE AMOUNT OF \$75.00 HAS BEEN PAID.

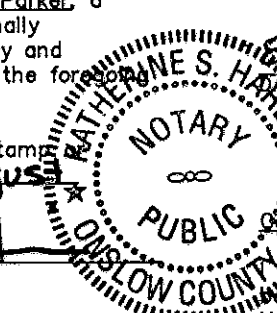
CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF NORTH TOPSAIL BEACH AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL SANITARY SEWER AND WATER LINES TO THE TOWN OF NORTH TOPSAIL BEACH.

8-5-93
DATE
Charles L. Water
OWNERS

I, Notary Public of the county and state aforesaid, certify that John W. Parker, a registered land surveyor, personally appeared before me on this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp seal, this 4th day of August AD 1993.

Katherine S. Hardin
Notary Public
My commission expires April 3, 1997.



8/18/93
Katherine S. Hardin
SUBDIVISION ADMINISTRATOR

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of North Topsail Beach, North Carolina and that this plat has been approved by the Board of Aldermen for recording in the Office of the Register of Deeds of Onslow County.

Mayor
North Topsail Beach, North Carolina

NORTH CAROLINA.....ONSLOW COUNTY

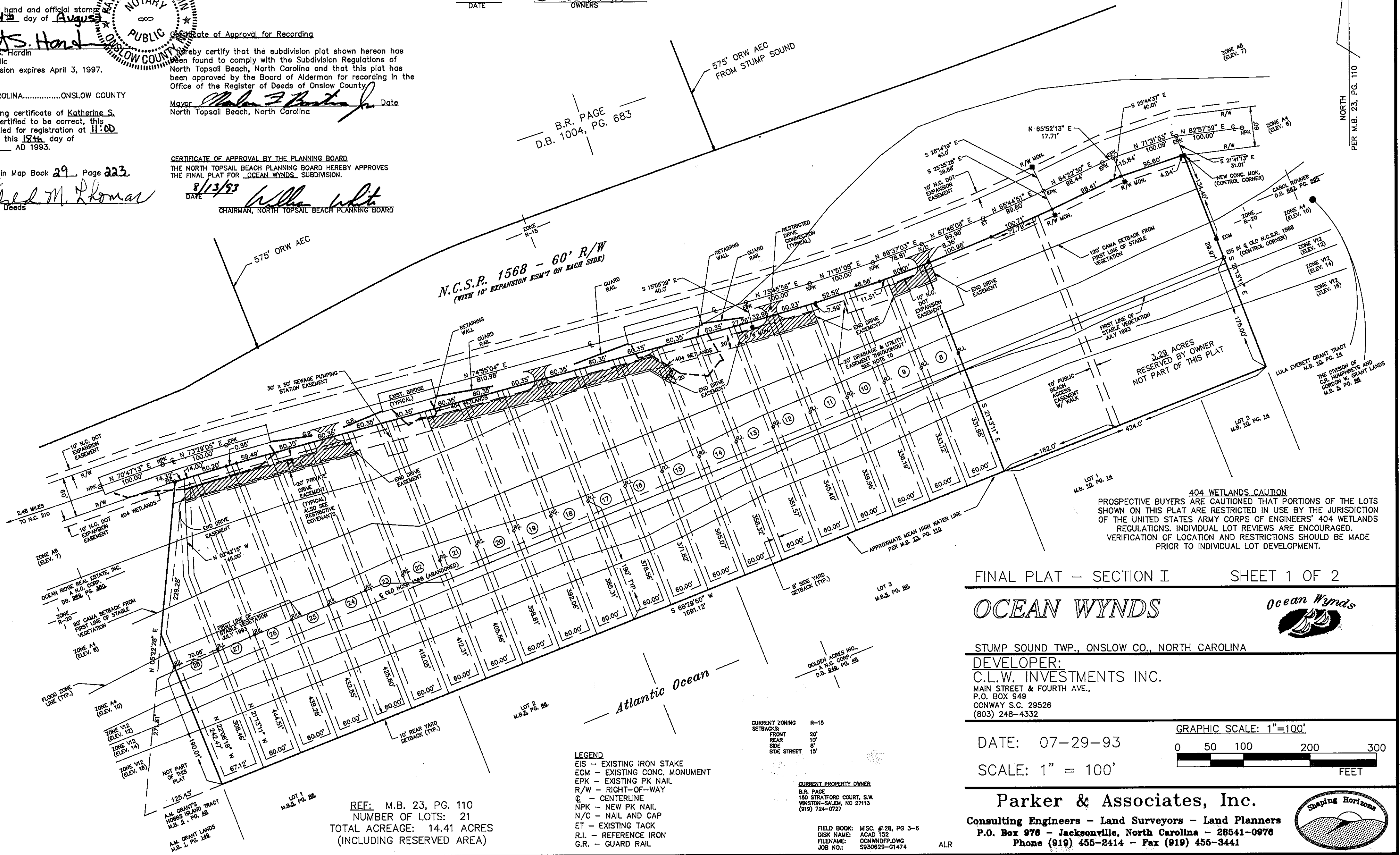
The foregoing certificate of Katherine S. Hardin is certified to be correct, this map was filed for registration at 11:00 o'clock AM, this 12th day of August AD 1993.

Registered in Map Book 29 Page 223 Slide G-17L

Michelle M. Thomas
Register of Deeds

CERTIFICATE OF APPROVAL BY THE PLANNING BOARD
THE NORTH TOPSAIL BEACH PLANNING BOARD HEREBY APPROVES THE FINAL PLAT FOR OCEAN WYNDS SUBDIVISION.
8/13/93
DATE
Chairman, North Topsail Beach Planning Board

B.R. PAGE
D.B. 1004, PG. 683



FINAL PLAT - SECTION I SHEET 1 OF 2

OCEAN WYNDS

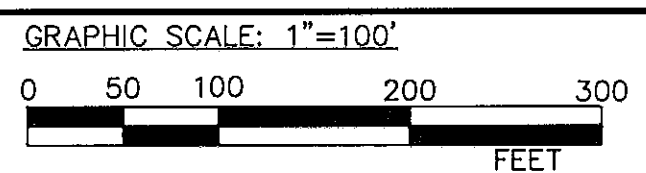


STUMP SOUND TWP., ONSLOW CO., NORTH CAROLINA

DEVELOPER:
C.L.W. INVESTMENTS INC.
MAIN STREET & FOURTH AVE.,
P.O. BOX 949
CONWAY S.C. 29526
(803) 248-4332

DATE: 07-29-93

SCALE: 1" = 100'



Parker & Associates, Inc.

Consulting Engineers - Land Surveyors - Land Planners
P.O. Box 976 - Jacksonville, North Carolina - 28541-0976
Phone (919) 455-2414 - Fax (919) 455-3441



- LEGEND
EIS - EXISTING IRON STAKE
ECM - EXISTING CONC. MONUMENT
EPK - EXISTING PK NAIL
R/W - RIGHT-OF-WAY
C - CENTERLINE
NPK - NEW PK NAIL
N/C - NAIL AND CAP
ET - EXISTING TACK
R.I. - REFERENCE IRON
G.R. - GUARD RAIL

REF: M.B. 23, PG. 110
NUMBER OF LOTS: 21
TOTAL ACREAGE: 14.41 ACRES
(INCLUDING RESERVED AREA)

CURRENT ZONING R-15
SETBACKS: FRONT 20', REAR 10', SIDE STREET 15'
CURRENT PROPERTY OWNER
B.R. PAGE
180 STRATFORD COURT, S.W.
WINSTON-SALEM, NC 27113
(919) 724-0727
FIELD BOOK: MISC. #128, PG. 3-6
DISK NAME: ACAD 152
FILENAME: OCNWYNDP.DWG
JOB NO.: ALR

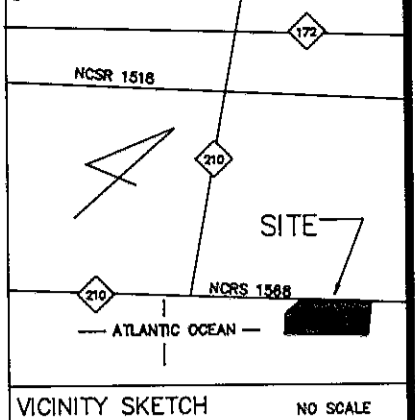
404 WETLANDS CAUTION
PROSPECTIVE BUYERS ARE CAUTIONED THAT PORTIONS OF THE LOTS SHOWN ON THIS PLAT ARE RESTRICTED IN USE BY THE JURISDICTION OF THE UNITED STATES ARMY CORPS OF ENGINEERS' 404 WETLANDS REGULATIONS. INDIVIDUAL LOT REVIEWS ARE ENCOURAGED. VERIFICATION OF LOCATION AND RESTRICTIONS SHOULD BE MADE PRIOR TO INDIVIDUAL LOT DEVELOPMENT.

NOTES:

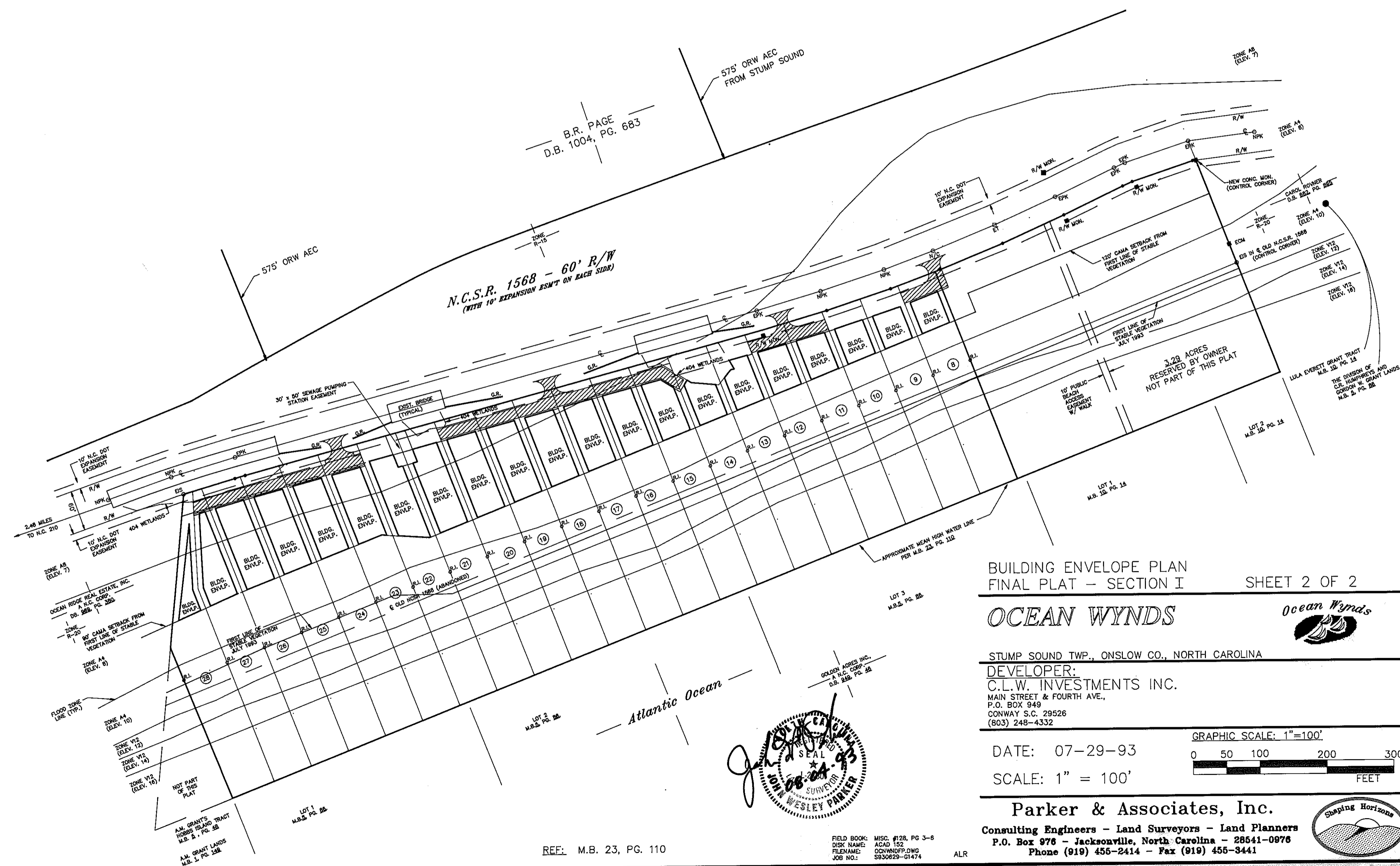
- 1. CONSTRUCTION PERMITTED INSIDE BUILDING ENVELOPES ONLY.
- 2. FOR MORE INFORMATION ON LOTS AND BOUNDARY, SEE SHEET 1 OF 2.

SETBACKS:

FRONT	20'
REAR	10'
SIDE	8'
SIDE STREET	15'



NORTH
PER M.B. 23, PG. 110



B.R. PAGE
D.B. 1004, PG. 683

N.C.S.R. 1568 - 60' R/W
(WITH 10' EXPANSION ESMT ON EACH SIDE)

BUILDING ENVELOPE PLAN
FINAL PLAT - SECTION I SHEET 2 OF 2

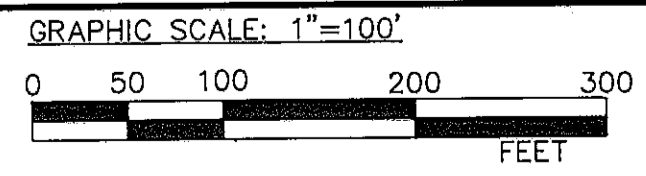
OCEAN WYNDS



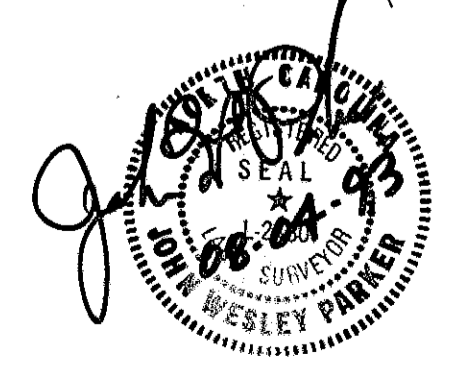
STUMP SOUND TWP., ONSLOW CO., NORTH CAROLINA

DEVELOPER:
C.L.W. INVESTMENTS INC.
MAIN STREET & FOURTH AVE.,
P.O. BOX 949
CONWAY S.C. 29526
(803) 248-4332

DATE: 07-29-93
SCALE: 1" = 100'



Parker & Associates, Inc.
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P.O. Box 976 - Jacksonville, North Carolina - 28541-0976
Phone (919) 456-2414 - Fax (919) 456-3441



REF: M.B. 23, PG. 110

FIELD BOOK: MISC. #128, PG 3-8
DISK NAME: ACAD 152
FILENAME: OCNWINDP.DWG
JOB NO.: SB30929-01474

ALR

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STATE OF NORTH CAROLINA

COUNTY OF ONSLOW

SEP 07 11:10

DECLARATION OF CONDITIONS, RESERVATIONS
AND RESTRICTIONS OF OCEAN WYNDS

THIS DECLARATION, made on the date hereinafter set forth by CLW INVESTMENTS, INC., a South Carolina corporation, hereinafter referred to as "Declarant";

WITNESSETH:

WHEREAS, Declarant is the owner of certain property located in North Topsail Beach, Stump Sound Township, Onslow County, North Carolina, which is more particularly described as follows:

BEING all of Lots 8 through 28 as shown on survey entitled "Final Plat, Ocean Wynnds", dated July 22, 1993, prepared by Parker & Associates, Inc. and recorded in Map Book 29, Page 223, Slide 6-171, Onslow County Registry.

WHEREAS, Declarant desires that said property be developed in an orderly manner for the benefit of all property owners of the above described property.

WHEREAS, Declarant has determined this may be best be done by the conditions, reservations and restrictions contained herein.

NOW, THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I

DEFINITIONS

Section 1. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 2. "Properties" shall mean and refer to that certain real property hereinbefore described.

Section 3. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivisions map of the Properties.

Section 4. "Declarant" shall mean and refer to CLW Investments, Inc.

Section 5. "Committee" shall mean and refer to the committee of persons appointed pursuant to Article XI to supervise the maintenance and repair of the roadways giving access to each Lot in the Property, and the easements for utilities which are shown on any recorded subdivision plat of the Property. Declarant shall be deemed to be the Committee until such time as the rights and powers of the Declarant are transferred or assigned as herein provided.

Section 6. "Turnover Date" shall mean the date on which Declarant, its successors or assigns, transfers all retained rights under this Declaration to the Committee as provided in Article XIV hereof.

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ARTICLE II

RESIDENTIAL USE

Such lots, and each and every one thereof, are for residential purposes only and exclusively for the construction of single family or duplex residences. No building or structure intended for or adapted to business purposes, shall be erected, placed, permitted or maintained on such premises, or on any part thereof. However, Declarant shall have the right to place a model home and temporary sales office on the property. No mobile home shall be permitted on any lot.

ARTICLE III

SETBACK LINES

The building setback lines shall be as shown on the said recorded plat for the subdivision.

ARTICLE IV

NUISANCES

No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing or material be kept upon any lot that will emit foul or obnoxious odors, or that will cause any noise that will or might disturb the peace, quiet, comfort or serenity of the occupants of surrounding property.

ARTICLE V

DWELLING SIZE AND HEIGHT

No dwelling unit shall be located on any lot with less than 850 square feet minimum of living space.

ARTICLE VI

DIVISION OF LOTS

No lot shall be re-subdivided except for purposes of conveyance of each portion of a duplex residence.

ARTICLE VII

PROPERTY RIGHTS IN ROADWAY

Section 1. Owner's Right of Easement. Every Owner shall have a right of easement of enjoyment, and of ingress, egress and regress in and over the private roadway(s) described in said recorded plat (to and from the Owner's Lot and the public road) and such easement shall be appurtenant to and shall pass with the title to the affected Lot.

Section 2. Ownership. The land within the easement area for the roadway shall be owned in fee simple by the Owners of adjoining Lots unless otherwise shown on the said recorded plat.

Section 3. Reservation of Easement. Declarant shall convey Lots subject to a reservation of easement and agreement concerning the roadways as follows:

- (a) Declarant reserves for itself, its successors and assigns, easements for roadway and utilities including electrical, telephone and television transmission facilities, water, sewer, natural gas pipelines, drainage and other utilities necessary

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for development of the Property. These easements are described in said recorded plat.

(b) The easements shall be permanent, in nature, and shall run with the land.

(c) Said easements shall be subject to the following restrictions:

(i) No owner of land served by said easement may grant access to or use of the roadway on said easement to benefit any adjoining land not served by the roadway.

(ii) Each Owner adjacent to a roadway shall be burdened with the obligation to maintain the area within the easement which runs across his land, by mowing grass, and removing obstructions and underbrush from said area, but the expense of maintaining the paved roadways shall be as set forth in Article VIII of this Declaration.

ARTICLE VIII

COVENANT FOR MAINTENANCE ASSESSMENT

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Declarant, for itself and its successors and assigns, and for each Lot, owned within the Property, hereby covenants, and each Owner of any Lot, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay his pro rata share, as hereinafter set forth, of any special assessments for capital improvements, maintenance, reconstruction, repair, resurfacing of the roadways and the like, and for improvements which serve the entire community, such assessments to be fixed, established and collected as hereinafter provided. The special assessments together with interest, costs and reasonable attorney's fees, shall be a charge on the Lot and shall be a continuing lien upon the Property against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such Property at the time when the assessment fell due or was declared in accordance with the provisions hereof. The personal obligation for delinquent assessments shall pass to his successors in title and each shall be jointly and severally liable for delinquent assessments and related costs as above provided. In no event, however, shall a mortgagee who acquires title through foreclosure or proceeding in lieu of foreclosure, be subject to delinquent assessments. Once a Lot Owner sells or conveys his Lot, he shall not be responsible for any assessments made after the recording date of transfer.

The assessments provided for herein and all installments thereof may be adjusted from time to time by the Declarant, if applicable, to reflect the changes in the number of and status of Contributing Lots by virtue of foreclosure or proceeding in lieu of foreclosure or otherwise. Accordingly, it is recognized and agreed by each Lot Owner, for himself and his heirs, executors, successors and assigns, that in the event an individual Lot Owner fails or refuses to pay his assessment or any portion thereof, then the other Lot Owners may be responsible for increased assessments due to the nonpayment by a Lot Owner, and such increased assessments can and may be enforced as herein provided. This shall in no way relieve the nonpaying Lot Owner from his obligation under this Declaration. Any monetary recovery from the nonpaying Lot Owner shall be paid on a pro rata basis to the Lot Owners who were subject to and paid the increased assessment.

Section 2. Purpose of Assessments. The assessments levied by the Declarant shall be used exclusively for the maintenance and upkeep of the private roadways of the Property, and for services and facilities devoted to this purpose, including, but not limited to, the repair, replacement, and additions to the roadways, and for the cost of labor, equipment, materials, management and supervision thereof, and for improvements which serve the entire

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Ocean Wynds community.

Section 3. Special Assessments. The Declarant may levy in any year a special assessment (which must be fixed at one uniform rate for each affected Lot as a separate entity equivalent to every other affected Lot), for the purpose of defraying, in whole or in part, the cost of any construction, maintenance, reconstruction, repair or replacement of a capital improvement; provided, however, that after control has been transferred to a successor or assign of the Declarant, any such assessment shall have the assent of not less than fifty percent (50%) of the Owners of the affected Lots (on a one vote per Lot basis) in attendance at a meeting duly called for this purpose, written notice of which shall be sent to the affected Lot Owners not less than thirty (30) days, nor more than sixty (60) days, in advance of the meeting setting forth the date, place and purpose of the meeting. Notice shall be sent to the Lot Owners address as listed in the Onslow County Tax Office. Declarant shall not be required to obtain Owner approval to levy any assessment prior to the Turnover Date as hereinabove defined.

Section 4. Quorum for any Action Authorized Under Section 3. The quorum required for any action authorized by Section 3 of this Article shall be as follows: At the first meeting called, as provided in Section 3 of this Article, the presence at the meeting of Owners, either in person or by proxy, entitled to cast forty percent (40%) of all the votes entitled to be cast shall constitute a quorum. If the required quorum is not forthcoming at said meeting, another meeting may be called, subject to the notice requirement set forth in Section 3, and the required quorum at such subsequent meeting shall be one-half (½) of the required quorum at the preceding meeting, provided that such subsequent meeting shall not be held more than sixty (60) days following the preceding meeting.

Section 5. Effect of Non-Payment of Assessment. The Personal Obligation of the Owner, the Lien, Remedies. If any assessment is not paid on the date when due, as specified herein, then such assessment shall be deemed delinquent and shall, together with such interest thereon and cost of collection therefore as are hereinafter provided, continue as a lien on the Lot which shall bind such Lot in the hands of the then Owner, his heirs, devisees, personal representatives, successors and assigns. In addition to such lien rights, the personal obligation of the then Owner to pay such assessment, however, shall remain his personal obligation and shall also pass to his successors in title as a joint and several liability. If the assessment is not paid within thirty (30) days after the delinquency date, the assessment shall bear interest from the date of delinquency at the rate of twelve percent (12%) per annum and the Declarant may bring legal action against the Owner personally obligated to pay the same or may enforce or foreclose the lien against the property; and in the event a judgment is obtained, such judgment shall include interest on the assessment above provided and a reasonable attorney's fee to be fixed by the court together with the costs of the action. No Owner of a Lot may waive or otherwise escape liability for the assessments provided for herein by non-use of the easement areas, or abandonment of his Lot.

Section 6. Establishment of Liens. Any and all assessments made by the Declarant, if applicable, in accordance with the provisions of this Declaration with interest thereon and costs of collection, including, but not limited to, legal fees, are hereby declared to be a charge and continuing lien upon each Contributing Lot against which each such assessment is made. Each assessment against a Contributing Lot, together with interest thereon, including, but not limited to, legal fees, shall be the personal obligation of the Owner of the Contributing Lot. Said lien shall be effective only from and after the time of the recordation amongst the public records of the county of a written, acknowledged statement by the Declarant setting forth the amount due as of the date the statement is signed. Upon full payment of all sums secured by that lien, the party making payment shall be entitled to a satisfaction of the statement of lien in recordable form. Notwithstanding anything to the contrary herein contained, where an Institutional Mortgagee of record obtains title to a Contributing Lot as a result of foreclosure, its successors or assigns, shall not be liable for the share of assessments pertaining to such Contributing Lot or chargeable to the former Owner thereof which became due prior to the acquisition of title as a result of the foreclosure or deed in lieu thereof, unless the assessment against the Contributing Lot in question is secured by a claim of lien for assessments that is recorded prior to the recordation of the

mortgage which was foreclosed or with respect to which a deed in lieu of foreclosure was given.

Section 7. Affected Lot. Only Lots which abut or transgress the access roads shall be responsible for the upkeep and maintenance of that roadway. A Lot Owner shall not be responsible for the maintenance or repair of an access roadway which does not provide access to or from his Lot to a public right of way.

Section 8. Exempt Property. The following Properties subject to this Declaration shall be exempted from the special assessments, charges and liens created herein: all properties dedicated to and accepted by a governmental body, agency or authority and devoted to public use.

ARTICLE IX

UTILITY AND ROADWAY EASEMENTS

Section 1. Lot Utility Easements and Rights of Way. Easements and rights of way over and upon each Lot for drainage and the installation and maintenance of utilities and services are reserved exclusively to Declarant for such purposes as Declarant or Committee may deem incident and appropriate to its overall development plan, such easements and rights of way being shown or noted on the aforesaid Ocean Wynds plat; which plat is incorporated by reference and made a part hereof for a more particular description of such easements and rights of way. The easements and rights of way areas reserved by Declarant on each Lot pursuant hereto shall be maintained continuously by the Owner but, except with the written approval of the Declarant, no structures, plantings or other material shall be placed or permitted to remain on such areas or other activities undertaken thereon which may damage or interfere with the installation or maintenance of utilities or other services, or which may retard, obstruct or reverse the flow of water or which may damage or interfere with established slope ratios or create erosion problems. Improvements within such areas also shall be maintained by the respective Owner except those for which a public authority or utility company is responsible.

Section 2. Underground Utilities. Driveways, walkways and patios may cross easements for underground utility services if appropriate arrangements are made with the affected utility company. Easements for underground service shall be appropriately placed as not to interfere with other improvements, including buildings and paved areas. Neither Declarant, nor any utility company using the easement, shall be liable for damage done to shrubbery, trees, flowers or other plantings. All electrical service, telephone and television cable lines shall be placed underground and no outside electrical lines shall be placed overhead unless prior written approval is given by the Declarant. No exposed or exterior radio or television transmission or receiving antennas shall be erected, placed or maintained on any part of such Property, unless expressly approved by the Declarant or Committee. Any waiver of these restrictions shall not constitute a waiver as to other Lots or lines or antennas.

Section 3. Streets. An Owner shall have an easement to use the streets and driveways within the Property as designed for exclusive use of a certain Lot or Lots. All police, fire, ambulance and other similar services shall have an easement to enter the private streets in the performance of their duties.

ARTICLE X

STORM WATER RUNOFF

The State of North Carolina, in accordance with its coastal storm water rules, has limited the amount of impervious surfaces that may be constructed, placed or installed on any Lot. The State of North Carolina currently defines impervious surfaces utilized for such purposes as areas covered by structures and/or paved surfaces including walkways or patios of brick, stone, slate or similar materials. The definition of impervious surfaces as utilized by the Department of Environmental Management of the State of North Carolina, as the

BOOK 1130 PAGE 260

same may be amended from time to time, is hereby incorporated by reference. No Lot shall have constructed or used thereon impervious areas or surfaces greater than 3,644 square feet. This covenant is intended to insure continued compliance with stormwater runoff rules adopted by the State of North Carolina and, therefore, may be enforced by the State of North Carolina as a third party beneficiary. Provided, however, that nothing in these covenants shall prohibit Declarant or Committee from exceeding density limits through permits properly obtained through State Stormwater Rules. Any of the provisions of this instrument may be amended, modified or terminated to comply with stormwater rules now or hereafter adopted by the State of North Carolina by an instrument in writing executed by Declarant or Committee, its successors or assigns, provided, however, that the covenant may not be changed or deleted without consent of the Division of Environmental Management.

ARTICLE XI

COMMITTEE

At such time as the Declarant, its successors or assigns, shall deem it appropriate, the Declarant shall relinquish and assign all of its rights and obligations under the Declaration to a Committee (throughout this Declaration known as the "Committee"). This Committee shall be charged with the supervision of the maintenance and repair of the roadways giving access to each Lot in the Property (unless said roadways have been earlier dedicated to a governmental agency and accepted by said agency), imposing and collecting assessments and the maintenance and supervision of the utility easements which are shown on any recorded subdivision plat of the Property.

The initial Committee, consisting of five (5) Lot Owners, shall be appointed by the Declarant for a term of one (1) year. Thereafter the Committee shall be selected annually by the Owners of the Lots in the Property (on a one vote per Lot basis), and shall be vested with the powers and shall be governed by the By-laws which the owners of a majority of the Lots in the Property shall deem appropriate.

The annual meeting of Lot Owners shall be called by giving written notice thereof, not less than thirty (30) days nor more than sixty (60) days, in advance of the meeting setting forth the date, place and purpose of the meeting.

The quorum required for any action under this Article shall be as follows: The presence at the meeting of Lot Owners, either in person or by proxy, entitled to cast forty percent (40%) of all the votes entitled to be cast shall constitute a quorum. If the required quorum is not forthcoming at said meeting, another meeting may be called, subject to the notice requirement set forth in Section 3, and the required quorum at such subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting, provided that such subsequent meeting shall not be held more than sixty (60) days following the preceding meeting.

At such time as the Declarant assigns its rights and obligations under this Declaration to the said Committee, the Declarant shall have no further obligations or rights under this Declaration except for those which arise out of the fact that he, she, they or it retain ownership of any Lot in the Property.

Until the Declarant assigns its rights and obligations under this Declaration, Declarant shall retain all rights, powers and obligations of the Committee and shall in all respects constitute the Committee.

ARTICLE XII

INDEMNIFICATION

Declarant and each and every member of the Committee, specifically including, but not limited to, Declarant's designated members of the Committee, shall be indemnified by the Owners or any other person against all costs, expenses and liabilities, including legal fees, reasonably incurred by or imposed upon him or her in connection with any proceeding,

BOOK 1130 PAGE 261

litigation or settlement in which he or she becomes involved by reason of being or having been a member of the Committee. The foregoing provisions for indemnification shall apply whether or not he or she is a member of the Committee at the time such expenses are incurred. Notwithstanding the above, in instances where a member of the Committee admits or is adjudged guilty of willful misfeasance or malfeasance in the performance of his or her duties, the indemnification provisions of these Protective Covenants shall not apply; otherwise, the foregoing rights to indemnification shall be in addition to and not exclusive of any and all right of indemnification to which a Declarant and member of the Committee may be entitled, whether by statute or common law.

ARTICLE XIII

GENERAL PROVISIONS

Section 1. Enforcement.

Any owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of the Declaration. Failure by the owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. CAMA Jurisdiction.

The owners hereby acknowledge that the properties are within the jurisdiction of Coastal Area Management Act (CAMA) of 1974, and permits may be required prior to the placement of improvements on the property. The owners hereby agree to take no act in violation of said Act.

Section 3. Severability.

Invalidation of any one of the covenants or restrictions contained herein by judgment or court order shall in no way affect any other provision, each of which shall remain in full force and effect.

Section 4. Amendment.

The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years from the date of this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended during the first twenty (20) year period by an instrument signed by not less than ninety percent (90%) of the lot owners, and thereafter by an instrument signed by not less than seventy-five percent (75%) of the lot owners. Any amendment must be recorded.

ARTICLE XIV

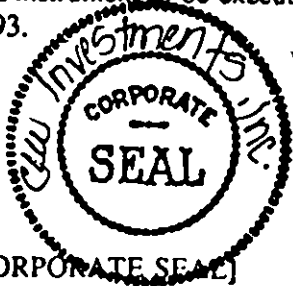
RESIGNATION OF DECLARANT

The Declarant may assign all of its rights and privileges under these covenants, conditions, reservations and restrictions to Committee as herein defined. The Committee shall have and shall succeed to all rights and duties with the same powers as if it has been named as Declarant herein.

Provided, further, that should the Declarant or its assignee employ counsel to enforce any of the foregoing covenants, conditions, reservations or restrictions, or re-entry, by reason of such breach, all costs incurred in such enforcement, including a reasonable fee for counsel, shall be paid by the owner of such lot or lots and the Declarant shall have a lien upon such lot or lots to secure payment of all such accounts.

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IN WITNESS WHEREOF, the undersigned, being the Declarant herein, have caused this instrument to be executed this the 19th day of August, 1993.



CLW INVESTMENTS, INC.

BY: [Signature]
President

[CORPORATE SEAL]
ATTEST BY:

[Signature]
Secretary

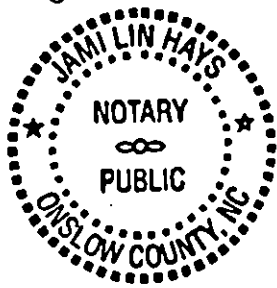
STATE OF NORTH CAROLINA

COUNTY OF ONSLOW

I, a Notary Public of said County and State, do hereby certify that [Signature] personally appeared before me this day and acknowledged that he is Asst. Secretary of CLW INVESTMENTS, INC., a South Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by its Asst. Secretary.

Witness my hand and seal, this 19th day of August, 1993.

[Signature]
Notary Public
My Commission Expires: 11-96



NORTH CAROLINA, ONSLOW COUNTY
The foregoing certificate(s) of Jami Lin Hays

Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 1130 Page 255 This 27th day of August 19 93 A.D. at 11:10 o'clock A. M.
[Signature] Register of Deeds, Onslow County

BOOK 939 PAGE 105

PARCEL 14
PARCEL 25

Prepared by: LANIER & FOUNTAIN, ESQS.

STATE OF NORTH CAROLINA
ONSLow COUNTY
STUMP SOUND TOWNSHIP

RELOCATION OF N.C.S.R. 1568

THIS DEED OF EASEMENT, entered into this the 3rd day of October, 1989, by and between F. ROGER PAGE, JR. and wife, DORIS B. PAGE, of Forsyth County, North Carolina; and M. P. BOSTIC and wife, FRANCES BOSTIC of Duplin County, North Carolina, hereinafter referred to as the Grantors, whether singular or plural, and the DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as DOT;

W I T N E S S E T H:

THAT the Grantors, for themselves, their heirs, successors, executors and assigns, for and in consideration of the sum of One (\$1.00) Dollar agreed to be paid by DOT to the Grantors, do hereby give, grant and convey unto DOT, its successors and assigns, a perpetual easement, a sixty (60) foot right of way, together with a ten (10) foot easement on each side of said right of way for widening relocated N.C.S.R. 1568 in the future, and for utility purpose over a portion of real property described in Deed(s) recorded in Book 680, Page 416; and Book 744, Page 527 in the office of the Register of Deeds of Onslow County, said easement being described as follows:

Being a sixty (60) foot right of way easement, together with a ten (10) foot easement on each side of the said right of way for widening relocated N.C.S.R. 1568 in the future and for utility purposes, as shown on plat entitled "As-Built Survey, Relocation N.C.S.R. 1568", prepared by Cowan and Jones, P.A., dated September 21, 1989, and recorded in Plat Book 26 at Page 147, Onslow County Registry, to which reference is had for a more full and complete description.

This conveyance is made and delivered in substitution for and to correct the prior agreement(s) recorded in Book 935, Page 507, Onslow County Registry, which agreement(s) henceforth has (have) no further force or effect.

There are no conditions to the DEED OF EASEMENT not expressed herein.

TO HAVE AND TO HOLD said perpetual easement for highway and utility purposes unto DOT, its successors and assigns, and the Grantors for themselves, their heirs, successors, executors and assigns, hereby warrant and covenant that they are the sole owners of the property; that they solely have the right to grant the easement; and that they will forever warrant and defend title to the

BOOK 939 PAGE 106

same against the lawful claims of all persons whomsoever; and the Grantors, for themselves, their heirs, successors, executors and assigns, release the Dot from any and all claims for damages by reason of said easement herein conveyed over property of the Grantors and the past and future use thereof by DOT, its successors and assigns, for all purposes for which DOT, its successors and assigns, is authorized by law to subject the same.

DOT hereby agrees to abandon its easement for the present location of N.C.S.R. 1568, known as the Old Road upon the completion of the new N.C.S.R. 1568 and its opening to public use by DOT.

IN WITNESS WHEREOF, the undersigned have hereunto set our hands and affixed our seals, the day and year first above written.

F. Roger Page (SEAL)
F. ROGER PAGE, JR.

Doris B. Page (SEAL)
DORIS B. PAGE

M. F. Bostic (SEAL)
M. F. BOSTIC

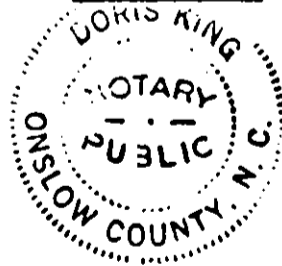
Frances Bostic (SEAL)
FRANCES BOSTIC

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

I, a Notary Public of the County and the State aforesaid, hereby certify that F. ROGER PAGE, JR. and wife, DORIS B. PAGE, personally appeared before me this day and acknowledged the due execution of the forgoing instrument for the purposes and intents therein expressed.

Witness my hand and notarial seal, this 3rd day of October, 1989.

Doris King
Notary Public
My commission expires: 11/22/92



STATE OF NORTH CAROLINA
COUNTY OF

I, a Notary Public of the County and the State aforesaid, hereby certify that M. F. BOSTIC and wife, FRANCES BOSTIC, personally appeared before me this day and acknowledged the due execution of the forgoing instrument for the purposes and intents therein expressed.

Witness my hand and notarial seal, this ____ day of _____, 1989.

Notary Public
My commission expires: _____

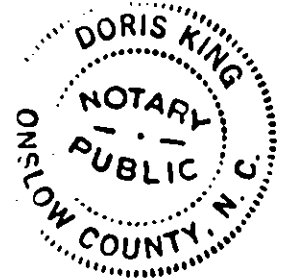
STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

BOOK 939 PAGE 107

I, a Notary Public of the said County and State, do hereby certify that Marlo P. Bostic, individually and as attorney in fact for Frances W. Bostic, personally appeared before me this day and by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of himself and Frances W. Bostic, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in Book 814 at Page 232 in the Office of the Register of Deeds of Onslow County, North Carolina on the 9th day of January, 1987 and that this instrument was executed under and by virtue of the authority given by said power of attorney; that the said Marlo F. Bostic acknowledged the due execution of the foregoing and annexed instrument for the purposes therein established for and in behalf of the himself and the said Frances W. Bostic.

Witness my hand and official seal, this the 1st day of October, 1989.

Doris King
Notary Public
My commission expires: 11/22/92



NORTH CAROLINA, ONSLOW COUNTY
The foregoing certificate(s) of Doris King

Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 939 Page 105 This 20th day of Oct. 1989 A.D. at 12:30 o'clock P. M.
Mildred M. Thomas By _____
Register of Deeds, Onslow County Register of Deeds

DRAWN BY: J. J. Anderson

CHECKED BY: [Signature]

NORTH CAROLINA
COUNTY OF ONSLOW

'92 NOV 23 PM 2 53

STATE HIGHWAY PROJECT 4.6030011
PARCEL 1B
P. A. PROJECT N/A

THIS DEED OF EASEMENT, entered into this the 28th day of October, 1992, by and between Golden Acres, Inc., A North Carolina Corporation and Page Distributing Company, Inc., A North Carolina Corporation hereinafter referred to as the GRANTORS, and the DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the DEPARTMENT;

W I T N E S S E T H:

THAT the GRANTORS, for themselves, their heirs, successors, executors and assigns, for and in consideration of the sum of \$1.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, a perpetual easement for highway purposes, over a portion of real property described in deed(s) recorded in Book 949, Page 46 and Book 1042, Page 68 in the office of the Register of Deeds of Onslow County, said easement being described as follows:

BEING the widths indicated and between the approximate Survey Stations as follows:

LEFT OF SURVEY LINE				RIGHT OF SURVEY LINE			
Width	Station	Station	Survey Line	Width	Station	Station	Survey Line
30 Ft. wide	147+99.85	and 150+19:	L	30 Ft. wide	147+99.85	and 150+17:	L

And additional easement areas described as follows: A ten (10) Foot Easement located parallel with, adjacent to and on each side of the hereinabove described sixty (60) foot right of way for highway and utility purposes.

Said easement widths, stations numbers, survey lines and additional easement areas being delineated on that set of plans for State Highway Project 4.6030011 on file in the Office of the Department of Transportation in Raleigh, North Carolina, and also on a copy of said project plans which will be recorded, as required by law, in the office of the Register of Deeds of Onslow County, to which plans reference is hereby made for greater certainty of description of the easement areas herein conveyed and for no other purpose.

This DEED OF EASEMENT is subject to the following provisions only: This Deed of Easement is supplemental to that Deed of Easement for the relocation of NC SR 1568 dated October 3, 1989, recorded in Book 939, Page 105 of the Onslow County Registry.

There are no conditions to this DEED OF EASEMENT not expressed herein.

TO HAVE AND TO HOLD said perpetual easement for highway purposes unto the DEPARTMENT, its successors and assigns, and the GRANTORS, for themselves, their heirs, successors, executors and assigns, hereby warrant and covenant that they are the sole owners of the property; that they solely have the right to grant the easement; and that they will forever warrant and defend title to the same against the lawful claims of all persons whomsoever; and the GRANTORS, for themselves, their heirs, successors, executors and assigns, release the DEPARTMENT from any and all claims for damages by reason of said easement herein conveyed over property of the GRANTORS and the past and future use thereof by the DEPARTMENT, its successors and assigns, for all purposes for which the Department, its successors and assigns, is authorized by law to subject the same.

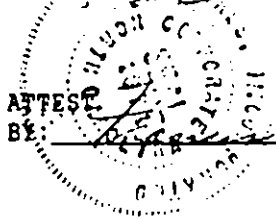
PROJECT: 4.6030011
PARCEL: 1B

BOOK 1082 PAGE 79

IN WITNESS WHEREOF, we have hereunto set our hand and affixed our seals the day and year first above written.

GOLDEN ACRES INC., A NORTH CAROLINA CORPORATION

BY: [Signature] President



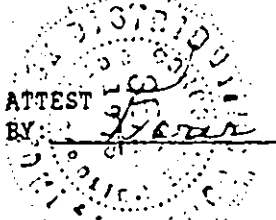
ATTEST BY: [Signature] Secretary

NOV 1 1992

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: [Signature]

PAGE DISTRIBUTING COMPANY INC., A NORTH CAROLINA CORPORATION

BY: [Signature] President



ATTEST BY: [Signature] Secretary

STATE NORTH CAROLINA, COUNTY FORSYTH

I, PAUL DALLAS JONES a Notary Public of the County and State aforesaid certify that DAVIS B PAGE personally came before me this day and acknowledged that he is ~~(Assistant)~~ Secretary of PAGE DISTRIBUTING COMPANY INC and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by DAVIS B PAGE as its Secretary.

WITNESS my hand and official stamp or seal this the 23rd day of OCTOBER, 1992.

My Commission Expires: 11-16-95

[Signature]
NOTARY PUBLIC

STATE NORTH CAROLINA, COUNTY PENDER

I, LILLIAN TRIFOLI a Notary Public of the County and State aforesaid certify that FRANKES W. BOSTIC personally came before me this day and acknowledged that he is ~~(Assistant)~~ Secretary of GOLDEN ACRES, INC. and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by FRANKES W. BOSTIC as its Secretary.

WITNESS my hand and official stamp or seal this the 15th day of NOVEMBER, 1992.

My Commission Expires: 3-15-97

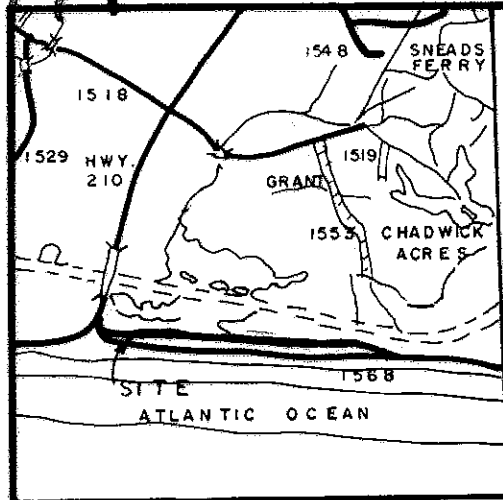
[Signature]
NOTARY PUBLIC

North Carolina, _____ County

NORTH CAROLINA, ONSLOW COUNTY Paul Dallas Jones & Lilian Trifoli
The foregoing certificate(s) of _____

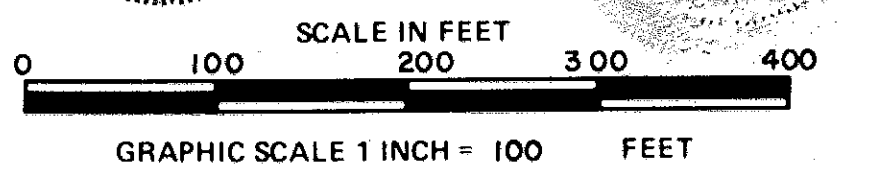
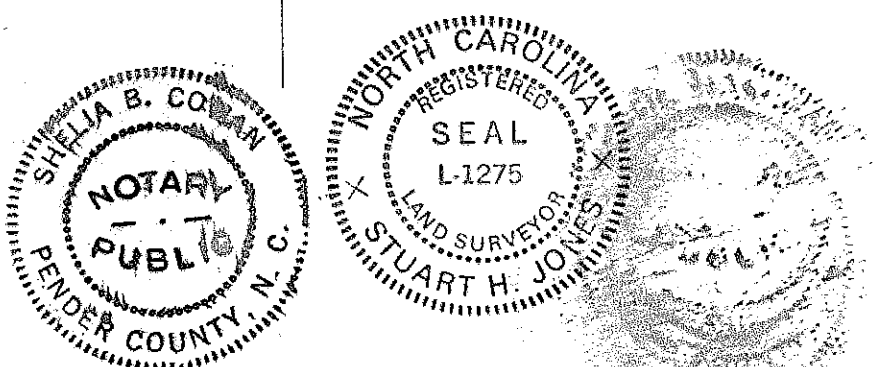
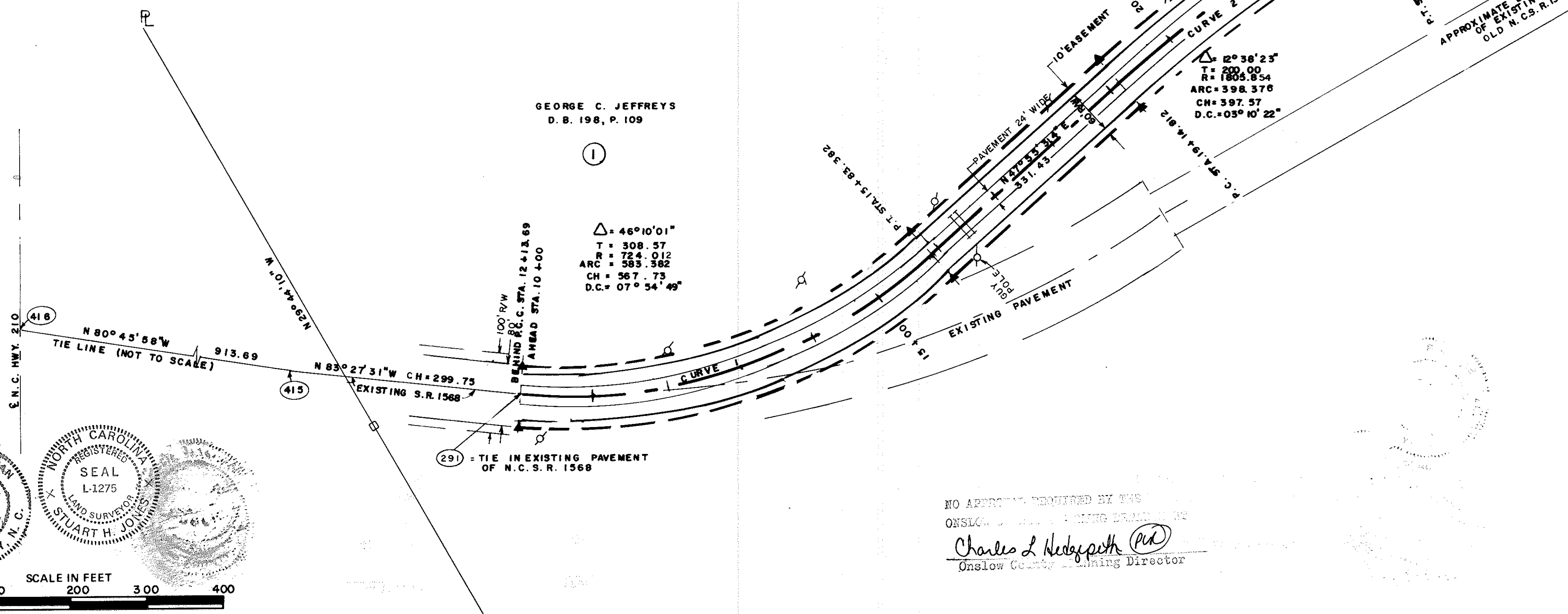
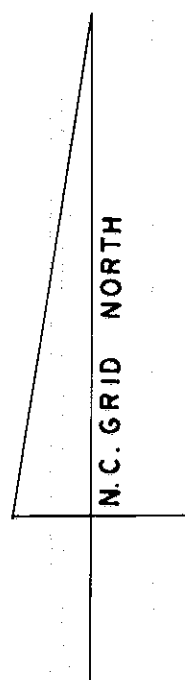
Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 1082 Page 78 This 23rd day of November

Regi: 19 92 RD. at 2:53 o'clock P. M.
[Signature] Register of Deeds, Onslow County



LOCATION MAP
SCALE: 1 INCH = 2 MILES

NORTH CAROLINA, ONSLOW COUNTY
The foregoing certificate(s) of Shelia B. Cowan
Notary Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in
Book 26 Page 147 This 29th day of October
19 89 A.D. at 12:00 o'clock P. M.
Richard M. Thomas By Slide - E - 175
Register of Deeds, Onslow County Register of Deeds



NO APPROVAL REQUIRED BY THE
ONSLOW COUNTY ENGINEERING DEPARTMENT
Charles L. Hedgepeth (P.E.)
Onslow County Engineering Director

STATE OF NORTH CAROLINA PENDER COUNTY
Stuart H. Jones BEING DULY SWORN, SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE under my supervision THAT DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBER IN NOTE NUMBER 1 ON THIS MAP. THAT THE PRECISION OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/2000' THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.
NORTH CAROLINA, PENDER COUNTY
I, Shelia B. Cowan a NOTARY PUBLIC OF Pender COUNTY, N. C. HERE BY CERTIFY THAT Stuart H. Jones PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE 30 DAY OF October, 1989.
MY COMM. EXPIRES: 8-14-94
Shelia B. Cowan
NOTARY PUBLIC

- LEGEND:
- PROPERTY LINE
 - - - OUTSIDE BOUNDARY LINE OF SUB-DIVISION
 - LOT LINE OF SUB-DIVISION
 - CENTER LINE
 - - - TIE LINE, OLD PROPERTY LINE, PROPERTY LINE OF ADJOINING PROPERTY, OR OUTLINE OF TOPOGRAPHICAL DETAIL
 - E - EASEMENT LINE
 - R/W - RIGHT OF WAY LINE
 - U - UTILITY LINES
 - CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)
 - CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)
 - IRON PIPE
 - IRON STAKE

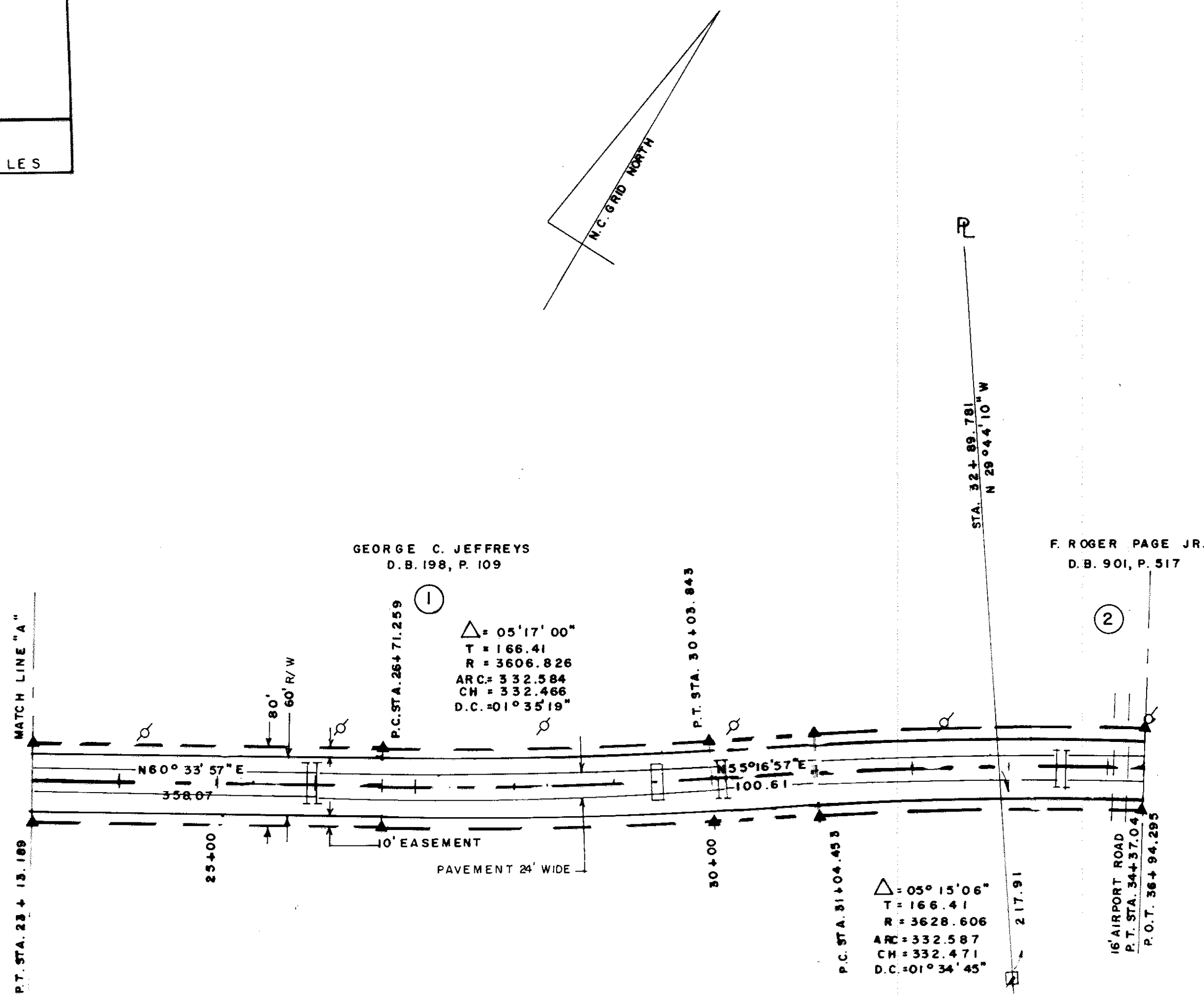
- L LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
- R RADIUS OF CIRCULAR CURVE
- T TANGENT OF CIRCULAR CURVE
- Δ DELTA ANGLE
- II 6" P.V.C. PIPES 1' APART
- ▲ N.C. DEPT. OF TRANSPORTATION R/W MARKERS
- ⊙ POWER POLE

AS - BUILT SURVEY, RELOCATION N.C.S.R. 1568		DRAWING NO	
STUMP SOUND TOWNSHIP ONSLOW COUNTY NORTH CAROLINA DATE OF SURVEY - SEPT. 21, 1989 SCALE - 1 INCH = 100 FEET		SHEET NO 1 OF 10	
DRAWN BY L. K. H.		COWAN AND JONES, P.A. REGISTERED LAND SURVEYORS BURGAW, NORTH CAROLINA	
DATE SEPT. 21, 1989			

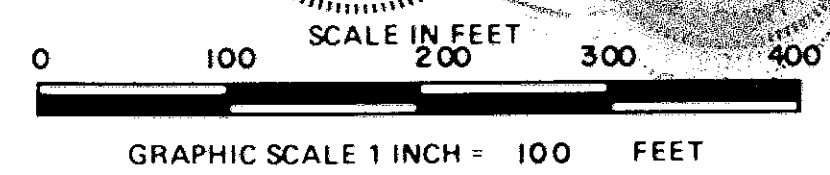
MOORE REPROGRAPHICS 308237

SEE SHEET 1 OF 10

LOCATION MAP
SCALE 1 INCH = 2 MILES



NO APPROVAL REQUIRED BY THE
 ONSLOW COUNTY PLANNING DEPARTMENT
Charles L. Hedges
 Onslow County Planning Director



STATE OF NORTH CAROLINA
 PENDER COUNTY
 I, *Stuart H. Jones*, BEING DULY SWORN, SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION THAT DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBER IN NOTE NUMBER 1 ON THIS MAP THAT THE PRECISION OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1.5000 THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

NORTH CAROLINA PENDER COUNTY
 I, *Shelia B. Cowan*, A NOTARY PUBLIC OF PENDER COUNTY N.C. HERE BY CERTIFY THAT *Stuart H. Jones* PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE 20 DAY OF October, 1989. MY COMM. EXPIRES 8-14-94
 NOTARY PUBLIC

- LEGEND:**
- PROPERTY LINE
 - - - OUTSIDE BOUNDARY LINE OF SUB DIVISION
 - LOT LINE OF SUB DIVISION
 - CENTER LINE
 - - - TIE LINE, OLD PROPERTY LINE, PROPERTY LINE OF ADJOINING PROPERTY, OR OUTLINE OF TOPOGRAPHICAL DETAIL
 - E - EASEMENT LINE
 - R/W - RIGHT OF WAY LINE
 - UTILITY LINES
 - CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)
 - CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)
 - IRON PIPE
 - IRON STAKE

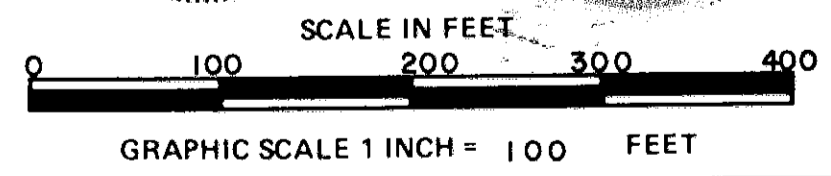
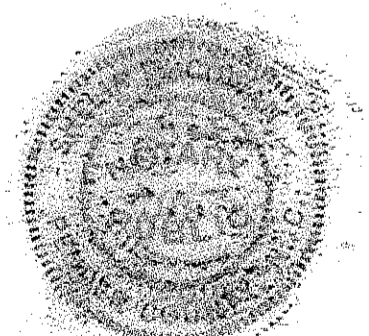
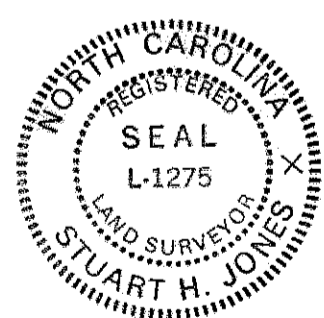
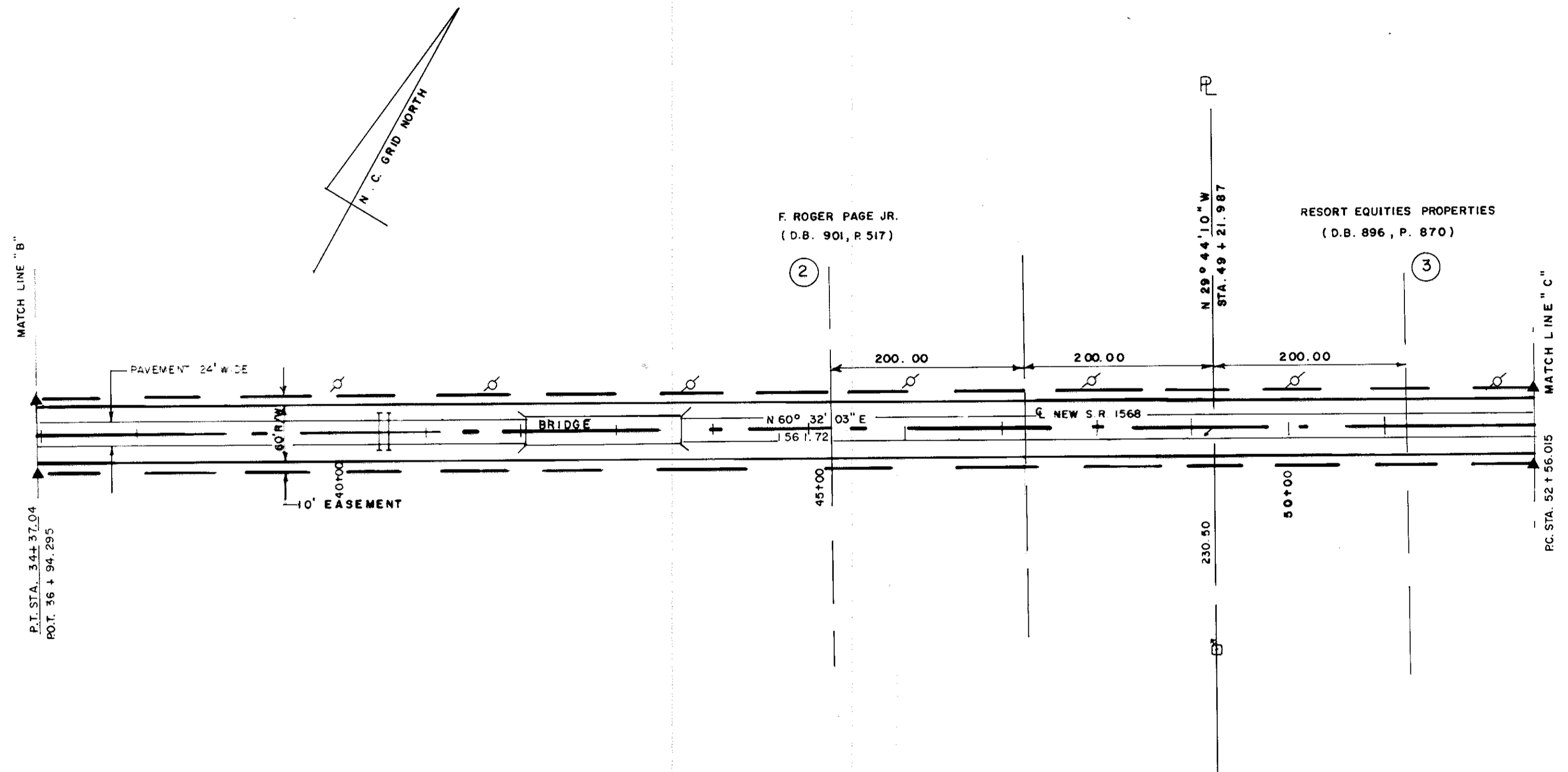
- LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
- R - RADIUS OF CIRCULAR CURVE
- T - TANGENT OF CIRCULAR CURVE
- Δ - DELTA ANGLE
- 6" PVC PIPES 1' APART
- ▲ N.C. DEPT. OF TRANSPORTATION R/W MARKERS
- 18 INCH DIA. CONCRETE PIPE
- POWER POLE

AS - BUILT SURVEY,
RELOCATION N. C. S. R. 1568
 STUMP SOUND TOWNSHIP
 ONSLOW COUNTY
 NORTH CAROLINA
 DATE OF SURVEY - SEPT. 21, 1989
 SCALE - 1 INCH = 100 FEET

DRAWN BY L. K. H.	COWAN AND JONES, P.A. REGISTERED LAND SURVEYORS BURGAW, NORTH CAROLINA	DRAWING NO.
DATE SEPT. 21, 1989		SHEET NO. 2 OF 10

SEE SHEET 1 OF 10

LOCATION MAP
SCALE: 1 INCH = 2 MILES



NO APPROVAL REQUIRED BY THE
 ONSLOW COUNTY PLANNING DEPARTMENT
Charles L. Hedgepeth
 Onslow County Planning Director

STATE OF NORTH CAROLINA
 Stuart H. Jones, BEING DULY SWORN, SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION THAT DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBER IN NOTE NUMBER 1 ON THIS MAP. THAT THE PRECISION OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/50000. THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

NORTH CAROLINA, PENDER COUNTY
 I, *Shelia B. Cowan*, A NOTARY PUBLIC OF PENDER COUNTY, N.C., HERE BY CERTIFY THAT *Stuart H. Jones* PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE 20 DAY OF October, 1989.
 MY COMM. EXPIRES: 8-1-94
Shelia B. Cowan
 NOTARY PUBLIC

LEGEND

—	PROPERTY LINE
---	OUTSIDE BOUNDARY LINE OF SUB DIVISION
---	LOT LINE OF SUB DIVISION
---	CENTER LINE
---	THE LINE OLD PROPERTY LINE, PROPERTY LINE OF ADJOINING PROPERTY OR OUTLINE OF TOPOGRAPHICAL DETAIL
-E-	EASEMENT LINE
-R/W-	RIGHT OF WAY LINE
○	UTILITY LINES
■	CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)
■	CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)
○	IRON PIPE
●	IRON STAKE

L	LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
R	RADIUS OF CIRCULAR CURVE
T	TANGENT OF CIRCULAR CURVE
Δ	DELTA ANGLE
	6" PVC. PIPES 1' APART
▲	N.C. DEPT. OF TRANSPORTATION R/W MARKERS
○	POWER POLE

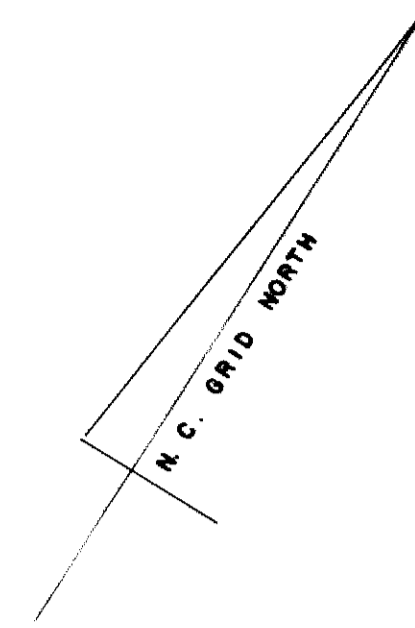
AS-BUILT SURVEY,
RELOCATION N.C.S.R. 1568
 STUMP SOUND TOWNSHIP
 ONSLOW COUNTY
 NORTH CAROLINA
 DATE OF SURVEY - SEPT. 21, 1989
 SCALE - 1 INCH = 100 FEET

DRAWN BY L. K.H.	COWAN AND JONES, P.A. REGISTERED LAND SURVEYORS BURGAW, NORTH CAROLINA	DRAWING NO.
DATE SEPT. 21, 1989		SHEET NO. 3 OF 10

MADE REPROGRAPHS 308237

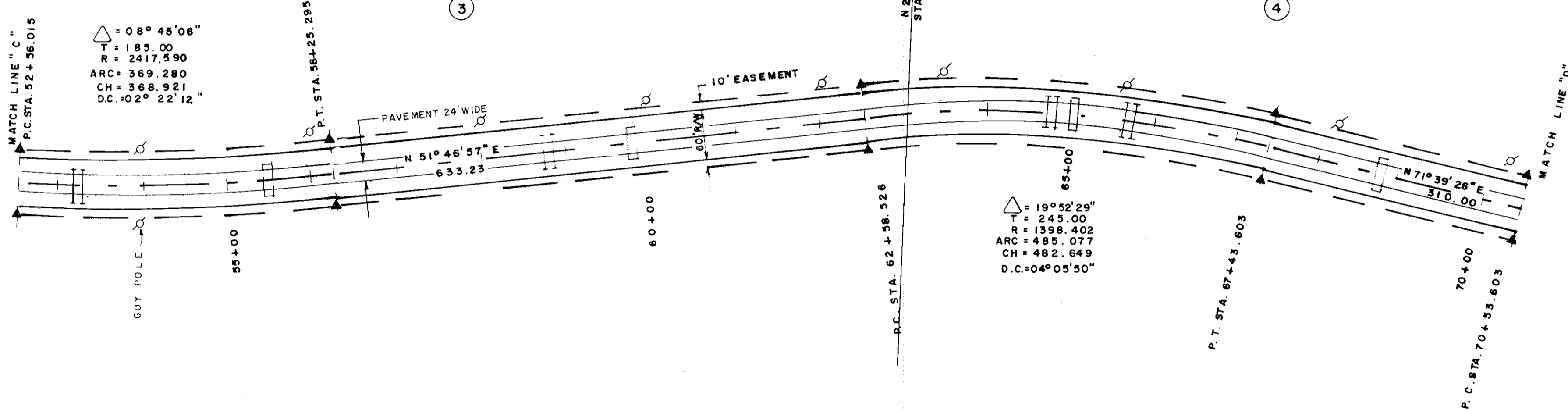
SEE SHEET 1 OF 10

LOCATION MAP
SCALE: 1 INCH = 2 MILES

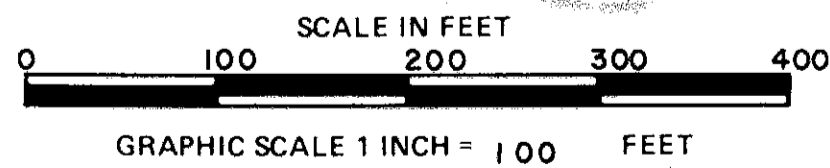


RESORT EQUITIES PROPERTIES
(D.B. 896, P. 870)

F. ROGER PAGE JR. & CHARLES PADGETT
(D.B. 808, P. 820)



NO APPROVAL REQUIRED BY THE
ONSLOW COUNTY PLANNING DEPARTMENT
Charles L. Wedgworth
Onslow County Planning Director



STATE OF NORTH CAROLINA PENDER COUNTY
Stuart H. Jones, BEING DULY SWORN, SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE under my supervision THAT DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBER IN NOTE NUMBER 1 ON THIS MAP THAT THE PRECISION OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1 36000 THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF
NORTH CAROLINA, PENDER COUNTY
I, *Stuart H. Jones*, A NOTARY PUBLIC OF Pender COUNTY, N.C., HERE BY CERTIFY THAT *Stuart H. Jones* PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE 20 DAY OF October, 1989. MY COMM. EXPIRES: 8-16-91
Stuart H. Jones
NOTARY PUBLIC

LEGEND

---	PROPERTY LINE
- - - -	OUTSIDE BOUNDARY LINE OF SUB DIVISION
---	LOT LINE OF SUB DIVISION
---	CENTER LINE
---	TIE LINE - OLD PROPERTY LINE - PROPERTY LINE OF ADJOINING PROPERTY OR OUTLINE OF TOPOGRAPHICAL DETAIL
-E-	EASEMENT LINE
-R/W-	RIGHT OF WAY LINE
—○—	UTILITY LINES
—□—	CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)
—■—	CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)
—○—	IRON PIPE
—●—	IRON STAKE

L	LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
R	RADIUS OF CIRCULAR CURVE
T	TANGENT OF CIRCULAR CURVE
Δ	DELTA ANGLE
	6" P.V.C. PIPES 1' APART
▲	N.C. DEPT. OF TRANSPORTATION R/W MARKERS
□	18 INCH DIA. CONCRETE PIPE
○	POWER POLE

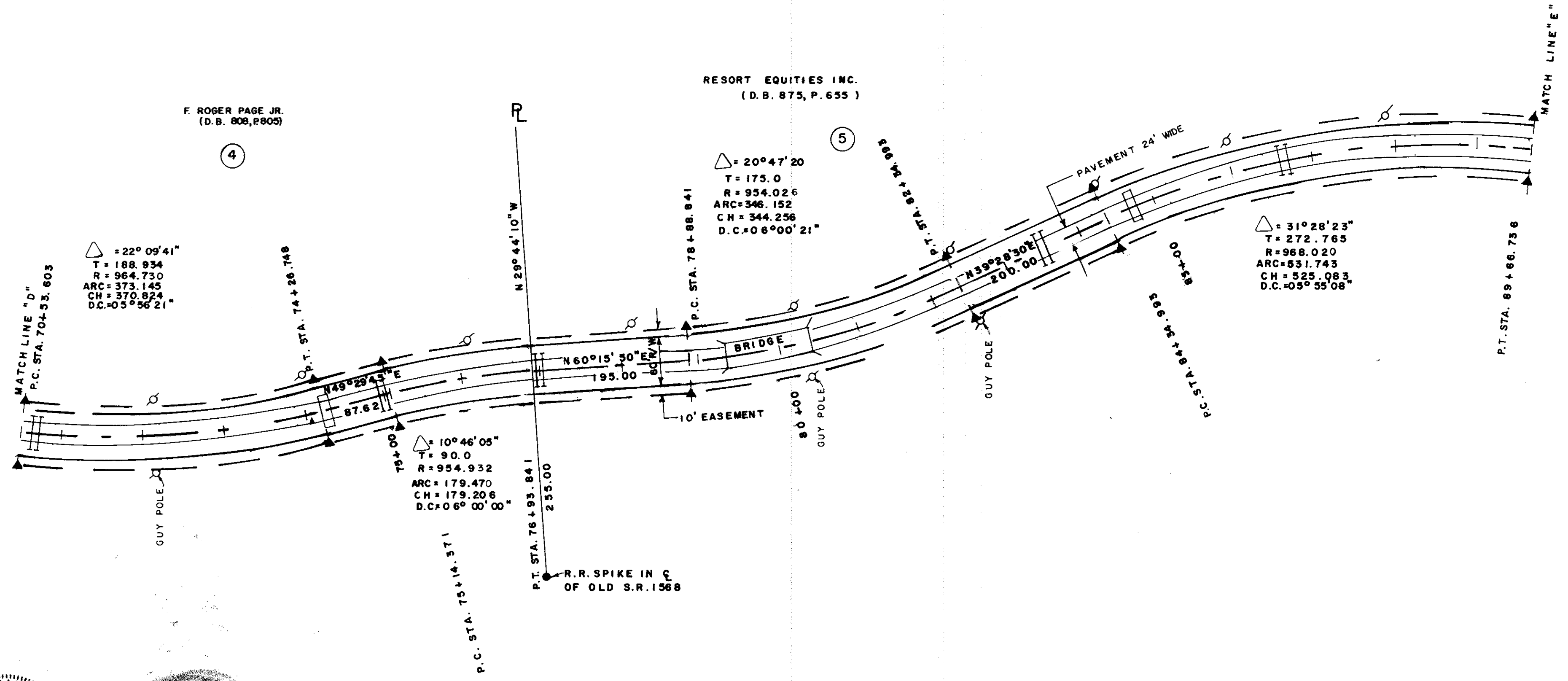
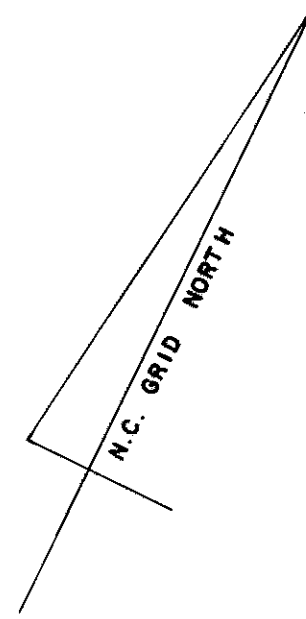
AS- BUILT SURVEY,
RELOCATION N.C.S.R. 1568
STUMP SOUND TOWNSHIP
ONSLOW COUNTY
NORTH CAROLINA
DATE OF SURVEY - SEPT. 21, 1989
SCALE - 1 IN CH = 100 FEET

DRAWN BY L. K.H.	COWAN AND JONES, P.A. REGISTERED LAND SURVEYORS BURGAU, NORTH CAROLINA	DRAWING NO
DATE SEPT. 21, 1989		SHEET NO 4 OF 10

McGEE REPROGRAPHICS 308237

SEE SHEET 1 OF 10

LOCATION MAP
SCALE: 1 INCH = 2 MILES



F. ROGER PAGE JR.
(D.B. 808, P.805)

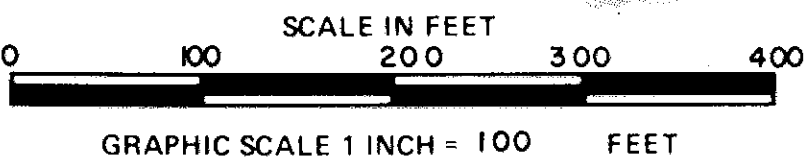
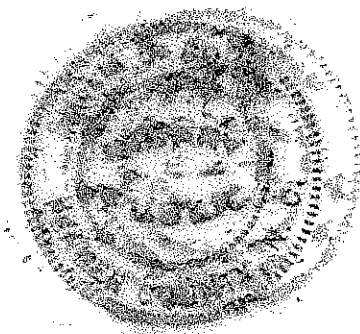
RESORT EQUITIES INC.
(D.B. 875, P.655)

$\Delta = 22^{\circ} 09' 41''$
T = 188.934
R = 964.730
ARC = 373.145
CH = 370.824
D.C. = $05^{\circ} 56' 21''$

$\Delta = 20^{\circ} 47' 20''$
T = 175.0
R = 954.026
ARC = 346.152
CH = 344.256
D.C. = $06^{\circ} 00' 21''$

$\Delta = 31^{\circ} 28' 23''$
T = 272.765
R = 968.020
ARC = 531.743
CH = 525.083
D.C. = $05^{\circ} 55' 08''$

$\Delta = 10^{\circ} 46' 05''$
T = 90.0
R = 954.932
ARC = 179.470
CH = 179.206
D.C. = $06^{\circ} 00' 00''$



NO APPROVAL REQUIRED BY THE
ONSWLOW COUNTY PLANNING DEPARTMENT
Charles L. Hedgcock
Onslow County Planning Director

STATE OF NORTH CAROLINA PENDER COUNTY
Stuart H. Jones BEING DULY SWORN, SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE *under my supervision* THAT DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBER IN NOTE NUMBER 1 ON THIS MAP THAT THE PRECISION OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/5000 THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF

NORTH CAROLINA, PENDER COUNTY
I, *Sheila B. Cowan* A NOTARY PUBLIC OF PENDER COUNTY, N.C. HERE BY CERTIFY THAT *Stuart H. Jones* PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE *20* DAY OF *October* 1989. MY COMM. EXPIRES: *8-1-94*
Sheila B. Cowan
NOTARY PUBLIC

LEGEND

	PROPERTY LINE
	OUTSIDE BOUNDARY LINE OF SUB DIVISION
	LOT LINE OF SUB DIVISION
	CENTER LINE
	THE LINE OLD PROPERTY LINE, PROPERTY LINE OF ADJOINING PROPERTY, OR OUTLINE OF TOPOGRAPHICAL DETAIL
	EASEMENT LINE
	RIGHT OF WAY LINE
	UTILITY LINES
	CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)
	CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)
	IRON PIPE
	IRON STAKE

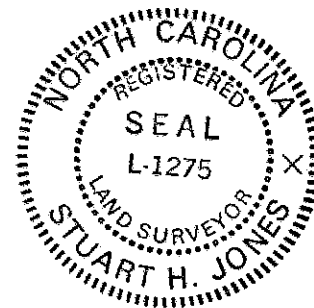
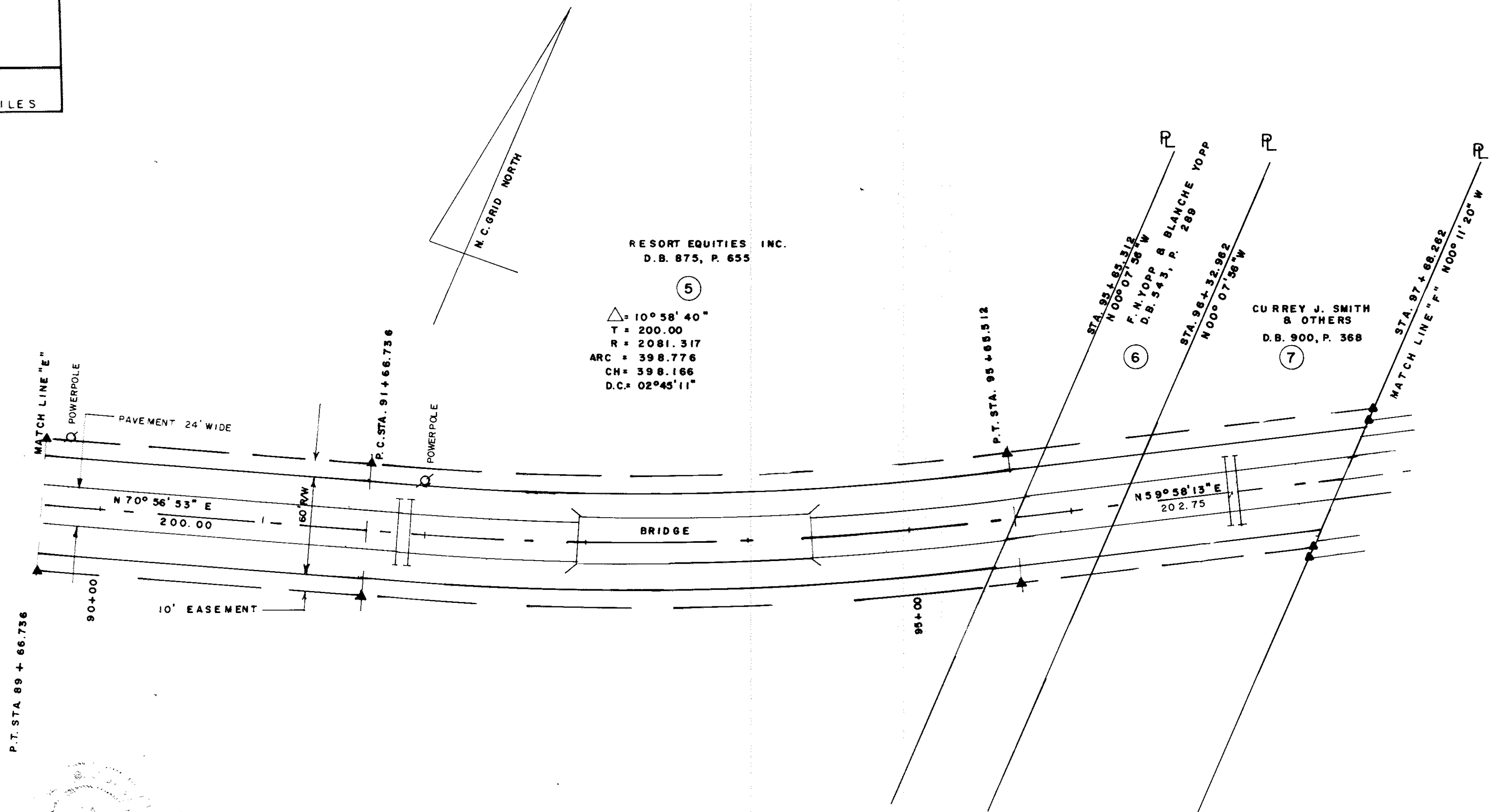
L	LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
R	RADIUS OF CIRCULAR CURVE
T	TANGENT OF CIRCULAR CURVE
Δ	DELTA ANGLE
	6" P.V.C. PIPES 1' APART
	N.C. DEPT. OF TRANSPORTATION R/W MARKERS
	18 INCH DIA. CONCRETE PIPE
	POWER POLE

AS - BUILT SURVEY,
RELOCATION N. C. S.R. 1568
STUMP SOUND TOWNSHIP
ONSWLOW COUNTY
NORTH CAROLINA
DATE OF SURVEY - SEPT. 21, 1989
SCALE - 1 INCH = 100 FEET

DRAWN BY L. K. H.		COWAN AND JONES, P.A. REGISTERED LAND SURVEYORS BURGAW, NORTH CAROLINA	DRAWING NO.
DATE SEPT. 21, 1989			SHEET NO. 5 OF 10

SEE SHEET 1 OF 10

LOCATION MAP
SCALE: 1 INCH = 2 MILES



NO APPROVAL REQUIRED BY THE
ONSLOW COUNTY PLANNING DEPARTMENT
Charles R. Weyers
Onslow County Planning Director

STATE OF NORTH CAROLINA
Stuart H. Jones BEING DULY SWORN, SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE *under my supervision* THAT DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBER IN NOTE NUMBER 1 ON THIS MAP THAT THE PRECISION OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS *5.1500* THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF

NORTH CAROLINA, PENDER COUNTY
I, *Shelia B. Cowan*, A NOTARY PUBLIC OF *Pender* COUNTY, N.C. HERE BY CERTIFY THAT *Stuart H. Jones* PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE *20* DAY OF *October*, 1989. MY COMM. EXPIRES: *8-14-90*

Shelia B. Cowan
NOTARY PUBLIC

- LEGEND:
- PROPERTY LINE
 - - - OUTSIDE BOUNDARY LINE OF SUB DIVISION
 - LOT LINE OF SUB DIVISION
 - CENTER LINE
 - - - TIE LINE - OLD PROPERTY LINE - PROPERTY LINE OF ADJOINING PROPERTY - OR OUTLINE OF TOPOGRAPHICAL DETAIL
 - E - EASEMENT LINE
 - R/W - RIGHT OF WAY LINE
 - UTILITY LINES
 - CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)
 - CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)
 - IRON PIPE
 - IRON STAKE

- L — LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
- R — RADIUS OF CIRCULAR CURVE
- T — TANGENT OF CIRCULAR CURVE
- Δ — DELTA ANGLE
- 6" P.V.C. PIPES 1' APART
- ▲ — N.C. DEPT. OF TRANSPORTATION R/W MARKERS

AS - BUILT SURVEY,
RELOCATION N.C. S.R. 1568
STUMP SOUND TOWNSHIP
ONSLOW COUNTY
NORTH CAROLINA
DATE OF SURVEY - SEPT. 21, 1989
SCALE - 1 INCH = 50 FEET

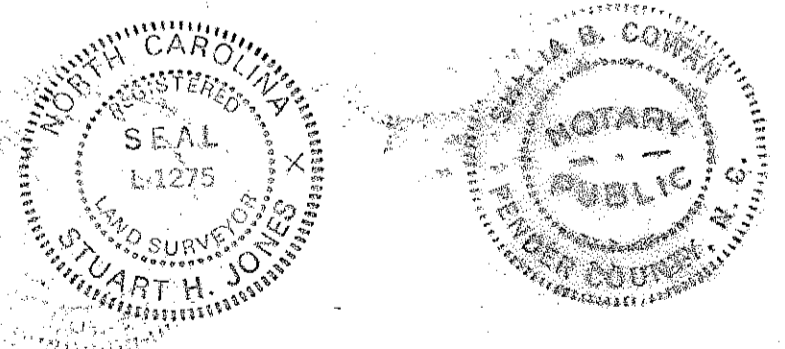
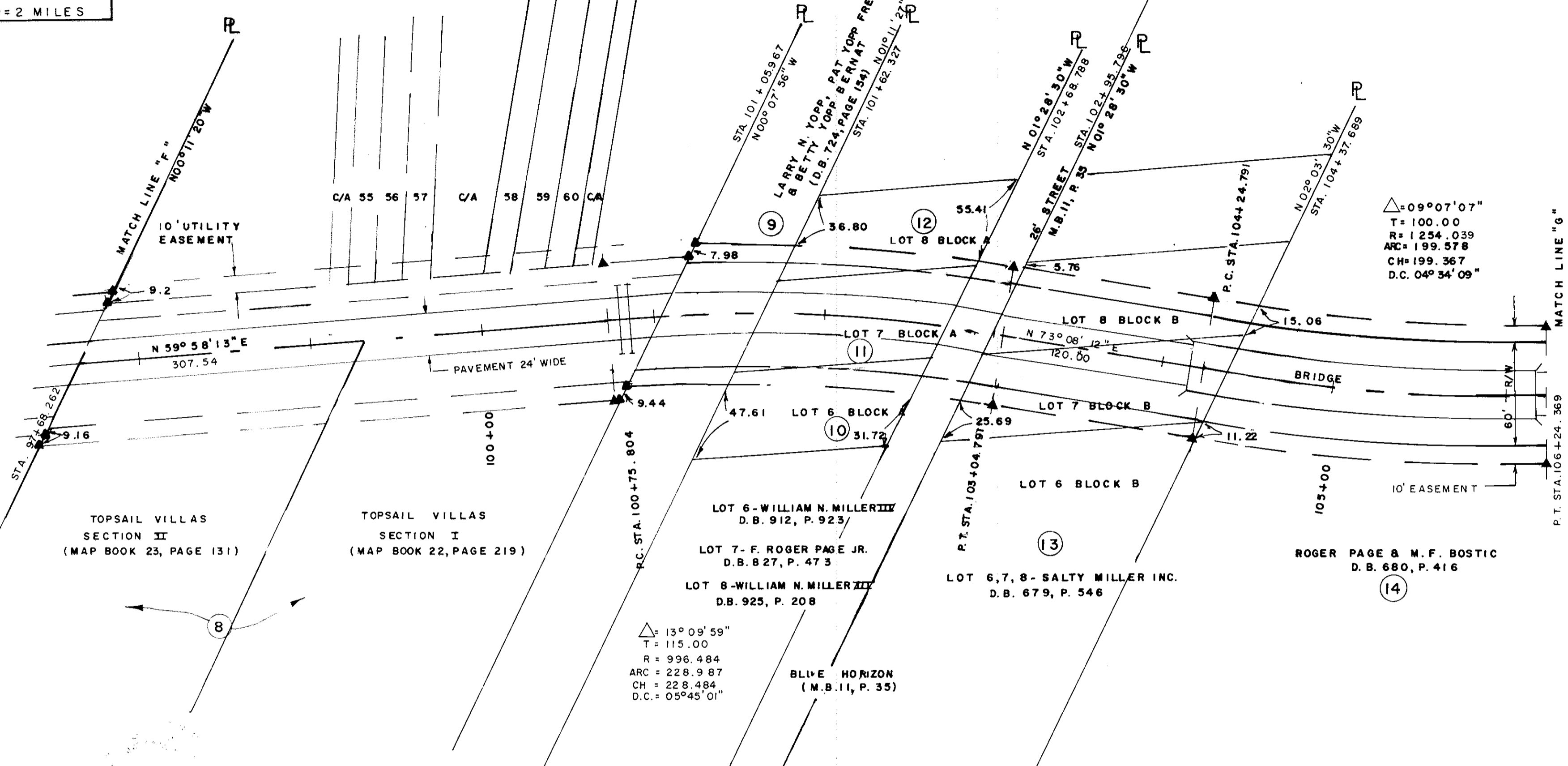
DRAWN BY L. K.H.	COWAN AND JONES, P.A. REGISTERED LAND SURVEYORS BURGAU, NORTH CAROLINA	DRAWING NO.
DATE SEPT. 21, 1989		SHEET NO. 6 OF 10

McGEE REPROGRAPHICS 308237

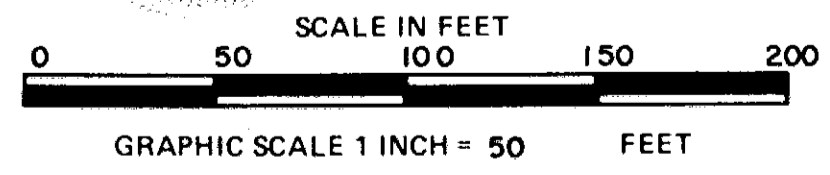
SEE SHEET
1 OF 10

LOCATION MAP
SCALE: 1 INCH=2 MILES

TOPSAIL LAND CO.
(D.B. 733, PAGE 676)



NO APPROVAL REQUIRED BY THE
 ONSLOW COUNTY ENGINEERING DEPARTMENT
 Charles L. Hedges, P.E.
 Onslow County Engineering Director



STATE OF NORTH CAROLINA PENDER COUNTY
 I, Stuart H. Jones, BEING DULY SWORN, SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION THAT DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBER IN NOTE NUMBER 1 ON THIS MAP, THAT THE PRECISION OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1 SECT THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.
 NORTH CAROLINA, PENDER COUNTY
 I, Sheila B. Cowan, A NOTARY PUBLIC OF PENDER COUNTY, N. C. HERE BY CERTIFY THAT Stuart H. Jones PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE 20 DAY OF October, 1989.
 MY COMM. EXPIRES: 8-14-94
 NOTARY PUBLIC

- LEGEND:
- PROPERTY LINE
 - - - OUTSIDE BOUNDARY LINE OF SUB-DIVISION
 - LOT LINE OF SUB-DIVISION
 - CENTER LINE
 - - - TIE LINE, OLD PROPERTY LINE, PROPERTY LINE OF ADJOINING PROPERTY, OR OUTLINE OF TOPOGRAPHICAL DETAIL
 - - - EASEMENT LINE
 - - - RIGHT OF WAY LINE
 - UTILITY LINES
 - CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)
 - CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)
 - IRON PIPE
 - IRON STAKE

- L LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
- R RADIUS OF CIRCULAR CURVE
- T TANGENT OF CIRCULAR CURVE
- Δ DELTA ANGLE
- 6" P.V.C. PIPES 1' APART
- ▲ N.C. DEP. T. OF TRANSPORTATION R/W MARKERS

AS-BUILT SURVEY,
RELOCATION N.C.S.R. 1568
 STUMP SOUND TOWNSHIP
 ONSLOW COUNTY
 NORTH CAROLINA
 DATE OF SURVEY - SEPT. 21, 1989
 SCALE - 1 INCH = 50 FEET

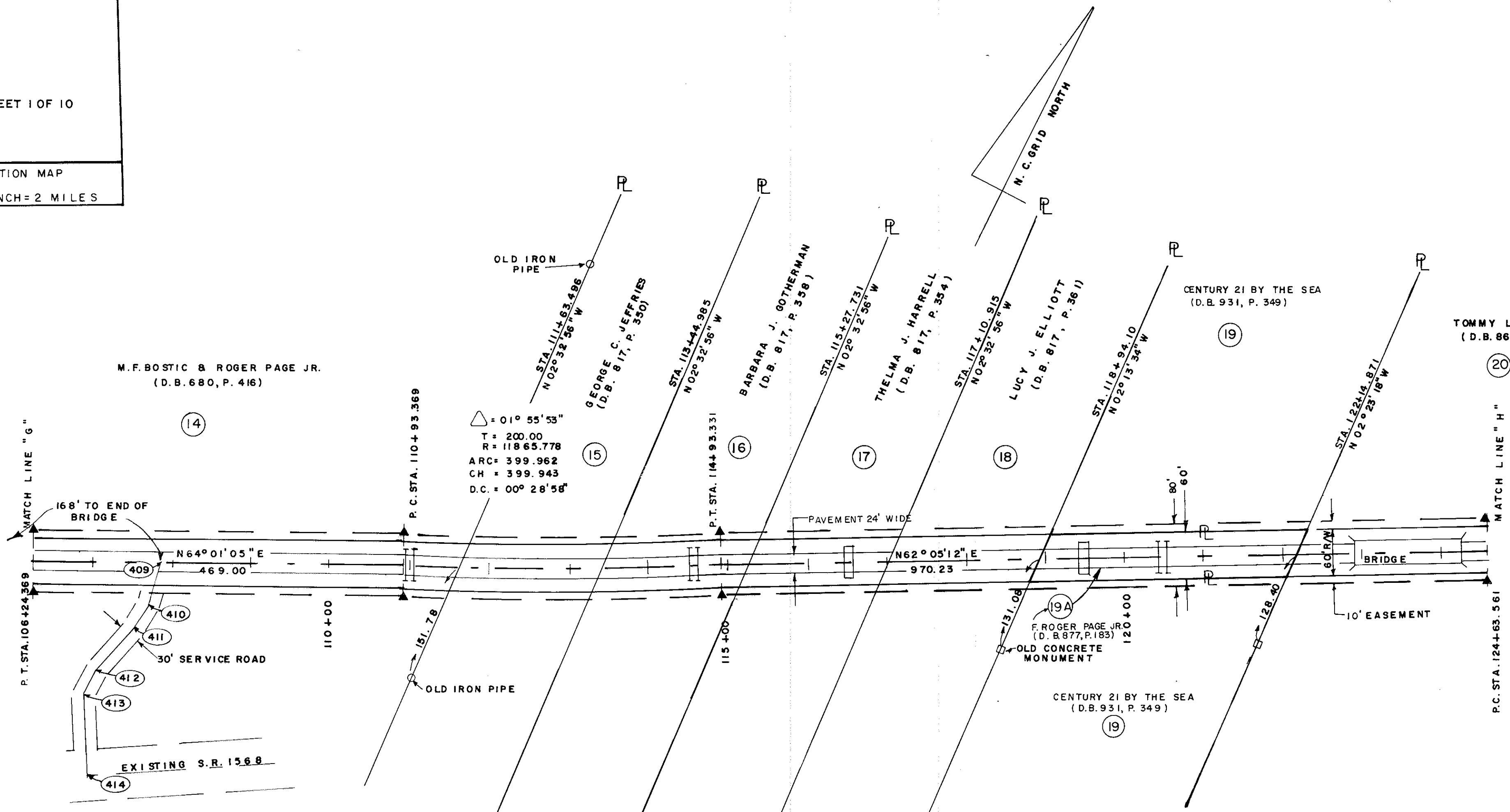
DRAWN BY L. K. H.	DRAWING NO
DATE SEPT. 21, 1989	SHEET NO 7 OF 10

COWAN AND JONES, P.A.
 REGISTERED LAND SURVEYORS
 BURGAW, NORTH CAROLINA

MOORE REPROGRAPHICS 309237

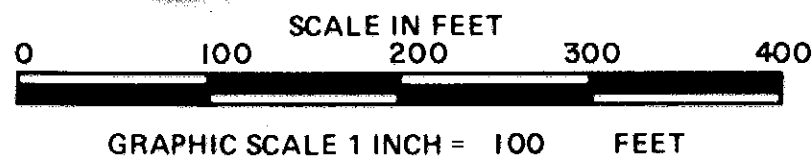
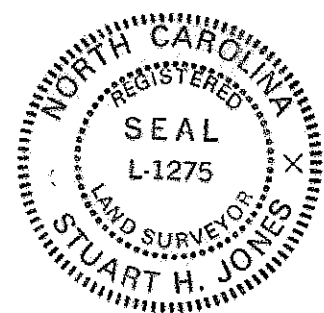
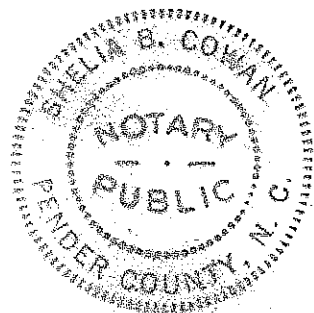
SEE SHEET 1 OF 10

LOCATION MAP
SCALE: 1 INCH = 2 MILES



FROM POINT NO. 409 TO POINT 414 FOLLOWING THE CENTERLINE OF A 30' SERVICE ROAD, COURSES AND DISTANCES ARE AS FOLLOWS:

409 - S 11° 01' 33" E	55.72 - 410
410 - S 06° 53' 57" W	30.14 - 411
411 - S 15° 30' 57" W	73.60 - 412
412 - S 02° 05' 57" W	34.42 - 413
413 - S 28° 33' 03" E	98.35 - 414



NO APPROVAL REQUIRED BY THE
COUNTY PLANNING DEPARTMENT
Charles R. Hilday
Onslow County Planning Director

STATE OF NORTH CAROLINA
Shelia B. Cowan BEING DULY SWORN, SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE *under my supervision* THAT DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBER IN NOTE NUMBER 1 ON THIS MAP. THAT THE PRECISION OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1 *good* THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

NORTH CAROLINA, PENDER COUNTY
Shelia B. Cowan A NOTARY PUBLIC OF *Pender* COUNTY, N. C., HERE BY CERTIFY THAT *Stuart H. Jones* PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE *20* DAY OF *October*, 1989. MY COMM. EXPIRES: *8-16-94*
Shelia B. Cowan
NOTARY PUBLIC

LEGEND:

	PROPERTY LINE		LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
	OUTSIDE BOUNDARY LINE OF SUB DIVISION		RADIUS OF CIRCULAR CURVE
	LOT LINE OF SUB DIVISION		TANGENT OF CIRCULAR CURVE
	CENTER LINE		DELTA ANGLE
	TIE LINE, OLD PROPERTY LINE, PROPERTY LINE OF ADJOINING PROPERTY, OR OUTLINE OF TOPOGRAPHICAL DETAIL		6" P.V.C. PIPE 1' APART
	EASEMENT LINE		N. C. DEPT. OF TRANSPORTATION R/W MARKERS
	RIGHT OF WAY LINE		18 INCH DIA. CONCRETE PIPE
	UTILITY LINES		
	CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)		
	CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)		
	IRON PIPE		
	IRON STAKE		

AS - BUILT SURVEY,
RELOCATION N. C. S. R. 1568
STUMP SOUND TOWNSHIP
ONSLOW COUNTY
NORTH CAROLINA
DATE OF SURVEY - SEPT. 21, 1989
SCALE - 1 INCH = 100 FEET

DRAWN BY L. K. H.	COWAN AND JONES, P.A. REGISTERED LAND SURVEYORS BURGAW, NORTH CAROLINA	DRAWING NO.
DATE SEPT. 21, 1989		SHEET NO. 8 OF 10

McGEE REPROGRAPHICS 308237

SEE SHEET I OF 10

LOCATION MAP

SCALE: 1 INCH = 2 MILES

MATCH LINE "H"
 $\Delta = 110^{\circ}12'31''$
 $T = 180.00$
 $R = 1834.345$
 $ARC = 358.851$
 $CH = 358.279$
 $D.C. = 03^{\circ}07'25''$

TOMMY L. WORD
 TRUSTEE
 (D. B. 866, P. 431)

(20)

STA. 125 + 59.889
 PAUL W. WOO
 TRUSTEE
 (D. B. 911, P. 87)

PAUL W. WOO
 TRUSTEE
 (D. B. 911, P. 85)

(21)

PAUL W. WOO

STA. 130 + 35.727
 MERRITT TRACT
 NEW RIVER BAPTIST ASSOCIATION
 N 02° 24' 18" W

NEW RIVER BAPTIST ASSOCIATION
 (D. B. 772, P. 625)
 STA. 131 + 4.82974
 NEW RIVER BAPTIST ASSOCIATION
 N 02° 26' 00" W

(23)

WILLIAM R. OWENS AND WIFE NANCY OWENS
 (D. B. 859, P. 139)
 STA. 132 + 85.301
 NATHANIEL S. DAY
 N 02° 25' 35" W

(24)

NATHANIEL S. DAY ESTATE
 (D. B. 891, P. 632)
 COMMISSIONERS DEED
 STA. 134 + 32.847
 NATHANIEL S. DAY
 N 02° 42' 40" W

(25)

C.M. ON EDGE OF SOUND

M. F. BOSTIC & ROGER PAGE JR.
 (D. B. 744, P. 527)

$\Delta = 15^{\circ}58'46''$
 $T = 280.839$
 $R = 2000.864$
 $ARC = 558.033$
 $CH = 558.228$
 $D.C. = 02^{\circ}51'50''$

P.C. STA. 124 + 53.561

125+00

N 50° 52' 41" E
 130.00'

208+33

130+00

(22)

NEW RIVER BAPTIST
 ASSOCIATION
 (D. B. 787, P. 733)
 228.86

P.T. STA. 135 + 10.445

135+00

BRIDGE

10' EASEMENT

BRIDGE

PAVEMENT 24' WIDE

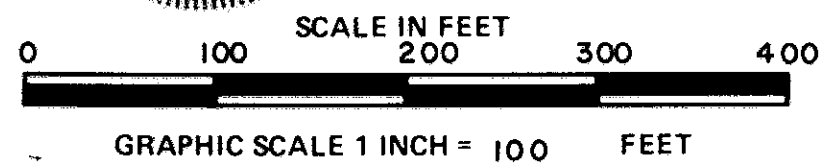
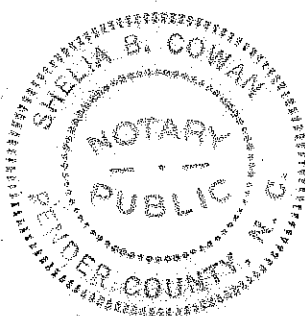
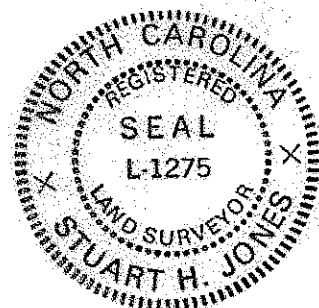
N 66° 51' 27" E
 811.00'

140+00

BRIDGE

P.C. STA. 143 + 21.445

MATCH LINE "I"



NO APPROVAL REQUIRED BY THE
 ONSLOW COUNTY PLANNING DEPARTMENT
Charles L. Widenpeth
 Onslow County Planning Director

STATE OF NORTH CAROLINA PENDER COUNTY
Stuart H. Jones BEING DULY SWORN, SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE ~~under my supervision~~ THAT DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBER IN NOTE NUMBER 1 ON THIS MAP. THAT THE PRECISION OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: ~~5000~~ THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

NORTH CAROLINA, PENDER COUNTY
 I, *Sheila B. Cowan* A NOTARY PUBLIC OF *Pender* COUNTY, N. C. HERE BY CERTIFY THAT *Stuart H. Jones* PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE *20* DAY OF *October*, 1989. MY COMM. EXPIRES: *8-14-94*
Sheila B. Cowan
 NOTARY PUBLIC

- LEGEND:
- PROPERTY LINE
 - - - OUTSIDE BOUNDARY LINE OF SUB-DIVISION
 - LOT LINE OF SUB-DIVISION
 - CENTER LINE
 - - - TIE LINE, OLD PROPERTY LINE, PROPERTY LINE OF ADJOINING PROPERTY, OR OUTLINE OF TOPOGRAPHICAL DETAIL
 - - - EASEMENT LINE
 - R/W- RIGHT OF WAY LINE
 - UTILITY LINES
 - CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)
 - CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)
 - IRON PIPE
 - IRON STAKE

- L LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
- R RADIUS OF CIRCULAR CURVE
- T TANGENT OF CIRCULAR CURVE
- Δ DELTA ANGLE
- || 6" P.V.C. PIPES 1' APART
- ▲ N. C. DEPT. OF TRANSPORTATION R/W MARKERS
- 18 INCH DIA. CONCRETE PIPE

AS - BUILT SURVEY,
RELOCATION N.C.S.R. 1568
 STUMP SOUND TOWNSHIP
 ONSLOW COUNTY
 NORTH CAROLINA
 DATE OF SURVEY - SEPT. 21, 1989
 SCALE - 1 INCH = 100 FEET

DRAWN BY
 L. K. H.
 DATE
 SEPT. 21, 1989

COWAN AND JONES, P.A.
 REGISTERED LAND SURVEYORS
 BURGAW, NORTH CAROLINA

DRAWING NO
 SHEET NO
 9 OF 10

SEE SHEET 1 OF 10

LOCATION MAP

SCALE: 1 INCH = 2 MILES

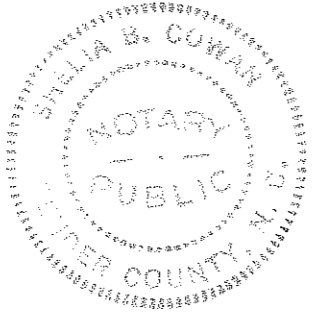
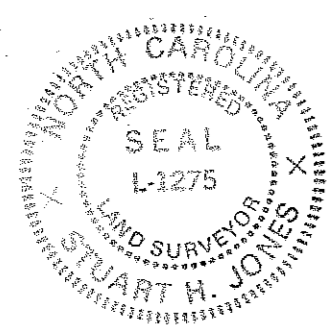
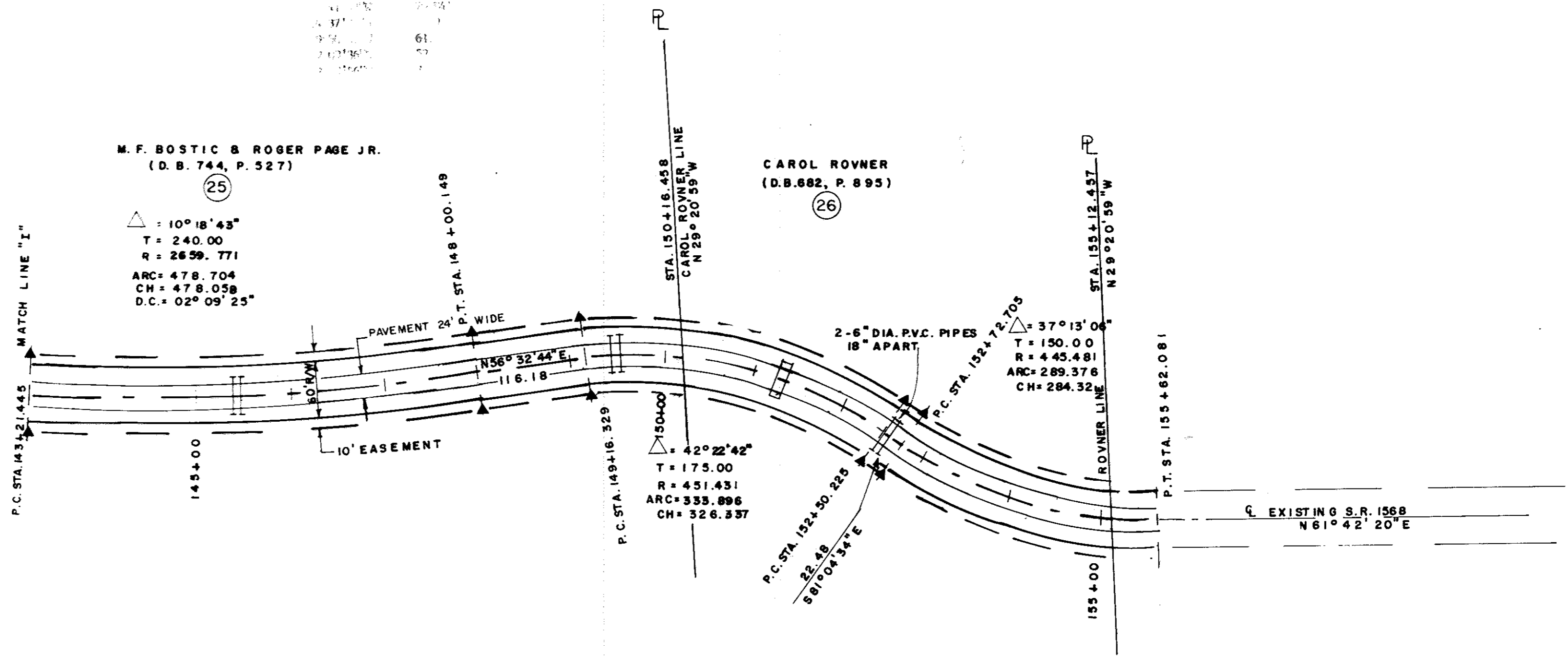
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89	52.73
90	52.73
91	52.73
92	52.73
93	52.73
94	52.73
95	52.73
96	52.73
97	52.73
98	52.73
99	52.73
100	52.73

M. F. BOSTIC & ROGER PAGE JR.
(D.B. 744, P. 527)

25
Δ = 10° 18' 43"
T = 240.00
R = 2659.771
ARC = 478.704
CH = 478.058
D.C. = 02° 09' 25"

CAROL ROVNER
(D.B. 682, P. 895)

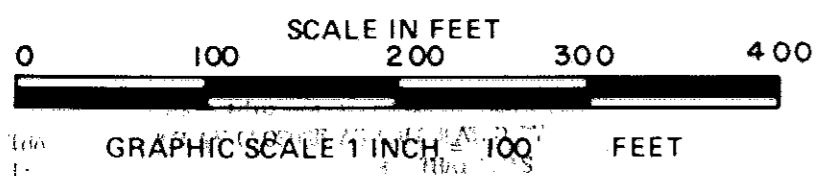
26



NORTH CAROLINA, ONSLOW COUNTY
The foregoing certificate(s) of Shelia B. Cowan

Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in
Book 26 Page 147 This 20th day of October
1989 A.D. at 12:00 o'clock P. M. Slide E-175
Michael M. Thomas Register of Deeds, Onslow County

NO APPROVAL REQUIRED BY THE
ONSLOW COUNTY PLANNING DEPARTMENT
Charles L. Hedgcock
Onslow County Planning Director



STATE OF NORTH CAROLINA
Stuart H. Jones BEING DULY SWORN SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION THAT DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBER IN NOTE NUMBER 1 ON THIS MAP THAT THE PRECISION OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:52822 THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-2 AS AMENDED AND IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF

NORTH CAROLINA, PENDER COUNTY
Shelia B. Cowan A NOTARY PUBLIC OF Onslow COUNTY, N.C. HERE BY CERTIFY THAT Stuart H. Jones PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS 20 DAY OF October 1989 MY COMM. EXPIRES 8-14-94
Shelia B. Cowan
NOTARY PUBLIC

LEGEND	
—	PROPERTY LINE
---	OUTSIDE BOUNDARY LINE OF SUB DIVISION
---	LINE OF SUB DIVISION
---	CENTER LINE
---	THE LINE OLD PROPERTY LINE, PROPERTY LINE OF ADJOINING PROPERTY OR OUTLINE OF TOPOGRAPHICAL DETAIL
-E-	EASEMENT LINE
-R-W-	RIGHT OF WAY LINE
○	CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)
□	CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)
○	IRON PIPE
●	IRON STAKE
L	LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
R	RADIUS OF CIRCULAR CURVE
T	TANGENT OF CIRCULAR CURVE
Δ	DELTA ANGLE
	6 INCH PVC. PIPES 1' APART
▲	N.C. DEPT. OF TRANSPORTATION R/W MARKERS
□	18" DIA. CONCRETE PIPE

AS - BUILT SURVEY,
RELOCATION N.C. S.R. 1568
STUMP SOUND TOWNSHIP
ONSLOW COUNTY
NORTH CAROLINA
DATE OF SURVEY - SEPT. 21, 1989
SCALE - 1 INCH = 100 FEET

DRAWN BY	L. K. H.	DRAWING NO.
DATE	SEPT. 21, 1989	SHEET NO.
COWAN AND JONES, P.A. REGISTERED LAND SURVEYORS BURGAW, NORTH CAROLINA		10 OF 10

Earnest Variance Request

March 23, 2003 Aerial Depicting 1180 New River Inlet Road

051

Legend

1180 New River Inlet Road

Google Earth

Image © 2024 Maxar Technologies



500 ft

Earnest Variance Request

February 28, 2006 Aerial Depicting 1180 New River Inlet Road

052

Legend

1180 New River Inlet Road

Google Earth

Image U.S. Geological Survey



500 ft

Earnest Variance Request

April 26, 2014 Aerial Depicting 1180 New River Inlet Road

053

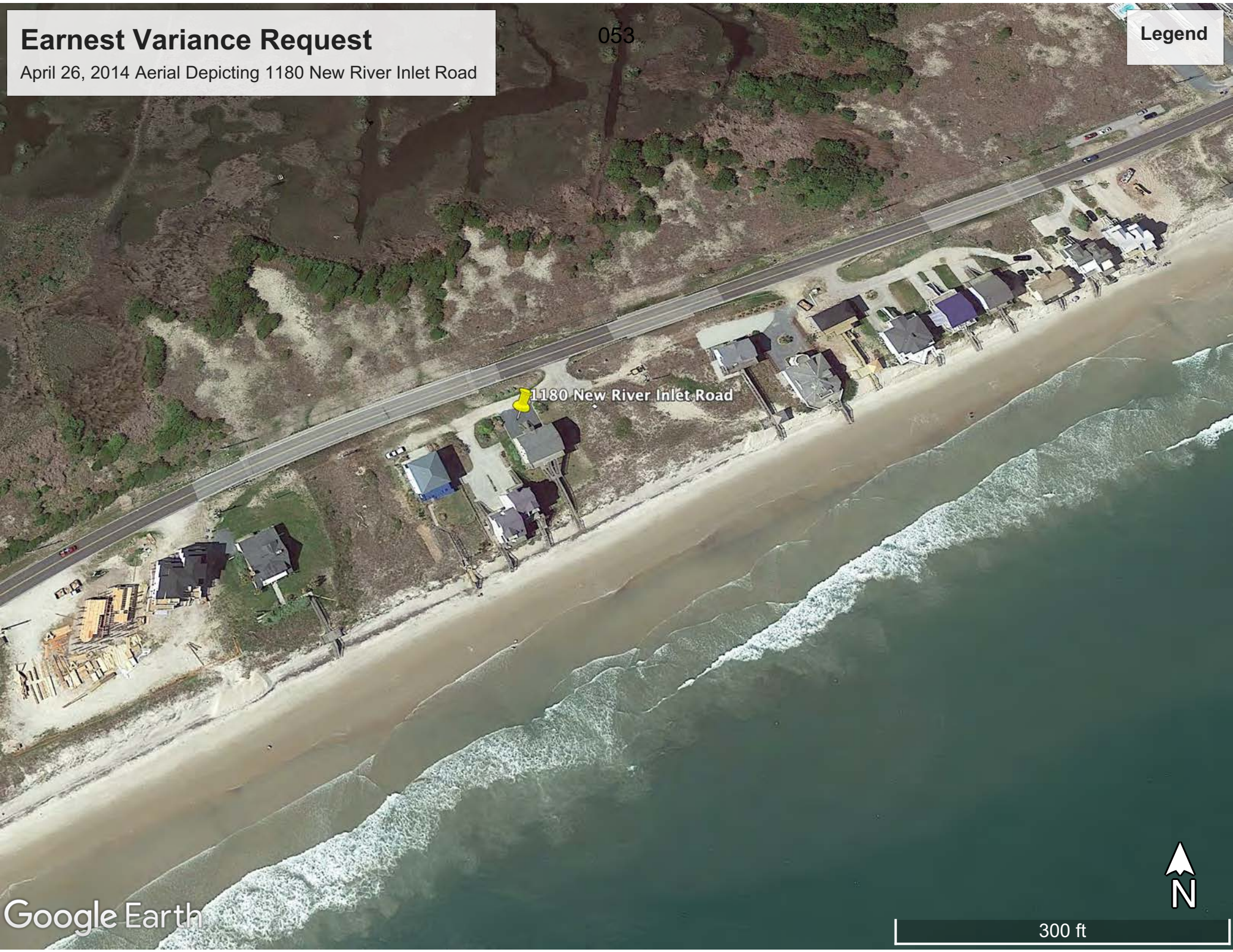
Legend

1180 New River Inlet Road

Google Earth



300 ft

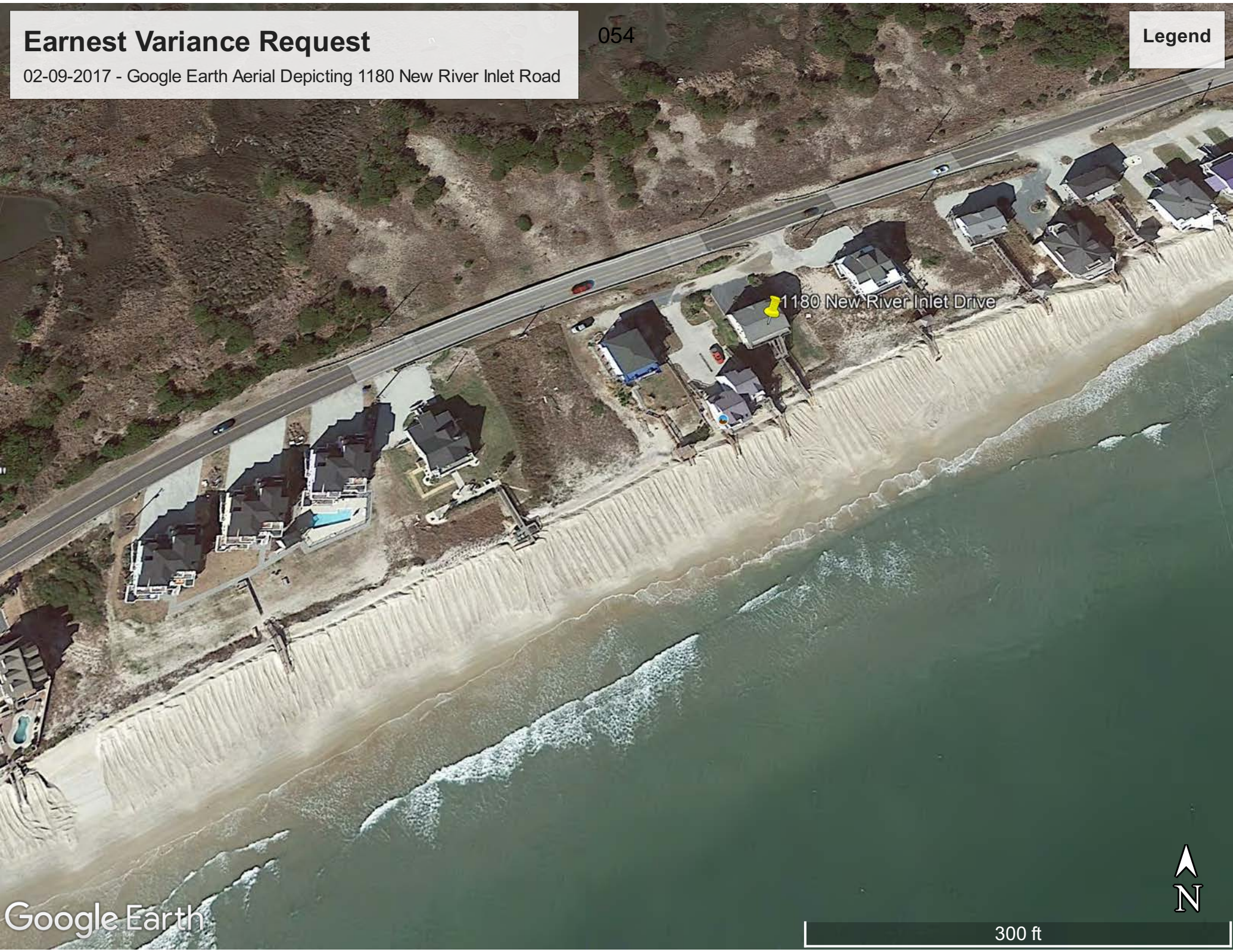


Earnest Variance Request

02-09-2017 - Google Earth Aerial Depicting 1180 New River Inlet Road

054

Legend



1180 New River Inlet Drive

Google Earth



300 ft

Earnest Variance Request

March 11, 2019 Aerial Depicting 1174/76 New River Inlet Road Duplex

055

Legend

📍 1174/1176 New River Inlet Road



100 ft

Earnest Variance Request

056

Legend

September 14, 2019 Aerial Depicting 1174/76 New River Inlet Road Duplex after fire

📍 1174/1176 New River Inlet Road



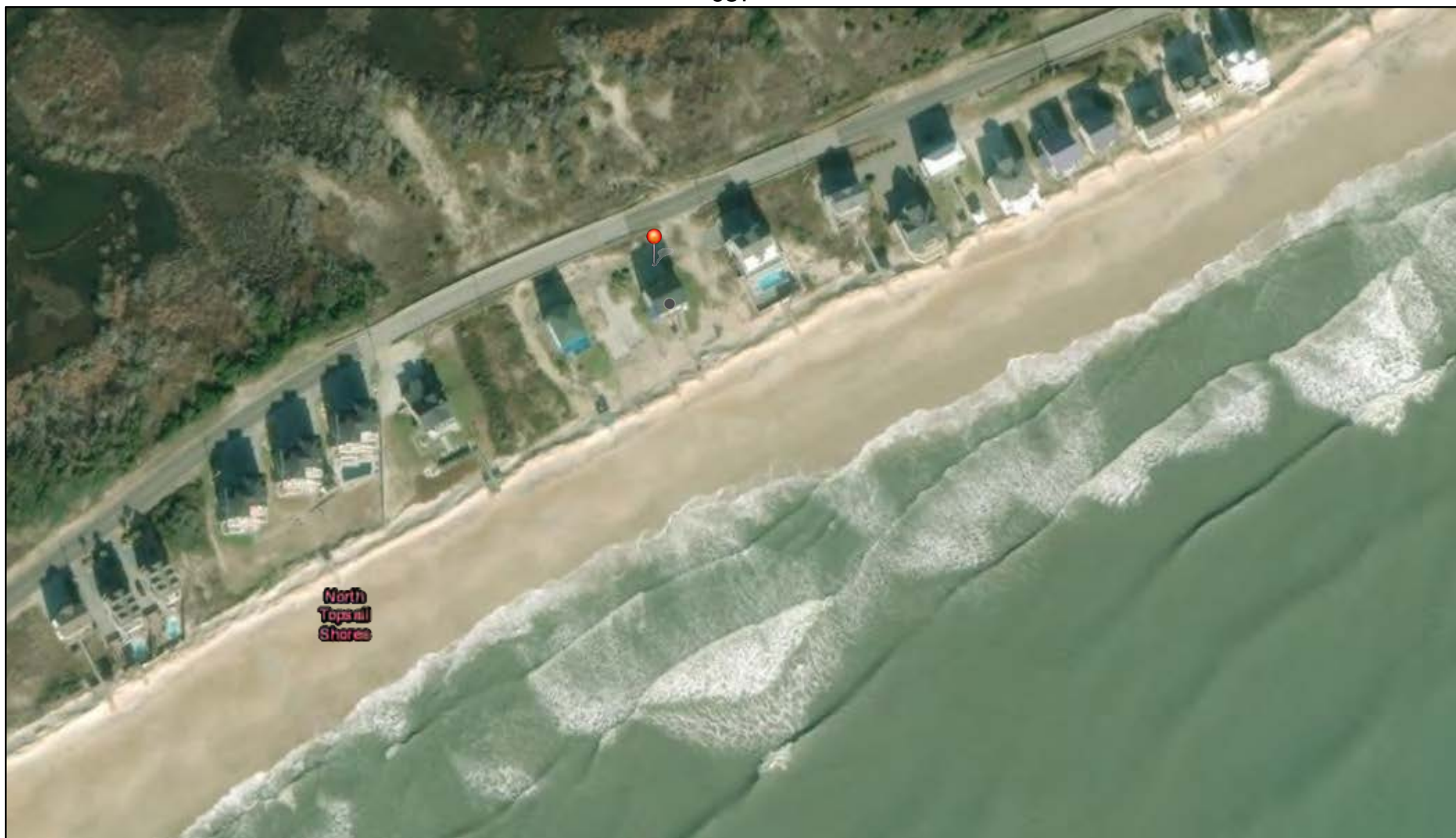
100 ft

Google Earth

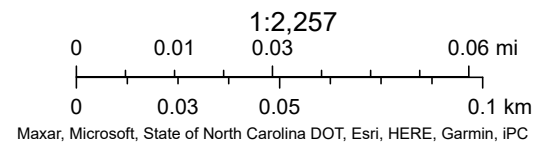
Image © 2024 CNES / Airbus

01-13-2021 DCM World Imagery Aerial-Depicting 1180 New River Inlet Road

057

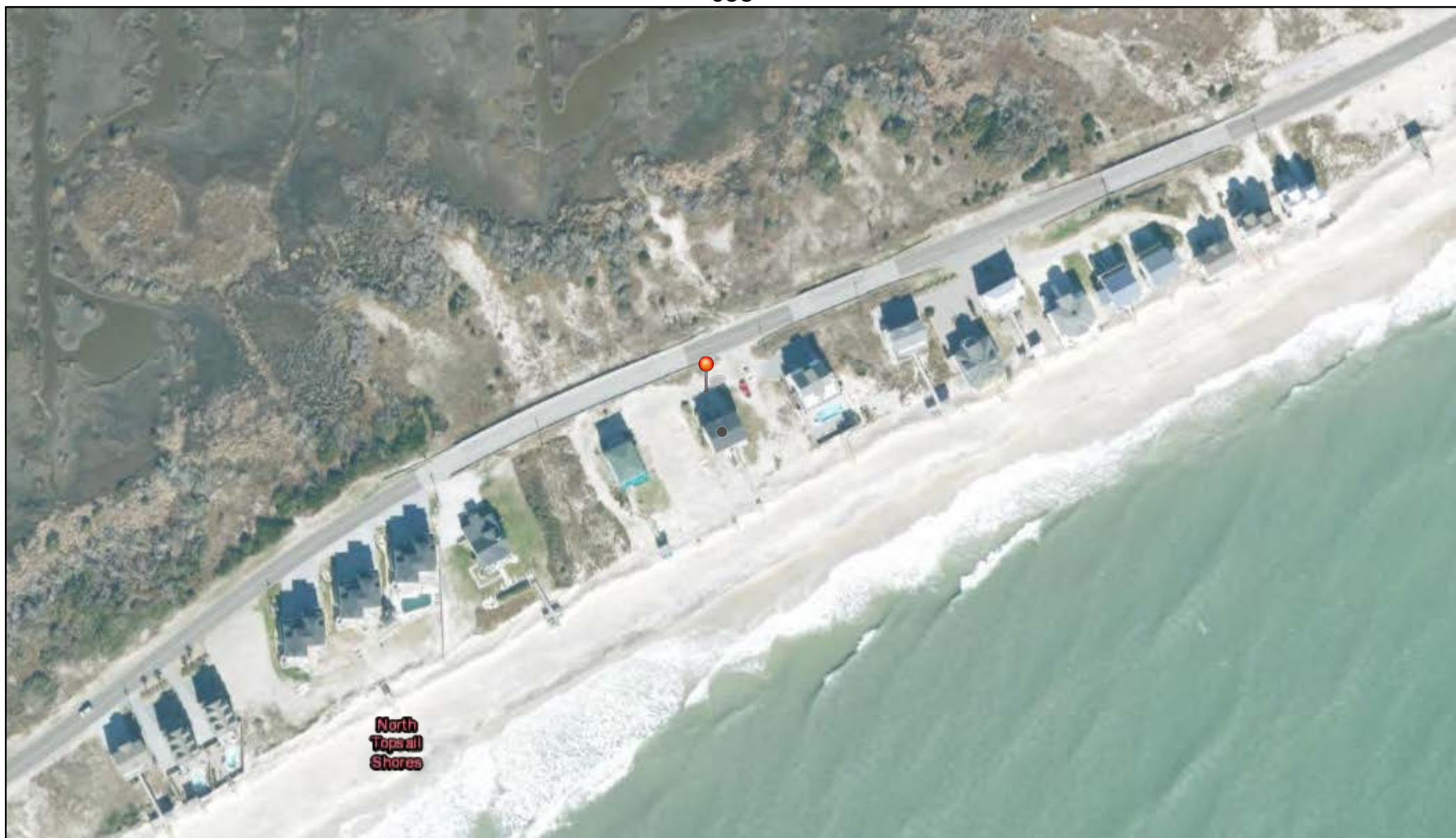


1/6/2025, 10:52:48 AM



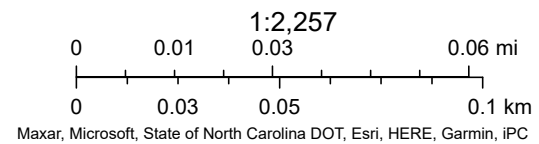
06-08-2022 DCM World Imagery Aerial Depicting 1180 New River Inlet Road

058



**North
Topsail
Shores**

1/6/2025, 10:58:05 AM



Earnest Variance Request

05-21-2024 - Google Earth Aerial Depicting 1180 New River Inlet Road

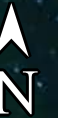
059

Legend

1180 New River Inlet Road

Google Earth

Image © 2024 Airbus



300 ft

Legal Description Lot 24 Section 1 Ocean Wynds DB 1964 PG 929 Tax Year 2018 R.E. Taxes \$ 5,210
 Assessor's Parcel # 052537
 Neighborhood Name Ocean Wynds 060 Map Reference 29 pg 223 Census Tract 0004.03
 Occupant Owner Tenant Vacant Special Assessments \$ 0 PUD HOA \$ 0 per year per month
 Property Rights Appraised Fee Simple Leasehold Other (describe)
 Assignment Type Purchase Transaction Refinance Transaction Other (describe)
 Lender/Client USAA Federal Savings Bank Address 10750 McDermott Freeway, San Antonio, TX 78288
 Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? Yes No
 Report data source(s) used, offering price(s), and date(s). DOM 189; Data Sources: OCP, NCRMLS#100102155, The subject is currently listed for sale, list date: 02/22/2018, original list price: \$649,900, see page 3 of urar for full 12 month listing history.
 I did did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed. Arms length sale; Appraiser has reviewed the offer to purchase and contract, it appears to be valid, buyer to obtain conventional loan for \$425,000, other loan terms are not outlined in offer to purchase.
 Contract Price \$ 630,000 Date of Contract 08/30/2018 Is the property seller the owner of public record? Yes No Data Source(s) OCP
 Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? Yes No
 If Yes, report the total dollar amount and describe the items to be paid. \$0.; None noted in offer to purchase.

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics			One-Unit Housing Trends			One-Unit Housing		Present Land Use %				
Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	PRICE	AGE	One-Unit	65 %	
Built-Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Demand/Supply	<input type="checkbox"/> Shortage	<input type="checkbox"/> In Balance	<input checked="" type="checkbox"/> Over Supply	\$ (000)	(yrs)	2-4 Unit	10 %	
Growth	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow	Marketing Time	<input type="checkbox"/> Under 3 mths	<input checked="" type="checkbox"/> 3-6 mths	<input type="checkbox"/> Over 6 mths	150	Low	0	Multi-Family	10 %
Neighborhood Boundaries			Neighborhood boundaries include the North Topsail area: North - NC Highway			1,500	High	60	Commercial		5 %	
172, South - Atlantic Ocean, East - Atlantic Ocean, West - US Highway 17						450	Pred.	20	Other		10 %	

Neighborhood Description The subject is located in North Topsail. The subject has access to all necessary supporting facilities including schools, shopping, recreation, and employment centers. This neighborhood provides an average environment for the subject being appraised. There are no factors that will negatively effect the marketability of the subject property. The subject is located near a large military base, and has good access to water & beach recreation.
 Market Conditions (including support for the above conclusions) Market conditions appear to be average in this neighborhood. Values appear to be stable. There is currently an over supply in the market (limited data). Marketing time is typically 3-9 months, for competitively priced homes in this area.
 Financing is available from local banks, mortgage brokers, FHA and VA. OTHER IN PRESENT LAND USE IS FOR VACANT.

Dimensions 60'x426'x60'x433' Area 25,740 sf Shape Rectangular View B; Res: Ocean
 Specific Zoning Classification R-15 Zoning Description Residential - Single Family minimum lot Size 15,000 sf
 Zoning Compliance Legal Legal Nonconforming (Grandfathered Use) No Zoning Illegal (describe)
 Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? Yes No If No, describe

Utilities	Public	Other (describe)	Public	Other (describe)	Off-site Improvements - Type	Public	Private	
Electricity	<input checked="" type="checkbox"/>		Water	<input checked="" type="checkbox"/>	Street Asphalt	<input checked="" type="checkbox"/>		
Gas	<input type="checkbox"/>	NONE	Sanitary Sewer	<input checked="" type="checkbox"/>	Alley NONE	<input type="checkbox"/>		
FEMA Special Flood Hazard Area	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	FEMA Flood Zone	VE	FEMA Map #	37133C4287J	FEMA Map Date	11/03/2005
Are the utilities and off-site improvements typical for the market area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe								
Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe								

General Description		Foundation		Exterior Description		Interior	
Units	<input checked="" type="checkbox"/> One <input type="checkbox"/> One with Accessory Unit	<input checked="" type="checkbox"/> Concrete Slab	<input type="checkbox"/> Crawl Space	Foundation Walls	WoodPil, CncSlab/AVG	Floors	Carpet, Tile/AVG
# of Stories	3	<input type="checkbox"/> Full Basement	<input type="checkbox"/> Partial Basement	Exterior Walls	Vinyl cdr imp Sid/GD	Walls	Drywall, Paint/AVG
Type	<input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det./End Unit	Basement Area	0 sq.ft.	Roof Surface	Fiberglass(arc)/GD	Trim/Finish	Wood, Paint/AVG
	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const.	Basement Finish	0 %	Gutters & Downspouts	NONE	Bath Floor	Tile/AVG
Design (Style)	Elevated Beach	<input type="checkbox"/> Outside Entry/Exit	<input type="checkbox"/> Sump Pump	Window Type	Vinyl Dbl Pn. Dbl Hg/GD	Bath Wainscot	Fiberglass/AVG
Year Built	2002	Evidence of	<input type="checkbox"/> Infestation	Storm Sash/Insulated	Insulated/GD	Car Storage	<input type="checkbox"/> None
Effective Age (Yrs)	12	<input type="checkbox"/> Dampness	<input type="checkbox"/> Settlement	Screens	NONE	<input checked="" type="checkbox"/> Driveway	# of Cars 3
Attic	<input type="checkbox"/> None	Heating	<input checked="" type="checkbox"/> FWA <input type="checkbox"/> HWBB <input type="checkbox"/> Radiant	Amenities	<input type="checkbox"/> Woodstove(s) # 0	Driveway Surface	Gravel
<input type="checkbox"/> Drop Stair	<input type="checkbox"/> Stairs	<input type="checkbox"/> Other	Fuel Electric	<input type="checkbox"/> Fireplace(s) # 0	<input type="checkbox"/> Fence NONE	<input type="checkbox"/> Garage	# of Cars 0
<input type="checkbox"/> Floor	<input checked="" type="checkbox"/> Scuttle	Cooling	<input checked="" type="checkbox"/> Central Air Conditioning	<input checked="" type="checkbox"/> Patio/Deck Deck-2	<input checked="" type="checkbox"/> Porch Covered	<input checked="" type="checkbox"/> Carport	# of Cars 2
<input type="checkbox"/> Finished	<input type="checkbox"/> Heated	<input type="checkbox"/> Individual	<input type="checkbox"/> Other	<input type="checkbox"/> Pool NONE	<input type="checkbox"/> Other NONE	<input type="checkbox"/> Att.	<input type="checkbox"/> Det. <input checked="" type="checkbox"/> Built-in
Appliances <input checked="" type="checkbox"/> Refrigerator <input checked="" type="checkbox"/> Range/Oven <input checked="" type="checkbox"/> Dishwasher <input type="checkbox"/> Disposal <input checked="" type="checkbox"/> Microwave <input type="checkbox"/> Washer/Dryer <input type="checkbox"/> Other (describe)							
Finished area above grade contains: 8 Rooms 5 Bedrooms 3.1 Bath(s) 2,603 Square Feet of Gross Living Area Above Grade							
Additional features (special energy efficient items, etc.). No special energy efficient features noted.							

Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.). C3; No updates in the prior 15 years; The quality of construction is typical for beach houses in this area; being an elevated wood piling foundation system with concrete slab on grade, wood framing, vinyl cedar impression siding on the exterior, and fiberglass architectural shingle roof. The subject has been normally maintained for the year built. Laminate countertops in kitchen.
 Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? Yes No If Yes, describe
 Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? Yes No If No, describe

























073



074



075



076



077



078



079









Thank you for agreeing to accept messages and documents electronically for the duration of this claim. Here are the [terms and conditions](#) for electronic communication with you.

USAA Reference Number: 005274902 - 2

Dear Russell Wenrich,

Please see attached for additional information.

You may reply to this message. If you need to provide documentation, you can attach documents to your email. We cannot guarantee the security of any medical, financial or other personally identifiable information sent by email.

[08701:019:32]

From: USAA Claims<5cc24v2kcgq8@claims.usaa.com>

Sent: Thursday, September 05, 2024 09:05 AM

To: russellwenrich@gmail.com

Subject: USAA's Liability Decision on Your Claim



United Services Automobile Association

LIABILITY DECISION

RUSSELL WENRICH
1174 NEW RIVER INLET
SNEADS FERRY NC 28460

September 05, 2024

Dear Russell Wenrich,

Through our investigation, we have found our insured was not responsible for this loss. We are therefore unable to extend liability coverage for your damages.

USAA policyholder:	Betty C Earnest
Claim number:	005274902 -002
Date of loss:	March 23, 2024
Loss location:	N Topsail Beach, North Carolina

If you have other information that you believe we should review, please forward it to us. However, please don't consider this offer to review additional information a reversal of the current decision to deny this claim or of our right to deny the claim later.

How to Contact Us

Please send any correspondence or questions to us using one of the following options and include the claim number on each page mailed or faxed:



Email:

Send an email or attachments to your claim file at
5cc24v2kcgq8@claims.usaa.com.
Don't send private information via this channel.



Address:

USAA Claims Department
P.O. Box 33490
San Antonio, TX 78265



Fax:

1-800-531-8669



Phone:

1-800-531-8722 Ext. 35076

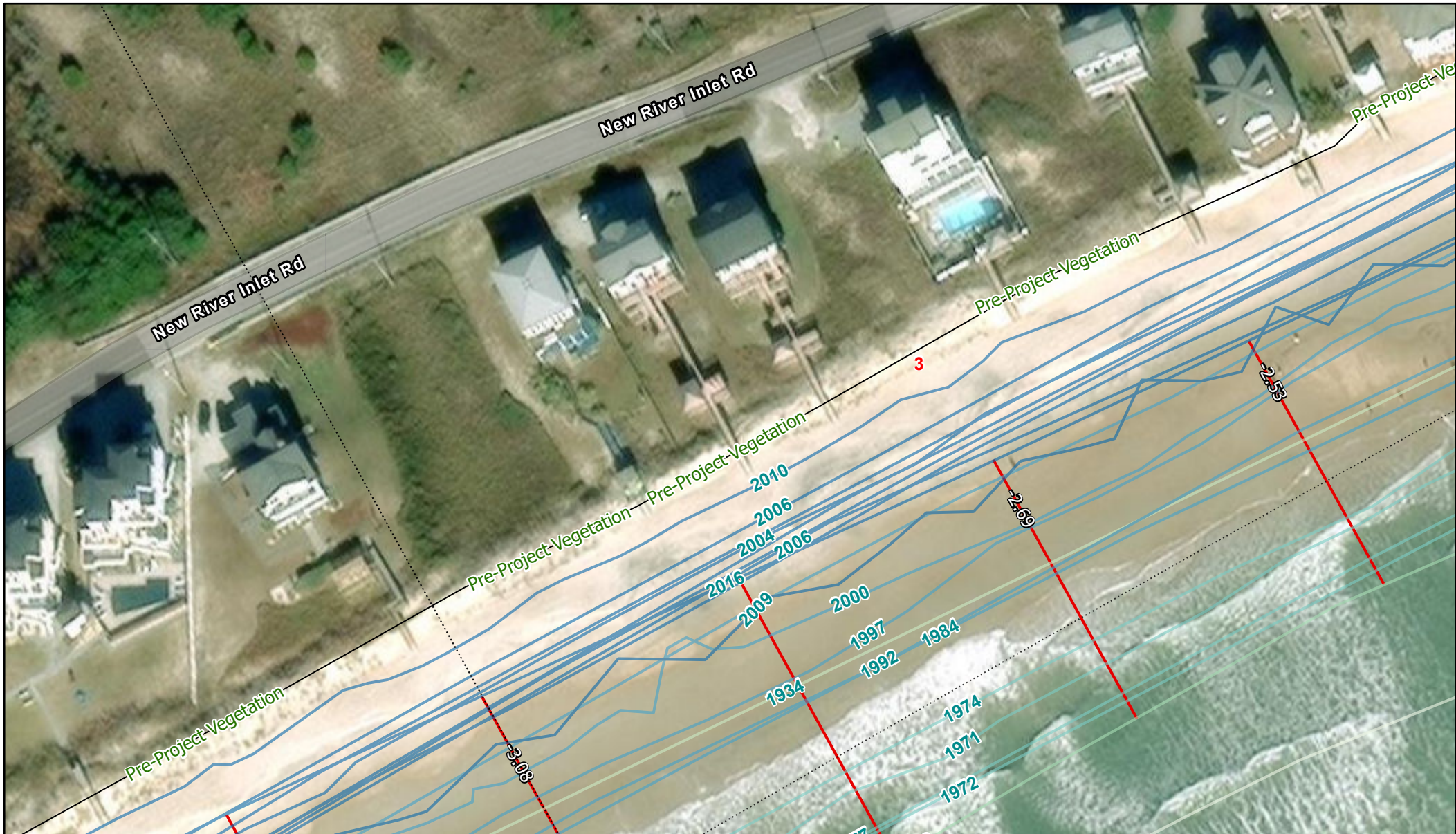
Sincerely,

Hoang Anh

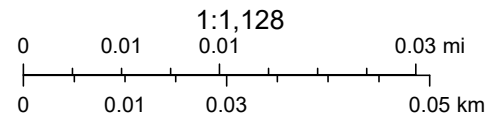
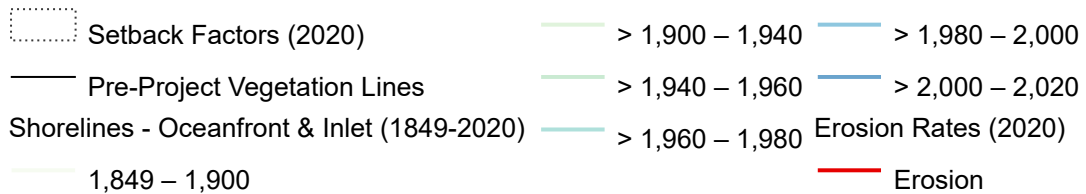
Hoang-Anh Nguyen
Property Integrated
United Services Automobile Association

Division of Coastal Management

086



2/20/2025, 11:46:06 PM



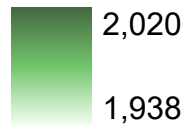
Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, NC CGIA, Maxar, Microsoft

1180 New River Inlet Road, North Topsail Beach, NC



9/26/2024, 2:57:58 PM

Vegetation Lines - Oceanfront (1938-2020)

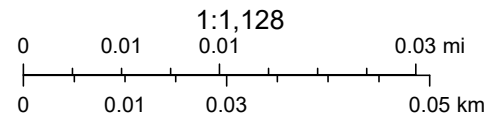


Setback Factors (2020)

Pre-Project Vegetation Lines

Erosion Rates (2020)

Erosion
Parcels



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Pd
2368

Locality _____ Permit Number _____

Ocean Hazard _____ Estuarine Shoreline _____ ORW Shoreline _____ Public Trust Shoreline _____ Other _____

(For official use only)

GENERAL INFORMATION

LAND OWNER - MAILING ADDRESS

Name Betty Earnest

Address 2041 Somerset Terr.

City Fort Mill State SC Zip 29707 Phone 757-269-1280

Email bjearnest3@hotmail.com

AUTHORIZED AGENT

Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

Email _____

LOCATION OF PROJECT: (Address, street name and/or directions to site; name of the adjacent waterbody.)

1180 New River Inlet Rd.

North Topsail Beach, NC 28460

DESCRIPTION OF PROJECT: (List all proposed construction and land disturbance.) Demolition

and reconstruction of 2600 sq.ft single family residence

SIZE OF LOT/PARCEL: 14525 square feet _____ acres

PROPOSED USE: Residential (Single-family Multi-family) Commercial/Industrial Other

COMPLETE EITHER (1) OR (2) BELOW (Contact your Local Permit Officer if you are not sure which AEC applies to your property):

(1) OCEAN HAZARD AECs: TOTAL FLOOR AREA OF PROPOSED STRUCTURE: 2600 square feet (includes air conditioned living space, parking elevated above ground level, non-conditioned space elevated above ground level but excluding non-load-bearing attic space) (not to exceed 5,000 sq. ft)

(2) COASTAL SHORELINE AECs: SIZE OF BUILDING FOOTPRINT AND OTHER IMPERVIOUS OR BUILT UPON SURFACES: _____ square feet (includes the area of the foundation of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing.)

STATE STORMWATER MANAGEMENT PERMIT: Is the project located in an area subject to a State Stormwater Management Permit issued by the NC Division of Energy, Mineral and Land Resources (DEMLR)? YES _____ NO _____

If yes, list the total built upon area/impervious surface allowed for your lot or parcel: _____ square feet.

OTHER PERMITS MAY BE REQUIRED: The activity you are planning may require permits other than the CAMA minor development permit, including, but not limited to: Drinking Water Well, Septic Tank (or other sanitary waste treatment system), Building, Electrical, Plumbing, Heating and Air Conditioning, Insulation and Energy Conservation, FIA Certification, Sand Dune, Sediment Control, Subdivision Approval, Mobile Home Park Approval, Highway Connection, and others. Check with your Local Permit Officer for more information.

STATEMENT OF OWNERSHIP:

I, the undersigned, an applicant for a CAMA minor development permit, being either the owner of property in an AEC or a person authorized to act as an agent for purposes of applying for a CAMA minor development permit, certify that the person listed as landowner on this application has a significant interest in the real property described therein. This interest can be described as: (check one)

an owner or record title. Title is vested in name of Betty C. Earnest see Deed Book 4874 page 110 in the Onslow County Registry of Deeds.

_____ an owner by virtue of inheritance. Applicant is an heir to the estate of _____; probate was in _____ County.

_____ if other interest, such as written contract or lease, explain below or use a separate sheet & attach to this application.

NOTIFICATION OF ADJACENT RIPARIAN PROPERTY OWNERS:

I furthermore certify that the following persons are owners of properties adjoining this property. I affirm that I have given ACTUAL NOTICE to each of them concerning my intent to develop this property and to apply for a CAMA permit.

- (1) Russell Wenrich 4285 Granada Dr. Concord, NC 28027
- (2) Dan Reigle & Jill Griffith 4405 N. Ocean Blvd. Myrtle Beach, SC 29577
- (3) _____
- (4) _____

ACKNOWLEDGEMENTS:

I, the undersigned, acknowledge that the land owner is aware that the proposed development is planned for an area which may be susceptible to erosion and/or flooding. I acknowledge that the Local Permit Officer has explained to me the particular hazard problems associated with this lot. This explanation was accompanied by recommendations concerning stabilization and floodproofing techniques.

I furthermore certify that I am authorized to grant, and do in fact grant, permission to Division of Coastal Management staff, the Local Permit Officer and their agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.

This the 5th day of JULY, 2024
Betty C. Earnest
Landowner or person authorized to act as his/her agent for purpose of filing a CAMA permit application

This application includes: general information (this form), a site drawing as described on the back of this application, the ownership statement, the Ocean Hazard AEC Notice where necessary, a check for \$100.00 made payable to the locality, and any information as may be provided orally by the applicant. The details of the application as described by these sources are incorporated without reference in any permit which may be issued. Deviation from these details will constitute a violation of any permit. Any person developing in an AEC without permit is subject to civil, criminal and administrative action.

RECEIVED

JUL 08 2024

DCM-MHD CITY

I, CHARLES F. RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:110,000.

THIS PROPERTY IS LOCATED WITHIN THE COASTAL BARRIER RESOURCE SYSTEM LIAZON OFFSHORE 10/20/FMRLS THIS AREA IS NOT COVERED BY FEDERAL FLOOD INSURANCE FOR REASONS CONTROVERTED, PERMITTED, SUBSTANTIALLY IMPROVED OR DAMAGED AFTER 10/21/1963.

THIS PROPERTY IS LOCATED WITHIN THE COASTAL BARRIER RESOURCE SYSTEM LIAZON OFFSHORE 10/20/FMRLS THIS AREA IS NOT COVERED BY FEDERAL FLOOD INSURANCE FOR REASONS CONTROVERTED, PERMITTED, SUBSTANTIALLY IMPROVED OR DAMAGED AFTER 10/21/1963.

EXISTING DWELLING WITHOUT EAVES = 1229 SQ.FT.
 EXISTING GARAGE = 107 SQ.FT.
 EXISTING TOTAL IMPERVIOUS SURFACE = 1336 SQ.FT.
 TOTAL LOT AREA = 14525 SQ.FT.
 EXISTING IMPERVIOUS AREA = 9.1%

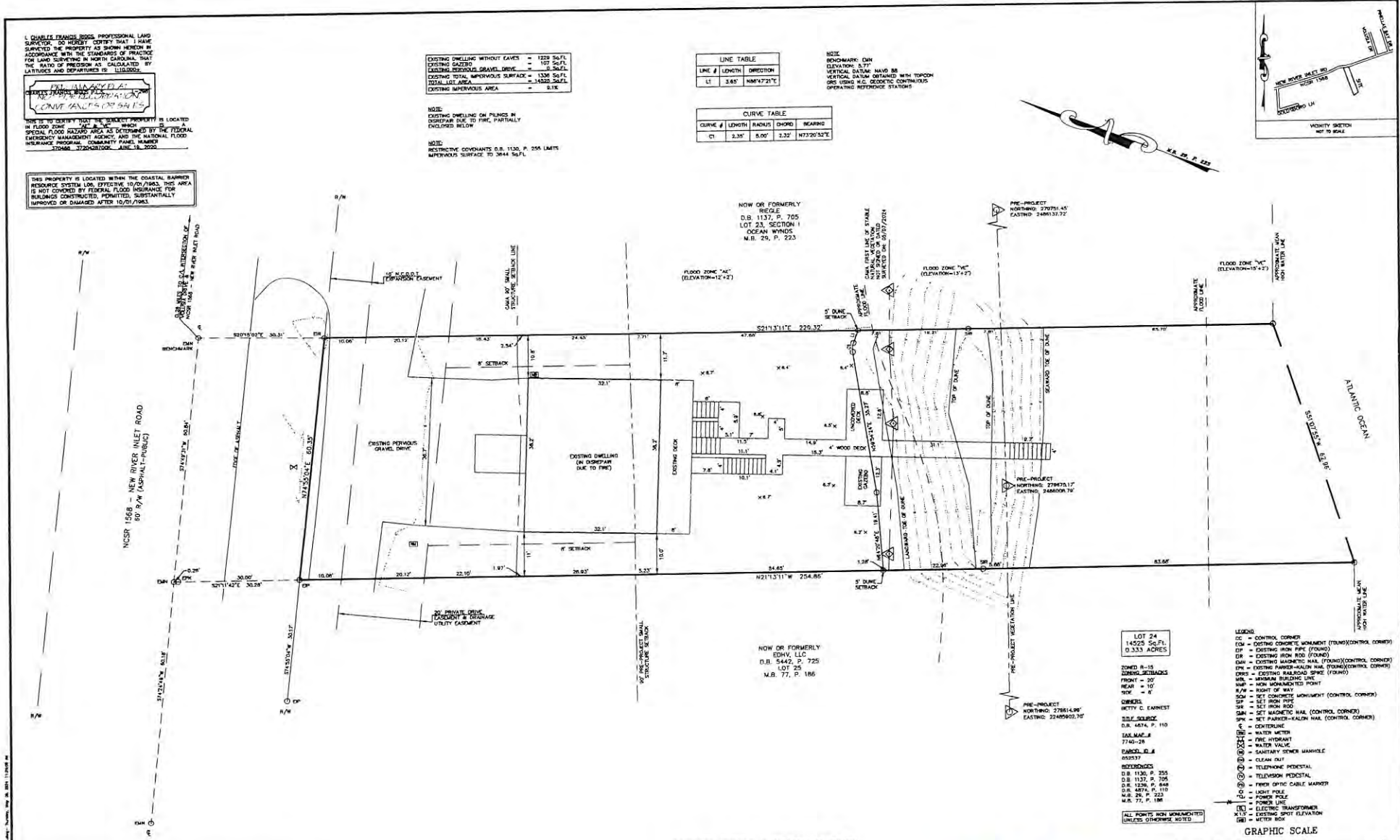
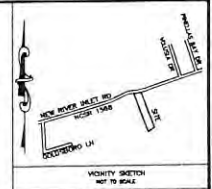
NOTE: EXISTING DWELLING ON PLUMB IN CURSIPAN DUE TO FIRE, PARTIALLY ENCLOSED BELOW.

NOTE: RESTRICTIVE COVENANTS O.B. 1130, P. 254 LIMITS IMPERVIOUS SURFACE TO 3644 SQ.FT.

LINE TABLE		
LINE #	LENGTH	DIRECTION
LT	3.65'	N61°47'21"E

CURVE TABLE			
CURVE #	LENGTH	RADIUS	BEARING
C1	2.35'	5.00'	132° H73°20'42"E

NOTE: BENCHMARK: CWN ELEVATION: 8.77' VERTICAL DATUM: NAVD 83 VERTICAL DATUM OBTAINED WITH TOPCON GRS USING N.C. QUADROTIC CONTROLS OPERATING INSTRUMENT: STA 1045



CHARLES F. RIGGS & ASSOCIATES, INC. (C-780)
 LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS.
 LAND PLANNING & COMPUTER MAPPING
 502 NEW BRIDGE STREET
 P.O. BOX 1570
 JACKSONVILLE, NC 28540-1570
 TELEPHONE: (910) 455-0877
 E-MAIL: riggsland@riggsandinc.com

BOUNDARY, PHYSICAL & TOPOGRAPHIC SURVEY FOR
BETTY C. EARNEST
 LOT 24, SECTION 1, OCEAN WYNDS, M.B. 29, P. 223
 STUMP SOUND TOWNSHIP, ONSLow COUNTY, NORTH CAROLINA
 BETTY C. EARNEST, OWNER; D.B. 4874, P. 110
 1180 NEW RIVER INLET ROAD

RECEIVED

JUL 08 2024

DCM-MHD CITY

LOT 24
 14525 SQ.FT.
 0.333 ACRES

ZONED R-15
 CONTROL SETBACKS
 FRONT = 20'
 REAR = 10'
 SID = 5'

CHAINS
 BETTY C. EARNEST
 27814.99'
 D.B. 4874, P. 110

CHAINS D.B.
 7740-28
 D.B. 4874, P. 223
 M.B. 29, P. 223
 M.B. 77, P. 188

- LEGEND
- CC = CONTROL CORNER
 - CM = CASTING CONCRETE MONUMENT (TRANS/CONTROL CORNER)
 - CP = CASTING IRON PIPE (FOUND)
 - CR = CASTING IRON ROD (FOUND)
 - DM = CASTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 - EPK = CASTING PAPER-KALON NAIL (FOUND)(CONTROL CORNER)
 - DRS = CASTING GALVANIZED SPIKE (FOUND)
 - ML = METAL MARKING LINE
 - MM = NON MONUMENTED POINT
 - R/W = RIGHT OF WAY
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SE = SET IRON PIPE
 - SM = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPN = SET PAPER-KALON NAIL (CONTROL CORNER)
 - E = CENTERLINE
 - W = WATER METER
 - WV = FIRE HYDRANT
 - WV = WATER VALVE
 - WV = SANITARY SEWER MANHOLE
 - WV = CLEAN OUT
 - WV = TELEPHONE POTENTIAL
 - WV = TELEVISION POTENTIAL
 - WV = FIBER OPTIC CABLE MARKER
 - WV = LIGHT POLE
 - WV = POWER POLE
 - WV = POWER LINE
 - WV = ELECTRIC TRANSFORMER
 - X.12 = EXISTING SPOT ELEVATION
 - WV = METER BOX



ACTUAL FIELD SURVEY DATE: MAY 07, 2024
 MAPPING DATE: MAY 09, 2024
 FIELD BOOK: 1385 PAGE: 15
 PROJECT NUMBER: 24-05-03 JTO

OCEAN HAZARD AEC NOTICE

Project is in an: X Ocean Erodeable Area Inlet Hazard Area

Property Owner: Betty Earnest

Property Address: 1180 New River Inlet Road

Date Lot Was Platted: 6/17/03

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive an AEC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission's rules on building standards, oceanfront setbacks and dune alterations are designed to minimize, but not eliminate, property loss from hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development. Permits issued in the Ocean Hazard Area of Environmental Concern include the condition that structures be relocated or dismantled if they become imminently threatened by changes in shoreline configuration. The structure(s) must be relocated or dismantled within two (2) years of becoming imminently threatened, and in any case upon its collapse or subsidence.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual long-term average ocean erosion rate for the area where your property is located is 3 feet per year.

The rate was established by careful analysis of aerial photographs of the coastline taken over the past 50 years.

Studies also indicate that the shoreline could move as much as 210 feet landward in a major storm.

The flood waters in a major storm are predicted to be about 12 feet deep in this area.

Preferred oceanfront protection measures are beach nourishment and relocation of threatened structures. Hard erosion control structures such as bulkheads, seawalls, revetments, groins, jetties and breakwaters are prohibited. Temporary sand bags may be authorized under certain conditions.

The applicant must acknowledge this information and requirements by signing this notice in the space below. Without the proper signature, the application will not be complete.

Betty Earnest 7/22/2024
Applicant Signature Date

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer must be contacted to determine the vegetation line and setback distance at your site. If the property has seen little change since the time of permit issuance, and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. Substantial progress on the project must be made within 60 days of this setback determination, or the setback must be re-measured. Also, the occurrence of a major shoreline change as the result of a storm within the 60-day period will necessitate re-measurement of the setback. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal can be authorized. It is unlawful to continue work after permit expiration.

For more information, contact:

Jonathan Lucas

Local Permit Officer

400 Commerce Ave, Morehead City, NC 28557

Address

DCM for North Topsail Beach

Locality

252-515-5400

Phone Number

RECEIVED

JUL 25 2024

DCM-MHD CITY

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS: 1:10,000±.

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" & "VE", WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM, COMMUNITY PANEL NUMBER 370466 3720428700K, JUNE 19, 2020.

THIS PROPERTY IS LOCATED WITHIN THE COASTAL BARRIER RESOURCE SYSTEM LOG, EFFECTIVE 10/01/1983. THIS AREA IS NOT COVERED BY FEDERAL FLOOD INSURANCE FOR BUILDINGS CONSTRUCTED, PERMITTED, SUBSTANTIALLY IMPROVED OR DAMAGED AFTER 10/01/1983.

EXISTING DWELLING WITHOUT EAVES	= 1229 Sq.Ft.
EXISTING GAZEBO	= 107 Sq.Ft.
EXISTING PERVIOUS GRAVEL DRIVE	= 0 Sq.Ft.
EXISTING TOTAL IMPERVIOUS SURFACE	= 1336 Sq.Ft.
TOTAL LOT AREA	= 14525 Sq.Ft.
EXISTING IMPERVIOUS AREA	= 9.1%

PROPOSED DWELLING WITHOUT EAVES	= 1780 Sq.Ft.
EXISTING GAZEBO	= 107 Sq.Ft.
PROPOSED PERVIOUS GRAVEL DRIVE	= 0 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE	= 1887 Sq.Ft.
TOTAL LOT AREA	= 14525 Sq.Ft.
PROPOSED IMPERVIOUS AREA	= 13.0%

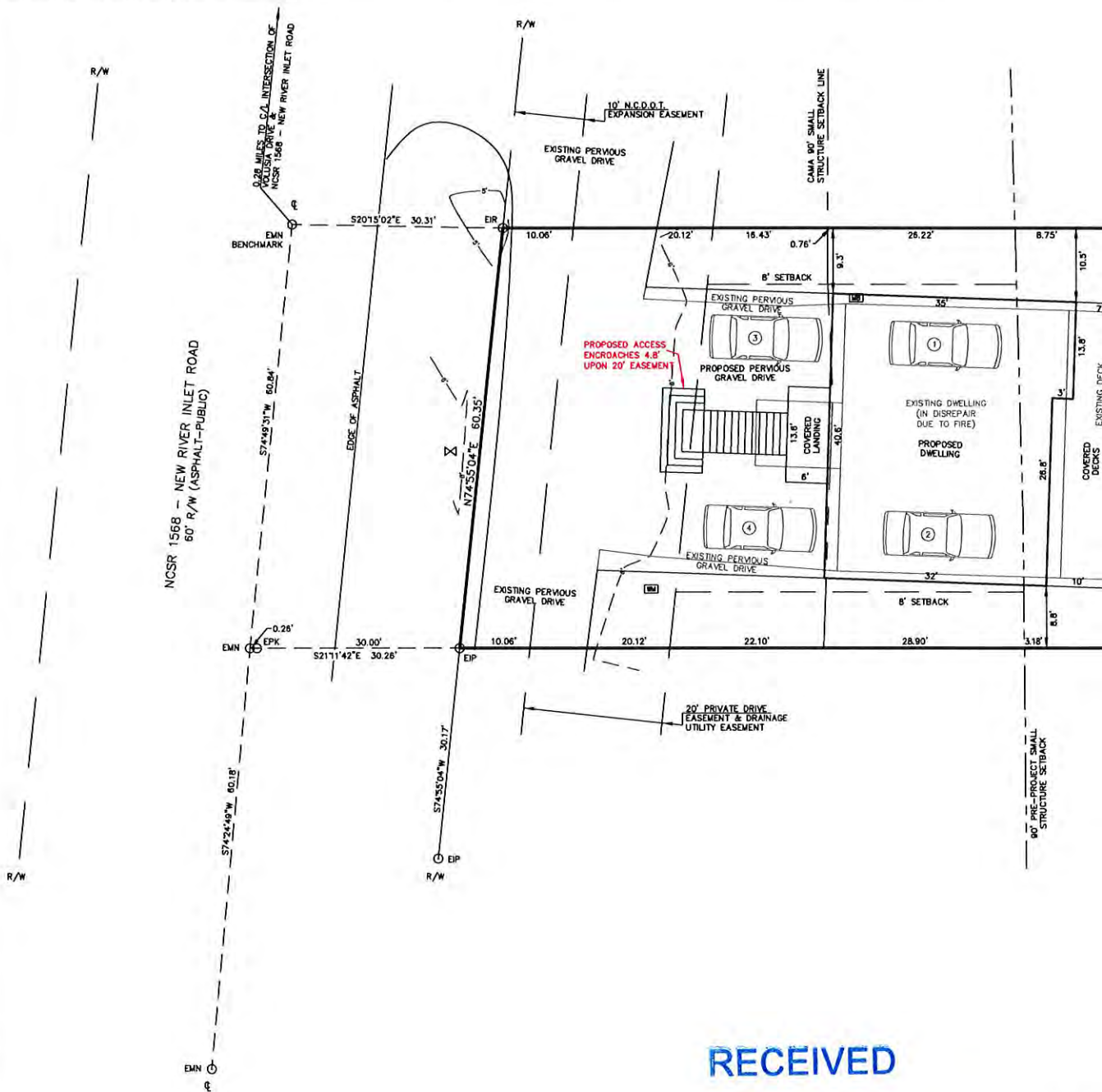
NOTE:
EXISTING DWELLING ON PILINGS IN DISREPAIR DUE TO FIRE, PARTIALLY ENCLOSED BELOW

NOTE:
PROPOSED DWELLING IS THREE STORY ON PILINGS, FULLY ENCLOSED BELOW.
PEAK OF PROPOSED DWELLING IS 43' ABOVE SLAB ELEVATION.

NOTE:
RESTRICTIVE COVENANTS D.B. 1130, P. 255 LIMITS IMPERVIOUS SURFACE TO 3644 Sq.Ft.

NOTE:
ENTIRE PROPERTY RESTS WITHIN 270' OCEAN HAZARD SETBACK

NOTE:
FIRST FLOOR: 1301 Sq.Ft.
SECOND FLOOR: 1252 Sq.Ft.
THIRD FLOOR: 294 Sq.Ft.
TOTAL FLOOR AREA: 2837 Sq.Ft.
AS PER HOUSE PLANS



RECEIVED

SEP 22 2024

DCM-MHD CITY

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
 LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
 LAND PLANNING & COMPUTER MAPPING
 502 NEW BRIDGE STREET
 P.O. BOX 1570
 JACKSONVILLE, NC 28540-1570
 TELEPHONE: (910) 455-0877
 E-MAIL: riggsland@riggslandnc.com
 LANDFALL EXECUTIVE SUITES
 1213 CULBRETH DRIVE
 WILMINGTON, NC 28405
 TELEPHONE: (910) 681-7444

BOUNDARY, PHYS

LOT :
STUMP SC
BE

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS: 1:10,000±

PRELIMINARY PLAT NOT FOR RECORDATION, CONVEYANCES OR SALES

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" & "VE" WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM, COMMUNITY PANEL NUMBER 370466 3720428700K, JUNE 19, 2020

THIS PROPERTY IS LOCATED WITHIN THE COASTAL BARRIER RESOURCE SYSTEM LOG, EFFECTIVE 10/01/1983. THIS AREA IS NOT COVERED BY FEDERAL FLOOD INSURANCE FOR BUILDINGS CONSTRUCTED, PERMITTED, SUBSTANTIALLY IMPROVED OR DAMAGED AFTER 10/01/1983.

EXISTING DWELLING WITHOUT EAVES	=	1229	Sq.Ft.
EXISTING GAZEBO	=	107	Sq.Ft.
EXISTING PERVIOUS GRAVEL DRIVE	=	0	Sq.Ft.
EXISTING TOTAL IMPERVIOUS SURFACE	=	1336	Sq.Ft.
TOTAL LOT AREA	=	14525	Sq.Ft.
EXISTING IMPERVIOUS AREA	=	9.1%	

NOTE: EXISTING DWELLING ON PILINGS IN DISREPAIR DUE TO FIRE, PARTIALLY ENCLOSED BELOW

NOTE: RESTRICTIVE COVENANTS D.B. 1130, P. 255 LIMITS IMPERVIOUS SURFACE TO 3644 Sq.Ft.

NOTE: ENTIRE PROPERTY RESTS WITHIN 270' OCEAN HAZARD SETBACK

PROPOSED DWELLING WITHOUT EAVES	=	1790	Sq.Ft.
EXISTING GAZEBO	=	107	Sq.Ft.
PROPOSED PERVIOUS GRAVEL DRIVE	=	0	Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE	=	1897	Sq.Ft.
TOTAL LOT AREA	=	14525	Sq.Ft.
PROPOSED IMPERVIOUS AREA	=	13.0%	

NOTE: PROPOSED DWELLING IS THREE STORY ON PILINGS, FULLY ENCLOSED BELOW. PEAK OF PROPOSED DWELLING IS 43' ABOVE SLAB ELEVATION.

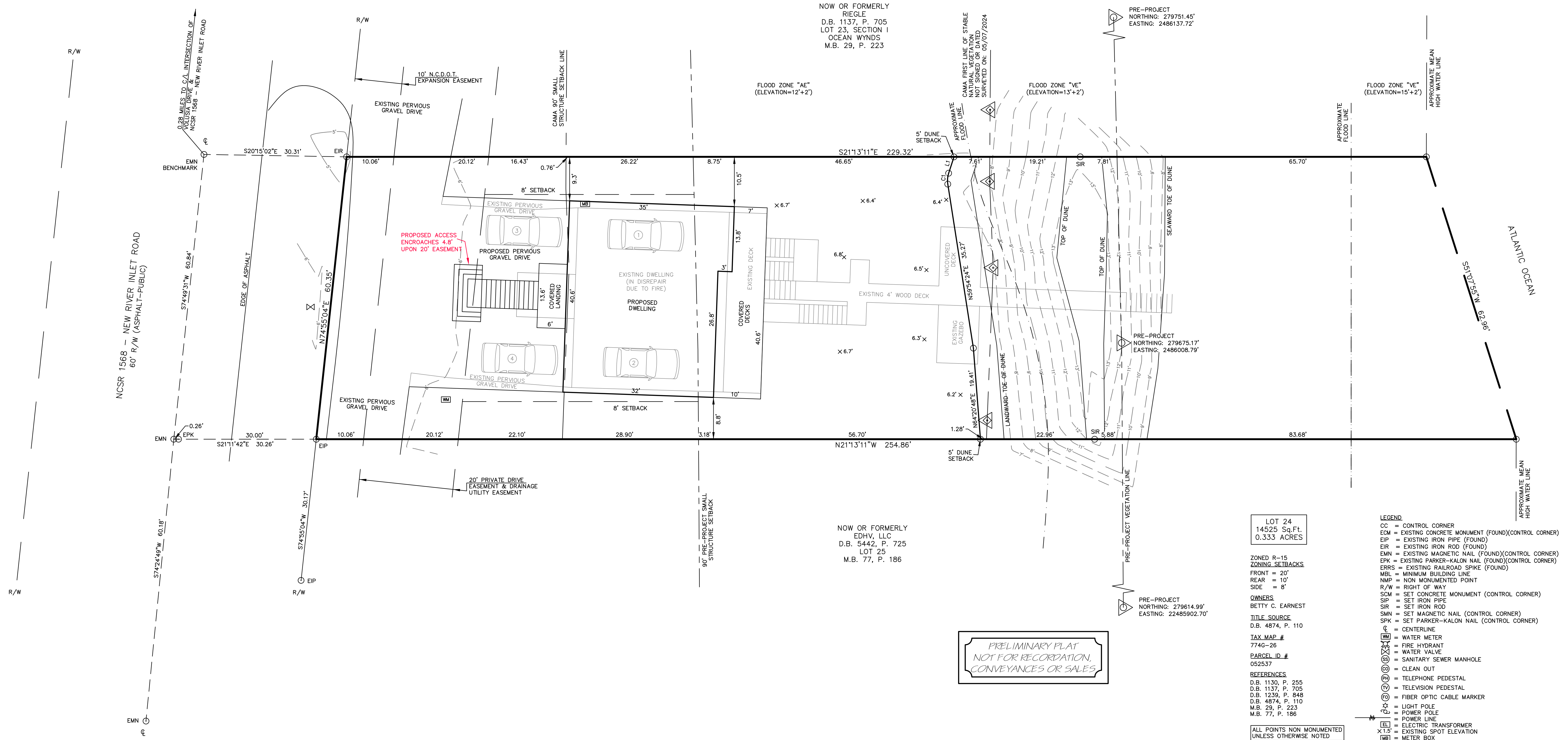
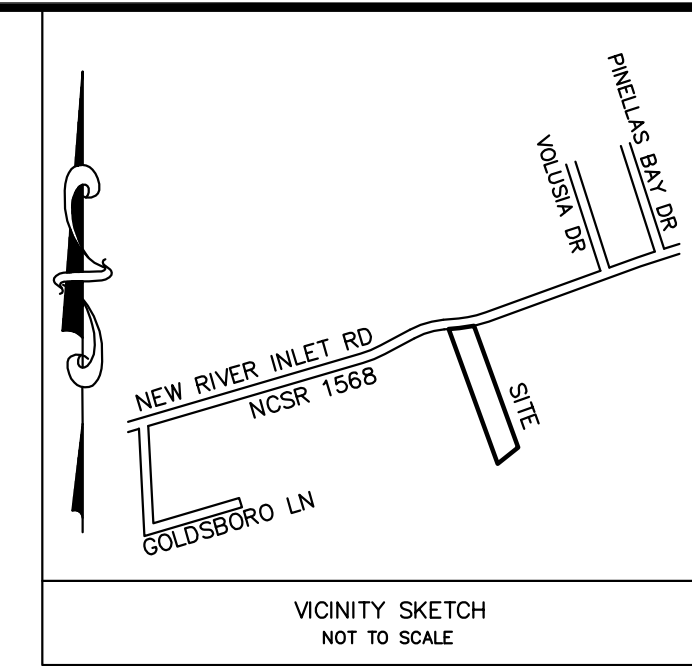
NOTE: FIRST FLOOR: 1301 Sq.Ft. SECOND FLOOR: 1252 Sq.Ft. THIRD FLOOR: 284 Sq.Ft. TOTAL FLOOR AREA: 2837 Sq.Ft. AS PER HOUSE PLANS

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	3.65'	N86°47'21"E

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD	BEARING
C1	2.35'	5.00'	2.32'	N73°20'52"E

NOTE: BENCHMARK: EMN ELEVATION: 5.77' VERTICAL DATUM: NAVD 88 VERTICAL DATUM OBTAINED WITH TOPCON GRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS

THIS PRELIMINARY PLOT PLAN IS SUBJECT TO BOTH REVIEW & APPROVAL BY THE LOCAL JURISDICTION.



NOW OR FORMERLY RIEGLE D.B. 1137, P. 705 LOT 23, SECTION 1 OCEAN WYNDS M.B. 29, P. 223

NOW OR FORMERLY EDHV, LLC D.B. 5442, P. 725 LOT 25 M.B. 77, P. 186

PRELIMINARY PLAT NOT FOR RECORDATION, CONVEYANCES OR SALES

LOT 24 14525 Sq.Ft. 0.333 ACRES

ZONED R-15 ZONING SETBACKS FRONT = 20' REAR = 10' SIDE = 8'

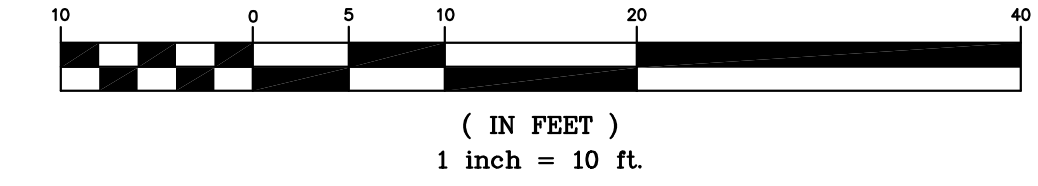
OWNERS BETTY C. EARNEST TITLE SOURCE D.B. 4874, P. 110 TAX MAP # 7746-26 PARCEL ID # 052537

REFERENCES D.B. 1130, P. 255 D.B. 1137, P. 705 D.B. 1239, P. 848 D.B. 4874, P. 110 M.B. 29, P. 223 M.B. 77, P. 186

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

- LEGEND
- CC = CONTROL CORNER
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
 - EIP = EXISTING IRON PIPE (FOUND)
 - EIR = EXISTING IRON ROD (FOUND)
 - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
 - ERRS = EXISTING RAILROAD SPIKE (FOUND)
 - MBL = MINIMUM BUILDING LINE
 - NMP = NON MONUMENTED POINT
 - R/W = RIGHT OF WAY
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SIP = SET IRON PIPE
 - SIR = SET IRON ROD
 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - ⊙ = CENTERLINE
 - ⊕ = WATER METER
 - ⊗ = FIRE HYDRANT
 - ⊘ = WATER VALVE
 - ⊙ = SANITARY SEWER MANHOLE
 - ⊙ = CLEAN OUT
 - ⊙ = TELEPHONE PEDESTAL
 - ⊙ = TELEVISION PEDESTAL
 - ⊙ = FIBER OPTIC CABLE MARKER
 - ⊙ = LIGHT POLE
 - ⊙ = POWER POLE
 - ⊙ = POWER LINE
 - ⊙ = ELECTRIC TRANSFORMER
 - ⊙ = EXISTING SPOT ELEVATION
 - ⊙ = METER BOX

GRAPHIC SCALE



(IN FEET) 1 inch = 10 ft. ACTUAL FIELD SURVEY DATE: MAY 07, 2024 MAPPING DATE: SEPTEMBER 11, 2024 FIELD BOOK: 1385 PAGE: 15

PROJECT NUMBER: 24-05-03 JTG

BOUNDARY, PHYSICAL & TOPOGRAPHIC SURVEY & PRELIMINARY PLOT PLAN FOR

BETTY C. EARNEST

LOT 24, SECTION I, OCEAN WYNDS, M.B. 29, P. 223 STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA BETTY C. EARNEST, OWNER; D.B. 4874, P. 110 1180 NEW RIVER INLET ROAD

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
 LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
 LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET JACKSONVILLE, NC 28540-1570 TELEPHONE: (910) 455-0877 E-MAIL: riggsland@riggslandnc.com

LANDFALL EXECUTIVE SUITES 1213 CULBRETH DRIVE WILMINGTON, NC 28405 TELEPHONE: (910) 681-7444

Tracking Number:

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Delivered to Agent

Delivered to Agent, Left with Individual

MYRTLE BEACH, SC 29577
July 9, 2024, 2:22 pm

Arrived at USPS Regional Facility

COLUMBIA SC PROCESSING CENTER
July 8, 2024, 9:48 am

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Feedback

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instruction

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JUL 08 2024

DCM-MHD CITY

Tracking Number:

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Your item was delivered to an individual at the address at 2:29 pm on July 8, 2024 in CONCORD, NC 28027.

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Delivered

Delivered, Left with Individual

CONCORD, NC 28027
July 8, 2024, 2:29 pm

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Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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N.C. DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION (MINOR PERMIT)
CERTIFIED MAIL, RETURN RECEIPT REQUESTED or HAND DELIVERED

7/6/24
Date

Dan Riegle & Jill Griffith
Name of Adjacent Riparian Property Owner
4405 N. Ocean Blvd.
Address
Myrtle Beach, SC 29577
City, State Zip

To Whom It May Concern:

This correspondence is to notify you as a riparian property owner that I am applying for a CAMA Minor permit to demolish and reconstruct (due to fire) 2600 sq.ft. single family residence on my property at 1180 New River Inlet Rd. in Onslow County, which is adjacent to your property. **A copy of the application and project drawing is attached/enclosed for your review.**

If you have no objections to the proposed activity, please mark the appropriate statement below and return to me as soon as possible. If no comments are received within 10 days of receipt of this notice, it will be considered that you have no comments or objections regarding this project.

If you have objections or comments, please mark the appropriate statement below and send your correspondence to: (LOCAL PERMIT OFFICER, NAME OF LOCAL GOVERNMENT, MAILING ADDRESS CITY, STATE, ZIP CODE)

If you have any questions about the project, please do not hesitate to contact me at my address/number listed below, or contact (LOCAL PERMIT OFFICER) at (PHONE NUMBER), or by email at: (LPO EMAIL).

Sincerely,

Betty Earnest
Property Owner's Name

757-269-1280
Telephone Number

Address City State Zip

I have no objection to the project described in this correspondence.
 I have objection(s) to the project described in this correspondence.

Jill F. Griffith & Dan E. Riegle
Adjacent Riparian Signature

7/9/2024
Date

JILL F. GRIFFITH & DAN E. RIEGLE
Print or Type Name

843-692-7070
Telephone Number

Address 4405 N. OCEAN BLVD City MYRTE BEACH State SC Zip 29577



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

MARY PENNY KELLEY

Secretary

TANCRED MILLER

Director

September 24, 2024

Betty Earnest
2041 Somerset Terrace
Fort Mill, SC 29707

Electronic delivery to: bethhanwell@live.com

RE: DENIAL OF CAMA MINOR DEVELOPMENT PERMIT
Application Number 56-24
PROJECT ADDRESS – 1180 New River Inlet Road, North Topsail Beach NC

Dear Ms. Earnest,

After reviewing your application, which was determined to be complete on September 23, 2024, the Division of Coastal Management has determined that no permit may be granted for the proposed development.

You have applied to build a three-story, 2837 square foot (not including deck) single family residence, which is inconsistent with the following rules of the N.C. Coastal Resources Commission, and/or the following provisions of the N.C. Coastal Area Management or N.C. Dredge and Fill Act:

15A NCAC 07H .0306 (a)(3)(A) which states: "A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater". For this location, 30 times the shoreline erosion rate results in a setback of 90 feet.

Concurrently, your application does not meet the exception available in 15A NCAC 07H .0309(b) because the lot was not platted before June 1, 1979 (Onslow County Registry Map Book 29, Page 223), and because the footprint of the proposed structure exceeds 1,000 square feet and total floor area exceeds 2,000 square feet.

Given the preceding findings, it is necessary that your request for issuance of a CAMA Minor Permit under the Coastal Area Management Act be denied. This denial is made pursuant to N.C.G.S. 113A-120(a)(8), which requires denial for projects inconsistent with the state guidelines for Areas of Environmental Concern or a local land use plan.

If you wish to appeal this denial, you are entitled to a contested case hearing. The hearing will involve appearing before an Administrative Law Judge who listens to evidence and arguments of both parties before making a final decision on the appeal. Your request for a hearing must be in the form of a written petition, complying with the requirements of §150B of the General Statutes of North Carolina, and must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, within twenty (20) days from the date of this denial letter. The requirements for filing a contested case can be found at <http://www.oah.state.nc.us/hearings>. Although OAH cannot give legal advice, any questions regarding this process should be directed to OAH at 6714 Mail Service Center, Raleigh, NC 27699-6714 or via telephone at 919-431-3000, including questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process.



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400

A copy of your petition filed at OAH must be served on with DEQ's agent for service of process at the following address:

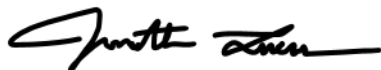
William F. Lane, General Counsel
Dept. of Environmental Quality
1601 Mail Service Center Raleigh, NC 27699-1601

Please also send a copy of the petition to the attention of Tancred Miller, Director, N.C. Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557, so that your petition may be forwarded to the attorney who will be representing the Respondent in the contested case proceeding.

In the alternative, you may petition the N.C. Coastal Resources Commission for a variance to undertake **development that is prohibited by the Commission's rules** (Note - a Commission variance cannot be granted if your project was denied due to an inconsistency with a CAMA Land Use Plan or other statutory provisions of the CAMA or NC Dredge & Fill Law). Applying for a variance requires that you first stipulate that the Division of Coastal Management applied the Rules properly in issuing this denial. Applying for a variance means that you agree that the legal restrictions are valid but request an exception to the restrictions because of hardships resulting from unusual conditions of the property. In seeking a variance, you are requesting that the Commission vary the rules at issue and you must state how you believe your request meets the four criteria found at N.C.G.S. § 113A-120.1. To apply for a variance, you must file a petition for a variance with the Director of the Division of Coastal Management and the State **Attorney General's Office on a standard form, which must be accompanied by additional information on the nature of** the project and the reasons for requesting a variance. The variance request may be filed at any time but must be filed a minimum of six weeks before a scheduled Commission meeting to be eligible to be heard at that meeting.

You may either appeal the permit decision or seek a variance. These are two separate paths and cannot be pursued simultaneously. If the appeal of the permit decision is denied, you may still seek a variance. However, you may not first seek a variance and if that is denied attempt to challenge the decision to deny the permit. Information about both a permit appeal in the Office of Administrative Hearings and the Variance process may be obtained at <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>.

Sincerely,



Jonathan Lucas
NC Division of Coastal Management
400 Commerce Ave.,
Morehead City, NC 28557

Cc (by email): Robb Mairs, CAMA LPO Minor Permit Coordinator
Heather Styron, DCM District Manager



Stipulation re Non-compliance with CAMA Rule(s) from Which Variance Is Requested

Betty C. Earnest

January 06, 2025

For purposes of this Variance Request and no other, and pursuant to the requirements set forth in 15A NCAC 07J.0701(c)(6), Variance Petitioner Betty C. Earnest, through counsel, stipulates that the development activities referenced in DCM's September 24, 2024 denial letter (Stipulated Exhibit 11) addressed to her do not comply with 15A NCAC 07H .0306(a)(3)(A) regarding the minimum shoreline setback requirement, and that her proposed development does not qualify for the setback requirement exception set forth in 15A NCAC 07H .0309(b).

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.89
Total Postage and Fees	\$ 9.64
Sent To	Dan Riesle + Jill Griffith
Street and Apt. No., or PO Box No.	4405 N. Ocean Blvd.
City, State, ZIP+4®	Myrtle Beach, SC 29577



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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
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City, State, ZIP+4®	Concord, NC 28027



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Dan Riegler + Jill Griffith
 4405 N. Ocean Blvd.
 Myrtle Beach, SC 29577



9590 9402 7970 2305 1518 28

2. Article Number (Transfer from service label)

7022 3330 0000 6875 6376

COMPLETE THIS SECTION ON DELIVERY

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 Agent Addressee

B. Received by (Printed Name)

JILL F. GRIFFITH

C. Date of Delivery

2/23/24

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 Yes

If YES, enter delivery address below:

 No

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<https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action>)

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December 23, 2024, 4:40 pm

Arrived at USPS Regional Facility

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December 22, 2024, 5:11 pm

Arrived at USPS Regional Facility

COLUMBIA SC PROCESSING CENTER
December 21, 2024, 10:54 pm

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Betty Earnest variance

From Steve Ferko <ferkoinsurance@yahoo.com>

Date Sat 2/1/2025 3:31 PM

To Clark Wright <icw@dhwlegal.com>

Cc Samantha Hamilton <seh@dhwlegal.com>

To whom it may concern,
I, Steve Ferko, am in full support of granting a variance for Betty Earnest. I live at 1172 New River Inlet Rd. Two lots away. I have reviewed the proposed new house plans and support them in their entirety.

Regards,
Steve Ferko
704-909-9770
Ferkoinurance@yahoo.com



Variance approval to rebuild the home that was destroyed by fire.

From Susan Dior <susandior@gmail.com>

Date Fri 1/31/2025 4:19 PM

To Samantha Hamilton <seh@dhwlegal.com>; Clark Wright <icw@dhwlegal.com>

Cc bethhanwell@live.com <bethhanwell@live.com>

To whom it may concern,

We are: Susan and Rex Ballard, of 1226 New River Inlet Road, North Topsail Beach, NC 28460

Please allow Betty Earnest and family, the variance needed to rebuild their home that was unfortunately destroyed by fire. As their neighbors about 10 or so houses down from their property...our hearts were broken when we saw their home after the fire. One cannot help but put themselves in the same position when tragedy strikes. First and foremost, once you find out that no humans nor pets were harmed, you cannot help but grieve over the loss of the home. We all know too well, the memories that are made at a beach house can be some of the best memories ever! This family has already been through so much stress, sadness and heartache, for losing their home. *Please allow them to rebuild! The new house plan that has been chosen is beautiful, and to be honest....it will be nice to see it sitting there as soon as possible. It is very sad for all that pass by to see the stair case still there, but the house is completely gone, and then it hits you over and over again, of the tragedy that the fire caused, and what was sadly taken away forever.

Thank you for your time, attention, and consideration in reading this letter.

Sincerely yours,
Susan and Rex Ballard
919-931-6639 SB
919-349-9224 RB



ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director

CRC-23-09

April 12, 2023

MEMORANDUM

TO: Coastal Resources Commission
FROM: Ken Richardson
SUBJECT: Exception for Lots Platted Post-1979 15A NCAC 07H .0309

15A NCAC 07H .0309(b) is an existing rule that defines conditions for exceptions within the Ocean Hazard AEC (OHA) setback when proposed development cannot meet the required erosion rate-based construction setback. This rule limits the exception to lots created before June 1, 1979, to a total floor area no greater than 2,000 square feet with a maximum 1,000 square foot footprint, and requires the structure to be set back the maximum feasible distance on the lot (a minimum of 60 feet) and no more oceanward than the landward-most adjacent structure.

At your February 2023 meeting, DCM Staff reviewed draft amendments to 15A NCAC 07H .0309(b) to address concerns expressed over the inability to apply this exception within the oceanfront setback to lots created after June 1, 1979. This issue was raised following the repeal of 15A NCAC 07H .0104, which contained similar provisions for lots created after June 1, 1979, that could not meet the required setback. Aside from the date stipulations, the primary differences between the two rules were that 07H .0104 allowed the option to measure setbacks using the erosion setback factor in place at the time the lot was platted, while 07H .0309(b) requires a setback of at least 60 feet regardless of the erosion rate setback factor. Both rules limited new construction to no greater than 2,000 square feet, but 07H .0309 limits a structure's footprint to 1,000 square feet. Although separate rules, they had been commonly referred to as the "small structure exceptions."

Staff is proposing amendments to 07H .0309(b) to remove the 1,000 square feet footprint, retain the total floor area of 2,000 square feet, and remove the June 1, 1979 stipulation. This would make the .0309 exception applicable to all oceanfront and inlet areas, except for Unvegetated Beach Areas. For those that cannot meet the minimum setback for a larger structure, they could potentially utilize this exception for a structure up to 2,000 square feet if the other conditions outlined above are met. This amendment addresses the primary concern related to the earlier repeal of 07H .0104, while removing the complexity of tracking past erosion rates and recognizing the dates that lots were platted during Minor Permit reviews.

DCM Staff are asking the Commission to consider approval of the proposed amendments to 15A NCAC 07H .0309(b) to move forward with rulemaking.



PROPOSED AMENDMENTS:

15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

(a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) campsites;
- (2) driveways and parking areas with clay, packed sand, or gravel;
- (3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a footprint of 500 square feet may be replaced with no enlargement beyond their original dimensions;
- (4) beach accessways consistent with Rule .0308(c) of this Section;
- (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- (6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less;
- (7) temporary amusement stands consistent with Section .1900 of this Subchapter;
- (8) sand fences;
- (9) swimming pools; and
- (10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be placed.

In all cases, this development shall be permitted only if it is landward of the vegetation line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; is not essential to the continued existence or use of an associated principal development; and meets all other non-setback requirements of this Subchapter.

(b) Where application of the ~~oceanfront~~ **Ocean Hazard Area** setback requirements of Rule .0306(a) of this Section would preclude placement of a structure ~~on a lot existing as of June 1, 1979, the structure shall be permitted seaward of the applicable setback line~~ in Ocean Erodible Areas, State Ports Inlet Management Areas, and Inlet Hazard Areas, but not Unvegetated Beach ~~Areas~~ **Areas, the structure shall be permitted seaward of the applicable setback line** if each of the following conditions are met:

- (1) The development is set back from the ocean the maximum feasible distance **possible** on the existing lot and the development is designed to minimize encroachment into the setback area;
- (2) The development is at least 60 feet landward of the vegetation line, measurement line, or pre-project vegetation line, whichever is applicable;
- (3) The development is not located on or oceanward of a frontal dune, but is entirely behind the landward toe of the frontal dune;
- (4) The development incorporates each of the following design standards, which are in addition to those required by Rule .0308(d) of this Section;

- (A) All pilings shall have a tip penetration that extends to at least four feet below mean sea level;
 - (B) The ~~footprint of the structure shall be no more than 1,000 square feet, and the~~ total floor area of the structure shall be no more than 2,000 square feet. For the purpose of this Section, roof-covered decks and porches that are structurally attached shall be included in the calculation of footprint;
 - (C) Driveways and parking areas shall be constructed of clay, packed sand or gravel except in those cases where the development does not abut the ocean and is located landward of a paved public street or highway currently in use. In those cases, other material may be used; and
 - (D) No portion of a building's total floor area, including elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, may extend oceanward of the total floor area of the landward-most habitable building or structure. The alignment shall be measured from the most oceanward point of the adjacent building or structure's roof line, including roofed decks. An "adjacent" property is one that shares a boundary line with the site of the proposed development. When no adjacent building or structure exists, or the geometry or orientation of a lot or shoreline precludes the placement of a building in line with the landward most adjacent structure of similar use, an average line of construction shall be determined by the Director of the Division of Coastal Management based on an approximation of the average seaward-most positions of the rooflines of adjacent structures along the same shoreline, extending 500 feet in either direction. If no structures exist within this distance, the proposed structure shall meet the applicable setback from the Vegetation Line but shall not be held to the landward-most adjacent structure or an average line of structures. The ocean hazard setback shall extend landward of the vegetation line, static vegetation line or measurement line, whichever is applicable, a distance no less than 60 feet.
- (5) All other provisions of this Subchapter and other state and local regulations are met. If the development is to be serviced by an on-site waste disposal system, a copy of a valid permit for such a system shall be submitted as part of the CAMA permit application.
- (c) The following types of water dependent development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:
- (1) piers providing public access; and
 - (2) maintenance and replacement of existing state-owned bridges, and causeways and accessways to such bridges.
- (d) Replacement or construction of a pier house associated with an ocean pier shall be permitted if each of the following conditions is met:

- (1) The ocean pier provides public access for fishing and other recreational purposes whether on a commercial, public, or nonprofit basis;
- (2) Commercial, non-water dependent uses of the ocean pier and associated pier house shall be limited to restaurants and retail services. Residential uses, lodging, and parking areas shall be prohibited;
- (3) The pier house shall be limited to a maximum of two stories;
- (4) A new pier house shall not exceed a footprint of 5,000 square feet and shall be located landward of mean high water;
- (5) A replacement pier house may be rebuilt not to exceed its most recent footprint or a footprint of 5,000 square feet, whichever is larger;
- (6) The pier house shall be rebuilt to comply with all other provisions of this Subchapter; and
- (7) If the pier has been destroyed or rendered unusable, replacement or expansion of the associated pier house shall be permitted only if the pier is being replaced and returned to its original function.

(e) In addition to the development authorized under Paragraph (d) of this Rule, small scale, non-essential development that does not induce further growth in the Ocean Hazard Area, such as the construction of single family piers and ~~small-scale~~ ~~small-scale~~ erosion control measures that do not interfere with natural oceanfront processes, shall be permitted in the Ocean Hazard Area along those portions of shoreline that exhibit features characteristic of an Estuarine Shoreline. Such features include the presence of wetland vegetation, and lower wave energy and erosion rates than in the adjoining Ocean Erodible Area. Such development shall be permitted under the standards set out in Rule .0208 of this Subchapter. For the purpose of this Rule, ~~small-scale~~ ~~small-scale~~ is defined as those projects which are eligible for authorization under 15A NCAC 07H .1100, .1200, and 15A NCAC 07K .0203.

(f) Transmission lines necessary to transmit electricity from an offshore energy-producing facility may be permitted provided that each of the following conditions is met:

- (1) The transmission lines are buried under the ocean beach, nearshore area, and primary and frontal dunes, all as defined in Rule .0305 of this Section, in such a manner so as to ensure that the placement of the transmission lines involves no alteration or removal of the primary or frontal dunes; and
- (2) The design and placement of the transmission lines shall be performed in a manner so as not to endanger the public or the public's use of the beach.

(g) Existing stormwater outfalls as of the last amended date of this rule within the Ocean Hazard AEC that are owned or maintained by a State agency or local government, may be extended oceanward subject to the provisions contained within 15A NCAC 07J .0200. Outfalls may be extended below mean low water and may be maintained in accordance with 15A NCAC 07K .0103. Shortening or lengthening of outfall structures within the authorized dimensions, in response to changes in beach width, is considered maintenance under 15A NCAC 07K .0103. Outfall extensions may be marked with signage and shall not prevent pedestrian or vehicular access along the beach. This Paragraph does not apply to existing stormwater outfalls that are not owned or maintained by a State agency or local government.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a; 113A-113(b)(6)b; 113A-113(b)(6)d; 113A-124;

Eff. February 2, 1981;

Amended Eff. April 1, 2020; June 1, 2010; February 1, 2006; September 17, 2002 pursuant to S.L. 2002-116; August 1, 2000; August 1, 1998; April 1, 1996; April 1, 1995; February 1, 1993; January 1, 1991; April 1, 1987;

Readopted Eff. December 1, 2020;

Amended Eff. December 1, 2022; August 1, 2022.

NC COASTAL RESOURCES COMMISSION (CRC)

April 26, 2023

Dare County Government Center, Manteo

Present CRC Members

Renee Cahoon, Chair
 Neal Andrew
 Larry Baldwin
 D.R. Bryan
 Robert High
 Sheila Holman
 Doug Medlin
 Phil Norris
 W. Earl Smith
 Alexander "Dick" Tunnell
 Angie Wills

Present CRAC Members

Bobby Outten, Chair
 Kyle Breuer
 Daniel Brinn
 Sandy Cross
 Ryan Davenport
 Webb Fuller
 David Hewett
 Ike McRee
 Spencer Rogers
 Debbie Smith
 John Spruill
 Dave Weaver
 John Windley

Present from the Office of the Attorney General

Mary Lucasse

Present from the Department of Environmental Quality, Office of the General Counsel

Christine Goebel

CALL TO ORDER/ROLL CALL

Renee Cahoon called the meeting to order at 9:00 a.m. on April 26, 2023, reminding the Commissioners of the need to state any conflicts due to Executive Order Number 34 and the State Government Ethics Act. The State Government Ethics Act mandates that at the beginning of each meeting the Chair remind all members of their duty to avoid conflicts of interest and inquire as to whether any member knows of a conflict of interest or potential conflict with respect to matters to come before the Commission. The Chair requested that if any member knows of a conflict of interest or a potential conflict of interest, they so state when the roll is

called. Commissioners Emory and Salter were absent. No conflicts were reported. Based upon this roll call Chair Cahoon declared a quorum. The Chair thanked County Manager Bobby Outten and his staff for hosting this meeting at the Government Center. The Chair also recognized DEQ Deputy Secretary Bill Lane and thanked him for attending.

MINUTES

Phil Norris made a motion to approve the minutes of the February 23, 2023, Coastal Resources Commission meeting. Neal Andrew seconded the motion. The motion passed unanimously (Cahoon, Andrew, Baldwin, Bryan, High, Holman, Medlin, Norris, Smith, Tunnell, Wills).

EXECUTIVE SECRETARY'S REPORT

DCM Director Braxton Davis gave the following report:

It is great to see you all and to be back in Manteo and the Outer Banks. Since your last meeting, we've had a busy spring schedule with a number of events, including an all-staff meeting in Beaufort, which was the first in-person meeting of all DCM staff since the pandemic began, and our annual meetings with NOAA and other coastal states in Washington DC. We've also held meetings of the State-level Interagency Work Group on Threatened Oceanfront Structures, and I'm continuing to chair a national-level work group on coastal erosion through the Coastal States Organization in Washington DC. Recent and upcoming meetings of both groups have focused on the role of insurance in addressing imminently threatened structures, with a focus on the Upton Jones Amendment to the NFIP, which originated here with Walter Jones Sr. back in the mid-1980s. Those two policy initiatives are closely aligned, and I will keep you posted on the findings and recommendations as we hope to wrap up meetings later this year.

On the regulatory side of DCM, I wanted to highlight a CAMA Major Permit issued to the Town of Duck in April to raise NC-12 within the town limits, construct a sidewalk with stormwater infiltration system, rehabilitate and extend an existing revetement, and construct a living shoreline with coastal wetland plantings. This project will assist in maintaining the long-term resilience of Hwy. 12 in this area, which has been experiencing erosion and flooding for many years. A Major permit was also issued to NC Parks and Recreation to enhance and expand an existing oyster sill at Jockeys Ridge State Park which has degraded over time. The living shoreline is composed of rip rap and was designed to protect and enhance existing coastal wetlands and estuarine beach along the Roanoke Sound. Also, NCDOT has made additional progress removing remnant sandbags that are no longer needed to protect NC Highway 12 at Mirlo Beach within the Pea Island National Wildlife Refuge. DOT is coordinating closely with DCM, the Refuge and the NPS staff to ensure the remnant sandbags are being removed as quickly as possible while avoiding negative impacts to the beach, dunes, and sensitive habitats of shorebirds and nesting sea turtles. On April 14, DCM issued a one-time conditional federal consistency concurrence to the Corps of Engineers for their proposed Coastal Storm Risk Management Emergency Repair beach nourishment project at Wrightsville Beach. In our concurrence letter, we noted that the Corps has successfully utilized sand from within Masonboro Inlet since 1965 during congressionally authorized beach renourishment and

navigation dredging projects at Wrightsville Beach. However, a 2021 legal interpretation by the U.S. Department of Interior Office concluded that removal of sand from within a Coastal Barrier Resources Unit could not be used for sand placement projects outside of the same unit. As a result, the Corps proposed to use a new offshore borrow area where surveys have identified the potential for thousands of tires that are remnants from historical artificial reefs that were deployed in the area by the DMF in the 1970s and 1980s. DCM circulated the proposal to state agencies, New Hanover County, Town of Wrightsville Beach and published a public notice. State agencies and the county all expressed concerns about the potential for introduction of noncompatible material. Ultimately, DCM found the proposal conditionally consistent with the State's coastal program, but strongly encouraged the Corps to work with Congress and the U.S. Department of Interior to find a solution to the current policy impasse over sand resources within Coastal Barrier Resource Units. The State's concurrence was limited to this one event, and special conditions included more intensive monitoring during sand placement and additional reporting requirements.

On the Policy and Planning side, the Division certified the Town of Kure Beach's CAMA Comprehensive Land Use Plan on March 31, and several other land use plans are currently under review by staff. The Division also received its first application for approval of a Beach Management Plan under the new rules that went into effect in August of last year (in 7J.1200). The Town of Oak Island submitted its request this week, and it is the first request for the Town since they did not previously have a Static Line Exception. The Division will review the request to ensure that all the required elements are present. If the request is complete, at the next Commission meeting the Town will provide a summary presentation of the plan and the Division will provide a recommendation to grant or deny the approval request. If the Commission approves the Plan, property owners within the Town's jurisdiction will be eligible for several regulatory relief measures related to oceanfront setbacks. DCM recently released a comprehensive land use planning technical guide entitled "Comprehensive Land Use Planning in Coastal North Carolina - Guidance for Local Governments." This online resource provides guidance to local governments for the development of land use plans that comply with the CAMA and CRC land use planning requirements. The guide was developed in partnership with the University of North Carolina-Wilmington's Dr. Mark T. Imperial and Dr. Kirsten Kinzer and is available on the Division's website. At your last meeting I mentioned that the pre-application period for Public Beach and Coastal Waterfront Access grants opens on April 28. Local governments have just a couple more days to submit a pre-application. This year the Division has approximately \$3 million in funding available. As always, additional information is available on our website or through either of our district planners, Rachel Love-Adrick and Mike Christenbury. It remains a busy time for the Resilient Coastal Communities Program (RCCP), and you will be hearing from Mackenzie Todd later today. I will just say that interest in the program remains strong and I'm very proud of the assistance we've been able to provide to local governments through the RCCP. I'm also happy to announce that DCM recently received \$250K in capacity building funds from NOAA that will allow us to hire new time-limited staff to work on conservation and restoration projects. In the Policy and Planning section, one new staff member will lead our work to update the Coastal and Estuarine Land Conservation Program, or CELCP, which was last updated in 2013. In the Reserve program, a new time-limited position will conduct habitat resilience planning and project implementation at the National Estuarine

Research Reserve sites. The funding comes from a portion of NOAA's allocation under the Bipartisan Infrastructure Law, also known as IIJA, and we will use the added capacity to apply for competitive grants for coastal conservation and restoration projects. This work will rely on strong partnerships with other state agencies, non-governmental organizations, and local governments. Last year, under an initial round of Bipartisan Infrastructure Law funding, DCM partnered with the Wildlife Resources Commission and the Coastal Land Trust to apply to acquire 400 acres along the Bay River in Pamlico County. The proposal was awarded the requested \$500K which will be combined with other grant funding to complete the purchase. The property will be added to the State's Public Game Lands system.

In our Coastal Reserve program, staff will hold meetings for 6 of its local advisory committees in May. Additionally, community members are needed to serve on local advisory committees for each of the Coastal Reserve's ten sites and an application period will be held in June. More information about the upcoming meetings and application period will be available on the Reserve's website. The Coastal Reserve's Training Program hosted three workshops for real estate professionals this April on living shorelines and low impact development for water quality protection. The workshops were held in partnership with the Brunswick County Association of Realtors and Cape Fear Realtors. At these workshops, real estate professionals receive 4 elective continuing education credits. The Living Shorelines workshop includes a permitting presentation by regulatory staff. Workshop evaluations are consistently positive and since 2020, the training program has hosted 11 real estate professional workshops reaching over 700 people. Looking towards the future, the training program is considering developing a similar program for licensed building contractors, as they now need continuing education credits as well. The Coastal Reserve and NC Wildlife Resources Commission are gearing up for the 9th annual Terrapin Tally to help better understand the overall population status and condition of the diamondback terrapin within the state. This citizen science project takes a snapshot of the diamondback terrapin population numbers in a given area by conducting kayak surveys at specified times and prescribed routes. Terrapin Tally paddling routes are available at 11 locations including: Cape Lookout National Seashore, Rachel Carson Reserve, Calico Creek, Hammocks Beach State Park, Lea Hutaff Island, Masonboro Island Reserve, Carolina Beach State Park, Fort Fisher State Recreation Area, Zeke's Island Reserve, Bald Head Island, and Bird Island Reserve. Data collection will occur during established windows during May and June. Spring student field trips to the Rachel Carson Reserve and Masonboro Island Reserve are starting back up and summer camps at the Rachel Carson Reserve will start in June in partnership with the NC Maritime Museum.

Finally, in response to discussions at last meeting concerning how we better keep the public informed of commission meetings and ongoing policy development, DCM has refreshed the Interested Parties List to provide another option for the public to receive email notifications of DCM meetings, updates, and announcements. Our website has also been updated to make public information and education opportunities more visible. Opportunities to join the DCM Interested Parties List, find Public Notices, DCM grant opportunities and to quickly find our news releases are all front and center on DCM's main landing page on the website. Also, DCM's LPO coordinator will continue to send meeting information, updates, and announcements with a special focus on local issues and minor permitting to LPO's and local governments. I'll note that we've had nearly 100 new subscribers in the past week on the Interested Parties list serve. In staffing news, I'm happy to say that we don't have any new hires or recent departures to report. I

did want to quickly acknowledge that tomorrow is Administrative Professionals Day - and as you know from working with Angela, and maybe you've met some of our other administrative staff in our district offices, DCM is fortunate to have outstanding administrative professionals. They hold everything together and provide support on all fronts, and we're very proud to work with each of them.

CRAC REPORT

CRAC Chair Bobby Outten stated the CRAC meeting was well attended with robust discussion on several topics. Mike Lopazanski gave an overview of proposed amendments to the rules addressing septic tanks and their components along the oceanfront shoreline. The CRAC recommends approval to the Commission on these amendments. Ken Richardson discussed the Inlet Hazard Area update and advised the Council that staff will recommend the Commission halt the current rulemaking process based on the 2019 maps and send a new Charge to the Science Panel to begin the process of reviewing current data to create new Inlet Hazard Area boundaries. The CRAC had one concern regarding the proposed use standards within the IHAs. The CRAC was concerned about dune building being prohibited within IHAs. For some communities this is the only mechanism for defense and the CRAC would recommend the CRC move forward with Staff's recommendation but consider allowing dune work within the IHAs to mitigate risk. Lastly, DCM Counsel Christy Goebel, gave a presentation on the NC Real Estate Commission's current rulemaking on Disclosure Statements. The CRAC recommends the CRC send a letter to the NC Real Estate Commission to request the addition of erosion rate information and previous permitting actions be added to the Disclosure Statements for properties in flood zones.

Sheila Holman made a motion to send a letter to the NC Real Estate Commission requesting the additional disclosure of erosion rate, previous permitting actions, and any erosion control measures at the property and their expirations. Neal Andrew seconded the motion. The motion passed unanimously (Wills, Smith, Medlin, Baldwin, Andrew, Cahoon, Norris, High, Tunnell, Bryan, Holman).

Neal Andrew offered an amendment to the previous motion to have the letter from the CRC drafted by CRC counsel and approved by CRC by May 15th. Phil Norris seconded the motion. Commissioner Holman approved the amendment. The motion passed unanimously (Wills, Smith, Medlin, Baldwin, Andrew, Cahoon, Norris, High, Tunnell, Bryan, Holman).

Phil Norris offered an additional amendment to include the language from the Texas Disclosure for Flood Hazard Areas and Flood Insurance Requirement in the letter to the NC Real Estate Commission. Sheila Holman approved the amendment and seconded the motion. The motion passed unanimously (Wills, Smith, Medlin, Baldwin, Andrew, Cahoon, Norris, High, Tunnell, Bryan, Holman).

AEC NOMINATION**15A NCAC 7H .0500 – AEC Nomination Procedures (CRC 23-07)****Rachel Love-Adrick**

Rachel Love Adrick stated the Division has received a nomination for an area within the Town of Beaufort. The last time an AEC nomination was submitted was in 1994 for a site in Brunswick County. Previous nominations have included Buxton Woods at Cape Hatteras and Bird Island in Sunset Beach. Today I will outline the process of the nomination process. The Commission designates Areas of Environmental Concern (AEC) and adopts rules and policies for coastal development within those areas. AECs include the Estuarine and Ocean System, Ocean Hazard Areas, Public Water Supplies, and Natural and Coastal Resource Areas. Unique to the Natural and Cultural Resources AEC are that they may be nominated by any citizens, interest groups, local governments, or state and federal agencies person or group for the Coastal Resources Commission's consideration. Natural and Cultural Resources Areas AECs are defined as areas containing environmental, natural, or cultural resources of more than local significance in which uncontrolled or incompatible development could result in major or irreversible damage to the natural systems or cultural resources, scientific, educational, or associative values or aesthetic qualities. This definition is codified in 15A NCAC 07H .0501. The nomination process has five steps. After receiving a nomination, the Division of Coastal Management will notify the landowners, local governments, and the Coastal Resources Commission and Coastal Resources Advisory Council members in whose jurisdiction the site is located of the proposed nomination and meet to discuss the proposed nomination within 60-days after receipt of the nomination. The Division will then conduct a preliminary site evaluation in which various protection methods will be examined to determine if AEC designation is appropriate. Staff is currently in this step of the process. A meeting has been set for May 8, 2023, from 9:00 a.m. to 11:00 a.m. at the Morehead City Train Depot. The property owners, Town of Beaufort, CRC and CRAC members from Carteret County have been invited. The meeting is open to the public but is not a public hearing. Following that meeting, the preliminary report will be presented to the CRC at the first CRC meeting following completion of the report. The CRC will determine whether to endorse the evaluations and proceed with more detailed analysis of the site. The CRC can expect the preliminary report on the June Commission agenda. If the AEC nomination receives the CRC's endorsement, DCM will conduct a detailed review of the proposed site. This report will include the development of a management plan, if applicable, or site-specific use standards and will be presented to the CRC for their consideration. If the CRC decides to consider formal designation of the site as an AEC and adopts the management plan or use standards developed, a public hearing will be conducted, and notice of the hearing will be published and distributed in accordance with the requirements of NCGS 113A-115 and NCGS 150B-21.2. After consideration of all comments, the Commission will make its final decision and if the site is designated as an AEC, the CRC will adopt a management strategy or use standards if applicable to the AEC. This management strategy or use standards would then follow the permanent rulemaking process.

BEACH MANAGEMENT**Science Panel Scope of Work – Oceanfront Erosion Rate Method & Inlet Hazard Areas (CRC 23-08) Ken Richardson**

Ken Richardson stated after considering public comments and consultation with CRC Chair Cahoon and Dr. Moore, Science Panel Chair, staff will be asking the Commission to consider a

temporary delay on adopting the Inlet Hazard Area (IHA) boundaries and rule amendments referencing the most recent study. Over the course of time, much of the public feedback the Commission has received has been addressed. However, for those who have not followed the process from the beginning, or those who are learning about IHAs for the first time, or who have been given misinformation or misleading information, Staff can understand why concerns are expressed and why they want to know more. That does not mean that the inlet hazard area wheel requires re-inventing each time to address new or recycled concerns. The current IHAs and rules began in 1978 with a need for an update starting in 1989. However, it wasn't until the early 2000's that the groundwork actually began. The Science Panel's early work to define methods began around 2006 and used Geographic Information Systems and USGS's Digital Shoreline Analysis System to consider topography, underlying geology, shorelines, vegetation lines, beach width and influences of nourishment, engineering practices and inlet geomorphology process. Many combinations of statistics applied to understanding shoreline change and have been routinely applied and used by professionals and the academia since the 1960's and the tools used in North Carolina's inlet studies are the same as those used by the US Geological Survey since the late 1990's. A significant amount of time has been invested in discussing and analyzing inlet shorelines and areas adjacent to the State's inlets. The current IHA boundaries and rules went into effect in 1979, and then the Science Panel proposed updated IHA boundaries in 2010 and again in 2018. Each time new data was added to the analysis and the methods were evaluated. Although the 2010 and 2018 methods did vary slightly, the foundation of the methods used were based on erosion rates, or shoreline change rates to be more accurate since we're talking about accretion also. Throughout this process there have been many opportunities for the public and local governments to provide input. These opportunities include every Coastal Resources Commission and Advisory Council meeting, 2014 stakeholder meetings, and the many public hearings and workshops thereafter. In early 2020, Covid-19 put the brakes on everything to include moving forward with the current update. When the Science Panel presented its updated IHA boundaries to the Commission in 2018-2019, the Panel also recommended that boundaries be re-evaluated every five years to coincide with the Division of Coastal Management's routine oceanfront erosion rate updates. After careful consultation with Dr. Moore and Chair Cahoon and given the fact that the next update to the oceanfront erosion rates is just around the corner and planned for the 2024-2025 timeframe, Staff agrees that data collected since the 2018 study can be added to the analysis that will also consider recent nourishments, erosion mitigation structures such as terminal groins and sandbags, and give the Science Panel the opportunity to consider methods and criteria. Since the updated studies of oceanfront and inlet shoreline changes would occur simultaneously, DCM staff are recommending that the CRC consider temporarily postponing adoption of the current updated IHA boundaries and issuing a new Charge to the Science Panel on Coastal Hazards. If the Commission adopts this approach, Staff will work with the Science Panel to complete the Charge and provide the Commission updated IHA maps, erosion rates, along with DCM's recommendations for corresponding IHA Use Standards in the summer of 2024.

Sheila Holman made a motion to draft a new Charge to the CRC's Science Panel on Coastal Hazards and follow DCM Staff's recommendation to pause the current rulemaking process and provide the IHA boundaries and associated Use Standards with the erosion rate update in 2024. Earl Smith seconded the motion. The motion passed unanimously (Wills, Smith, Medlin, Baldwin, Andrew, Cahoon, Norris, High, Tunnell, Bryan, Holman).

Exception for Lots Platted Post-1979: 15A NCAC 7H .0309 (CRC 23-09)

Ken Richardson

Ken Richardson stated given the temporary hold on updating the Inlet Hazard Area boundaries, Staff will be recommending that amendments to Exceptions in Use Standards for Ocean Hazard Areas, 15A NCAC 07H .0309, continue to move forward without the IHA amendments. Staff presented these amendments at the February CRC meeting, and you may recall that currently your rules pertaining to development exceptions within the setback are defined in 7H .0309. You may also recall that before 7H .0104 was repealed last August, this rule also provided an alternative for proposed development that could not meet the current setback. Together, these rules were commonly referred to as “small structure exceptions”. However, there were a few differences between the two rules, which often caused confusion and questions regarding how and if they were accurately applied. The key differences between the two rules were that .0309 applied to lots created before June 1, 1979, only requires a 60-foot setback regardless of the erosion rate setback and be no greater than 2,000 square feet and have a footprint of no greater than 1,000 square feet. Rule .0104 applied to lots created after June 1, 1979, and limited the size to 2,000 square feet, but allowed the option to use the setback in place at the time the lot was created. No additional changes have been made to the proposed amendments Staff presented at the February CRC meeting and Staff is asking the Commission to consider removing the June 1, 1979, condition which would allow this exception to be applied to all lots regardless of when it was created or what the erosion rate is and to remove the 1,000 square foot footprint condition.

Neal Andrew made a motion to approve amendments to 15A NCAC 07H .0309 for public hearing. Larry Baldwin seconded the motion. The motion passed unanimously (Wills, Smith, Medlin, Baldwin, Andrew, Cahoon, Norris, High, Tunnell, Bryan, Holman).

Proposed Amendments to 15A NCAC 7H .0305, .0306 – Septic Tanks Seaward of the Vegetation Line (CRC 23-10) Mike Lopazanski

Mike Lopazanski stated the Division advises the County of the issuance of a CAMA Minor Permit for relocation of a system on the oceanfront beach. Dave Hallac gave a presentation to the CRC regarding the recent structure collapses on the National Seashore which had environmental impacts and a 15-mile debris field covering the public beaches with hazardous materials. Damaged septic tanks have created a chronic issue along the oceanfront. The Department of Health and Human Services, Environmental Health Division oversees the County’s issuance of permits for septic systems. New or replaced systems are required to be 50-feet from mean high water and are subject to the CAMA oceanfront setback. DEQ policy dictated that replacement of systems were usually considered repair, and therefore exempt from CAMA permitting. For septic relocation, the CRC’s rules prohibit siting systems seaward of the primary structure. Recent replacements of systems occurred without relocating the primary structure. Septic systems in the Rodanthe area have been repeatedly damaged by moderate storms resulting in the discharge of sewage onto beaches and into ocean waters. During the Advisory Council discussion, concerns were raised regarding the limitation on relocating septic tanks utilizing public funds, particularly funds associated with payouts from the National Flood Insurance Program (NFIP). Under the proposed rule language in 15A NCAC 7H .0306, septic tanks, pump tanks or components of a ground absorption system as defined in G.S. 130A-334 relocated with public funds would need to comply with the current oceanfront setback requirements. Advisory Council members were

concerned that this language would discourage the relocation of septic tanks off the public beach if NFIP funds were involved. Staff has since learned from direct communications with the NFIP, that NFIP payouts are not considered public funds. However, so as not to preclude the possibility that state or federal funding may become available for the relocation of septic tanks, Staff has removed reference to septic tanks, pump tanks and ground absorption systems from this section of the proposed rule language. Based on further review and public comments, Staff are also no longer proposing amendments to 7H .0305, Definition and Description of Landforms, referencing the components of a septic system as separate structures for repair/replace determinations. This language is now more appropriately incorporated into 7H .0306(f), maintaining the intent that if either structure cannot be repaired in place, they will be subject to the replacement/relocation provisions of 7H .0306. Proposed amendments still include clarification that new development, including these septic system structures, need to meet the oceanfront setback requirements. Comments were received from the NC Septic Tank Association questioned the CRC authority and jurisdiction regarding the siting of septic tanks. The CRC has always had the authority to provide regulations and permit septic systems on the oceanfront similar to any other oceanfront structure. NCGS 77-20 clearly defines the public trust area as the wet sand area subject to regular flooding and dry sand areas subject to occasional flooding by tides. These areas do not include areas where flooding occurs from hurricanes or tropical storms. The landward extent of the ocean beaches is well established and natural indicators of the landward extend of the ocean beaches include but are not limited to the first line of stable, natural vegetation; the toe of the frontal dune; and the storm trash line. The repair of systems in place would be allowed, but the relocation or replacement of septic systems would require a CAMA permit. The amendments use DHHS statutory definitions and language supported by DHHS which defines septic systems as septic tanks, pump tanks, and ground absorption components. The amendments also use the statutory definition of ocean beaches. These amendments fall under the CRC's jurisdiction as the systems are located within public trust areas.

Neal Andrew made a motion to approve amendments to 15A NCAC 07H .0305 and .0306 for public hearing. Angie Wills seconded the motion. The motion passed unanimously (Wills, Smith, Medlin, Baldwin, Andrew, Cahoon, Norris, High, Tunnell, Bryan, Holman).

PERMITTING

Proposed Permit Fee Increases (CRC 23-11)

Jonathan Howell

Jonathan Howell stated that NCGS 113A-119.1 provides the authority for the Commission to establish a graduated fee schedule for the processing of permit applications, renewals, modifications, and transfers. In determining the fee schedule the Commission shall consider administrative and personnel costs incurred by the Department for processing these permit actions and related compliance activities as well as the complexity of the development. The fee to be charged for processing applications is capped at \$400.00. Prior to 1989, most General Permits had no cost. There were also no fees for modifications or transfers. Major Permit fees were \$100 and Minor Permits and renewals were \$25. In 1989, the graduated fee schedule was proposed and adopted by the Commission and fees were increased in 1991. In 2000, fees were doubled, and this was the first time a different fee was charged for private versus commercial development. The increase was attributed to the need to add staff and an increase in permit

workload. Between 2001 and 2006, there was a decline in state appropriations. There was also a reduction in federal appropriations and the Commission increased the fees for General Permits. Since 2006, there has been a 32% decline in state appropriations to the Division's regulatory program and federal appropriations haven't kept pace with inflation. Permit fee increases are needed as coastal development and re-development has increased staff time for each permit action based upon the complexities of the proposals and increased appeals by adjacent property owners. As the General Permit time frames are being increased, the Division will also lose approximately \$43,000 per year. With the increase in operating costs due to inflation and the steady decline in state appropriations the Division is only able to carry the cost of 13 state appropriated staff positions, which is down from the 25 supported by state funds in 2007. The Commission has 12 General Permits that are currently below the statutory maximum of \$400 fee. Staff is requesting the Commission consider an increase in those General Permit fees from \$200 to \$400, as well as renewal fees from \$100 to \$200, minor modification fees from \$100 to \$200, major modification fees from \$250 to \$400, Minor Permits issued by the Division and General Permits from \$100 to \$200, and Major Permit transfers from \$100 to \$400. The Division has reached out to local governments to inquire about their thoughts on permit fee increases for Minor Permits issued by the Local Permitting Program and has received mixed reviews from the Local Permit Officers. Based on permits issued in 2022, if these fee increases are approved the Division would bring in an additional \$277,000 from General Permits, \$26,000 for Major Permits, and \$35,000 in Minor Permit fees to offset some of the operating costs.

Sheila Holman made a motion to approve the permit fee increases for public hearing. Neal Andrew seconded the motion. The motion passed with ten votes in favor (Wills, Smith, Medlin, Andrew, Cahoon, Norris, High, Tunnell, Bryan, Holman) and one opposed (Baldwin).

COASTAL RESILIENCY

NC Coastal Resiliency Program Update

Mackenzie Todd

Mackenzie Todd provided an update on the Resilient Coastal Communities Program (RCCP) administered by the NC Division of Coastal Management. The RRCP program is the culmination of coastal resilience efforts in the State over the last several years. Beginning in 2016, DCM piloted a coastal resilience program called Resilience Evaluation and Needs Assessment. DCM and its partners worked with local governments to map community assets, engage with the public, identify their social and physical vulnerabilities, and explore potential projects to mitigate future impacts from coastal hazards such as flooding, sea level rise, and other extreme weather events. This process led to several positive outcomes including a more localized understanding of the impact of hazards on community assets, increased public engagement in the resilience planning process, and additional data to assist with grant funding. After Hurricane Florence in 2018, DCM developed resources for local governments to address these impacts, including the Coastal Adaptation and Resiliency website and the NC Coastal Community Resiliency Guide. Additionally, Governor Roy Cooper issued Executive Order 80, which called for the 2020 Climate Risk Assessment and Resilience Plan. This plan led to the creation of the Resilient Communities Program, which catalyzed the RCCP. DCM received approximately \$830,000 in funding from the NC General Assembly and \$1.1 million from the National Fish and Wildlife Foundation's Emergency Coastal Resilience Fund to begin developing and implementing the

RCCP. The RCCP is the first of its kind in this State and is modeled after successful programs in other coastal states such as the Massachusetts Municipal Vulnerability Preparedness Program and Storm Smart Coasts Program, Rhode Island's Municipal Resilience Program, and Florida's Resilient Coastlines Program. Critical to the RCCP has been our program partners at the NC Office of Recovery and Resilience, the Nature Conservancy, and NC Sea Grant who have been on our steering committee and alongside this program from the beginning. They offer staff support and guidance and expertise on implementing the program. A handful of our partners also served as ex-officio members on multiple community action teams during the first two phases of the program. They have also been instrumental in helping DCM in the program evaluation process. We have leveraged \$1.35 million in State funds to bring in \$1.6 million in federal funds and another \$550,000 from NFWF. We have also received \$1.15 million and three full-time employee positions from the NC General Assembly. To date, the RCCP has received approximately \$4.6 million in funding to help build capacity and support for our coastal communities. We now have a RCCP dashboard through ESRI created by Rachel Love-Adrick, DCM District Planner which showcases the communities that have participated in the RCCP so far and the amount of money that was awarded during Phases 1, 2, and 3. We are working on a webmap that would allow users to click on a community and see when they participated in the RCCP and how much money was received with a direct link to their final deliverables. This application is live and is updated regularly. At its core, the RCCP is designed to address barriers to coastal resilience at the local level, assist communities with risk and vulnerability assessments and develop portfolios of well-planned and prioritized projects, advance priority projects to shovel-ready status and link communities to funding streams for project implementation. Phase 1 of the program includes developing a community action team, engaging with the public, and performing a risk and vulnerability assessment. Phase 2 of the program involves a community and data-driven process to identify priority actions that can be taken to adapt to shore and long-term hazards. Phase 3 is the engineering, design and permitting of the prioritized projects. Grants will be available for communities who successfully completed Phases 1 and 2 to develop projects that are shovel-ready. Communities may receive credit towards completion of Phases 1 and 2 of the RCCP for previous or ongoing work which aligns with program requirements. During Phase 4, grants will be available for communities who successfully completed Phases 1-3 for implementation of a shovel-ready project. The first step in Phase 1 is to develop an inclusive and diverse Community Action Team whose role is to actively participate in and inform the process and champion the effort for each community. Members may include locality staff, elected officials, resilience experts, planning board members, business community leaders, faith community leaders, Disaster Recovery Coalitions, Protected Land Managers, leaders representing socially vulnerable communities, public health officials, local school board representatives, and college and university representatives. The Action Team sets the vision and goals. Specific, measurable goals will help the community identify steps that can be taken to achieve the vision. We are asking communities to use the triple bottom line approach which goes beyond traditional hazard mitigation and disaster recovery to develop a holistic strategy considering social, environmental, and economic factors. The next step is to review existing local plans and efforts. We want to make sure we are promoting integration throughout the project development process. A lot of existing plans communities currently have should be considered and pulled from to inform project development such as regional and local plans, ordinances, non-regulatory programs, or other local investments and policies. Getting from resilience planning to action requires jointly created ideas, buy-in, and commitment from a diverse group of

stakeholders. Inclusivity in the planning process, particularly by involving vulnerable and historically underrepresented members of the community, is key to account for a diverse range of community perspectives. The Community Action Team will then select critical assets and natural infrastructure to include with the risk and vulnerability assessment. The last step is to conduct the risk and vulnerability assessment which will evaluate risks to a community's vulnerable populations and critical assets from a number of coastal and climate hazards including flooding, storm surge, sea level rise, and other locally relevant hazards. In Phase 2, communities develop a portfolio of resilience projects and actions aimed at reducing exposure and sensitivity to hazards as well as strengthening adaptive capacity of community assets and vulnerable populations. They then consolidate at least five priority projects organized in a project portfolio. The main deliverable for Phases 1 and 2 is called the Resilience Strategy consisting of a combination of the deliverables developed throughout this process including a CAT report, community engagement strategy, the risk and vulnerability assessment and a portfolio of at least five prioritized projects. While this is not meant to be a comprehensive resilience plan, the information in this Resilience Strategy may later be used to develop a comprehensive Resilience Plan or be integrated into existing local plans or ordinances. Having a planning document like this helps to provide clarity of purpose, attract funding, and provide a more direct path to implementation. For the first round of Phases 1 and 2, we received 30 applications representing 32 coastal communities early last year. DCM reviewed the community applications and were scored across several criteria, including their level of risk exposure to vulnerable populations and critical assets, their economic status and need, their internal capacity and momentum with related efforts. Twenty-six communities were selected. We received 20 applications from contractors and 10 were selected to provide technical assistance. Contractor applications were scored based on experience in resilience planning, community engagement, nature-based solutions, and relevant work experience in the NC coastal region. Staff matched the contractors with communities based on community requests, geographic locations, and other relevant factors. Last summer we awarded 20 projects representing 22 communities for a total grant fund amount of \$1.12 million. In funding Phase 3, DCM staff were looking for projects that were expected to increase local resilience and meet the vision and coastal set out in the local RCCP Resilience Strategy completed in Phases 1 and 2. Applications were scored based upon the project producing engineering and design plans for a shovel-ready project, incorporating nature-based components, potential transferability of the project to another coastal area municipality or county, and size and scope of the expected benefits. Projects range from stormwater management, wetland restoration, and flood mitigation. We currently have a total of one million dollars budgeted for Phase 4 construction. We allocated the budget to focus on planning and community engagement and building a portfolio of shovel-ready projects across multiple coastal communities. We feel this is a good place for DCM to focus initially, rather than on funding construction projects. This program positions communities to be ready and competitive when applying for other sources of federal and state funding. DCM staff have attended multiple conferences and meetings to discuss the RCCP. It is important to raise awareness about the program and learn from other coastal states. The RCCP was highlighted recently as a case study on NOAA's digital coast website. The case study details the program, our evaluation process, funding, tools used, and community engagement. Looking ahead to potential future program funding, Governor Cooper's budget allocated \$1.7 million dollars for two time-limited positions to become permanent. House Bill 259 has \$10 million dollars allocated for the RCCP. We are waiting to see what the Senate will propose. In the meantime, we have submitted a pre-proposal for NFWF's National Coastal

Resiliency Fund. We will know if we are invited to submit a full proposal next month. This proposed project will provide support to RCCP communities leading to final design and permitting for at least 20 projects that have been prioritized as the most effective, efficient, and equitable. Support will initially be provided to communities to verify their project selection through in-depth analysis of the alternatives within their project portfolios and could also lead to the identification of a better nature-based solution that had not been considered. Following the initial analysis, communities will move into final design and permitting.

ACTION ITEMS

Consideration of Approval of Fiscal Analysis – General Permit Time Extension and Correction to 15A NCAC 7H .2300 (CRC 23-12) Cameron Luck

At the February 2022 CRC meeting, a marine contractor provided comments indicating there was insufficient time to complete projects due to the increased volume of demand in development and issues with securing building materials. The Commission tasked DCM to explore alternatives to the current timeline of 120 days. At the June 2022 CRC meeting, DCM staff proposed an additional 60 days for a total of 180 days for a General Permit to remain active. This number was proposed to create consistency with local ordinance building timelines. Staff also identified nine General Permits where this change would apply. The Commission requested that DCM consider additional options that would provide extensions where work is already in progress. At the September 2022 CRC meeting, Staff proposed a substantial development clause similar to what is currently included in the Major Permit process allowing contractors a 180-day extension if substantial development had occurred. The Commission approved these amendments at that meeting. Based on the fiscal analysis completed by DCM staff, there will be fiscal impact on the Division but not a substantial one. DCM will be impacted by the reduction in the number of permit fees which is estimated to be around \$43,500 annually. DEQ has approved the fiscal analysis and it is under review by the Office of State Budget and Management. In addition to extending the expiration timelines of these nine General Permits, an amendment is also being proposed to correct an error that occurred during the legislatively required periodic review. 15A NCAC 07H .2302 was inadvertently changed from a two-year expiration date to 120 days. DCM is requesting approval to correct this error.

Larry Baldwin made a motion to approve the fiscal analysis for the General Permit time extensions for public hearing and the amendment to address the error in 15A NCAC 07H .2302. Phil Norris seconded the motion. The motion passed unanimously (Wills, Smith, Medlin, Baldwin, Andrew, Cahoon, Norris, high, Tunnell, Bryan, Holman).

Comments and Consideration of Adoption of Amendments to 15A NCAC 7H .0308 and 7K .0207 Structural Accessways – Beach Mats (CRC 23-13) Mike Lopazanski

Mike Lopazanski stated last year the Commission amended the rules that established specific use standards for structural pedestrian accessways that allow for public access to the beach. You will recall that the use standards previously limited these accessways to elevated, pile support structures terminating on the beach near the seaward toe of the frontal dune. Due to numerous local governments expressing interest in using synthetic or wooden roll-out matting as a handicap accessible alternative for beach access, the accessway rules were amended to allow the use of these types of mats for public beach access. The use of these materials was limited to State, federal, or local governments due to concerns expressed by the NC Wildlife Resources

Commission and the US Fish and Wildlife Service about potential adverse impacts on sea turtle habitat resulting from their use waterward of the frontal dune. The CRC has approved three petitions for variances from local governments seeking to install beach mats on the dry sand beach seaward of the frontal or primary dune and vegetation line to enhance handicap accessibility. These variance petitions were granted, and, in each case, efforts were taken to minimize risks to sea turtles including changes in siting, size, and orientation of the proposed structures. Following the Commission's variance and issuance of a CAMA Minor Permit to the Town for installation of beach mats, the Town still assumes some liability for any takes of threatened or endangered species under the Endangered Species Act. Since the amendments went into effect, Staff has had further discussion regarding the use of beach matting for residential applications as an alternative to structural accessways. During storms, dune crossovers, including stairways, can account for a great deal of debris that winds up scattered across beaches and in waterways. Staff believe that if matting conforms to the same general standards that apply to structural accessways (limiting the mats to six feet in width and be no further waterward than six feet from the toe of the dune), public access and wildlife protection goals will be met while reducing debris on the State's beach during storm events. Residential application of matting material would adhere to the same standards previously approved including installation at grade and prohibiting extension onto the public trust beach. Compliance and enforcement are essential components of any regulatory program, and the Division strives to increase its compliance rate through education, inspection, and remediation. In addition to the Division's inspection and enforcement activities, most beach towns have Local Permitting Officers as well as sea turtle programs which traverse the beach on a regular basis. The Division believes that these additional eyes on the oceanfront will be useful in ensuring that any beach mats exceeding the use standards will be reported either to the Division or the Local Permitting Officer for compliance and enforcement. The Division also maintains that while less expensive than a traditional structural accessway, beach mats still represent a sizeable investment for property owners and there will be interest in ensuring that they are removed prior to storm events, leading to less debris on the beaches following these events. In addition to the public comments submitted, the Division has received numerous informal comments of support from the public advocating for the enhanced accessibility this will provide.

Neal Andrew made a motion to adopt the amendments to 15A NCAC 07H .0308 and 07K .0207. Dick Tunnell seconded the motion. The motion passed unanimously (Wills, Smith, Medlin, Baldwin, Andrew, Cahoon, Norris, High, Tunnell, Bryan, Holman).

Comments and Consideration of Adoption of Amendments to 15A NCAC 7M .0600 Floating Structure Policies and 7H .0208 Piers and Docking Facilities – Floating Upweller Systems (CRC 23-14) Daniel Govoni

Daniel Govoni stated floating upweller systems (FLUPSY) are used to grow seed shellfish and protect them from predation until they can survive in open water leases. These amendments will require FLUPSYs to be sited at a permitted marina or private docking facility and are subject to the same platform limitations that apply to docking facilities. DCM believes this management strategy can accommodate these structures while limiting public trust impacts. Neither the NC Division of Marine Fisheries nor the NC Marine Fisheries Commission have plans to address floating structures in their current leasing program and DMF agrees this development should require CAMA permitting by DCM. These amendments provide clarification that these platforms

will be included in the square footage calculations for shading impacts, add a definition for FLUPSYs, and clarify that FLUPSYs may be permitted as platforms at private docking facilities or permitted marinas. Comments were received from the NC Shellfish Growers Association, NC Farm Bureau, and from local shellfish growers opposing these amendments. One comment received stated that aquaculture is agriculture and should be exempt from being considered development. However, CRC Counsel Mary Lucasse provided a legal opinion that FLUPSYs are development as defined in CAMA and aquaculture is not included within the CAMA exceptions. Another comment stated FLUPSYs are small in size and have little environmental impact or conflicts with navigation. Since there are no regulations for the US Army Corps of Engineers that would restrict size and location for these floating structures, a CAMA permit is appropriate so size and location can be regulated. The last comment received stated that a streamline permit should be available for FLUPSYs. DCM prefers that initial applications be reviewed through the Major Permit review process to identify any federal or State concerns.

Commissioner Tunnell questioned why aquaculture is not exempt from CAMA permitting and commented the Commission should make every effort to support the industry. Mary Lucasse stated that she prepared an opinion for the Commission's consideration and provided the opinion to negative commentors as well. Neal Andrew stated he is a proponent of mariculture and aquaculture; however, some standards need to be in place to regulate structures. Larry Baldwin stated there is difference between farming or having an agriculture operation on private property and putting structures over the public trust.

Larry Baldwin made a motion to adopt amendments to 15A NCAC 7M .0600 and 7H .0208. Sheila Holman seconded the motion. The motion passed with ten votes in favor (Wills, Smith, Medlin, Baldwin, Andrew, Cahoon, Norris, High, Bryan, Holman) and one opposed (Tunnell).

PUBLIC INPUT AND COMMENT

Donna Creef, Outer Banks Association of Realtors, spoke in favor of the CRC's approach to comment to the Real Estate Commission regarding additional disclosures and would ask the letter include the requirement for flood insurance as a disclosure. Texas has specific language for property located in special flood hazard areas are required to have flood insurance.

Keith Larick, NC Farm Bureau, spoke against the CRC's action regarding FLUPSYs.

Carlos Gomez, coastal engineer, spoke in favor of living shorelines, handicap access, and owner disclosure requirements. Mr. Gomez stated that there are serious dune stabilization issues in the Rodanthe area.

Steve Smith, Topsail Beach Mayor, spoke in favor of the CRC's action to send a letter of support for beach nourishment projects. There is support in the General Assembly for a Bill that would allow the use of sand for projects older than 15 years.

NC COASTAL RESOURCES COMMISSION (CRC)**June 15, 2023****Riverfront Convention Center, New Bern****Present CRC Members**

Larry Baldwin
 D.R. Bryan
 Bob Emory
 Robert High
 Doug Medlin
 Phil Norris
 Lauren Salter
 W. Earl Smith

Present from the Office of the Attorney General

Mary Lucasse

Present from the Department of Environmental Quality, Office of the General Counsel

Christine Goebel

CALL TO ORDER/ROLL CALL

In the absence of CRC Chair Renee Cahoon, commissioner Bob Emory served as acting chair and called the meeting to order at 10:00 a.m. on June 15, 2023, reminding the Commissioners of the need to state any conflicts due to Executive Order Number 34 and the State Government Ethics Act. The State Government Ethics Act mandates that at the beginning of each meeting the Chair remind all members of their duty to avoid conflicts of interest and inquire as to whether any member knows of a conflict of interest or potential conflict with respect to matters to come before the Commission. Commissioner Emory requested that if any member knows of a conflict of interest or a potential conflict of interest, they so state when the roll is called. Commissioners Renee Cahoon, Neal Andrew, Sheila Holman, Dick Tunnell, and Angie Wills were absent. No conflicts were reported. Based upon this roll call Commissioner Emory declared a quorum, recognized DEQ Deputy Secretary Bill Lane, and thanked him for attending.

MINUTES

Phil Norris made a motion to approve the minutes of the April 26, 2023, Coastal Resources Commission meeting. Larry Baldwin seconded the motion. The motion passed unanimously (Baldwin, Bryan, Emory, High, Medlin, Norris, Salter, Smith).

EXECUTIVE SECRETARY'S REPORT

DCM Director Braxton Davis gave the following report:

This is a relatively abbreviated summer commission meeting due to travel and scheduling conflicts, so we did not have a CRAC meeting yesterday. We will be working with the CRAC chair to reconvene during the August meeting.

On the regulatory side of DCM, overall, permitting numbers remain historically high, but not quite as high as last year. We are seeing about a 12% decline in fees in comparison with the prior fiscal year, which ends June 30. A couple of quick highlights, starting with the recently completed beach nourishment project in Dare County. The Town of Duck's nourishment project was completed on May 8, and included a small volume of sand at the northern end of Southern Shores to account for a prior shortage of sand placement in their template. The total volume placed on the beach for the Towns of Duck, Southern Shores, Kitty Hawk and Kill Devil Hills totaled just over 2.8 million cubic yards over the past year. Farther south, Lockwood Folly Inlet is currently being dredged under one of the shallow draft inlet dredging permits issued back in 2016. Severe shoaling in the inlet had restricted safe navigation and the USCG had to pull the buoys. After moratorium relief coordination with state and federal agencies, dredging on the ocean bar channel began on May 20 and will be completed by the end of the month to restore safe navigation in the inlet. This dredging is being undertaken using the recent special purpose dredge, the Miss Katie.

On the Policy & Planning front, the pre-applications for Public Beach and Coastal Waterfront Access grants were due on April 28, and the Division has approximately \$3 million in funding available. We received applications from 11 communities totaling \$3.2M million in requests. Staff reviewed the applications and invited 10 communities to submit final applications, which are due August 28. As always, additional information is available on our website or through either of our district planners, Rachel Love-Adrick and Mike Christenbury. The Division has received project deliverables for the 2022-23 Planning and Management Grants that were prioritized for beach, shoreline, and water management projects; specifically, Beach Management Plans in accordance with 15A NCAC 07J.1200, and local ordinances covering estuarine and navigable waters. Wrightsville Beach, Oak Island and Surf City completed draft Beach Management Plans, while Dare County completed the Rodanthe Beach Nourishment Feasibility Report. Carteret County completed an Additional Sand Search study for the Bogue Banks Beach Master Plan, and Nags Head completed a Beach Nourishment S1 Borrow Area Analysis. The draft Oak Island Beach Management Plan is on your agenda today and the other plans will be on a future agenda.

One update from our federal consistency program: you may be aware that the State Ports Authority recently conducted a feasibility study on the potential for significant navigation improvements for Wilmington Harbor. The study was intended to identify and evaluate alternatives to increase transportation efficiencies for the current and future fleet of container vessels operating at the Port. The Port Authority's preferred option is to deepen the Federal Navigation Channel to -47ft, from a minimum clearance of -42ft, and widen the channel to provide for passage of Panamax class ships following the expansion of the Panama Canal. The Army Corps of Engineers' Civil Works program has reviewed the study and determined that the Port Authority's plan is technically feasible, however, that the study lacked certain information and requires an Environmental Impact Statement. Congress conditionally authorized the proposal for construction, contingent upon an economic analysis and the EIS. The Corps initiated the EIS process and held an initial public scoping meeting this past Tuesday. The draft EIS is expected in 2025 and a Final EIS and Record of Decision in 2026. DCM staff will stay involved throughout the process and we will keep you posted as this progresses.

The Science Panel's Scope of Work, which you all approved at your last meeting for the 5-year re-evaluation of IHA methods, boundaries, and beachfront erosion rates, has been delivered to the Panel and will be discussed at their next meeting. Ken Richardson is already working on initial data and alternatives analysis, and we are hoping to bring the panel together for a first meeting in the late summer or early fall. As always, Science Panel meetings will be open to the public and advertised in advance. We are also working with Panel Chair Laura Moore to present their sea level rise update at your August or November meeting, and hope to complement her presentation with talks from other researchers on impacts to our coast.

Coastal Reserve

The Coastal Reserve is seeking applications from citizens and community organizations for its local advisory committees. Citizens and community organizations with knowledge and experience of relevant topical areas and an interest in serving as a local advisory committee member are encouraged to apply. Applications are due June 30, and more information is available on the Reserve's website. Appointments to the committees are made by the DEQ Secretary and newly appointed members will begin their terms in 2024. On June 2, the Coastal Reserve hosted DEQ Secretary Biser, Currituck County Manager Ike McRee, NOAA liaison Stephanie Robinson, and other local, non-profit, and academic partners to celebrate the grand re-opening of the recently refurbished Currituck Banks Reserve boardwalk. The boardwalk was rededicated in memory of Erin Crowell, daughter of Bill (APNEP director) and Denise Crowell. After remarks by state, local, and federal representatives and a ribbon cutting, participants enjoyed an interpretive walk on the refurbished ADA-compliant boardwalk and explored the maritime forest trail. The boardwalk refurbishment was funded by a CAMA Public Access Grant, which also served as match for federal funds that will provide interpretive signage along the boardwalk and other national site infrastructure improvements. The event provided an excellent opportunity to highlight the work of DCM staff and DEQ Facilities staff in enhancing public access at the site, as well as sharing information about the reserve itself. This event marked the kickoff of a NC Coastal Reserve Road Trip, in which events and site visits will be held over the next several years to increase awareness about the reserve sites and programs. Finally, earlier this week in Beaufort, local teachers participated in the Coastal Reserve's Teachers On The Estuary (TOTE) Program. The workshop included a field trip to the Rachel Carson Reserve to give teachers the opportunity to explore North Carolina's coastal habitats, presentations from researchers to learn more about the science happening at the reserve, and activities for teachers to use in their classrooms. TOTE is a teacher education program implemented at all 30 reserves in the National Estuarine Research Reserve System.

In staffing news, we have filled a vacant field representative position with the hiring of Jessica Thomas in the Washington Regional Office. Jessica has an Associates degree from Northwest Florida State College and a Bachelors degree in Biology from the University of West Florida. She has regulatory work experience from her previous employment with the Florida Department of Environmental Protection as an Environmental Specialist and was most recently employed by the North Carolina Department of Agriculture and Consumer Services. We have also filled an administrative assistant position in the Elizabeth City office that was vacated when Ella Godrey retired earlier this year. This position was filled by Lisa Doepker who just started. She has 18 years of experience working for the State with both the Museum of the Albemarle as well as with NC Department of Natural and Cultural Resources at the Dismal Swamp State Park. One other

significant change within DCM has occurred since your last meeting. Tina Martin, a field rep in our Morehead City District, will be moving from the regulatory side of the Division to the Resilient Coastal Communities Program as DCM's new Conservation Coordinator. In this role Tina will be working with partners to update our land conservation and restoration priorities, and to seek funding through federal and state grant opportunities such as the Bipartisan Infrastructure Law and the Inflation Reduction Act. Tina starts her new duties on June 26th and will continue to work out of our Morehead City Office. We are excited for Tina to start in her new role, which is similar to a position she previously held in Florida.

VARIANCES

Wetmore (CRC-VR-23-02), Bald Head Island, oceanfront setback

Tara MacPherson, Christine Goebel, Esq., Louis Wetmore (Pro-se)

Tara MacPherson gave an overview of the site. Christine Goebel represented staff and stated Petitioner, Louis Wetmore, is present and will represent himself. Petitioner owns property at 230 South Bald Head Wynd in the Village of Bald Island. The petitioner proposed adding a new double tiered deck next to his existing oceanfront deck. The proposed site of the development is waterward of the pre-project vegetation line. The Village does not have a Commission approved Static Line Exception or Beach Management Plan; therefore, the pre-project vegetation line is the applicable line from which to measure oceanfront erosion setbacks. Petitioner's Minor Permit application was denied by the Local Permit Officer as the proposed development does not comply with the applicable setback and the 7H .0309 exceptions do not apply waterward of the pre-project vegetation line. Ms. Goebel reviewed the stipulated facts of this variance request and stated Staff disagrees with Petitioner on three of the four statutory criteria which must be met in order to grant the variance. Mr. Wetmore reviewed the stipulated facts which he contends supports the granting of the variance.

Larry Baldwin made a motion that the Commission hold that Petitioner has shown that strict application of the applicable development rules, standards, or orders issued by the Commission cause the Petitioner an unnecessary hardship. Phil Norris seconded the motion. The motion passed unanimously (Baldwin, Bryan, Emory, High, Medlin, Norris, Salter, Smith).

Phil Norris made a motion that the Commission hold that Petitioner has shown that hardships result from conditions peculiar to the property. Robert High seconded the motion. The motion passed unanimously (Baldwin, Bryan, Emory, High, Medlin, Norris, Salter, Smith).

Larry Baldwin made a motion that the Commission hold that Petitioner has shown that hardships do not result from his actions. Doug Medlin seconded the motion. The motion passed unanimously (Baldwin, Bryan, Emory, High, Medlin, Norris, Salter, Smith).

Doug Medlin made a motion that the Commission hold that Petitioner has shown that the variance request will be consistent with the spirit, purpose, and intent of the Commission's rules, standards, or orders; will secure the public safety and welfare; and preserve substantial justice. Additionally, the variance should include a condition to limit Petitioner's decking to a total of 500 square feet. Larry Baldwin seconded the motion.

Lauren Salter added a friendly amendment to the motion that any new development be located a minimum of 90 feet landward from the vegetation line. Commissioners Medlin and Baldwin agreed to the amendment. The motion passed unanimously (Baldwin, Bryan, Emory, High, Medlin, Norris, Salter, Smith).

This variance request was granted.

BEACH MANAGEMENT

Consideration of Town of Oak Island Beach Management Plan (CRC 23-16)

Sam Morrison, Moffatt & Nichol/Ken Richardson, DCM

David Kelly, Oak Island Town Manager, thanked the Commission for allowing the Town to present the Town of Oak Island's Beach Management Plan. Sam Morrison of Moffatt & Nichol stated this presentation will display the Town's commitment to a long-term beach management program and to display the Town's planned sand sources. The Town of Oak Island desires to develop a comprehensive long-term beach maintenance program that will set the Town up for success. The Town has engaged and funded Moffatt & Nichol for the last three years to develop a beach nourishment 50-year master plan. This master plan is the basis for the 30-year plan that is being presented today. The master plan will provide increased protection for life, safety, and infrastructure during storm events. It will also increase overall Town resilience against background erosion and storm events which allows for quicker recovery for the Town by minimizing damage. In addition, it will increase the overall health of the beach to attract tourism to the community and restore some of the protections the Development Line provided oceanfront property owners prior to August 1, 2022. Since 2014, the Town has been collecting annual monitoring data and modeled the results to provide a level necessary for a level of protection that would protect during a 10-year storm event. In 2020-21 and 2021-22 there were two projects within the town to build up the dune system. Based on background and storm erosion, we will conduct an advance fill project in 2024-25. The Town has already secured funds for this project. The maintenance events, that will occur on a six-year interval, will need future funding which has been identified as annual revenues from the accommodations fund and the sand tax. If either of these two sources fall short, then the Town is committed to transferring the difference from the general fund. DCM provided a letter which showed concerns over borrow sources. The Town has conducted extensive investigations over the past five years. The Town is committed to continue to research compatible, permissible, and economical borrow sources for the management of the Oak Island beaches. The Management Plan is intended to be a living document and will be updated every five years to include new information or changes to existing information that is pertinent to the long-term maintenance plan. The Division's main concern was Frying Pan Shoals, but that is not the only borrow area that was submitted with the Plan. There were five additional sites identified as potential borrow area sources. In addition to the sites submitted with the plan, other potential sources are being explored that may be included in future updates to the Beach Management Plan. Recently, the Town has also signed a letter of intent to enter into an agreement for a three-year feasibility study to investigate the prospect of the Town becoming a federal project. The BOEM investigation area cleared tracklines for sand investigation in the Outer Continental Shelf of Long Bay. There were promising initial results at some locations and the Town is currently further investigating targeted areas. Should the CRC adopt the Beach Management Plan today it would create a timeline where the 2024-25 planned berm project would place the advance fill in front of the 10-year LOP dune projects that were

completed in 2020-2022. The Management Plan would be up for renewal in 2028 with any changes to borrow sources, updated financial information, and sand needs. In 2030-31, the first planned maintenance event to maintain the 10-year LOP. In 2033, the Plan would be up for renewal the second time which allows for further updates. DCM clearly states in its memo to the Commission that it believes the Town's Beach Management Plan adequately demonstrates a long-term commitment to beach nourishment. The Plan covers the needs of the first two projects and likely the third without the use of Frying Pan Shoals. The Town wishes to continue to work with the agencies to permit the use of Frying Pan Shoals as a viable beach nourishment sand source even if it is supplemental to other sand sources and not the primary source for the Beach Management Plan. The Town has shown its understanding that the Beach Management Plan is a living document and continues to look for other viable sand sources. Regardless of the outcome of the BOEM investigation, it will not affect the Town's ability to complete the first two to three projects during which time the opportunity to update the Beach Management Plan with new sand sources will be available. The Town acknowledges the State's concerns regarding our potential sand sources. There is sand available for the Town's next planned projects and the Town is committed to continuing to work with the State and Federal agencies for future project needs.

Elizabeth White, Mayor of Oak Island, added that the Town has demonstrated it has the resources to complete the next projects. We have the Town Council's and residents' support for the Beach Plan. If the CRC denies or delays its decision, then we may lose the local level of commitment to this Plan.

Ken Richardson stated the Division has reviewed the Plan and it contains all of the required elements, but there is concern about the Town's proposal to use Frying Pan Shoals. While discussions continue on potential borrow sites, the Commission may want to delay a decision on approval of the Plan. Heather Coats stated in past requests to use Frying Pan Shoals as a potential borrow site, the National Marine Fisheries Service and the NC Division of Marine Fisheries both expressed concerns about the use of this site. The Cape Shoals are designated as essential fish habitat and a habitat area of concern. These are highly valuable ecosystem habitats for shrimp and coastal migratory fish and there is not enough data to adequately assess the potential impacts of dredging. BOEM is working on a study of an additional offshore borrow site and data collection is scheduled to begin this summer and conclude in 2025.

Commissioners Baldwin and Norris spoke in favor of approving the Town's Plan as they have identified sand sources, demonstrated dedicated funding, and have the community support necessary for a successful Beach Plan. Braxton Davis echoed the Division's support for the Plan and noted that the information provided today was helpful. If the Commission is comfortable with the proposed borrow sites and the Plan is approved then it will be reviewed again in five years. Mike Lopazanski added that with the approval of this Plan, setbacks will be determined, and permits will be written based on the vegetation line. If there are shortfalls with sand sources, there will be development within areas that may not have protection. Doug Medlin stated as a former Mayor, the Town has provided a Plan as outlined by the CRC and the Commission should support the efforts of the Town to help encourage their citizens' continued support for funding this Plan.

Phil Norris made a motion to approve the Town of Oak Island's Beach Management Plan. Larry Baldwin seconded the motion. The motion passed unanimously (Smith, Bryan, Norris, Baldwin, Emory, Salter, Medlin, High).

PUBLIC INPUT AND COMMENT

Logan Lewis, Beaufort Citizens Alliance, spoke in favor of the proposed AEC designation for Gibbs Creek.

Jud Kenworthy, Beaufort Citizens Alliance, spoke in favor of the proposed AEC designation for Gibbs Creek.

Mariko Polk, Coastal Processes Specialist for NC Sea Grant, introduced herself and expressed an interest in collaborating with DCM staff. She is at UNCW Center for Marine Science. In her position, she serves as a resource for coastal processes and hazards including hurricanes, sea level rise, and climate change.

Beth Clifford, coastal property owner and real estate developer, spoke against the proposed AEC designation for Gibbs Creek.

AEC NOMINATION

15A NCAC 7H .0500 – Gibbs Creek AEC Nomination – Preliminary Evaluation (CRC 23-17) Rachel Love-Adrick

Rachel Love Adrick stated she will present the preliminary report for the Gibbs Creek Watershed Area of Environmental Concern (AEC) nomination. Before doing so, she reviewed the AEC nomination process which has five steps: the preliminary evaluation which is being presented today; CRC endorsement of the evaluation; a detailed review; a public hearing; and formal designation. After receiving a nomination, the Division of Coastal Management notified the landowners, local governments, and the Coastal Resources Commission and Advisory Council members in whose jurisdiction the site is located of a meeting to discuss the proposed nomination which took place on May 8, 2023 (within 60 days after receipt of the nomination). The Division then conducted a preliminary site evaluation to consider various protection methods and to determine if AEC designation is appropriate. Following presentation of the preliminary report to the CRC, if the AEC nomination receives the CRC's endorsement today, staff will then conduct a detailed review of the proposed site. This report will include the development of a management plan or site specific use standards for consideration. If formal designation of the site as an AEC is approved by the CRC and the management plan or use standards are approved, a public hearing will be conducted, and notice of the hearing will be published and distributed in accordance with the requirements of NCGS 113A-115 and 150B-21.2. The rules will then go through the rulemaking process.

On March 13, 2023, the Beaufort Citizens Alliance nominated a site within the Town of Beaufort to be considered for designation as a Coastal Complex Natural Area of Environmental Concern within the broader category of Fragile Natural and Cultural Resource Areas of Environmental Concern in accordance with procedures set forth in 15A NCAC 07H .0500. The site is located in Carteret County and within the Town of Beaufort's extraterritorial jurisdiction. The site is two miles northwest of the Town of Beaufort along Gibbs Creek and is part of the Outlet North River

HUC 12 Subwatershed. The nominated area is made up of four privately owned parcels. The properties were historically used as farmland and have been cleared for farming and logging. The properties have been and continue to be used by several commercial businesses and residences. The parcels are zoned R-20 Residential Single-Family District under the Town of Beaufort Zoning Map and Land Development Ordinance. The Town of Beaufort's Core Land Use Plan, certified by the CRC on January 27, 2007, classifies the site as Low Density Residential. The AEC nomination has not been on the Town's Planning Board or Board of Commissioner's agendas and is neither supported nor opposed by either Board. There is a mix of residential and commercial development surrounding the properties. The nomination states that there are several natural resources on the site. Wetlands onsite include 404 and coastal wetlands. The public trust waters within Gibbs Creek are classified as SA, market shellfishing tidal salt waters, and HQW, High Quality Waters, by the Division of Water Resources. Gibbs Creek is not designated as a primary or secondary fish nursery by the Division of Marine Fisheries. At the time of nomination, the Creek was classified as conditionally approved open for the harvesting of shellfish by the Division of Marine Fisheries. The creek and the lower part of the river have been temporarily closed on average 11 times per year for an average of 69 days per year. The natural resources in the nominated area are currently managed under various state and federal regulatory programs.

The waters and intertidal salt marshes of Gibbs Creek and its navigable tributaries are designated as Estuarine, Public Trust Waters, and Coastal Wetland AEC by the CRC. Any development occurring in or over these waters or wetlands must be permitted and comply with CAMA and CRC rules. These rules generally restrict development to water dependent uses to conserve the important features and functions of the estuarine waters and coastal wetlands. The shoreline areas along Gibbs Creek and its tributaries are designated as Estuarine Shoreline AECs and any development within 75-feet of the normal high water level or normal water level must be permitted and comply with CAMA use standards for the Coastal Shorelines AEC. These rules include a buffer requirement that all new, non-water dependent development shall be located at least a distance of 30-feet landward of the normal high water level or normal water level. Limitation of impervious surfaces within the 75-foot zone and additional restrictions on development within 30-feet of the shoreline are intended to limit the impact of land-based activities on the quality and productivity of estuarine waters. Waters in the area classified as High Quality Waters are provided additional protection through state water quality antidegradation rules. The freshwater wetlands are subject to permitting requirements of Section 404 of the federal Clean Water Act and a state 401 water quality certification from the Division of Water Resources must be obtained before any filling or other alterations to freshwater wetlands can occur. Both programs allow for limited filling of wetlands based on purpose and need typically in conjunction with mitigation requirements as determined by the Corps of Engineers.

In North Carolina, all state status species whether endangered, threatened, or special concern are given protection under the State Endangered Species Act. Species with federal status are protected under the Federal Endangered Species Act of 1973. The Petitioners have proposed expanded development buffers as part of their AEC nomination. They requested a 575-foot buffer from normal high water as provided for designated Outstanding Resource Waters pursuant to 07H .0209(a)(1). However, the waters of Gibbs Creek are not designated as ORW

by the Environmental Management Commission. Petitioners also request application of a 100-foot of undisturbed vegetative setbacks from intermittent and or perennial streams under a Division of Water Resources rule adopted by the Environmental Management Commission (15A NCAC 02H 1019(6)(b)). Petitioners have also requested 100-foot of undisturbed vegetative setbacks from 404 wetlands pursuant to NCGS 113A-113(b)(1). These 404 wetlands are managed by the US Army Corps of Engineers on the federal level and the Division of Water Resources at the state level. Both programs allow for limited filling of wetlands based on purpose and need, typically in conjunction with mitigation requirements.

Staff does not recommend CRC endorsement of this AEC nomination. The nomination does not include the entire watershed area that drains into Gibbs Creek. The boundary of the AEC focuses solely on four parcels initially proposed for development of a single family residential subdivision. While the Town stated it neither supported nor opposed the AEC nomination, these properties have been classified as Low Density Residential on their Land Use Plan's Future Land Use Map since January 26, 2007. The properties have not remained essentially unchanged by human activity as required in the nomination process. The properties were historically used as farmland and have been cleared for farming and logging over the years. Additionally, the properties have been and continue to be used by several commercial businesses and residences that may have resulted in impacts to the area. While the proposed AEC contains many of the natural resources that make tidal creek systems some of our State's most vulnerable wildlife habitat, the characteristics at this site are common to tidal creek systems found throughout Carteret County and coastal North Carolina. In this context, the designation of a single tidal creek system or watershed as an AEC with unique development standards would be precedent setting for all similar tidal creek systems along the coast.

During the public meeting, the Petitioner indicated that while Gibbs Creek has not been designated as Outstanding Resource Waters by the EMC through the Division of Water Resources, the Creek deserves such recognition and subsequent CRC protections because Petitioner believes the Creek meets the statutory and regulatory definitions and criteria. The CRC and DCM do not have the authority or expertise to consider requests to reclassify waters that are officially designated under the federal Clean Water Act. For Gibbs Creek to be reclassified, the Petitioner would need to submit a separate petition to the EMC. The procedures for assignment of water quality standards can be found in 15A NCAC 02B .0100.

Larry Baldwin made a motion to deny the AEC nomination for Gibbs Creek. DR Bryan seconded the motion. The motion passed unanimously (Smith, Bryan, Norris, Baldwin, Emory, Salter, Medlin, High).

ACTION ITEMS

Consideration of Approval of Exception for Lots Platted Post-1979, 7H .0309 fiscal analysis (CRC 23-18) Ken Richardson

Ken Richardson stated that amendments to Ocean Hazard Area Exception rules in 07H.0309 address the issue of not having an alternative to build a smaller structure of equal to or less than 2,000 square feet within the current required setback when a lot was platted after June 1, 1979. This became an issue following the repeal of 07H.0104 last August, which served as an option for lots created after June 1, 1979. The key differences between the two rules were that .0309 applied

to lots created before June 1, 1979, only requires a 60 feet setback regardless of the erosion rate setback, and no greater than 2,000 square feet with a footprint no greater than 1,000 square feet. While .0104 applied to lots created after June 1, 1979, it also limited size to 2,000 square feet, but allowed the option to use the setback in place at the time the lot was created. Amendments to 15A NCAC 07H .0309 remove the June 1, 1979, condition, and allows this exception to be applied to all lots regardless of when it was created, or what the erosion rate setback is and removes the 1,000 square foot footprint condition. Essentially, these amendments morph 07H.0104 and 07H.0309 into one exception.

Based on a recent evaluation of current setbacks measured from 2022 & 2021 vegetation lines, 74 vacant lots were identified that would likely not meet the current setback requirement but could potentially meet the minimum setback of 60 feet from the vegetation line. These lots are dispersed within four of the eight oceanfront counties: Brunswick (30), Currituck (11), Dare (10), and Onslow (23). No distinctions were made between ownership, or plat dates primarily since attaining plat dates by means of online county tax office data was not possible. Although property owner intentions cannot be predicted or quantified, it can be anticipated that there would be a cost-benefit associated with the ability to construct a smaller home up to 2,000 square feet should owners choose to do so. With the ability to construct, private property owners who choose to build could expect higher resell potential, or revenues generated from vacation rentals and local governments would benefit from the added property taxes collected. Using an example of a market search from last month, the average cost of an oceanfront home that is 2,000 square feet or less, listed for approximately \$1.1 million; while the range varied significantly from \$620,000 to \$2 million. The average asking price of a vacant oceanfront lot at the same time was \$577, 000; while the range varied greatly here too \$30,000 to \$1.9 million. Based purely on this scenario, a lot with a structure up to 2,000 square feet was approximately \$570,000 more compared to vacant lots. With the average tax rate applied of 0.6024, the addition of a structure on all 74 lots would result in an estimated total annual tax revenue between \$400-500,000.

These rule amendments would not change how public infrastructure projects are permitted, so there would be no fiscal impacts associated with these projects. Local government and private property owner impacts cannot be accurately quantified, but it is anticipated to likely have the potential to result in a fiscal impact associated with property development. Should all 74 lots be developed, a CAMA Minor Permit costing \$100 would result in \$7,400 dispersed depending on whether it is LPO or DCM Staff issued. Rule amendments will not result in a quantifiable substantial cost-benefit. Staff is asking the Commission to consider approval of the fiscal analysis associated with amendments to 15A NCAC 07H.0309 on the condition that it is approved by the Office of State Budget & Management (OSBM) without any substantial changes.

Larry Baldwin made a motion to conditionally approve the fiscal analysis for 15A NCAC 07H .0309 based on OSBM approval. Doug Medlin seconded the motion. The motion passed unanimously (Smith, Bryan, Norris, Baldwin, Emory, Salter, Medlin, High).

Consideration of Approval of Proposed Permit Fee Increase Fiscal Analysis (CRC 23-19) Mike Lopazanski

Mike Lopazanski stated the graduated fee schedule was introduced in 1989. There were permit fee increases in 2000 and 2006, but no fees have been increased since that time. Based on the

decline in state appropriations for the regulatory program and federal appropriations not keeping pace with inflation, there is a need to increase fees. Staff time has been increased for permit actions as coastal development and re-development has increased in complexity. There have been additional appeals filed which also require additional staff time. With the Commission's latest actions to increase the General Permit timeframes there will be a loss to the Division of about \$43,000 per year. Additionally, inflation has increased operational costs.

This fee increase will include 12 General Permits, permit renewals, modifications, transfers, and DCM-issued Minor Permits. Local governments were surveyed to check their interest in increasing Minor Permit fees. But there was mixed interest. Therefore, only the permits issued by the Division will be increased. Based on permit numbers from 2022, this fee increase will provide for a revenue to the Division of \$384,000 per year with a majority of this coming from General Permits. If the Commission approves this fiscal analysis, it will be reviewed by the Joint Legislative Commission on Governmental Operations and the NC Board of Transportation for comments and recommendations. Staff requests a conditional approval of the fiscal analysis for public hearing pending approval from the State Office of Budget and Management.

Phil Norris made a motion to conditionally approve the fiscal analysis for permit fee increase amendments pending no significant changes by OSBM. Doug Medlin seconded the motion. The motion passed unanimously (Smith, Bryan, Norris, Baldwin, Emory, Salter, Medlin, High).

LEGAL UPDATES

Update on Litigation of Interest to the Commission (CRC 23-20)

Mary Lucasse updated the CRC on active litigation and any actions since memo CRC 23-20. Ms. Lucasse stated that the Rules Review Commission has received 10 objection letters regarding the FLUPSY regulations the CRC recently approved. A DCM response will be provided for the RRC to provide to the General Assembly. Ms. Lucasse reminded Commissioners that six Commissioner's terms expire at the end of June. Current Commissioners should continue to serve until new appointments are made. If you do not wish to continue to serve, please communicate that so everyone can stay informed and thank you for your service.

Braxton Davis stated the objection letters received for 7H .0208 and 7M .0603 regulating floating structures hold up these amendments. A CAMA permit is still required for any floating structure. The amendments provide clarification on siting floating upwellers and allowing them within private docking facilities. Notices of violation will be sent if floating structures are found without a permit.

OLD/NEW BUSINESS

Bob Emory stated the CHPP Steering Committee met to review the updated action plans and progress against the objectives in the Plan. Larry Baldwin stated this action plan includes addressing marine debris. This will help address abandoned boats and proper removal.

The next meeting of the Coastal Resources Commission is scheduled for August 23-24 in Wilmington.

With no further business, the CRC adjourned.

Respectfully submitted,



Braxton Davis, Executive Secretary



Angela Willis, Recording Secretary

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS: 1:10,000±

PRELIMINARY PLAT NOT FOR RECORDATION, CONVEYANCES OR SALES

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" & "VE" WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM, COMMUNITY PANEL NUMBER 370468 3720428700K, JUNE 19, 2020

THIS PROPERTY IS LOCATED WITHIN THE COASTAL BARRIER RESOURCE SYSTEM LOG, EFFECTIVE 10/01/1983. THIS AREA IS NOT COVERED BY FEDERAL FLOOD INSURANCE FOR BUILDINGS CONSTRUCTED, PERMITTED, SUBSTANTIALLY IMPROVED OR DAMAGED AFTER 10/01/1983.

EXISTING DWELLING WITHOUT EAVES	=	1229	Sq.Ft.
EXISTING GAZEBO	=	107	Sq.Ft.
EXISTING PERVIOUS GRAVEL DRIVE	=	0	Sq.Ft.
EXISTING TOTAL IMPERVIOUS SURFACE	=	1336	Sq.Ft.
TOTAL LOT AREA	=	14525	Sq.Ft.
EXISTING IMPERVIOUS AREA	=	9.1%	

NOTE: EXISTING DWELLING ON PILINGS IN DISREPAIR DUE TO FIRE, PARTIALLY ENCLOSED BELOW

NOTE: RESTRICTIVE COVENANTS D.B. 1130, P. 255 LIMITS IMPERVIOUS SURFACE TO 3644 Sq.Ft.

NOTE: ENTIRE PROPERTY RESTS WITHIN 270' OCEAN HAZARD SETBACK

PROPOSED DWELLING WITHOUT EAVES	=	1708	Sq.Ft.
EXISTING GAZEBO	=	107	Sq.Ft.
PROPOSED PERVIOUS GRAVEL DRIVE	=	0	Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE	=	1815	Sq.Ft.
TOTAL LOT AREA	=	14525	Sq.Ft.
PROPOSED IMPERVIOUS AREA	=	12.4%	

NOTE: PROPOSED DWELLING IS THREE STORY ON PILINGS, FULLY ENCLOSED BELOW. PEAK OF PROPOSED DWELLING IS 43' ABOVE SLAB ELEVATION.

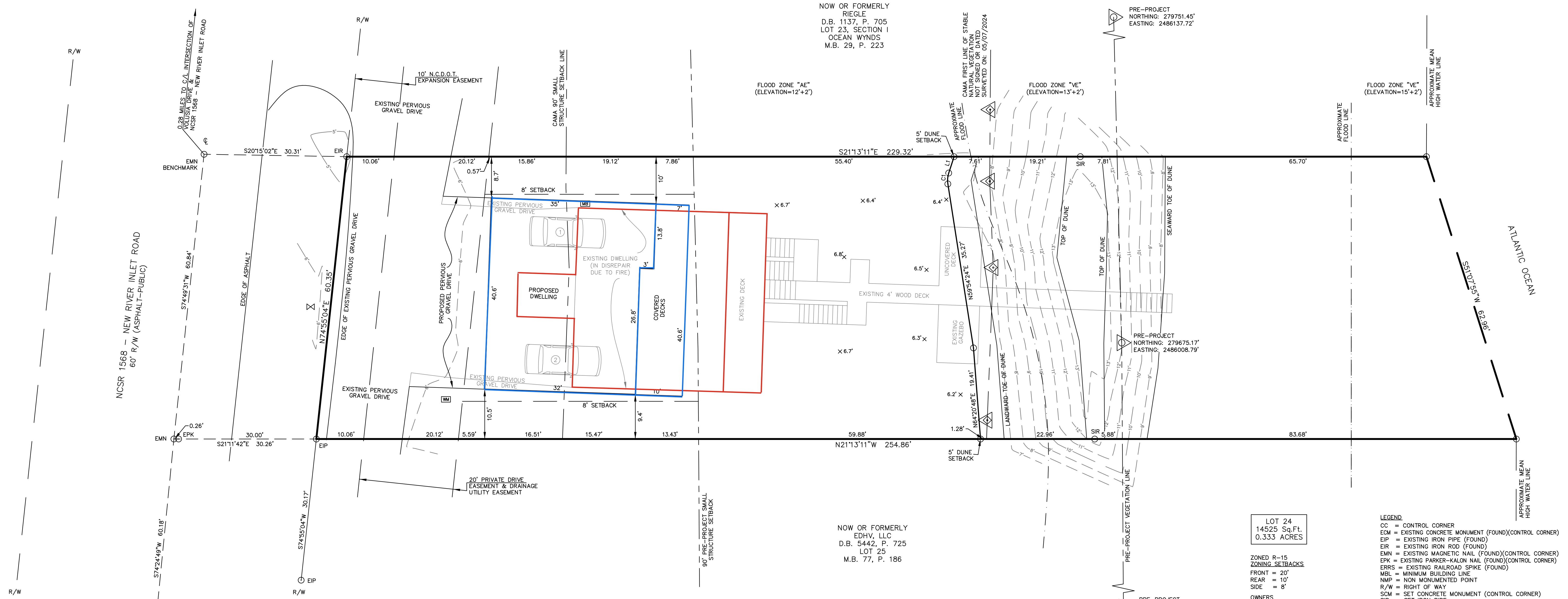
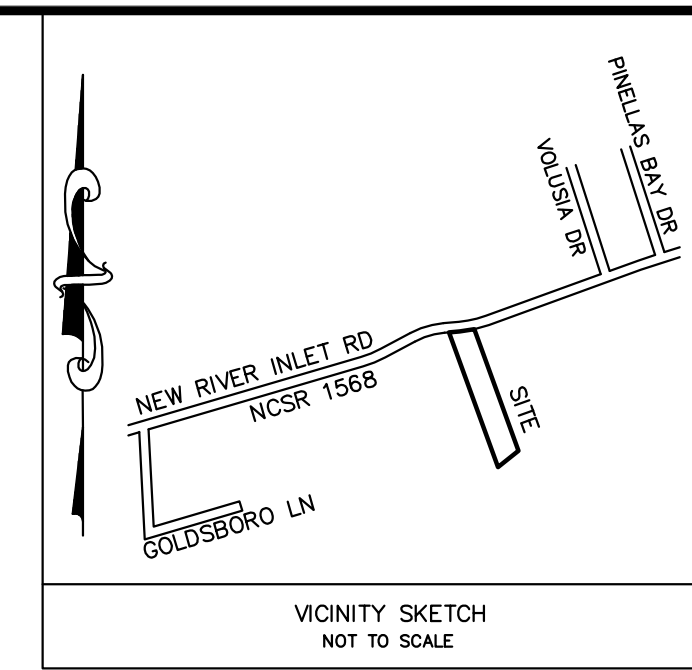
NOTE: FIRST FLOOR: 1301 Sq.Ft. SECOND FLOOR: 1252 Sq.Ft. THIRD FLOOR: 284 Sq.Ft. TOTAL FLOOR AREA: 2837 Sq.Ft. AS PER HOUSE PLANS

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	3.65'	N86°47'21"E

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD	BEARING
C1	2.35'	5.00'	2.32'	N73°20'52"E

NOTE: BENCHMARK: EMN ELEVATION: 5.77' VERTICAL DATUM: NAVD 88 VERTICAL DATUM OBTAINED WITH TOPCON GRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS

THIS PRELIMINARY PLOT PLAN IS SUBJECT TO BOTH REVIEW & APPROVAL BY THE LOCAL JURISDICTION.



R:\2024\24-05-03 Earnest\CAD\Drawings\24-05-03-PP-3.dwg - Friday, November 08, 2024 10:52:29 AM

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730) LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS, LAND PLANNING & COMPUTER MAPPING. 502 NEW BRIDGE STREET P.O. BOX 1570 JACKSONVILLE, NC 28540-1570 TELEPHONE: (910) 455-0877 E-MAIL: riggsland@riggslandnc.com

BOUNDARY, PHYSICAL & TOPOGRAPHIC SURVEY & PRELIMINARY PLOT PLAN FOR BETTY C. EARNEST LOT 24, SECTION I, OCEAN WYNDS, M.B. 29, P. 223 STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA BETTY C. EARNEST, OWNER; D.B. 4874, P. 110 1180 NEW RIVER INLET ROAD

PRELIMINARY PLAT NOT FOR RECORDATION, CONVEYANCES OR SALES

LOT 24 14525 Sq.Ft. 0.333 ACRES

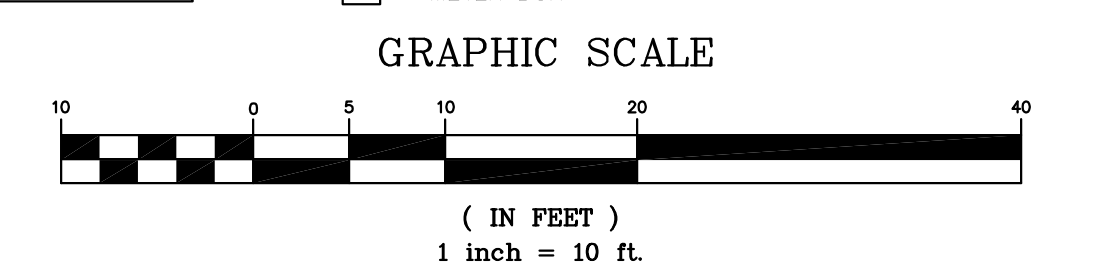
ZONED R-15 ZONING SETBACKS FRONT = 20' REAR = 10' SIDE = 8'

OWNERS BETTY C. EARNEST TITLE SOURCE D.B. 4874, P. 110 TAX MAP # 7746-26 PARCEL ID # 052537

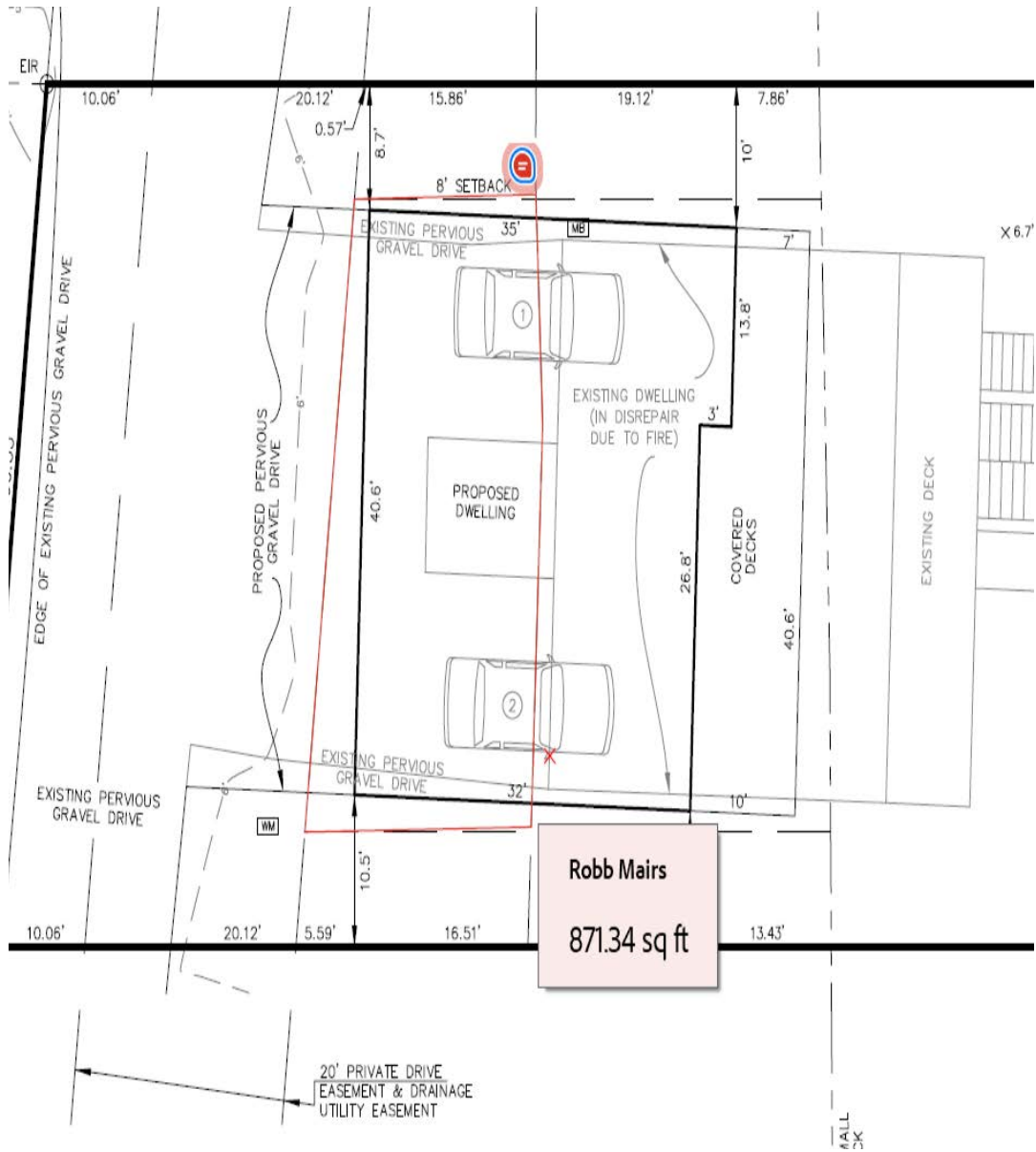
REFERENCES D.B. 1130, P. 255 D.B. 1137, P. 705 D.B. 1239, P. 848 D.B. 4874, P. 110 M.B. 29, P. 223 M.B. 77, P. 186

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

- LEGEND: CC = CONTROL CORNER, EDM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER), EIP = EXISTING IRON PIPE (FOUND), EIR = EXISTING IRON ROD (FOUND), EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER), EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER), ERRS = EXISTING RAILROAD SPIKE (FOUND), MBL = MINIMUM BUILDING LINE, NMP = NON MONUMENTED POINT, R/W = RIGHT OF WAY, SCM = SET CONCRETE MONUMENT (CONTROL CORNER), SIP = SET IRON PIPE, SIR = SET IRON ROD, SMN = SET MAGNETIC NAIL (CONTROL CORNER), SPK = SET PARKER-KALON NAIL (CONTROL CORNER), C = CENTERLINE, WM = WATER METER, FH = FIRE HYDRANT, WV = WATER VALVE, SSM = SANITARY SEWER MANHOLE, CO = CLEAN OUT, TP = TELEPHONE PEDESTAL, TVP = TELEVISION PEDESTAL, FOCM = FIBER OPTIC CABLE MARKER, LP = LIGHT POLE, PP = POWER POLE, PL = POWER LINE, ET = ELECTRIC TRANSFORMER, X1.6 = EXISTING SPOT ELEVATION, MB = METER BOX



ACTUAL FIELD SURVEY DATE: MAY 07, 2024 MAPPING DATE: NOVEMBER 08, 2024 FIELD BOOK: 1385 PAGE: 15 PROJECT NUMBER: 24-05-03 JTG





**NC COASTAL RESOURCES
COMMISSION MEETING
February 26, 2025**

**Betty C. Earnest
(CRC-VR-25-01)
1180 New River Inlet Road
North Topsail Beach
Oceanfront Setback**





NC Division of Coastal Management Department of Environmental Quality home

1180 New River Inlet Road, Sne... X

Show search results for 1180 New Riv...

Subject Property – 1180 New River Inlet Rd, North Topsail Beach

Search result

1180 New River Inlet Road, Sneeds Ferry, NC, 28460, USA

Zoom to

Image Source – DCM Map Viewer

POWERED BY esri

All rights reserved



NC Division of Coastal Management Department of Environmental Quality home

1180 New River Inlet Road, Sne... X

Show search results for 1180 New Riv...

**Subject Property – 1180
New River Inlet Rd,
North Topsail Beach**

New River Inlet Rd

60m

-77.388 34.509 Degree

POWERED BY esri

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Image Source – DCM Map Viewer

2024

Subject Property –
1180 New River Inlet Rd,
North Topsail Beach





[x] Close Dialog



DCM

Division of Coastal Management

145



05-21-2024
Write a description for your map.

Legend
📍 1180 New River Inlet Rd

1180 New River Inlet Rd

Google Earth
Image © 2024 Airbus

100 ft

N

1180 New River Inlet Road



View of lot from New River Inlet Road (facing toward ocean)



← Ocean



View of the side of the house (facing down the beach)



View from the dune (facing inland)

149



Ocean →



View of the side of the house (facing up the beach)

Division of Coastal Management

150



County Home Page | Tax Home | Data Download | GIS Home | Address Request Form | Flood Risk Information System | Help



[x] Close Dialog



Image Source – Onslow County GIS





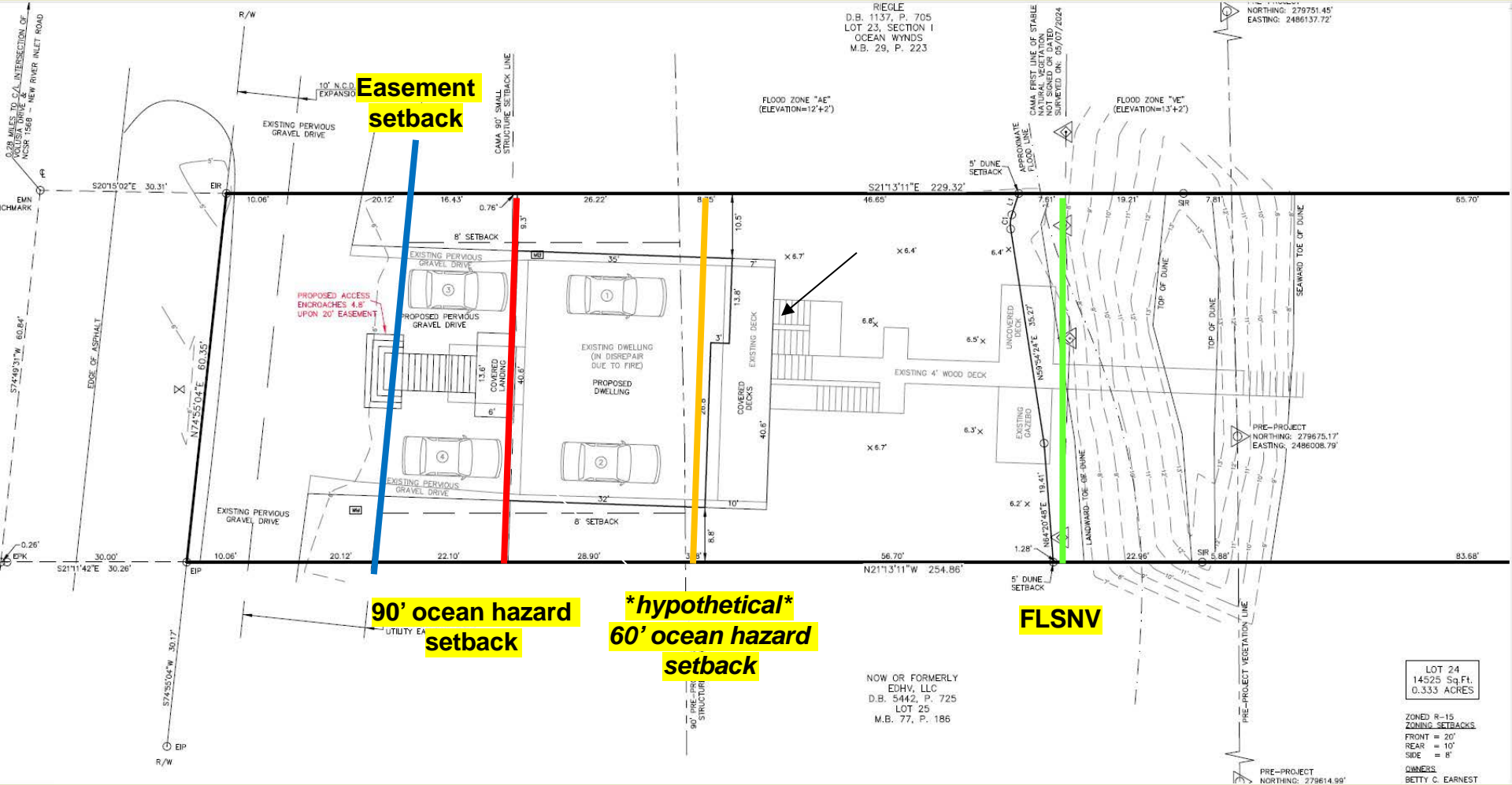
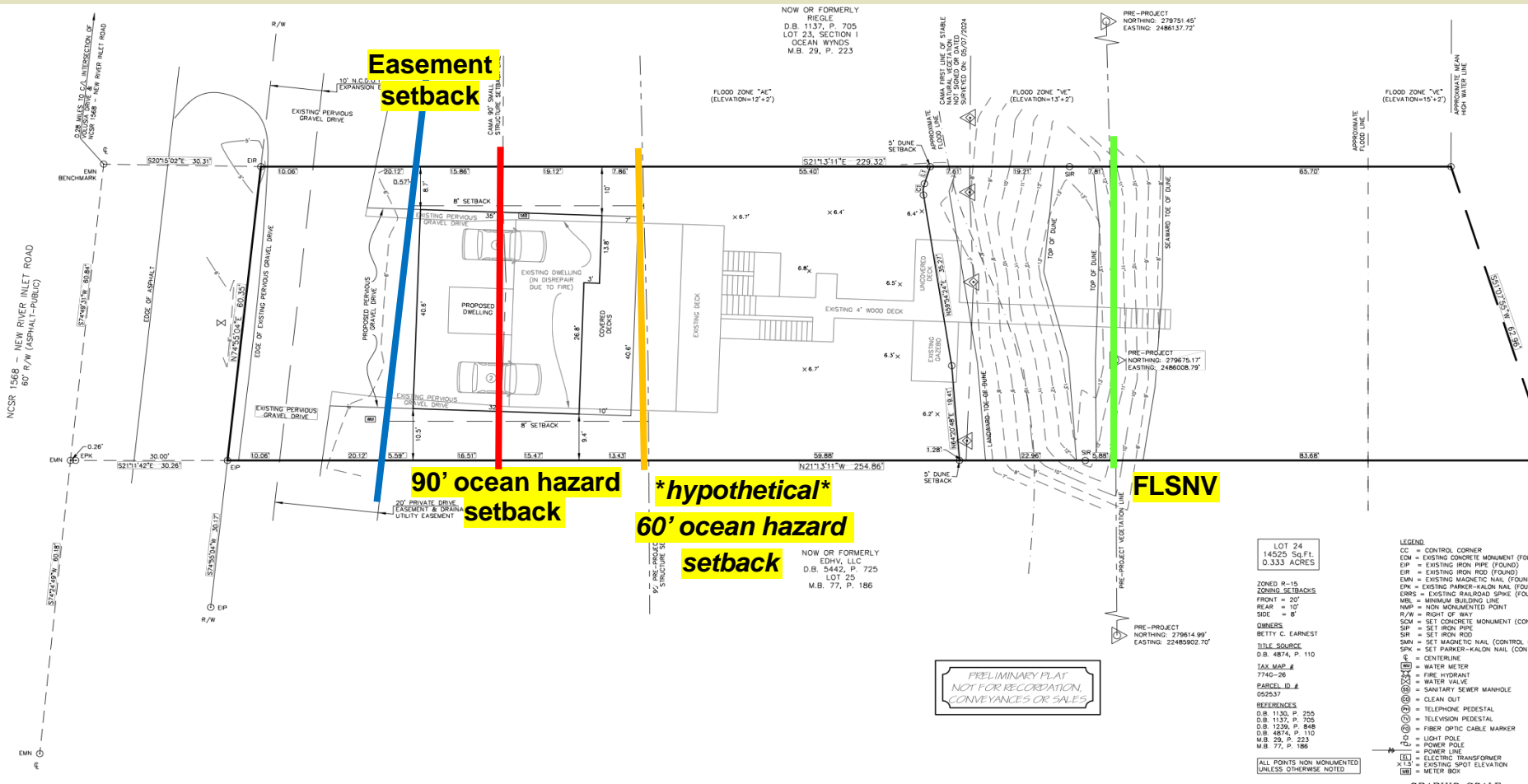


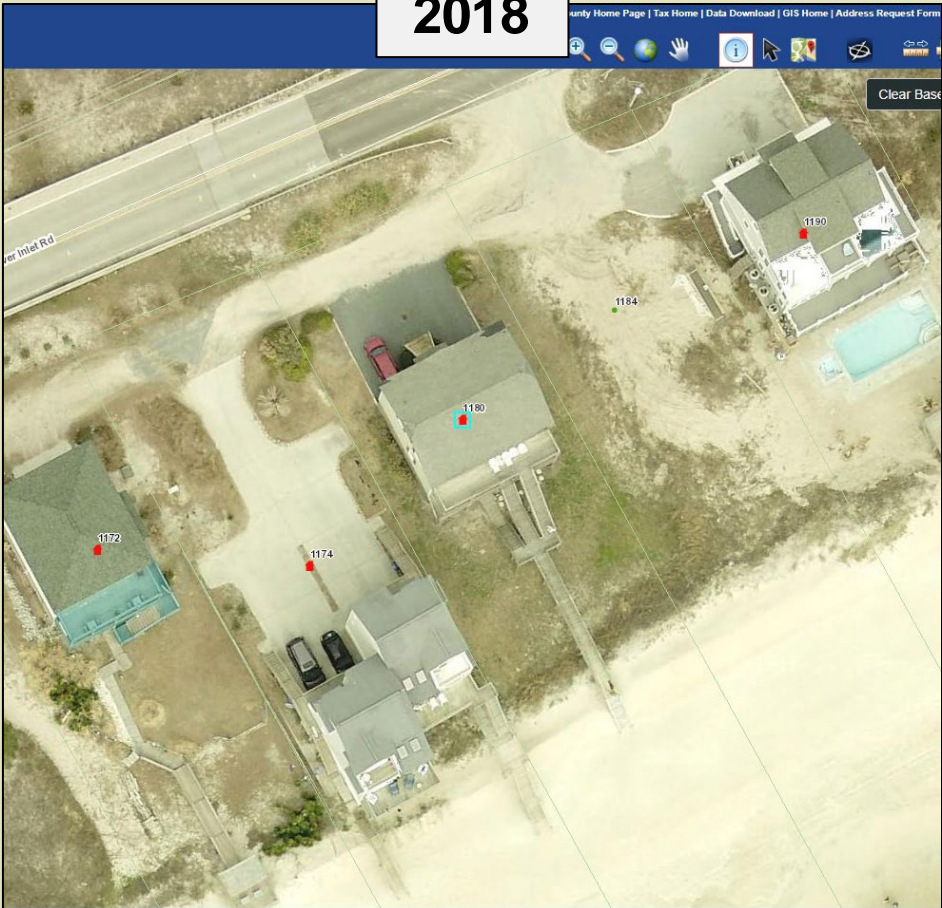
Image Source: Site plan submitted with CAMA minor permit application 56-24

Revised Plot Plan





2018



2020







[x] Close Dialog



Approx. Stable N Vegetati



G.S. 113A-120.1

To grant a variance, the Commission must affirmatively find Petitioner must show each of the four factors listed in G.S. 113A-120.1(a).

- (1) that unnecessary hardships would result from strict application of the development rules, standards, or orders issued by the Commission;**
- (2) that such hardships result from conditions peculiar to the petitioner's property such as location, size, or topography;**
- (3) that such hardships did not result from actions taken by the petitioner; and**
- (4) that the requested variance is consistent with the spirit, purpose and intent of the Commission's rules, standards or orders; will secure the public safety and welfare; and will preserve substantial justice.**

(b) The Commission may impose reasonable and appropriate conditions and safeguards upon any variance it grants.