PLANNING BOARD MEETING

Monday, May 9, 2022
7:00 P.M.

-AGENDA-

I. CALL TO ORDER

II. PUBLIC COMMENTS

III. APPROVAL OF MINUTES

December 13, 2021

IV. OLD BUSINESS

- Rezoning Case 22-02: Three Oaks Quarry, LLC
- Rezoning Case 22-03: Jerry Bryant

Seth Harris, Zoning Officer

V. NEW BUSINESS

VI. ADJOURNMENT

Chairman Swaim
Members Present
Dean Swaim, Chairman
Steve Brown
Resha Peregrino-Brimah
Teresa Swain
Jerry Hutchens, Vice Chairman

Members Not Present
Ercel Carter (Alternate)
Sam Wagoner (Alternate)

Staff Present:
Seth Harris, Zoning Officer

Guests
Danny Steelman
See last page for additional guests present.

Call To Order
Chairman Swaim called the December 13, 2021 Meeting to order promptly at 7:00 PM. The attendance and quorum were noted.

Minutes Approved
Resha Peregrino-Brimah made a motion to approve the minutes as presented. Teresa Swain seconded the motion and the vote was unanimous in favor of the motion.

Public Comments
Chairman Swaim noted that several people were present for public comments. He outlined the procedure and explained that speakers would have a total of five minutes to speak in favor of any one topic and five minutes to speak in opposition to a topic.

Danny Steelman approached the Board. He introduced himself as the moderator of the Hamptonville Concerned Citizens group. He explained that his purpose was to inform the Board with new information concerning a 500 acre vacant property on US Highway 21. He explained that a prospective buyer had come forward. This prospective buyer was allegedly Synergy Materials, owned by Jack Mitchell. According to Mr. Steelman, Mr. Mitchell had ties to several mineral extraction businesses. Mr. Steelman presented a timeline of events that occurred since the last time he approached the Board in November. He expressed concern over the potential for lithium mining at this site. He also spoke about the proximity of the property to West Yadkin School. He went on to explain the reasoning behind the concern about a lithium mine.

New Business
Rezoning Case 21-07: BBN Properties – Araby Lane

Seth Harris presented the staff report.

The Board asked for a location map showing the property. Chairman Swaim asked for clarification on the surrounding zoning district and Mr. Harris provided it. Chairman Swaim also asked about the minimum lot size for the Restricted Residential district. Mr. Harris stated that the minimum lot size was 30,000sqft. Steve Brown expressed concern over residential development on relatively small lots without public water and public sewer.
Chairman Swaim asked for any other comments from the Board. Jerry Hutchens stated that the homes in the adjoining subdivision (developed by the applicant) were nice homes. Mr. Brown stated he felt a precedent was set when the adjoining property was zoned Restricted Residential. He spoke again about the lack of public water and sewer in the area being an issue.

Mr. Brown made a motion to approve the request based on prior rezoning of the adjacent property and that it met the intent of the Land Use Plan. Ms. Swain seconded the motion and the vote was unanimous in favor of the motion.

**Rezoning Case 21-08: Michael Halsey – HWY 601N**

Seth Harris presented the staff report. Mr. Harris explained the location of the property and where the portion of the parent tract was located at.

Mr. Brown asked about how rezoning the property benefitted the property owner. Mr. Harris answered that the applicant wanted to place a single family residential home on the subject property.

Ms. Peregrino-Brimah made a motion to approve the request based on consistency with the Land Use Plan. Steve Brown seconded the motion and the vote was unanimous in favor of the motion.

**Board Member Comments**

Mr. Harris informed the Board of a joint training session with the Board of Commissioners on January 10, 2022.

**Adjournment**

Teresa Swain called for a motion to adjourn. Resha Peregrino-Brimah seconded the motion and the vote was unanimous in favor of the motion. There being no further business, the meeting was adjourned at approximately 7:38 pm.

Respectfully Submitted,
Seth Harris, Zoning Officer

Dean Swaim, Chairman  
Approved on __________
Additional Guests Present:

Rebecca Foust
Tom Foust
Lisa Sorg
Janet Steelman
Angie King
Jan & Brad Storie
### Rezoning Request 22-02: Three Oaks Quarry

<table>
<thead>
<tr>
<th><strong>Applicant:</strong></th>
<th><strong>Owner:</strong></th>
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<tbody>
<tr>
<td>Three Oaks Quarry, LLC</td>
<td>Jerry Lee &amp; Wilma M. Sherrill</td>
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<tr>
<th><strong>Location:</strong></th>
<th><strong>Parcel ID#:</strong></th>
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<tbody>
<tr>
<td>US HWY 21</td>
<td>All or part of PIN# 487700012708, 487700208955, 487700229893, 486700909709, &amp; 487700024941</td>
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<table>
<thead>
<tr>
<th><strong>Project Area</strong></th>
<th><strong>Land Area To Be Disturbed:</strong></th>
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<tbody>
<tr>
<td>≈320.65 Acres</td>
<td>≈152 Acres</td>
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<tr>
<th><strong>Existing Land Use:</strong></th>
<th><strong>Proposed Land Use:</strong></th>
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<tr>
<td>Agricultural, Undeveloped</td>
<td>Aggregate Quarrying Operation (i.e. mineral extraction)</td>
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<tr>
<th><strong>Current Zoning:</strong></th>
<th><strong>Proposed Zoning:</strong></th>
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<tr>
<td>RA (Rural Agricultural)</td>
<td>MI-1(CD) Manufacturing Industrial One – Conditional District</td>
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<tr>
<th><strong>Watershed:</strong></th>
<th><strong>Future Land Use Map Category:</strong></th>
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<tr>
<td>WSIII</td>
<td>Rural Agricultural Area</td>
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<tr>
<th><strong>Zoning Districts Within 100 feet:</strong></th>
<th><strong>Land Uses Within 100 feet:</strong></th>
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<tbody>
<tr>
<td>North: RA</td>
<td>North: Agricultural, Residential</td>
</tr>
<tr>
<td>South: RA, RR, RG, MI-2 (off Bray Road)</td>
<td>South: Residential</td>
</tr>
<tr>
<td>East: RA</td>
<td>East: Agricultural, Residential</td>
</tr>
<tr>
<td>West: RA</td>
<td>West: Residential, Solar Facility</td>
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Background:

Jerry & Wilma Sherrill are the owners of the parcels in this request. Deed Book 1133 Page 244 states that Heather Decastillia owns ¼ interest in PIN#487700024941. Due to details of a purchase contract (protected under G.S. 132-1), she is not considered a participant in this request.
Parallel Conditional Zoning - General:

The purpose of the MI-1 CD (Manufacturing Industrial One Conditional District) conditional zoning district is to provide locations for intensive industrial and/or manufacturing, processing, and assembly uses and to ensure protection of adjacent parcels from potential impacts.

Parallel conditional districts allow specified land uses to be established in accordance with an ‘approved’ site-specific development plan.

In this specific instance, the applicant is seeking to develop a mining/quarry operation west of US Highway 21 and east of Mountain View Church Road.
This district is subject to the ordinance standards for the MI-1 district along with rules, regulations, and conditions imposed per the legislative decision-making process.

The purpose of the RA (Rural Agricultural) zoning district is to maintain a rural development pattern where single-family housing is intermingled with agricultural uses.

**Parallel Conditional Zoning – Process and Conditions:**

Involves review/action of a rezoning petition and a site-specific development plan proposing development of specific land use(s).

Applications are processed in a legislative manner (i.e., does not require sworn testimony or evidence) and decisions are based on the Yadkin Board of County Commissioners determination that the project is consistent with the purpose and intent of the Comprehensive Plan and applicable Zoning regulations as embodied within the Ordinance.

Typical cadence for review is as follows:

- **First Action** — Staff review and analysis.
  
  **STAFF COMMENT**: Ongoing.

- **Second Action** — The Planning Board reviews the application at a regular meeting and makes a recommendation to the Board of County Commissioners.
  
  **STAFF COMMENT**: Ongoing. The Planning Board began review of the application at its April 11, 2022 regular meeting where additional information was requested of the applicant by both Board members and staff.
  
  Typically, the Planning Board has 60 days to render a recommendation on a Zoning Map petition. As additional information has been requested, this time limitation is no longer an issue.
  
  On April 29, 2022 the applicant provided the requested additional documentation. Additionally, the applicant indicated additional experts will be on hand for the May 9, 2022 regular meeting to offer additional comment(s).

- **Third Action** — The BOCC receives the Planning Board recommendation and makes a decision at a previously advertised public hearing.

Consistent with the Yadkin County Zoning Ordinance, and State law, mutually agreed upon conditions can be imposed as part this process only if they address:

1. The compatibility of the proposed development with surrounding property;
2. Proposed support facilities (i.e. roadways and access points, parking, pedestrian and vehicular circulation systems, screening and buffer areas, etc.) and/or
3. All other matters the County may find appropriate or the petitioner may propose.
STAFF COMMENT: The applicant must agree to the imposition of all conditions, in writing, prior to formal action on the application request by the elected officials.

If approved, the Zoning Map will be amended and the zoning designation of the property shall be changed to MI-1 CD (Manufacturing Industrial One Conditional District). Development, including permitted land uses, would be in accordance with the approved development proposal and conditions imposed as part of the map amendment process.

STAFF COMMENT: Development/land disturbing activity shall only commence through the issuance and a Zoning Compliance Permit after review and approval of a site plan application(s) in accordance with the Zoning Ordinance and after all required permits (Soil Erosion/Stormwater, State Mine Permit, NC Department of Transportation driveway permit, etc.) have been secured.

This is so staff can verify all imposed conditions are adhered to.

Parallel Conditional District – Application Requirements:

Per Section 111-443 of the Yadkin County Zoning Ordinance, applicants are required to provide the following information:

1. A boundary survey and vicinity map showing the property's total acreage, zoning classification, general location in relation to major streets, railroads and/or waterways, the date, and north arrow;
   STAFF COMMENT: A boundary survey and site plan was submitted as part of the application submittal.

2. All existing easements, reservations, and rights-of-way;
   STAFF COMMENT: The submitted site plan and survey plat appears to contain all required information.

3. Proposed number and general location of all building sites, their approximate area, and their approximate dimensions;
   STAFF COMMENT: A originally submitted, development of the mine involved approximately:

   - 61.5 acres of actual ‘quarry pit’ area;
   - 34 acres of ‘plant and shops’ including: office/shop area, fuel island, processing equipment, etc.
   - 500 ft. setback for mine operations (including overburden storage)
On April 29, 2022 the applicant submitted a revised site plan/narrative indicting development of the mine would now entail:

- 49.6 acres of actual ‘quarry pit’ area (20% reduction);
- 34 acres of ‘plant and shops’ including: office/shop area, fuel island, processing equipment, etc. “same”
- The setbacks and buffers situated in proximity of the adjacent residences have been doubled from 500 feet to 1000 feet.

4. Proposed use of all land and structures, including the number and/or density of residential units, if any, proposed and the total square footage of any nonresidential development.
STAFF COMMENT: Site plan and application provide required information. As the project does not involve residential development, there is no requirement to provide proposed density.

5. A description of all screening, buffering, and landscaping required by these regulations and/or proposed by the applicant, as well as any proposed treatment of any existing natural features.

STAFF COMMENT: The site plan makes reference to buffer areas.

6. All existing and proposed points of access to public streets.

STAFF COMMENT: Vehicular ingress/egress shall be off US Highway 21 through a proposed new road right-of-way.

7. Delineation of areas within the regulatory floodplain as recognized by the Federal Emergency Management Agency. Base flood elevation data shall be provided before any plats are approved as per section 103-80 of the Yadkin County Flood Damage Prevention Ordinance.

STAFF COMMENT: The site plan denotes the areas of the property encumbered by Special Flood Hazard Area as required.

8. The owners' names and addresses, property identification numbers and existing land use of all adjoining properties as listed in the county tax mapping department.

STAFF COMMENT: This is included on the subdivision plat submitted as part of the application.
9. Proposed phasing, if any, and approximate completion time for each phase of the project.

**STAFF COMMENT**: The phasing plan for the project is vague. Staff has requested clarification.

10. Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.

**STAFF COMMENT**: The site plan provided basic traffic, parking, and circulation data.

11. Location and maintenance arrangements for all open space, recreation, and/or common areas within the development.

**STAFF COMMENT**: The site plan denotes the location of all ‘open areas’ (i.e. areas not subject to development).

12. A list of all known sites of historic or cultural significance within or adjacent to the project area.

**STAFF COMMENT**: The site plan provides general information. Specifics on these sites has not been provided. Staff have requested this information be furnished.

In accordance with Section 111-443 (2) of the Zoning Ordinance: *In the course of evaluating the proposed use, the zoning administrator, the planning board or board of county commissioners may request additional information from the applicant.* At the writing of this document, the following additional information has been requested by staff and the Planning Board:

a. **TRAFFIC IMPACT STUDY**: The applicant voluntarily included a traffic impact analysis (TIA) for the project. Completed by Kimley-Horn, concerns were raised the study does not contain data concerning traffic related to school operation(s).

**STAFF COMMENT**: Within their April 29, 2022 letter, the applicant indicates the Kimley-Horn staff completed supplemental traffic counts on US Highway 21 to address this concern. The applicant continues to maintain the supplemental data is consistent with existing recommendation(s) contained within the supplied TIA and no further modifications are necessary.

b. **WATER USAGE**: Staff and Planning Board members have requested more detail on water usage for the project, specifically:

i. Water data, including but not limited to:
   - Available hydrogeologic / groundwater model studies.
   - The groundwater and water pollution prevention plan.
   - Available geotechnical investigations data/report, including the site geology, seismic site classification, and test boring data.
   - CAD files of the quarry/mining site including proposed elevations inside quarry pit (pit geometry), slope/high wall/bench layout, etc.
• Slope stability calculations for the quarry and overburden piles.
• The mine out plan, including blasting plan and production schedule.
• Pit dewatering plan including discharges.
• Available erosion and sediment control plans.
• Local well data such as locations, depths, flow rates, etc.
• A list of other mines operated by the mine owner and the associated MSHA IDs.
• Environmental evaluation (wetlands, etc.).

ii. Specific detail on the source of water supporting the site and water recharge rates. The County is aware the project will use wells. What is needed is detail on:
• All anticipated wells (i.e. number and general location;
• Proximity of off-site wells to this property/operation;
• The drawing capacity of proposed wells serving the mine (gallons per minute),
• The cone of depression of the proposed wells serving the mine;
• Draw down rates;
• Description on how far the draw will be;
• Recharge rate of the water table/aquifer of the area (i.e. studies/recharge rates demonstrating the mine will not impact other water users in the area, etc.).

iii. The applicant shall address comments from Yadkin County Soil and Water about potential impacts to Lake Hampton, which is anticipated to become a public water drinking supply source;

iv. Methods to prevent pollution of surface and ground water including detail on 'where' water runoff is going on the property (i.e. provide a basic description of the proposed stormwater control measures, location, and how water will be treated to ensure protection of water quality);

v. Daily water usage/needs to support the proposed quarry operation with a specific breakdown on said activities (i.e. dust reduction for internal roads/vehicles, processing of rock, cleaning of rock, etc.);

vi. Additional/specific detail on the proposed water recycling system (what water is being recycled, where is it coming from, is this meant to address water being pumped out of the mine site itself, etc.) Please note direct discharge of water to streams may not be permitted as part of compliance with applicable State regulations (i.e. Soil Erosion and Stormwater). The plans appear to show direct discharge near the overburden remove sites;

vii. Operational test wells and schedule of results and analysis and response;
viii. Description on anticipated compliance with the State Sediment and Erosion Control and Stormwater Management provisions. This will need to include a specific explanation on how the site will address impacts to identified wetlands located on the property.

**STAFF COMMENT:** The applicant responded to these requests in its April 29, 2022 letter. Further, they indicate the site will use reclaimed rainwater and water drained from the quarry pit to support operations. **Staff recommends this become a condition of approval.**

c. **ECONOMIC IMPACT:** The applicant voluntarily submitted, as part of the application, the anticipated economic impact of the mine operation.

Planning Board members have expressed concern(s) the analysis provides no assessment of a mine operations impact on rural counties and has requested the applicant provide additional analysis to address same;

**STAFF COMMENT:** There will be 2 appraisers present at the Board’s May 9, 2022 regular meeting to present their findings/methodology on economic impact to address the Board’s questions.

d. Staff recommended the applicant provide a detailed operations plan for the project. While most of this information is provided on the submitted site plan and application, it is difficult to locate in a timely manner. Staff believes this document would benefit all parties by providing a central location where necessary data/information is readily available for review. This operations plan should, at a minimum, contain:

   i. The date proposed to commence operations and their expected duration;
   ii. Proposed hours and days of operations;
   iii. Estimated type and volume of extraction;
   iv. Description of method of operation, including the disposition of topsoil, overburden and by products;
   v. Methods to control and respond to spillage of extracted materials, overburden or by products and vehicular mud on off site roads. With respect to the storage of overburden, provide sufficient detail on 'how' areas will be temporarily stabilized to address concerns over dust/debris blowing off site;
   vi. Full description of equipment to be used in the extraction process;
   vii. Specific detail on the source of water supporting the site and water recharge rates as previous detailed herein;
   viii. Depth of extractive operations;
   ix. Any phasing of the operation and the relationship among the various phases denoted on the site plan;
   x. Proposed property reclamation plan;

**STAFF COMMENT:** Comments have been made the mine will have an effective operational life of 50 years. Staff has requested details on what will happen to the property after the mine use
ceases (i.e. will the property become a park, will it become ballfields for the school, will it become a water source/reservoir site, etc.);

xi. Detail on how historic/archeological areas will be preserved and protected.

**STAFF COMMENT:** The requested operations plan has been provided and is attached for your review.

As detailed within the Zoning Ordinance, *A request for such additional information shall stay any further consideration of the application by the planning board or board of commissioners*

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### Mining Operation – Specific Development Standards:

As detailed in Section 111-475 (30) of the Zoning Ordinance, the following are specific development standards for mine/quarry operations:

1. Submit a copy of a completed application as required by the state for a mining permit.
   
   **STAFF COMMENT:** This will have to become a condition of approval, submitted prior to the issuance of a Zoning Compliance Permit, as the applicant will be unable to secure the letter until action of the Conditional Zoning application is completed.

2. A letter or other certification of approval must be submitted from the NCDOT as to the safety and design of the access or entrance onto a state-maintained road from the mine.
   
   **STAFF COMMENT:** This will have to become a condition of approval.

3. Access to a mine or mining operation must be from a state-maintained road. The access leading from the state-maintained road to the said operation must have a cleared drivable area of not less than 20 feet. All interior access roads on the said property must also have a cleared drivable area of not less than 20 feet. All accesses shall be maintained at all times to ensure smooth traffic flow.
   
   **STAFF COMMENT:** Access will be off US Highway 21, a State maintained roadway. The site plan appears to demonstrate compliance with the remaining provisions, but staff is recommending these become conditions of approval for staff to verify prior to commencement of earth disturbing activity (i.e. development).

4. The boundary of the property shall be located at least 500 feet from any residential dwelling, hospital, nursing or convalescent home, retirement home, life care community, school, or church.

5. Screening and fencing. An area of land, which shall not be less than 50 feet in width, shall be provided along all boundaries of the affected land. This buffer area must be left at all times in a natural vegetative state or planted with trees, shrubs, and plants that create a visual screen. Trees and plants must be native to the area, and trees shall not be less than six feet in height in three years.
Transportation:

As previously indicated, the applicant voluntarily submitted a traffic impact analysis (TIA) for the project. Access would be off US Highway 21 through a proposed new roadway.

The TIA, completed by Kimley Horn, came to the following general conclusions:

1. Based on capacity analysis and NC Department of Transportation (NCDOT) standards, US Highway 21 would be expected to have capacity to accommodate additional traffic.
2. The proposed site access would meet intersection sight distance standards and would operate with short delays during peak hours.
3. No turn lanes are warranted to be constructed based on NCDOT criteria and queuing analysis results.

STAFF COMMENT: As previously indicated, concerns have been expressed over the submitted TIA document. The applicant’s response is detailed in its April 29, 2022 letter (attached).

Watershed Protection, Flood Damage Prevention, Other Ordinance Considerations

The subject property is located in a WSIII water supply watershed. Development shall not exceed 24% built upon area. 70% built upon area is allowed with a Special Intensity Allocation issued by the Watershed Administrator.

Portions of the property are located within AE flood zones (1 percent annual flood chance). In reviewing the site plan, it appears no structures are proposed within the identified floodplain area.

STAFF COMMENT: Development activity should be prohibited within identified floodplain areas. This includes land disturbance/grading activities or placement of fill material. Identified floodplain should remain in its current natural, undisturbed, state. However, no structures or alterations are proposed to these flood areas therefore not requiring a floodplain development permit.

It should be noted that the subject property is upstream from Lake Hampton. Lake Hampton has been designated as a future municipal and industrial water source.

STAFF COMMENT: As previously indicated, staff has requested the applicant address comments from Yadkin County Soil and Water related to the proposed mine’s potential impact to a planned public water supply.
2011 Yadkin County Land Use Plan

As detailed on the Future Land Use Map, the project is located in the following areas/land use categories:

- Rural/Agricultural Area Land Use Category
- Subject Parcels (shaded)
- Economic Development Area
- Rural/Agricultural Area Land Use Category
<table>
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<tr>
<th>Future Land Use Categories</th>
<th>Rural/Agricultural Areas</th>
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<tr>
<td></td>
<td>Economic Development Area</td>
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</table>
| Description               | **Rural/Agricultural areas** are characterized by traditional agricultural operations, pastureland, forestry, rural residential subdivisions, and scattered non-farm residences on large tracts of land. **Rural/Agricultural areas** contain scenic, historic, and other natural heritage assets that contribute to the unique characteristics of the land. **Rural/Agricultural areas** also provide for agriculture, forestry, mineral extraction, and other allied uses that require large open farmland and forest areas for the necessary production of food and fiber. **Yadkin County has established Voluntary Agricultural Districts (VAD) to protect and preserve agricultural lands and activities. These lands, which have a high productive potential, shall be conserved for appropriate forestry and agricultural use.**  

The districts have been developed and mapped to inform all purchasers of real property included within said districts that there may be expected certain agricultural and horticultural activities, including but not limited to, applications of pesticides, field applications of animal manures, industrial or agricultural sludge, large machinery, truck or tractor operations, livestock and poultry movement, timber harvests, and other similar activities that may produce noise, dust, and objectionable odors and that these activities may occur during all hours of the day or night. Land that has a permanent conservation easement is also included in the Voluntary Agricultural Districts.  

Other land uses such as energy generating plants, airports, landfills, sewage treatment plants, fuel storage tanks, and other industrial type uses may also be appropriate in Rural/Agricultural areas if sited in a manner that minimizes their negative effect on surrounding land uses or natural resources. Sustainable rural economic growth, environmental protection, and rural quality of life shall be pursued together as mutually supporting growth management goals in Rural/Agricultural areas. |
Description (continued)

**Economic Development Areas** – Areas designated Economic Development Areas are locations where significant industrial or other job-creating activities are located and where additional industrial/commercial activity may be encouraged. These areas are in close proximity to major thoroughfares. Water and sewer infrastructure has already been extended or can be extended to these areas in the near future if cost effective. Development considerations include the adequacy of the transportation network to support additional industrial vehicle traffic, water and sewer capacity, and minimizing impacts to adjoining uses.

<table>
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<tr>
<th>Development Goals: Yadkin County</th>
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<tbody>
<tr>
<td>A. Maintain the County’s rural character, open space, and high quality of life.</td>
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<tr>
<td>B. Preserve agriculture and family farms, as well as the agricultural heritage of the County.</td>
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<td>C. Provide public infrastructure in areas where there are strategic reasons to invest public resources.</td>
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<td>D. Encourage the provision of a wide range of goods and services for the citizens of the County through appropriate commercial development.</td>
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<td>E. Strengthen the existing traditional manufacturing industrial base of the County while pursuing opportunities for the expansion of the industrial base in new directions, such as the technology and transportation sectors.</td>
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<td>F. Promote tourism and viticulture as economic development.</td>
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<td>G. Encourage higher quality residential growth.</td>
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<td>H. Offer more housing choices, including affordable housing, but limit the rapid proliferation of manufactured housing.</td>
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<td>I. Ensure that the costs of new development do not exceed the service demands that are generated from the development.</td>
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<tr>
<td>J. Support innovative and flexible land planning techniques as a means of encouraging more desirable development configurations that may better safeguard existing natural land and agricultural resources.</td>
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<tr>
<th>Development Strategies: Rural/Agricultural Areas</th>
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<tr>
<td>A. Preserve rural areas lands having a high productive potential, to the extent possible, for appropriate forestry and agricultural use.</td>
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<tr>
<td>B. Work with land conservancies and other regional organizations to conserve green space and working forest and farmland.</td>
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</table>
C. Continue to support the Voluntary Agricultural District (VAD) program and work with the Agricultural Advisory Board on potential enhancements to the program.

D. Encourage innovative and flexible land planning techniques, such as conservation and cluster subdivisions, that provide a means to preserve working agricultural lands and natural open space features.

E. Discourage urban level development that is incompatible with the preferred rural uses of agriculture and low-density residential.

F. Encourage the development of light industrial uses that are harmonious with rural and agricultural uses (minimal lights and traffic, etc.).

G. Review and revise, as necessary, uses that are permitted in the Rural Agricultural (RA) zoning district to ensure that they are compatible with desired development uses.

H. Allow for the permission of appropriate non-residential land uses, such as air strips and rural-based businesses and industries, in rural areas on a case-by-case basis.

I. Support efforts to retain productive agricultural lands and build a sustainable local foods economy (County Farmer’s Market, Local Food Bank, etc.).

Development Strategies: Economic Development Areas

A. Collaborate with the Yadkin County Economic Development Council (EDC) and municipal leaders on the potential development of an Industrial Park in the County.

B. Partner with municipalities and local developers to increase the inventory of development-ready land in the County.

C. Consider the creation of design standards for industrial and commercial development to ensure an aesthetic quality that maintains the County’s rural character.

D. Identify property owners in the Economic Development Areas that are amenable to transfer of property for development purposes and work with landowners to assist in the marketing of land availability.

E. Consider the potential effects on viable agricultural land when considering development decisions in the Economic Development Areas.

F. Identify sites that the County or municipalities could acquire and prepare for development and work with the Yadkin County
Economic Development Council (EDC) to approach landowners about these possibilities.

G. Identify property that is eligible for the NC Department of Commerce Certified Sites Program and work with landowners to pursue this certification or acquire the land.

STAFF ANALYSIS

1. As detailed in Section 111-6 Relationship to adopted plans of the Zoning Ordinance:

   The land use plan adopted by the board of commissioners indicates desired development of various types, uses and/or levels of intensity according to location and other variables. This plan should be used as a guide for the application of this article to land within the areas covered, as well as for the provision of public services.

   In evaluating this proposal, the various goals and policies of the Land Use Plan shall serve as a guide to ascertain the viability of the proposed rezoning application;

2. Per Section 111-38 of the Zoning Ordinance: Rezoning to a parallel conditional district is a legislative process subject to judicial review using the same procedures and standards of review as apply to general use district zoning decisions. As such, in considering any application to reclassify property to a conditional zoning district, the board of commissioners may consider the following:

   (1) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of the adopted land use plan, and other plans for the physical development of the county as adopted by the board of commissioners;

   (2) Whether the proposed reclassification is compatible with the overall character of existing development in the immediate vicinity of the subject property;

   (3) The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies and wastewater treatment systems and garbage services; and

   (4) Whether the proposed reclassification will adversely affect a known archeological, environmental, historical, or cultural resource.

The applicant is expected to provide responses to aid the Board in its deliberations. If the Board cannot make an affirmative finding, they may have to conclude the request is incompatible with the Land Use Plan and County land use regulations.
STAFF COMMENT: State law allows the Yadkin Board of County Commissioners to amend the Land Use Plan as part of an action on a Zoning Map amendment when adopting a statement of consistency (i.e. making a finding the Land Use Plan is specifically modified to accommodate a request).

3. LAND USE PLAN:

a. There is language within the general description of the Rural/Agricultural Areas future land use category indicating said areas: provide for agriculture, forestry, mineral extraction, and other allied uses that require large open farmland and forest areas for the necessary production of food and fiber mining.

The description goes onto indicate:

Other land uses such as energy generating plants, airports, landfills, sewage treatment plants, fuel storage tanks, and other industrial type uses may also be appropriate in Rural/Agricultural areas if sited in a manner that minimizes their negative effect on surrounding land uses or natural resources. Sustainable rural economic growth, environmental protection, and rural quality of life shall be pursued together as mutually supporting growth management goals in Rural/Agricultural areas.

STAFF COMMENT: There is an obligation for the applicant to demonstrate the proposed ‘industrial type use’ is located in such a manner as to minimize their negative effect on surrounding land uses or natural resources in order for the County to make an affirmative finding on the request.

b. Comments have been made the project is located within an economic development area of the County.

STAFF COMMENT: A small portion of the project is located within an Economic Development Area where projects typically have to demonstrate compliance with the following general goals/strategies (where applicable):

A. Collaborate with the Yadkin County Economic Development Council (EDC) and municipal leaders on the potential development of an Industrial Park in the County.

B. Partner with municipalities and local developers to increase the inventory of development-ready land in the County.

C. Consider the creation of design standards for industrial and commercial development to ensure an aesthetic quality that maintains the County’s rural character.

D. Identify property owners in the Economic Development Areas that are amenable to transfer of property for development purposes.
and work with landowners to assist in the marketing of land availability.

E. Consider the potential effects on viable agricultural land when considering development decisions in the Economic Development Areas.

F. Identify sites that the County or municipalities could acquire and prepare for development and work with the Yadkin County Economic Development Council (EDC) to approach landowners about these possibilities.

G. Identify property that is eligible for the NC Department of Commerce Certified Sites Program and work with landowners to pursue this certification or acquire the land.

4. COMPLAICE WITH ZONING REGULATIONS: Staff and the Planning Board will continue to review the revised/updated documentation as part of the application review to make this determination.

Attachment 1 of this document contains the applicant’s April 29, 2022 response to staff request for additional data, including the requested operations plan. Links to various supplemental data have been provided to Board members and are available on the County website.

**Fair and Reasonable Conditions:**

As detailed herein, consistent with the Yadkin County Zoning Ordinance and State law, mutually agreed upon conditions can be imposed as part the Conditional Zoning process only if they address:

1. The compatibility of the proposed development with surrounding property;

2. Proposed support facilities (i.e. roadways and access points, parking, pedestrian and vehicular circulation systems, screening and buffer areas, etc.) and/or

3. All other matters the County may find appropriate or the petitioner may propose.

The applicant must agree to the imposition of all conditions, in writing, prior to formal action on the application request by the elected officials.
Mr. Seth Harris, Director of Planning  
Planning and Development Department  
213 East Elm Street  
Yadkinville, North Carolina 27055

Re: Petition for Parallel Conditional District – Response to Request for Additional Information  
Three Oaks Quarry  
353 Jonestown Road, Suite 248  
Winston-Salem, North Carolina 27104  
for Three Oaks Quarry, LLC.

Dear Mr. Harris:
Per your email on April 27, 2022 and subsequent discussion with Tom Terrell on April 27th, we are pleased to provide you responses to your request for additional information. To clarify, we understand staff has reviewed our application and issued a recommendation for Approval. These are items requested in addition to our complete application and provide technical details regarding the operation.

- Available hydrogeologic / groundwater model studies.

A plan to complete hydrogeologic testing has been discussed in detail with NCDEQ and is underway. Portions of the plan have been impeded by sabotage of the three existing monitor wells installed for water level and water quality data collection. These wells will need to be rehabilitated or abandoned and re-drilled at great expense.

The plan includes conducting an electrical resistivity geophysical investigation to identify linear features such as fractures and joint patterns in the rock where water will be transmitted more readily. A pumping test using a high yield production well and several observation wells is proposed. The proposed testing will also provide directional transmissivity values using observation wells favorably sited using surface geophysics to potentially intersect transmitting fractures. The proposed test well will be drilled at a location sited by the geophysical survey to produce as much yield as much as possible. The testing rate will be the maximum rate possible given the yield of the well. Four additional observation wells are proposed in the plan, in addition to the three already installed. Measuring responses in these wells across the site from a pumping well located near the centroid of the mine, while collecting directional aquifer drawdown data from greater number observation wells purposely sited to intersect the fracture system, will provide more accurate and representative aquifer coefficients that will enable a more informed model of quarry dewatering effects.
No development of the proposed operation or mining can be commenced prior to approval by the NCDEQ who is responsible for review and approval of this technical portion of the permitting process. NCDEQ will require an approved well monitoring and mitigation plan if needed. A draft response and mitigation plan has been developed and provided to the County. NCDEQ will not issue a permit for the operation if it in any way affects off site wells, surface and/or groundwater quality or any other on-site or off-site environmental feature. Further, NCDEQ will not issue a permit until the applicant provides proof of an approval by the County.

- The groundwater and water pollution prevention plan.

No chemicals will be used to quarry and process the granite at the Three Oaks Quarry.

As typical in any site development, stormwater runoff will be managed by use of diversion swales, silt fencing and other standard industry best management practices. A portion of the stormwater has been designed to drain back into the quarry area. Excess stormwater will be channeled/diverted to sediment control basins. Following diversion to the proposed sediment basins, any water discharged from the site will be routed through a permitted and approved point discharge structure. The proposed operation and associated discharge will be authorized via an National Pollutant Discharge Elimination System (NPDES) permit issued by the North Carolina Department of Environmental Quality. The NPDES permit will require the Three Oaks Quarry to divert all excess stormwater to the diversion swales and sediment basins, as well as carry out extensive sampling, analysis and reporting, all of which will be publicly available.

It is important to note that the existing use is not required to operate under the before-mentioned NPDES permit and consequently is not required to use of the before-mentioned sediment basins, point discharge structures, and is not required to carry out sampling or report any information regarding the water quality. In summary, the NPDES permit and associated compliance requirements, as well as the elimination of typical chemicals used for agriculture, will result in a net improvement in water discharged to the creek and tributaries, as well as the upstream waters contributing to Lake Hampton.

Further, the closest point in Lake Hampton is approximately 3 miles to the E of the quarry center, and well over 4 stream miles, passing under Highway 21 approximately 0.3 miles north of East Longtown Road. There is no reason to conclude that this quarry could harm Lake Hampton. There are no chemicals, toxins, pollutants or similar substances generated or emitted in the quarry operations. The only “pollutant” that potentially could leave the site is sediment, and, as previously stated, sediment will be kept on site. It is fair to add that the fertilizer loads on average residential lawns and the runoff from roads and parking lots will have an impact on Lake Hampton over time while this quarry will not.
As previously discussed, test boring data for this type of operation is considered proprietary by any mining company, none of which would make it publicly available. It is important to note that geotechnical drilling and analysis, typical of most development, will be carried out as part of the construction process.

- CAD files of the quarry/mining site including proposed elevations inside quarry pit (pit geometry), slope/high wall/bench layout, etc.

It is not typical to provide CAD data, some of which is proprietary. CAD files associated with this type of project are very large and complex and contain proprietary design information.

The proposed elevations inside the quarry pit, slope/high wall and bench layout details are all being developed and will be typical of other quarries in the region. These details are also technical aspects reviewed by NCDEQ.

- Slope stability calculations for the quarry and overburden piles.

As per discussions with NCDEQ, the side slopes of the overburden storage areas will be no steeper that 3-horizontal to 1-vertical. If NCDEQ requires it terracing will be added. All overburden storage areas will be grassed. The quarry will be excavated in approximately 50-foot-deep benches requiring no stability calculations.

- The mine out plan, including blasting plan and production schedule.

Per NCDEQ requirements, a reclamation plan has been developed and has been provided via the links sent under separate cover. Three Oaks Quarry, LLC. is open to suggestions by the County for post reclamation uses, including uses to be made available to the County and public after reclamation requirements are complete.

The Three Oaks Quarry will be reclaimed as open water lakes, wetlands, wooded areas, and grasslands. Any remaining berms or stockpiles will be sloped to a minimum of a 3:1 grade and vegetated with the appropriate ground cover for soil stabilization. A bond will be required based on the amount of land disturbed by quarrying activities.

A blasting report has also been provided via a link under separate cover.

The production schedule will greatly depend on market conditions. At present, the Three Oaks Quarry is expected to produce 500K to 1M tons per year. The quarry will only operate between 7:00 a.m. and 7:00 p.m. on Mondays through Fridays and 7:00 a.m. through 4:00 p.m. on Saturday. The quarry will be closed to shipping on Sundays.
No blasting will occur on holidays or weekends or on the following holidays: Christmas, Easter, Thanksgiving Day, New Years Day, July Fourth, Memorial Day and Labor Day.

- Pit dewatering plan including discharges.

Quarry dewatering will be accomplished using a sump and pump arrangement. The amount of water to be pumped will vary depending on the progressive depth of the quarry and how far the quarry floor is below the ground water level and the amount of rainfall. The dewatering quantities will be calculated based on the results of the hydrogeologic testing program mentioned previously. Dewatering discharges will be used as a plant water source. If excess water is removed from the quarry floor that cannot be used in the plant, that water will be placed into the sedimentation basins for treatment prior to discharge through National Pollutant Discharge Elimination System (NPDES) permitted outfalls.

- Available erosion and sediment control plans.

As detailed above, as is typical in any site development, stormwater runoff will be managed by use of diversion swales, silt fencing and other standard best management practices. As required by the State of North Carolina, state approved erosion and sedimentation control plans will be prepared and implemented to prevent pollution of runoff from the site. Where discharges from sedimentation basins are planned, all of the water quality requirements of the National Pollutant Discharge Elimination System (NPDES) that will be issued to the site will be adhered to, monitored and reported.

In summary, the NPDES permit and associated compliance requirements, as well as the elimination of typical chemicals used for agriculture will result in a net improvement in water discharged to the creek and tributaries and upstream waters contributing the Lake Hampton.

- Local well data such as locations, depths, flow rates, etc.

A local well inventory is underway, but this is a requirement for state permitting, not rezoning. Data has been requested from the Yadkin County Health Department and a local well driller. The inventory data will be included in the NCDEQ mining permit application and will be provided as well to the County upon issuance of State permits. Water usage/needs will be supported by collection of rainfall within the active portions of the mining operations (quarry, overburden storage areas, and plant area) and by collection of ground water infiltrating into the active quarry. To be clear, the source of this water is rain collecting in the pit.
A list of other mines operated by the mine owner and the associated MSHA IDs.

Three Oaks Quarry, LLC does not own or operate other mines. An MSHA ID will be issued prior to mining activities.

Environmental evaluation (wetlands, etc.).

The environmental evaluations, including a wetlands report, has been provided via a link under separate cover.

All the onsite wetlands have been delineated per state and Federal regulations. Three Oaks Quarry has submitted the delineation of the wetland lines to the Army Corps of Engineers. The only impacts proposed to the onsite wetlands are to allow for upgraded crossings of the existing farm roads to allow for the movement of internal vehicular traffic. The proposed total amount of temporary impact to upgrade these crossings is less than ½ of an acre and will require authorization, as well as compensatory mitigation, from the US Army Corps of Engineers.

Time of day traffic study was conducted. Bear in mind, chief concern is that there is not available school traffic data. From a pure technical standpoint, there are concerns the existing/submitted traffic study is incomplete.

The transportation study was conducted using methodology that met all industry standards, which includes field traffic counts performed for the peak periods 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. Neighbors at our community meetings suggested that the presence of schools with associated traffic outside of those standard NCDOT count periods rendered this data insufficient. Consequently, Kimley-Horn conducted supplemental 24-hour counts on US 21 near the proposed site access, which confirmed the US 21 peak hours indeed fall between the 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. periods included in the approved transportation study. Therefore, the data, analysis results, and recommendations from that study are correct.

Impacts of quarries on property values in rural areas (such as the area surrounding the subject property).

Three Oaks Quarry will present two studies by licensed N.C. appraisers whose methodologies comport 100% with the Uniform Standards of Professional Appraisal Practice and the standards of the Appraisal Institute. They will be present to defend their studies and to challenge broad and unsupported claims by members of the public. Their studies will demonstrate that market data of home sales near or adjacent to quarries are not affected by the presence of the quarry, either in terms of price of time on market.
Also, due to comments and concerns expressed by the community, Three Oaks Quarry, LLC. has reduced the size and depth of the quarry, and increased the setbacks/buffers. The quarry pit has been reduced from 61.5 acres to 49.6 acres, which represents a 20% reduction. The setbacks and buffers situated in proximity of the adjacent residences have been doubled from 500 feet to 1,000 feet, exceeding County requirements. Green space buffer has doubled from 50 feet to 100 feet and the pit depth is roughly 75’ shallower.

This minimization of the quarry footprint was done while maintaining the details of the rest of the site plan.

A new site plan has been submitted via a link under separate cover.

* * * *

We look forward to your review and comments.

Yours very truly,

The Colinas Group, Inc.
Engineering and Environmental Consultants

Matt D. Mouncey, LEP
Vice President/Principal Consultant

Mark Stephens, NC PE No. 053994
As Sole Proprietorship under Contract to The Colinas Group, Inc.

One (1) Electronic Submittal

cc: Jack Mitchell - Three Oaks Quarry, LLC.
    Tom Terrell - Fox Rothschild LLP
QUARRY OPERATIONS PLAN

for

Three Oaks Quarry, LLC.

+/-320.65 acres located at
Yadkin County, North Carolina

Submitted for Applicant by:

The Colinas Group, Inc.
2031 East Edgewood Drive, Suite 5
Lakeland, Florida 33803

April 29, 2022
Introduction:

The Three Oaks Quarry is generally located at 3641 US 21 Highway Hamptonville, North Carolina 27020. More specifically, the site is located just north of State Highway 421 and just east of Interstate 77 and is made up of a portion of one parcel. Access to the site is along US21, via a NCDOT approved driveway.

Purpose:

Three Oaks Quarry, LLC. has carried out extensive due diligence and identified a high-quality aggregate resource deposit, suitable for construction aggregates, which are critical to local and regional infrastructure projects.

Operational Details:

(i) The date proposed to commence operations and their expected duration;

The date proposed to commence operations is January 2023, after all local, state and Federal permits are reviewed and approved.

(ii) Proposed hours and days of operations;

The quarry will only operate between 7:00 a.m. and 7:00 p.m. on Mondays through Fridays and 7:00 a.m. through 4:00 p.m. on Saturday. The quarry will be closed to shipping on Sundays. No blasting will occur on weekends or on the following holidays: Christmas, Easter, Thanksgiving Day, New Year’s Day, July Fourth, Memorial Day and Labor Day.

(iii) Estimated type and volume of extraction;

The type of materials to be extracted is granite. No lithium or any other type of material will be mined. No Lithium deposit exists in the vicinity of the site.

The production schedule will greatly depend on market conditions. At present, the Three Oaks Quarry is expected to produce 500K to 1M tons per year.

(iv) Description of method of operation, including the disposition of topsoil, overburden and by products;

Due to the depth and mass of the rock underlying the overburden, mechanical means of extraction, i.e., backhoe, power shovel and / or front-end loading machines cannot remove the material. Developing the Three Oaks Quarry will involve removing the overburden using conventional excavation equipment and exposing the granite.
A majority of all of the overburden will be used to construct the screening berms and other site earthwork and balance. As per discussions with NCDEQ, the side slopes of the overburden storage areas will be no steeper that 3-horizontal to 1-vertical. If the NCDEQ requires it terracing will be added. All overburden storage areas will be grassed. The quarry will be excavated in approximately 50-foot-deep benches requiring no stability calculations.

The granite will then be blasted using modern, highly controlled technology to break the material into smaller, unconsolidated parts, which will allow for excavation. The material will be loaded into trucks that will dump the material into the primary crusher hopper or to create a feed stockpile located close to the primary dump hopper that can be fed later with a loader. The blasted granite will then be conveyed to the processing plant for further crushing, washing and stockpiling by product specification and stockpiled for delivery to customers.

Plant dust emissions will be controlled by a wet suppression system. Haul road and stockpile dust will be controlled with a water truck with rear spray bar.

**PROCESS DESCRIPTION:**

The following block diagram shows the major processes of the proposed plant:

- **Mining:**
  - Drilling
  - Blasting
  - Loader
  - Trucks
  - Ore Stockpile

- **Crushing/Sizing:**
  - Truck/Loader
  - Hopper
  - Feeder
  - Crushers
  - Conveyors
  - Screening
  - Rinsing
  - Sumps
  - Pumps
  - Dust Control

- **Storage/Loadout System:**
  - Conveyors
  - Stockpile Storage
  - Loader
  - Trucks

The Colinas Group, Inc. Engineering and Environmental Consultants
2031 E. Edgewood Drive, Suite 5, Lakeland, FL 33803-3601 · (863) 669-9141 · Fax: (863) 669-1742
The quarrying area will be ± 49.6-acres and is situated along the western portion of the property, as shown on the Site Plan.

The maximum depth of mining is +/-350 feet below ground surface.

(v) Methods to control and respond to spillage of extracted materials, overburden or by products and vehicular mud on off site roads. With respect to the storage of overburden, provide sufficient detail on 'how' areas will be temporarily stabilized to address concerns over dust/debris blowing off site;

The onsite road from the entrance to the plant will be paved. A truck tire wheel wash will be provided at the plant for cleaning tires before moving onto the paved roads. Track out of materials will be prevented by regular wet sweeping of the roadways.

Overburden storage areas will be stabilized with grass to prevent dust from blowing off the site. Vehicle speed on quarry property will be limited to 15 mph to minimize vehicle-related dust. Loaded trucks leaving the site will be covered to limit dust generation.

Active dust control measures using the latest technology and best practices, such as water trucks and wet stockpiles, not only will ensure a safe work environment for the employees, contractors, and visitors inside the quarry but also protect the surrounding community from any dust that might otherwise be blown off-site. Three Oaks Quarry, LLC. will utilize dust control engineering controls such as fog cannons, which are an effective tool for controlling dust from blasting and stockpiling, covering a large area with small water droplets that easily cling to the dust particles and keeps them from leaving the property.

Other engineering controls will include covers, enclosures, spray bars, and foam applicators, and other tools used to capture and contain dust from the operation. Dust monitors will also be used to generate reports and ensure dust levels in critical locations never exceed the permitted levels.
(vi) Description of equipment to be used in the extraction process;

The equipment used will include typical earthmoving equipment including front end loaders, haul trucks and backhoes. A drill rig will be used to advance drill holes used for blasting.

(vii) Specific detail on the source of water supporting the site and water recharge rates (the County is aware the project will use wells. What we need is detail on all anticipated wells, proximity of other wells to this property, the drawing capacity of proposed wells serving the mine (gallons per minute), the cone of depression of the proposed wells serving the mine, draw down rates, description on how far the draw will be, recharge rate of the water table/aquifer of the area, submittal of detailed water studies/recharge rates demonstrating the mine will not impact other water users in the area, etc.).
In addition, the County requests the applicant address the comments from Yadkin County Soil and Water about potential impacts to Lake Hampton, which is anticipated to become a public water drinking supply source;

Well water for the Three Oaks Quarry will be limited to one or two wells used for domestic uses for the office and shops and a portion of the dust suppression measures. This use is expected to be approximately 250 gpm.

A plan to conduct hydrogeologic testing has been discussed with NCDEQ and is underway. Portions of the plan have been hampered by the sabotage of the three existing monitor wells installed for water level and water quality data collection. These wells will need to be rehabilitated or abandoned and re-drilled. The plan includes conducting an electrical resistivity geophysical investigation to identify linear features such as fractures and joint patterns in the rock where water will be transmitted more readily. A pumping test using a high yield production well and several observation wells is proposed. The proposed testing will also provide directional transmissivity values using observation wells favorably sited using surface geophysics to potentially intersect transmitting fractures. The proposed test well will be drilled at a location sited by the geophysical survey to produce as much yield as possible. The testing rate will be the maximum rate possible given the yield of the well. Four additional observation wells are proposed in the plan, in addition to the three already installed.

Measuring responses in these wells across the site from a pumping well located near the centroid of the mine, while collecting directional aquifer drawdown data from greater number observation wells purposely sited to intersect the fracture system, will provide more accurate and representative aquifer coefficients that will enable a more informed model of quarry dewatering effects. No development of the proposed operation or mining can be commenced prior to approval by the NCDEQ who is responsible for review and approval of this technical portion of the permitting process. NCDEQ will require an approved well monitoring and mitigation plan if needed. A draft response and mitigation plan has been developed and provided to the County. NCDEQ will not issue a permit for the operation if it in any way affects off site wells, surface and/or groundwater quality or any other on-site or off-site environmental feature. Further, NCDEQ will not issue a permit until the applicant provides proof of an approval by the County.

It is important to note that the existing use at the site is not required to operate under the before-mentioned NPDES permit and consequently does not employ the use of the before-mentioned sediment basins, point discharge structures, and is not required to carry out sampling or report any information regarding the water quality. In summary, the NPDES permit and associated compliance requirements, as well as the elimination of typical chemicals used for agriculture, will result in a net improvement in water discharged to the creek and tributaries, as well as the upstream waters contributing to Lake Hampton. The closest point in Lake Hampton is about 3 miles to the E of the quarry center, and well over 4 stream miles, passing under Highway 21 about 0.3 miles N of East Longtown Road. Quarry effects to Lake Hampton are not expected.
There are no chemicals, toxins, pollutants or similar substances generated or emitted in the quarry operations. The only “pollutant” that potentially could leave the site is sediment, and, as previously stated, sediment will be kept on site. It is fair to add that the fertilizer loads on average residential lawns and the runoff from roads and parking lots will have an impact on Lake Hampton over time while this quarry will not.

(viii) Methods to prevent pollution of surface and ground water.

No chemicals are proposed to be used to quarry and process the granite at the Three Oaks Quarry.

As typical in any site development, stormwater runoff will be managed by use of diversion swales, silt fencing and other standard best management practices. A portion of the stormwater has been designed to drain back into the quarry area. Excess stormwater will be channeled/diverted to sediment control basins. Following diversion to the proposed sediment basins, any water discharged from the site will be routed through an approved point discharge structure. The proposed operation and associated discharge will be authorized via a National Pollutant Discharge Elimination System (NPDES) issued by the North Carolina Department of Environmental Quality. The NPDES permit will require the Three Oaks Quarry to divert all excess stormwater to the diversion swales and sediment basins, as well as carry out extensive sampling, analysis and reporting, all of which will be publicly available.

(ix) Daily water usage/needs to support the proposed quarry operation with a specific breakdown on said activities (i.e. dust reduction for internal roads/vehicles, processing of rock, cleaning of rock, etc.). Please also provide more detail on the proposed water recycling system (what water is being recycled, where it is coming from, is this meant to address water being pumped out of the mine site itself, etc.) Please note direct discharge of water to streams may not be permitted as part of compliance with applicable State regulations (i.e. Soil Erosion and Stormwater). The plans appear to show direct discharge near the overburden remove sites;

Water usage/needs will be supported by collection of rainfall within the active portions of the mining operations (quarry, overburden storage areas, and plant area) and by collection of ground water infiltrating into the active quarry. At a one million ton per year production rate, approximately 35,000 gallons per day (24 gallons per minute) will be water entrained in the exported product. Approximately 75,000 gallons per day (52 gallons per minute) may be required for the truck wheel wash and other maintenance activities (for example, equipment washdown and watering roadways for dust control).

Storm water collected in the pit will be used to wash a portion of the aggregate products. The excess water will then filter through a series of sedimentation ponds and then be reused again to wash more rock in a closed loop water recycling system.

As required by the State of North Carolina, state approved erosion and sedimentation control plans will be prepared and implemented to prevent pollution of runoff from the site.
Where discharges from sedimentation basins are planned, all of the water quality requirements of the National Pollutant Discharge Elimination System (NPDES) that will be issued to the site will be adhered to, monitored and reported.

(x) Operational test wells and schedule of results and analysis and response;

A plan to conduct hydrogeologic testing has been discussed with NCDEQ and is underway. Portions of the plan have been hampered by the sabotage of the three existing monitor wells installed for water level and water quality data collection. These wells will need to be rehabilitated or abandoned and re-drilled. The plan includes conducting an electrical resistivity geophysical investigation to identify linear features such as fractures and joint patterns in the rock where water will be transmitted more readily. A pumping test using a high yield production well and several observation wells is proposed. The proposed testing will also provide directional transmissivity values using observation wells favorably sited using surface geophysics to potentially intersect transmitting fractures. The proposed test well will be drilled at a location sited by the geophysical survey to produce as much yield as much as possible. The testing rate will be the maximum rate possible given the yield of the well. Four additional observation wells are proposed in the plan, in addition to the three already installed.

Measuring responses in these wells across the site from a pumping well located near the centroid of the mine, while collecting directional aquifer drawdown data from greater number observation wells purposely sited to intersect the fracture system, will provide more accurate and representative aquifer coefficients that will enable a more informed model of quarry dewatering effects.

No development of the proposed operation can be commenced prior to approval by the State who is responsible for review and approval of this technical portion of the permitting process. A draft response and mitigation plan has been developed and provided to the County. NCDEQ will not issue a permit for the operation if it in any way affects off site wells, surface and/or groundwater quality or any other on-site or off-site environmental feature. Further, NCDEQ will not issue a permit until the applicant provides proof of an approval by the County.

(xi) Description on anticipated compliance with the State Sediment and Erosion Control and Stormwater Management provisions. This will need to include a specific explanation on how the site will address impacts to identified wetlands located on the property;

As required by the State of North Carolina, state approved erosion and sedimentation control plans will be prepared and implemented to prevent pollution of runoff from the site. Where discharges from sedimentation basins are planned, all of the water quality requirements of the National Pollutant Discharge Elimination System (NPDES) that will be issued to the site will be adhered to, monitored and reported.
All of the onsite wetlands have been delineated per state and Federal regulations. Three Oaks Quarry has submitted the delineation of the wetland lines to the Army Corps of Engineers. The only impacts proposed to the onsite wetlands are to allow for upgraded crossings of the existing farm roads to allow for the movement of internal vehicular traffic. The proposed total amount of temporary impact to upgrade these crossings is less than ½ of an acre and will require authorization, as well as compensatory mitigation, from the US Army Corps of Engineers. Other than three wetland crossings for vehicle traffic, no wetland impacts are proposed or anticipated.

(xii) Depth of extractive operations;

**The quarry depth is anticipated to be an approximate average of 350 feet.**

(xiii) Any phasing of the operation and the relationship among the various phases denoted on the site plan;

No phasing is proposed for the Three Oaks Quarry.

(xiv) Proposed property reclamation plan (Comments have been made the mine will have an effective operational life of 50 years. What will happen to the property after the mine use ceases? Will the property become a park, will it become ballfields for the school, will it become a water source, etc.);

Per NCDEQ requirements, a reclamation plan has been developed and has been provided via the links sent under separate cover. Three Oaks Quarry, LLC. is open to suggestions by the County for post reclamation uses, including uses to be made available to the County and public after reclamation is complete.

The Three Oaks Quarry will be reclaimed as open water lakes, wetlands, wooded areas, and grasslands. Any remaining berms or stockpiles will be sloped to a minimum of a 3:1 grade and vegetated with the appropriate ground cover for soil stabilization.

A bond will be required based on the amount of land disturbed by quarrying activities.

(xvi) The site plan makes reference to a potential archaeological site on the property. The operations plan needs to provide sufficient detail on how this area will be preserved and protected.

An Archaeological Reconnaissance Survey was completed and an Environmental Review Process was carried out with the State Historic Preservation Officer (SHPO). Although several potential sites were initially identified, after careful review by the SHPO, it was determined that there are no historic resources which would be affected by the project. Therefore, SHPO did not have any comments on the project as proposed. All requirements of Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation’s Regulations for Compliance with Section 106 codified at 36 CFR Part 800, have been satisfied according to applicable law.
(xvii) Time of day traffic study was conducted.

A Traffic Impact Analysis describing the measures reviewed and employed has been submitted and approved. Procedures will be put in place by Three Oaks Quarry to ensure drivers are properly educated on local roads and regulations. Access to the site will be along at US Highway 21 at a location approved by NCDOT as shown on the attached Site Plan. Measures will be implemented at the intersections where the access drive connects with the public right-of-way to prevent dirt, rocks, and other debris from collecting on the road surface. All interior access roads on the property must also have a cleared drivable area of not less than 20 feet.

The transportation study was conducted using methodology that met all industry standards, which includes field traffic counts performed for the peak periods 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. Neighbors at our community meetings suggested that the presence of schools with associated traffic outside of those standard NCDOT count periods rendered this data insufficient. Consequently, Kimley-Horn conducted supplemental 24-hour counts on US 21 near the proposed site access, which confirmed the US 21 peak hours indeed fall between the 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. periods included in the approved transportation study. Therefore, the data, analysis results, and recommendations from that study are correct.

(xviii) Property value analysis showing impact of a quarry on rural property values.

Three Oaks Quarry will present two studies by licensed N.C. appraisers whose methodologies comport 100% with the Uniform Standards of Professional Appraisal Practice and the standards of the Appraisal Institute. They will be present to defend their studies and to challenge broad and unsupported claims by members of the public. Their studies will demonstrate that market data of home sales near or adjacent to quarries are not affected by the presence of the quarry, either in terms of price or time on market. Three Oaks Quarry, LLC. management knows from experience with quarries in this and other states that its operations will not be reflected in the sales prices of homes in the area. Nonetheless, Three Oaks Quarry will provide a written property value guarantee to Neighbors that request it.

Also, due to comments and concerns expressed by the community, Three Oaks Quarry, LLC. has reduced the size and depth of the quarry, and increased the setbacks/buffers. The quarry pit has been reduced from 61.5 acres to 49.6 acres, which represents a 20% reduction. The setbacks and buffers situated in proximity of the adjacent residences have been doubled from 500 feet to 1,000 feet, exceeding County requirements. Green space buffer has doubled from 50 feet to 100 feet and the pit depth is roughly 75’ shallower. This minimization of the quarry footprint was done while maintaining the details of the rest of the site plan.

The quarry has been located at least 1,000 feet from any residential dwelling. An area of land, which will not be less than 100 feet in width, will be provided along all boundaries of the property.
This buffer area will be left at all times in a natural vegetative state or planted with trees, shrubs, and plants that create a visual screen. A 12-foot high, 100-foot wide, vegetated berm with 8-foot-high opaque fence with landscaping will surround the quarry pit. Trees and plants will be native to the area, and trees will not be less than six feet in height in three years.

The perimeter around the entire operation area will be barricaded. Where necessary, access will be blocked to the site and access to the operation will be secured with a gate.

(xix) Additional Measures:

In addition to compliance with local, state and Federal requirements, Three Oaks Quarry, LLC. will also implement the following measures:

*Good Neighbor Policy:* Three Oaks Quarry, LLC. has developed a "Good Neighbor Policy" to address concerns about quarrying activities causing impacts to property values, adjacent structures, and nearby private wells.

*Blasting Protocols*
Blasting is an essential and highly-regulated aspect of quarrying operations and is necessary to fracture the rock so it is small and loose enough to be removed from the ground. When blasting, Three Oaks Quarry, LLC. will incorporate modern and highly controlled technology to protect natural and manmade features and surrounding neighbors. Blasting at Three Oaks Quarry will only be scheduled during the day Monday through Friday, and only a few times per month.

*Blasting Notifications*
Three Oaks Quarry, LLC. will enable neighboring property owners who request it to be contacted in advance of blasts to be added to an email or telephone list for notification. In our experience, interest in being on this list wanes substantially once neighbors realize that a blast is not what it was initially perceived to be.
Structures
Although Three Oaks Quarry will blast at levels where it is statistically impossible to cause structural or cosmetic damage to nearby structures or wells, it will nonetheless take steps to provide written assurances.

Neighbors of the property may request a pre-blast inspection of structures on his or her property prior to Three Oaks Quarry commencing blasting activities. Inspections will be scheduled at mutually convenient times and conducted at Three Oaks Quarry’s expense, by an independent seismologist. A property owner requesting a pre-blast inspection of structures on his or her property will need to (i) permit the inspector access to the property, (ii) consent to the inspection and to having his or her property photographed, conditions cataloged, and notations made of any visible damage or other anomalies; and (iii) sign a release for the structural inspection. Subject to allowing a pre-blast inspection, Three Oaks Quarry will offer such property owners a Structural Guarantee that quarry operations will not cause damage to the structures on their property.

Wells
Three Oaks Quarry is confident that neighbors’ wells will not be impacted and a mitigation plan is being Developed with NCDEQ to ensure there are no impacts to nearby wells. Nonetheless, upon request of neighbors, Three Oaks Quarry, LLC. will schedule an inspection of their well(s) at mutually convenient times and at Three Oaks Quarry’s expense.

Subject to allowing such well inspections, Three Oaks Quarry will offer such property owners a Water Well Guarantee that quarry operations will not have a “material adverse impact” (a phrase taken from the State’s Mining Act) on their water well(s).

Property Values
Three Oaks Quarry knows from experience with quarries in this and other states that its operations will not be reflected in the sales prices of homes in the area. Three Oaks Quarry will provide a written property value guarantee to neighbors who requests it.
RESPONSE AND MITIGATION PLAN FOR WATER-SUPPLY WELLS
THREE OAKS QUARRY, LLC.

If a property owner within 2,000 feet of the Three Oaks Quarry permitted pit boundary becomes aware of a problem with the owner’s residential water-supply well, the property owner may notify the Department of the water-supply well issue. The procedures to address the notification are outlined below:

a) The Department shall evaluate whether or not the water supply well in question has failed due to a decline in groundwater level caused by, or a direct result of, mining activities or dewatering of the pit.

b) As part of the Department's evaluation described above, the Department shall review the monitoring data and, if necessary, direct Three Oaks Quarry, LLC., to conduct an investigation using the services of a licensed well repair/installation specialist to evaluate the condition of the water-supply well to determine the cause of the failure and document the water level within the subject well. Three Oaks Quarry, LLC., shall contact a North Carolina-licensed well repair/installation specialist within two (2) business days of being notified by the Department.

c) If a determination is made that the water-supply well in question has failed due to mechanical reasons not related to drawdown from the quarry, the Department shall be notified and the procedures outlined in this Mitigation and Response Plan will not be applicable. The property owner shall be notified of the findings of this determination and shall be responsible for any necessary repairs.

d) If a determination is made that the water-supply well in question has failed due to a decline of groundwater level that has been caused by or is a direct result of mining activities or dewatering of the pit, then Three Oaks Quarry, LLC., at its expense, shall proceed as quickly as is reasonable to provide a functioning, permanent water supply to the property owner, either by:

• rehabilitation, repair, or deepening of the existing water supply well;

• drilling a new water-supply well of the same diameter and connecting the new well to the property owner’s plumbing system; or,

• connecting the residence to a public water supply, if available.

Three Oaks Quarry, LLC. or a designated agent (a North Carolina-licensed well repair/installation specialist), shall evaluate the existing water-supply system to determine the most reasonable method available to restore the permanent water supply. The options available must be capable of meeting the minimum volume used or needed by the property owner before the disruption of water-supply occurred.
e) If reestablishing a permanent water supply to the property takes longer than three days after a determination has been made that the well-supply in question has failed due to a decline in groundwater level that has been caused or is a direct result of mining activities or dewatering of the pit, then Three Oaks Quarry, LLC., shall hire a licensed and reputable water distributor to provide the affected user with a temporary potable water supply for household use within one (1) business day. This water supply shall be for normal household activities, such as drinking, bathing, washing, and sanitary facilities. This supply may be in the form of a clean-water tanker or container that will be refilled as needed, all at the expense of Three Oaks Quarry, LLC. A well owner may obtain for themselves a temporary potable water supply for household use before a determination is made as to the cause of the failure, the cost of which will be reimbursed by Three Oaks Quarry, LLC., upon a showing of receipts, if it is later determined to be a direct result of mining activities or dewatering of the pit.
Three Oaks Quarry Requested Materials and Operations Plan/Narrative

Seth Harris <saharris@yadkincountync.gov>

Wed 4/27/2022 3:40 PM

To: mmouncey@gmail.com <mmouncey@gmail.com>; Tom Terrell <tterrell@foxrothschild.com>; Jack Mitchell <jmitchell@synergy-materials.com>
Cc: Robert Hagemann <rhagemann@poynerspruill.com>; Lisa Hughes <lhughes@yadkincountync.gov>

As you are already aware, Yadkin County Staff and the Planning Board have previously requested additional information from Three Oaks Quarry to address concerns raised during the review of the application and the subsequent Planning Board meeting. One concern raised by stakeholders is the impact on water quality and availability. Below is the list of documents requested:

- Available hydrogeologic / groundwater model studies.
- The groundwater and water pollution prevention plan.
- Available geotechnical investigations data/report, including the site geology, seismic site classification, and test boring data.
- CAD files of the quarry/mining site including proposed elevations inside quarry pit (pit geometry), slope/high wall/bench layout, etc.
- Slope stability calculations for the quarry and overburden piles.
- The mine out plan, including blasting plan and production schedule.
- Pit dewatering plan including discharges.
- Available erosion and sediment control plans.
- Local well data such as locations, depths, flow rates, etc.
- A list of other mines operated by the mine owner and the associated MSHA IDs.
- Environmental evaluation (wetlands, etc.).

If you will recall, at the Planning Board meeting the Board also had requests for information including the following:

- Time of day traffic study was conducted. Bear in mind, chief concern is that there is not available school traffic data. From a pure technical standpoint, there are concerns the existing/submitted traffic study is incomplete.
- Impacts of quarries on property values in rural areas (such as the area surrounding the subject property).

Based on these concerns and others, staff once again requests water usage/quality data as well as a central document outlining the operational parameters of the proposed mine. This document can address remaining issues and serve as a benefit to all parties by having a central location where all data is readily available for review.

This operations plan/narrative for the proposed quarry shall need include specifics on the following:

(i) The date proposed to commence operations and their expected duration;

(ii) Proposed hours and days of operations;

(iii) Estimated type and volume of extraction;
(iv) Description of method of operation, including the disposition of topsoil, overburden and by products;

(v) Methods to control and respond to spillage of extracted materials, overburden or by products and vehicular mud on off site roads. With respect to the storage of overburden, provide sufficient detail on 'how' areas will be temporarily stabilized to address concerns over dust/debris blowing off site;

(vi) Description of equipment to be used in the extraction process;

(vii) Specific detail on the source of water supporting the site and water recharge rates (the County is aware the project will use wells. What we need is detail on all anticipated wells, proximity of other wells to this property, the drawing capacity of proposed wells serving the mine (gallons per minute), the cone of depression of the proposed wells serving the mine, draw down rates, description on how far the draw will be, recharge rate of the water table/aquifer of the area, submittal of detailed water studies/recharge rates demonstrating the mine will not impact other water users in the area, etc.). In addition, the County requests the applicant address the comments from Yadkin County Soil and Water about potential impacts to Lake Hampton, which is anticipated to become a public water drinking supply source;

(vii) Methods to prevent pollution of surface and ground water. This includes detail on 'where' water runoff is going on the property (i.e. provide a basic description of the proposed stormwater control measures, location, and how water will be treated to ensure protection of water quality);

(viii) Daily water usage/needs to support the proposed quarry operation with a specific breakdown on said activities (i.e. dust reduction for internal roads/vehicles, processing of rock, cleaning of rock, etc.). Please also provide more detail on the proposed water recycling system (what water is being recycled, where is it coming from, is this meant to address water being pumped out of the mine site itself, etc.) Please note direct discharge of water to streams may not be permitted as part of compliance with applicable State regulations (i.e. Soil Erosion and Stormwater). The plans appear to show direct discharge near the overburden remove sites;

(ix) Operational test wells and schedule of results and analysis and response;

(x) Description on anticipated compliance with the State Sediment and Erosion Control and Stormwater Management provisions. This will need to include a specific explanation on how the site will address impacts to identified wetlands located on the property;

(xi) Depth of extractive operations;

(xii) Any phasing of the operation and the relationship among the various phases denoted on the site plan;

(xiii) Proposed property reclamation plan (Comments have been made the mine will have an effective operational life of 50 years. What will happen to the property after the mine use ceases? Will the property become a park, will it become ballfields for the school, will it become a water source, etc.);

(xiv) The site plan makes reference to a potential archaeological site on the property. The operations plan needs to provide sufficient detail on how this area will be preserved and protected.

(xv) Time of day traffic study was conducted.
(xvi) Property value analysis showing impact of a quarry on rural property values.

This operation plan/narrative should be provided by Friday, April 29th by 12pm to prevent any delay of further consideration of the application and allow staff time to review.

Thank you.

Seth Harris
Zoning Officer
Yadkin County
saharris@yadkincounty nc.gov
(336)849-7698
www.YadkinCountyNC.gov
May 4, 2022

Mr. Seth Harris
saharris@yadkincountync.gov
Yadkin County Planning Director
213 E Elm Street
Yadkinville, NC 27055

Re: Second Additional Offered Conditions - Three Oaks Quarry, LLC

Dear Seth,

On behalf of Three Oaks Quarry, LLC, I offer the following additional and updated conditions, many of them responsive to concerns raised at our community meeting, but additional conditions added in response to comments at the first Planning Board meeting.

1. Uses. All uses listed in the Yadkin County Zoning Ordinance Table of Uses in Sec. 111-280 for the MI-1 zoning district are excluded except mining and quarrying. The only form of mining and quarrying allowed shall be aggregate mining. Other types of mining are prohibited.

2. Access. All commercial haul trucks shall enter and exit at one point of access approved by NCDOT on US Highway 21.

3. Berms. Berms shall be constructed in the green border areas as depicted in the map submitted with the application. Berms shall be a minimum of 12 feet in height. All berms shall be at least 50 feet from property lines and include evergreen vegetation consisting of indigenous species whose height at maturity is expected to reach at least 15 feet.

4. Hours of operation. The quarry shall only operate between 7:00 a.m. and 7:00 p.m. on Mondays through Fridays and 7:00 a.m. through 4:00 p.m. on Saturday. The quarry shall be closed to hauling on Sundays.
5. **Blasting.** Blasting shall not occur on weekends or the following holidays: Christmas, Easter, Thanksgiving, New Year’s Day, July Fourth, Memorial Day, and Labor Day. Blasting may occur only between the hours of 3:30 p.m. and 5:00 p.m. on days in which Yadkin County Public Schools are in session and between the hours of 8:00 a.m. and 5:00 p.m. when Yadkin County Public Schools are not in session.

6. **Fencing.** An opaque fence at least 8 feet in height shall be erected around the quarry pit. The fence shall be located on the outside of the erected berms.

7. **Right-of-Way Preservation and Dedication.** The applicant will preserve and dedicate right-of-way along the western side of US Highway 21 to enable NCDOT to widen or realign the roadway subject to NCDOT improvement designs.

8. **Donation of Aggregate.** The applicant shall provide at no cost to NCDOT the aggregate necessary to widen or realign US Highway 21 from the site entrance north to Longtown Road. Donated aggregate does not include the cost of trucking.

9. **Road Improvement.** Subject to design and other approvals by NCDOT and approval of Yadkin County Public Schools, the applicant shall widen and pave Lowder Road from Old US 421 to the entrance for West Yadkin Elementary School.

10. **Royalty Payments to School System.** Subject to approval by Yadkin County Public Schools, the applicant shall enter into an agreement to pay the school system ten cents per ton of aggregate sold to be used as determined by the Yadkin County Public Schools, but with the understanding that the applicant’s preferred purpose shall be for use by West Yadkin Elementary School. This condition shall continue for the life of the quarry.

11. **Structural Analysis.** If requested by the Yadkin County Public Schools, the applicant shall hire a third-party structural engineer to perform a pre-blast evaluation of West Yadkin Elementary School. After this pre-blast evaluation has been performed, a structural guarantee from Three Oaks Quarry shall be provided to Yadkin County or the Yadkin County Public Schools to cover any damage caused by the quarry or blasting.

12. **State Permits.** No mining activity shall occur prior to issuance and receipt of all federal and state permits, including a mining permit issued by the North Carolina Department of Environmental Quality.
13. **Noise.** After site construction, decibels at the property line of the original, pre-subdivided tracts, will not exceed 70 decibels as measured and averaged over the normal operating hours that the quarry is open on any given day.

Sincerely,

Thomas E. Terrell, Jr.
## PLANNING STAFF REPORT – Rezoning Request 22-03: Jerry Bryant

<table>
<thead>
<tr>
<th><strong>Applicant:</strong></th>
<th><strong>Owner:</strong></th>
</tr>
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<tbody>
<tr>
<td>Jerry Bryant</td>
<td>Jerry Bryant</td>
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<table>
<thead>
<tr>
<th><strong>Location:</strong></th>
<th><strong>Parcel ID#:</strong></th>
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<tbody>
<tr>
<td>Off Ireland Road</td>
<td>1. PIN 4877855820 (10.22 acres);</td>
</tr>
<tr>
<td>East of intersection of Ireland Road and Longtown Road</td>
<td>2. PIN 4877853418 (3.5 acres);</td>
</tr>
<tr>
<td></td>
<td>3. PIN 4877857308 (4.2 acres)</td>
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<table>
<thead>
<tr>
<th><strong>Project Area</strong></th>
<th><strong>Land Area To Be Disturbed:</strong></th>
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<tbody>
<tr>
<td>3 separate parcels totaling 18.3 acres</td>
<td>Unknown at this time</td>
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</table>

<table>
<thead>
<tr>
<th><strong>Existing Land Use:</strong></th>
<th><strong>Proposed Land Use:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Undeveloped</td>
<td>Rezoning request is to allow for future division of property</td>
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</table>

<table>
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<tr>
<th><strong>Current Zoning:</strong></th>
<th><strong>Proposed Zoning:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>RA (Rural Agricultural)</td>
<td>Restricted Residential (RR)</td>
</tr>
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</table>

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<tr>
<th><strong>Watershed:</strong></th>
<th><strong>Future Land Use Map Category:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>WS-III</td>
<td>Rural Agricultural Area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Zoning Districts Within 100 feet:</strong></th>
<th><strong>Land Uses Within 100 feet:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>North: RA</td>
<td>North: Agricultural, Undeveloped</td>
</tr>
<tr>
<td>South: RA</td>
<td>South: Ireland Road, Single-family residential</td>
</tr>
<tr>
<td>East: CB, RA</td>
<td>East: Longtown Garage (zoned CB), Single-family residential</td>
</tr>
<tr>
<td>West: RA</td>
<td>West: Single-family residential</td>
</tr>
</tbody>
</table>
Background:

Jerry Bryant is the owner of 3 parcels, totaling 18.3 acres, off Ireland Road currently zoned Rural Agricultural (RA) general use zoning district. Mr. Bryant is seeking to subdivide the existing parcels. Per Section 111-150 of the Zoning Ordinance (‘Ordinance’):

In order to allow the development of residential subdivisions that are compatible to the rural parts of the county and to better manage the proliferation of large-scale developments which could alter these parts of the county and potentially threaten existing agricultural operations, a person must apply to have his land rezoned if he wishes to subdivide into four lots or more. This section does not apply to lands outside of the rural agricultural (RA) district, nor does this apply to divisions of land that are exempt from the provisions of chapter 107, pertaining to subdivisions.

As a result of the limitation(s) on potential divisions, Mr. Bryant is requested to rezone the 3 parcels to Restricted Residential (RR) general use zoning district. If approved, the restrictions on subdivision will not apply and Mr. Bryant will be allowed to subdivide the parcels consistent with the provisions of the Ordinance.
INTENT OF DISTRICTS

Per Section 111-174 of the Ordinance, the intent of each district (i.e. existing zoning and requested) is as follows:

RA, rural agriculture. The purpose of this district is to maintain a rural development pattern where single-family housing is intermingled with agricultural uses, not having access to public water and sewer systems. This district is also designed to protect rural areas from the intrusion of non-agricultural land uses that could create a nuisance, detract from the quality of life and/or present a danger to the natural environment.

RR, restricted residential. The purpose of this district is to stabilize established and planned residential neighborhoods by providing a place for medium-density stick-built and modular homes, provided that adequate water and sewer systems are available.

DIMENSIONAL COMPARISON OF DISTRICTS

Per Section 111-309 of the Ordinance, the dimensional requirement for each district are the same:

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum lot size</th>
<th>Minimum lot width</th>
<th>Minimum lot depth</th>
<th>Front yard setback</th>
<th>Side yard setback</th>
<th>Rear yard setback</th>
<th>Maximum height</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA</td>
<td>30,000 sq.ft.</td>
<td>75 ft.</td>
<td>110 ft.</td>
<td>40 ft.</td>
<td>15 ft.</td>
<td>25 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RR</td>
<td>30,000 sq.ft.</td>
<td>75 ft.</td>
<td>110 ft.</td>
<td>40 ft.</td>
<td>15 ft.</td>
<td>25 ft.</td>
<td>50 ft.</td>
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</table>

General Zoning Map Amendment – Process:

Involves review/action of a rezoning petition in accordance with Article 4 of the Ordinance. Applications are processed in a legislative manner (i.e., does not require sworn testimony or evidence) and decisions are based on the Yadkin County Board of County Commissioners determination that the project is consistent with the purpose and intent of the Comprehensive Plan and applicable Zoning regulations as embodied within the Ordinance.

Typical cadence for review is as follows:

- First Action — Staff review and analysis.

STAFF COMMENT: Staff’s analysis of the request is contained herein.
• Second Action — The Planning Board reviews the application at a regular meeting and makes a recommendation to the Board of County Commissioners.

   **STAFF COMMENT:** Planning Board will review the item at its May 9, 2022 regular meeting.

   Per Section 111-101 (c) of the Ordinance:

   The following policy guidelines shall be followed by the planning board concerning zoning amendments, and no proposed zoning amendment will receive favorable recommendation, unless:

   (1) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

   (2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

   (3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state that they intend to make of the property involved.

   (4) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.

   (5) The proposed change is in accord with the land use plan and sound planning principles.

• Third Action — The BOCC receives the Planning Board recommendation and makes a decision at a previously advertised public hearing.

**Application Requirements:**

Per Section 111-100 (c) of the Ordinance, applicants are required to provide the following information:

   (c) Petition. A petition for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owners of the property involved. Such petition shall be filed no later than the last working day of the month prior to the planning board meeting at which the petition is to be considered. There must be a separate petition prepared for each parcel of land that has different ownership.
2011 Yadkin County Land Use Plan

As detailed on the Future Land Use Map, the project is located in the following areas/land use categories:

- Rural/Agricultural Area Land Use Category
- Subject parcels (shaded)
- Lansing Road
- Ireland Road
- Rural/Agricultural Area Land Use Category
- Hamptonville Community Service Area
<table>
<thead>
<tr>
<th>Future Land Use Categories</th>
<th>Rural/Agricultural Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td><strong>Rural/Agricultural areas</strong> are characterized by traditional agricultural operations, pastureland, forestry, rural residential subdivisions, and scattered non-farm residences on large tracts of land. Rural/Agricultural areas contain scenic, historic, and other natural heritage assets that contribute to the unique characteristics of the land. Rural/Agricultural areas also provide for agriculture, forestry, mineral extraction, and other allied uses that require large open farmland and forest areas for the necessary production of food and fiber. Yadkin County has established Voluntary Agricultural Districts (VAD) to protect and preserve agricultural lands and activities. These lands, which have a high productive potential, shall be conserved for appropriate forestry and agricultural use. The districts have been developed and mapped to inform all purchasers of real property included within said districts that there may be expected certain agricultural and horticultural activities, including but not limited to, applications of pesticides, field applications of animal manures, industrial or agricultural sludge, large machinery, truck or tractor operations, livestock and poultry movement, timber harvests, and other similar activities that may produce noise, dust, and objectionable odors and that these activities may occur during all hours of the day or night. Land that has a permanent conservation easement is also included in the Voluntary Agricultural Districts. Other land uses such as energy generating plants, airports, landfills, sewage treatment plants, fuel storage tanks, and other industrial type uses may also be appropriate in Rural/Agricultural areas if sited in a manner that minimizes their negative effect on surrounding land uses or natural resources. Sustainable rural economic growth, environmental protection, and rural quality of life shall be pursued together as mutually supporting growth management goals in Rural/Agricultural areas.</td>
</tr>
</tbody>
</table>
| Development Goals: Yadkin County | A. Maintain the County’s rural character, open space, and high quality of life.  
B. Preserve agriculture and family farms, as well as the agricultural heritage of the County.  
C. Provide public infrastructure in areas where there are strategic reasons to invest public resources.  
D. Encourage the provision of a wide range of goods and services for the citizens of the County through appropriate commercial development.  
E. Strengthen the existing traditional manufacturing industrial base of the County while pursuing opportunities for the expansion of the industrial base in new directions, such as the technology and transportation sectors.  
F. Promote tourism and viticulture as economic development.  
G. Encourage higher quality residential growth.  
H. Offer more housing choices, including affordable housing, but limit the rapid proliferation of manufactured housing.  
I. Ensure that the costs of new development do not exceed the service demands that are generated from the development.  
J. Support innovative and flexible land planning techniques as a means of encouraging more desirable development configurations that may better safeguard existing natural land and agricultural resources. |
| --- | --- |
| Development Strategies: Rural/Agricultural Areas | A. Preserve rural areas lands having a high productive potential, to the extent possible, for appropriate forestry and agricultural use.  
B. Work with land conservancies and other regional organizations to conserve green space and working forest and farmland.  
C. Continue to support the Voluntary Agricultural District (VAD) program and work with the Agricultural Advisory Board on potential enhancements to the program.  
D. Encourage innovative and flexible land planning techniques, such as conservation and cluster subdivisions that provide a means to preserve working agricultural lands and natural open space features.  
E. Discourage urban level development that is incompatible with the preferred rural uses of agriculture and low-density residential. |
F. Encourage the development of light industrial uses that are harmonious with rural and agricultural uses (minimal lights and traffic, etc.).

G. Review and revise, as necessary, uses that are permitted in the Rural Agricultural (RA) zoning district to ensure that they are compatible with desired development uses.

H. Allow for the permission of appropriate non-residential land uses, such as air strips and rural-based businesses and industries, in rural areas on a case-by-case basis.

I. Support efforts to retain productive agricultural lands and build a sustainable local foods economy (County Farmer’s Market, Local Food Bank, etc.).

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**STAFF ANALYSIS**

1. As detailed in Section 111-6 Relationship to adopted plans of the Ordinance: 

   The land use plan adopted by the board of commissioners indicates desired development of various types, uses and/or levels of intensity according to location and other variables. This plan should be used as a guide for the application of this article to land within the areas covered, as well as for the provision of public services.

   In evaluating this proposal, the various goals and policies of the Land Use Plan shall serve as a guide to ascertain the viability of the proposed rezoning application;

2. Section 111-101 (c) of the Ordinance establishes guidelines for use by the Planning Board to determine the appropriateness of a general use zoning map amendment. The section reads as follows:

   The following policy guidelines shall be followed by the planning board concerning zoning amendments, and no proposed zoning amendment will receive favorable recommendation, unless:

   (1) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

   (2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

   (3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state that they intend to make of the property involved.
(4) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.

(5) The proposed change is in accord with the land use plan and sound planning principles.

STAFF COMMENT: The Planning Board will have to determine the proposal compliance with these guidelines as part of its deliberation(s). Staff is concerned the rezoning will create a condition where resultant lots will not be in character of the neighborhood.

Further, staff is unsure if the proposed rezoning will place the subject parcels in: … appropriate complementary categories with existing, surrounding, development.

3. LAND USE PLAN – Staff has determined the RR general use zoning district is permitted for location within areas of the county located within the Rural Agricultural Area Future Land Use Category.

As previously indicated, however, the Planning Board will have to determine if the request complies with the guidelines established in Section 111-101 (c) (summarized above).

4. As detailed herein, both districts have comparable dimensional requirements (i.e. the same minimum lots size, width, depth, required setbacks, etc.).

5. The overall purpose and intent of the RA general use zoning district is to: … maintain a rural development pattern where single-family housing is intermingled with agricultural uses, not having access to public water and sewer systems.

The overall purpose and intent of the RR general use zoning district is to provide: … a place for medium-density stick-built and modular homes, provided that adequate water and sewer systems are available.

STAFF COMMENT: The RR general use zoning district allows for a higher intensity of residential land use that the RA general use zoning district.

6. The County is unable to impose conditions or establish limitations on development activities with a general use rezoning. If the parcel(s) are rezoned to RR, development will be consistent with applicable land use regulations as embodied within the Ordinance.
YADKIN COUNTY  
North Carolina  
General Rezoning Application

A) OWNER/APPLICANT OR AGENT INFORMATION:

1) APPLICANT: Jerry Bryant  
ADDRESS: 3534 Rock House Mountain Rd Booneville NC 27011  
TELEPHONE# 336-466-1381 FAX# EMAIL: bryanthomec@ymail.net

2) PROPERTY OWNER: Jerry Bryant  
ADDRESS: Same  
TELEPHONE# 336-466-1381 FAX# EMAIL: bryanthomec@ymail.net

☐ Check here if there are additional property owners, and attach their names, addresses, telephone numbers, and email addresses.

3) Will and attorney, engineer, realtor, or other agent represent the applicant/property owner in this matter? REPRESENTATIVE:  
ADDRESS:  
TELEPHONE# FAX# EMAIL: 

B) PROPERTY INFORMATION

1) PROPERTY LOCATION (Address or Description): Ireland Rd.

2) TAX PIN# SIZE (SQFT/ACRES): 18.3 +/-  
☐ Check here if more than two lots and attach a list of the properties to be considered for rezoning. 
☐ Check here if the request is a portion of the lot listed above. A survey is required to request rezoning for a portion of the lot and must be attached to the application.

4) UTILITIES PROVIDED (PLEASE CIRCLE): PUBLIC WATER WELL SEWER SEPTIC SYSTEM

5) CURRENT LAND USE: vacant

C) REZONING REQUEST

1) CURRENT ZONING DISTRICT RA  PROPOSED ZONING DISTRICT RR

2) PROPOSED USE: Future Development

PLEASE NOTE: THE PLANNING BOARD AND BOARD OF COMMISSIONERS MUST CONSIDER ALL USES WITHIN THE REQUESTED ZONING DISTRICT, NOT MERELY THE ONE WHICH YOU ARE PROPOSING.
D) REQUIRED SIGNATURES:

I/We, the undersigned, do hereby make application and petition to amend the Official Zoning Map of Yadkin County as herein requested. I/We, the undersigned, do hereby certify that all information given above is true, complete and accurate to the best of my/our knowledge, and do hereby request the Board of Commissioners take action as sought by this application.

1) _______________________________ (Owner’s Name-please print) _______________________________ (Owner’s Signature) ________________ (Date) 3-28-22

2) _______________________________ (Owner’s Name-please print) _______________________________ (Owner’s Signature) ________________

3) _______________________________ (Applicant’s Name-please print) _______________________________ (Applicant’s Signature) ________________

4) _______________________________ (Representative’s Name-please print) _______________________________ (Representative’s Signature) ________________

If there are additional property owners, applicants or representatives, please attach an additional signature sheet with their names and signatures. If the applicant is different from the property owner, both parties must sign the application. Corporations, Limited Liability Corporations, Partnerships or other similar entities: please include a notarized Official Corporate Certification authorizing a representative to sign on behalf of the corporation.

STAFF USE ONLY – APPLICANT: DO NOT WRITE BELOW THIS LINE

Staff Initials: __________________ Date: __________ Receipt #: __________________

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PZC Recommendation: Approved Denied Applicant Notified: __________________

BOC Action: Approved Denied Applicant Notified: __________________

Staff Signature: ______________________ Date: __________

Staff Comments: ______________________
April 25, 2022

STEWART AMANDA Y
3522 IRELAND RD
YADKINVILLE, NC 27055

Notice to Property Owner(s):

A meeting will be held by the Yadkin County Planning Board on a petition for rezoning property adjacent to or within 100 feet of property owned by you:

Meeting Date/Time: Monday, May 9, 2022 @ 7:00 PM

Location of Meeting: Commissioners’ Meeting Room
217 East Willow Street,
Yadkinville, NC 27055

Applicant(s): Jerry Bryant

Property Owner: Jerry Bryant

Property Location: Ireland Road
PIN# 4877855820, 4877853418,
4877857308

From Rural Agriculture (RA) to Restricted Residential (RR).

If you have any questions, please contact this office at (336) 849-7698.

Thank you,

Seth Harris
Zoning Officer
Yadkin County
PUBLIC NOTICE
The Yadkin County Planning Board will hold a meeting on Monday, May 9th @7PM in the Commissioners’ Meeting Room located at 217 East Willow Street, Yadkinville, NC.
Jerry Bryant is requesting to rezone three parcels from RA (Rural Agricultural) to RR (Restricted Residential). The request includes PINs 4877855820, 4877853418, 4877857308. Please Contact Central Permitting (336)849-7905 for further information.

Publication: 4-28-22 70060410
CASE RZC22-03

STATEMENT OF CONSISTENCY
Zoning Map Amendment – Bryant

WHEREAS On or about March 28, 2022 the Yadkin County (hereafter ‘the County’) received a Zoning Map Amendment application proposing to rezone 3 parcels off Ireland Road

FROM: Rural Agricultural (RA)

TO: Restricted Residential (RR)

; and

WHEREAS The application was deemed complete and accepted for processing by County staff; and

WHEREAS The Applicant, Jerry Bryant, was seeking to rezone 3 parcels totaling approximately 18 acres of land, further described as follows:

1. PIN 4877855820 (10.22 acres);
2. PIN 4877853418 (3.5 acres);
3. PIN 4877857308 (4.2 acres)

and;

WHEREAS The application is being reviewed/processed in accordance with the provisions of Article 4 of the County Zoning Ordinance (hereafter ‘the Ordinance’); and

WHEREAS The Planning Board began its review of the application at its May 9, 2022 regular meeting; and

WHEREAS, All Zoning Map Amendments are required to comply with the provisions of the County’s Ordinance and processed in accordance with Article 5 of G.S. 160D of the State of North Carolina General Statutes:

NOW THEREFORE BE IT RESOLVED The Yadkin County Planning Board hereby makes the following finding(s) and recommendation(s):

1. CONSISTENCY WITH COMPREHENSIVE PLAN: The Planning Board has determined the Project is consistent with the adopted 2011 Comprehensive Plan finding that:
a. The parcels are located in the Rural/Agricultural Land Use Category;
b. The Restricted Residential (RR) general use zoning district is permitted for location within the Rural/Agricultural Land Use Category;
c. The Comprehensive Plan establishes the following general development goals/strategies supporting this request:
   i. Encourage higher quality residential growth.
   ii. Offer more housing choices, including affordable housing, but limit the rapid proliferation of manufactured housing.
   iii. Support innovative and flexible land planning techniques as a means of encouraging more desirable development configurations that may better safeguard existing natural land and agricultural resources

d. While adjacent land uses are predominately single-family residences and/or agricultural operations at low development intensities, the Planning Board has determined the request would allow development at similar densities;
e. The Project will have to comply with applicable land use and environmental management regulations addressing off-site impacts.

2. STATEMENT OF REASONABLENESS: The Planning Board finds the request is reasonable and in the public interest as development patterns in both the Rural Agricultural (RA) and Restricted Residential (RA) general use zoning districts are compatible.

   Specifically, dimensional standards for parcels developed in either district are the same (i.e. 30,000 sq.ft. minimum lot size) thereby ensuring no matter which general use zoning district is applied, development will be similar in overall intensity.

The Planning Board, having completed its review of the Project, voted ______________ to recommend approval of the Zoning Map Amendment.

______________________________________   _______________________
Planning Board Chair       Date

May 9, 2022