

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY JULY 7, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Joseph Garrison (Chair), Aaron McNeill (Vice Chairman), Scott McLeod, Bobby Hyman, David Lambert, Eddie Nobles

Board Members Absent: Gene Horne, Rich Smith, John Cook

Staff Present: Debra Ensminger, Planning Director
Doug Gill
Theresa Thompson, Senior Planner
Lydia Cleveland, Administrative and Transportation Program Manager

CALL TO ORDER

Chairman Joseph Garrison called the meeting to order.

INVOCATION

Board Member Scott McLeod offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Eddie Nobles led in the reciting of the Pledge of Allegiance

MISSION STATEMENT

Board Member David Lambert read the Moore County Mission Statement.

ELECTION OF VICE CHAIR

Board Member McLeod made a motion to elect Mr. Eddie Nobles as Vice Chairman. The motion was seconded by Board Member Bobby Hyman. The motion passed unanimously 6-0.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of June 2, 2016
- C. Consideration of Abstentions

Board Member Lambert made a motion to change a word in the June 2, 2016 minutes from “a firmly” to “affirmatively”. The motion was seconded by Board Member McLeod and the motion passed unanimously 6-0.

PUBLIC HEARING(S)

Chairman Joseph Garrison introduced the public hearing as the following.

Drafting and Design Services, Inc. – Michael Blakley is requesting a Conditional Use Permit for the use of Mining for the purpose of an open cut mining operation which will produce construction aggregates (granite material – used in asphalt, concrete, driveways, etc.) on two adjacent parcels (ParID 00009793 and 00002845) located south of NC Hwy 24/27 and to the east of Mt. Carmel Road, owned by Jean Hancock as identified in Moore County tax records. The two parcels total to approximately 308.5 acres. The proposed access easement to NC Hwy 24/27 includes three adjacent parcels (ParID 00001297, 20070773, and 20070771) owned by Ruby Brown Trustee.

Chairman Garrison opened the floor to Mr. Doug Gill as the Moore County legal representation. Mr. Gill asked each board member to state what knowledge they have about this case before the board convenes. This includes conversations with interested persons so that all parties will know what factors each member has in their mind as the matter is considered.

Chairman Garrison stated that he had no knowledge of this before he received the packet. All his knowledge is based on the packet and documentation from planning staff. Mr. Garrison stated he had two calls from individuals and encouraged them to show up to the meeting.

Board Member McLeod stated the only information he received was from the staff report and research that he did through the Department of Environmental Quality to learn, and he received 3-4 calls.

Board Member Nobles stated that he had the same information from planning staff, and one phone call from someone against the proposal and encouraged them to come to the meeting.

Board Member Bobby Hyman stated he gained information from the packet and traveling through the area.

Board Member Lambert stated that he one voice message and one conversation. He is also a member of a Facebook page where this was talked about and he emailed the

moderator to explain that the outcome must be based on testimony presented and not on opinion.

Board Member Aaron McNeill stated he had multiple conversations and has surveyed near this tract; he further stated that he encouraged each one he spoke with to come to the meeting and sign up to speak.

Senior Planner Theresa Thompson presented the following as part of her presentation.

This request is to locate a mining facility for the purpose of an open cut mining operation which will produce construction aggregates (such as granite material – used in asphalt, concrete, driveways, etc.) on two adjacent parcels, totaling to approximately 308.5 acres, located south of NC Hwy 24/27 and to the east of Mt. Carmel Road. The property is located approximately 8 miles west of Carthage and approximately 2 ½ miles southeast of Robbins. The property is currently undeveloped. Adjacent land uses includes approximately 7 single family homes and approximately 15 undeveloped properties, as illustrated on the Land Use Map in your packets. The site plan meets the Unified Development Ordinance's screening requirements by providing a minimum 50 foot buffer along the entire boundary of the property and the applicant will create an earthen berm a minimum of 6 feet in height along the mining pit, the plant site, and along the northern boundary of the property as illustrated in the site specific development plan. The second site plan included in your packets is the reclamation plan as included as part of the mine permit application to the NC Department of Environmental and Natural Resources. The applicant can speak to the specifics of the reclamation plan which illustrates the ultimate pit being converted to a lake. The use of Mining is a conditional use within the Rural Agricultural zoning district. There are two key factors for approving or denying a conditional use permit. The first factor is if the applicant meets the Unified Development Ordinance standards including the specific use standards. The proposed site plan meets all Unified Development Ordinance requirements. The applicant has agreed that all specific use standards will be met as specified in the Unified Development Ordinance which will be inspected by county staff before a Certificate of Occupancy is issued. In addition, to the minimum specific use standards the applicant is imposing several conditions such as hours of operation for mining activities, as listed in the staff report. The second basis for approving or denying a conditional use permit is if the four findings of facts are met. Any recommendation of denial would need to include which finding is not met and how it is not met. The four findings are as follows:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
2. The use meets all required conditions and specifications;
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity;
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the approved Moore County Land Use Plan.

Once the applicant show the ordinance standards and findings of facts to be met, the burden shifts to those who oppose the permit issuance to present substantial and material evidence that the standards are not met. Where there is substantial evidence on both sides, the board makes its determination as to which is correct. When determining findings of fact, the decision must not be based solely on hearsay evidence. The applicant is requesting a 2 year vested rights approval which requires the applicant to receive a zoning permit for mining activities within 2 years from the date of the conditional use permit approval or the permit becomes null and void. Staff recommends the Planning Board make a recommendation to the Moore County Board of Commissioners to approve or deny the conditional use permit for the use of mining, including the additional conditions, as agreed upon by the applicant and listed in the staff report. Please let me know if you have any questions.

The applicant Michael Blakely of 346 Woolard Road, Sanford NC 27330 stated the following as part of his presentation.

Mr. Blakely stated that the proposed project is an open pit mining operation. He stated that he reached out to the community and held a neighborhood meeting on June 28th in the Town of Robbins. The meeting was held informally to discuss the project with the community and answer any questions. Mr. Blakely went through the plans to give everyone an idea of what mining is and the day to day operations that will take place on the 308 acre site. Mr. Blakely stated that of the 308 acres only 61 will be disturbed and access to the site will be from 24/27 as recommended by NCDOT. An easement has been acquired from Ms. Ruby Brown to access the site, which will be used by the offsite haul trucks, 18 wheelers, and tandem trucks. A contract crusher will be used initially and 2-3 months worth of crushing rock will last 2-3 years unless demand changes. Buffer requirements are exceeded through the self imposed conditions including a berm on the north side that will be 10 feet high and 80 feet wide. Board Member McLeod asked for clarification on the size of this berm and Mr. Blakely stated it is indeed that big and will look like a triangle. Board Member McNeill asked for clarification where the fence will be placed and Mr. Blakely stated it will be at the bottom of the berm. Mr. Blakely continued and explained the permits that are required by NCDEQ, the reclamation plan through bonding, stated the life of the permit is 10 years, and reviewed the self imposed conditions. Board Member McLeod asked if a sprinkler system will be installed or will water trucks be utilized. Mr. Blakely stated that until a more permanent operation is put in place water trucks will be used. Board Member McLeod asked how long the air quality permit is good for and if this permit or the ones issued by NCDEQ are found to be in violation can it be revoked. Mr. Blakely stated the air quality permit is renewed every year and yes they each can be revoked and the operation will be fined. Board Member McLeod asked how often mining operations are inspected and Mr. Blakely explained that NCDEQ inspects them yearly and MSHA inspects them bi-Monthly. Board Member Nobles asked if more water will be needed if the operation expands. Mr. Blakely introduced Rugg Patterson to answer that question. Mr. Patterson explained that wells will be needed if rainwater is not sufficient. Board Member McNeill asked if it would be necessary to pull from immediate streams and Mr. Patterson explained that this would not occur because this would not be enough water. Board Member Lambert asked if the

blasting will need to be increased as demand increases. Mr. Blakely stated the project is progressive based on demand and will not be completed in phases. Mr. Blakely added that explosives would not be kept on site. Board Member Nobles asked if the 25.6 acres of disturbed land is based on demand or the material at the site. Mr. Blakely stated this is based on the amount of material. Board Member Nobles continued and asked if there was any scenario where this would get bigger and Mr. Blakely responded "No". Board Member Nobles asked if the 25 acres includes the depth in the ground that will be disturbed. Mr. Blakely stated "Yes". Board Member Hyman asked how accurate is the research in regards to depth and the amount of rock produced. Mr. Blakely stated that the only place on the property a pit of this size can be placed is where it is displayed on the site plan due to the setbacks. Board Member Lambert asked the applicant to breakdown the traffic patterns. Mr. Blakely stated that there will be a maximum of 50 trucks per day with an anticipation of only 10-15 per day and there will possibly be a deceleration lane and turn lane on 24/27. Board Member McLeod asked if NCDOT will determine if a deceleration lane or turn lane will be required. Mr. Blakely stated yes per a driveway permit. Board Member McNeill asked if there has been any discussion with NCDOT and Mr. Blakely stated yes and we were waiting to see if any additional stipulations from the Planning Board and Board of Commissioners Meeting would be needed prior to the submittal of the driveway permit. Board Member Lambert asked what noise effects are there for blasting versus non blasting mining operations. Mr. Blakely stated that generally the noise, but as part of the self imposed conditions we are stating operations cannot be any louder than 65 decibels and other noises would include the equipment running. Board Member Hyman asked if livestock have any issues with this type of operation. Mr. Blakely stated that livestock are not affected by it.

Mr. Blakely reviewed the findings of fact included in the packet.

Board Member McLeod asked Mr. Gill for the legal definition of a public necessity. Mr. Gill responded that he did not know the answer. Board Member McLeod stated that he would really like to know the answer to that because he does not see this operation as a public necessity. Chairman Garrison clarified that this does not mean that roads would not be built just that material would come from another location. Mr. Blakely stated that the cost of building would be cheaper. Board Member McLeod stated that he sees this as an economic advantage and not a public necessity.

Mr. Blakely introduced Mr. Brandon Wills the NC certified general appraiser on this project. Mr. Wills stated that he utilized research rings to determine the effect of property values depending on how close they are to a mining operation. Mr. Wills explained that he utilized the change in distance versus the change in time because if property values changed there would be more of an effect in regards to distance. Mr. Wills concluded that this project would not have an adverse effect on property values.

Board Members continued with questions for Ms. Thompson. Board Member Lambert asked how we make sure specific things are enforced for each project. Ms. Thompson explained this is done through specific use standards. Board Member Lambert asked if the Unified Development Ordinance has a distinction between a gravel pit and rock

quarry. Ms. Thompson explained that no they are considered the same and each is reviewed by the Planning Board. Board Member Lambert asked how many active quarries are there currently in Moore County. Ms. Thompson stated there are two we have files on.

Board Member McLeod asked how a project like this could increase land value as stated in the findings of fact from the applicant. Mr. Blakely stated that in some situations the same type of rock can be found on adjoining properties and a developer is then interested in the property, increasing its value.

Finally Bill Light of Apex NC spoke on behalf of the applicant and explained that wells will not be affected near the site because the use would be localized.

Ms. Rebecca Myrick of 11821 Highway 24/27 presented a petition that represents 150 homes within a mile radius of the project. Ms. Myrick asked for each person present that lives within a miles of the site to raise their hands.

Ms. Deborah Garner stated that she is concerned about the value and possible well issues. Ms. Garner stated that about three to four homes around her property have well issues. and that she also concerned about the quality of air and that the appraiser could not come up with one example.

Mr. John Baucom of 825 Mt. Carmel Road stated that the overburden area on the proposed site plan states that this is an unoccupied residence, but it is actually 815 Mt. Carmel Road and the building is 819 Mt. Carmel Road that currently has renters. Mr. Baucom stated that he is concerned that it will affect the vegetation for his cattle, and his well that will be constructed due to grant that was received from Moore County.

Ms. Codi Baucom of 825 Mt. Carmel Road stated that she is the wife of Mr. John Baucom and the grant that was received was from Moore County. Ms. Baucom is concerned about the land in the future for her son.

Mr. JD Lucas of 911 Mt. Carmel Road thanked the board for letting him speak tonight and stated that he concerned about the wells due to the altitude. Mr. Lucas stated this project is in direct conflict with 2013 Moore County Land Use Plan and goal one. Mr. Lucas further stated that he wants to know what is going to be done about the pit when the operation is done.

Mr. Lester Smith of 1041 Mt. Carmel Road stated that he concerned about the water.

Mr. Rodney Pickler of Plank Road stated he has the same concerns that everyone has already stated. Mr. Pickler further stated that he does not like the comparison of land to townhomes and condos.

Mr. Clark Trivett of 332 Seven Lakes West stated he lives 10 miles from the proposed site but still has the concern of noise, pollution, wildlife endangerment, and road damage.

Mr. Trivett provided examples of locations where a request similar to the one presented have been denied.

Mr. David Smith stated he lives in Lee County near a quarry and you can hear blasts and this project should given more consideration.

Mr. Vernon Myrick of 11821 Highway 24/27 thanked the board for letting him speak tonight and stated he was concerned about the dust and noise.

Mr. Scott Myrick of Angier, NC stated he is concerned about the wells and the testimony that Mr. Blakely presented.

Mr. Betty Hoplar stated that she is concerned about these types of projects coming to Moore County.

Mr. Stanley Cockman stated that he concerned about wells and asked if the wells go dry, will the mining business till be viable.

Mr. Randy Hussey of 204 Mt. Carmel Road stated he is concerned about the quality of life.

Mr. Carol Brown McDaniel of 391 Marley Road stated that she was concerned about the entry to the property and that it will pass through residential property as well as the lack of information provided by the applicant.

Mr. McLeod made a motion to take a five minute recess; the motion was seconded by Mr. McNeill. The motion passed unanimously 6-0.

Mr. James Cagle of 447 Mt. Carmel Road stated he is concerned about the water table level.

Mr. Gary Maness of 520 Mt. Carmel Road stated that he is concerned about the noise, dust, and his windows at his home rattling.

Mr. Mitchell Ritter of 11830 Highway 24/27 stated he is concerned about the dust.

Mr. Giff Fisher stated the bought property in this area to retire but is now considered about the quality of life that may be compromised.

Mr. Ricky Wallace of 813 Mt. Carmel Road stated that he has 100 acres that adjoin this property. Mr. Wallace explained issues he has had with wells and is concerned about his building falling down.

Aaron stated he will make a motion by wanted to make a few comments. First he wanted to mention he has concerns regarding the health and safety of the people and the introduction of more traffic on 24/27 would be an issue. Second he stated that the local

character of the county is the people and because so many people showed up he values their opinion.

David Lambert stated the will vote to deny this request because there is a presumption that this particular use may be appropriate for this zoning district, but believes the scale of this particular project exceeds the bounds of harmony that the presumption would allow and does not agree that this project meets finding 3.9.804.

Aaron McNeill made a motion to endorse the Moore County Board of Commissioners to deny the Conditional Use Permit for the use of Mining for the purpose of an open cut mining operation which will produce construction aggregates (granite material – used in asphalt, concrete, driveways, etc.) on five adjacent parcels (ParID 00009793, 00002845, 00001297, 20070773, and 20070771) including the Application Review Comments and Recommendations as listed in the staff report. The Motion was seconded by Eddie Nobles and the motion passed unanimously 6-0.

OTHER BOARD MATTERS

The board shared concerns regarding having information prior to the meeting.

PLANNING DEPARTMENT REPORTS

The discussion of the Unified Development Ordinance was tabled to the next meeting.

BOARD COMMENT PERIOD

Chairman Garrison thanked the Planning Staff.

ADJOURNMENT

Board Member Garrison made a motion to adjourn. The motion was seconded by Board Member McLeod. The motion passed unanimously (6-0)

Respectfully submitted by,

Lydia Cleveland