

1. The use requested is among those listed as an eligible special use in the district in which the subject property is located or is to be located.

Under the Zoning Ordinance, the use proposed is considered to be "Asphalt manufacture or refining." This use is allowed only as a special use in the IH zoning district. The subject property is zoned IH, which is the only district where the proposed use is allowed at all, and even then, only as a special use.

2. The requested special use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.

- a. Traffic <Required> Document projected traffic generated by the use. Document current capacity for the road that serves this site (available for all/most roads from NCDOT). What kinds of traffic will this be (car, bus, truck, etc.,) and what will be the peak time of day for the traffic? Do you anticipate changes to the speed limit on the principal service road for this site? Are modifications to the road system needed (e.g. a turning lane)? How will these road improvements be financed? A letter of opinion from NCDOT would be required if introduction of significant new traffic loads were expected or there is already a high accident rate at this location. Will the road(s) included in the County Thoroughfare Plan accommodate these anticipated requirements?

The Annual Average Daily Traffic maps for NCDOT do not have data related to King Road which suggests that the amount of existing traffic on King Road is very minimal. The maps indicate that the section of Old US 1, south of US-1, and the ramps which lead to that section, which ultimately lead to King Road have very few trips (no segment over 2,000). From observation, the volume of traffic on this segment of King Road is so low that cars park along King Road regularly. To our knowledge, there is no posted speed limit on King Road. Given the railroad crossing, existing width, and current use, we suspect the observed speed limit is not very fast which suits the proposed use. Additionally, we do not anticipate the need for any offsite road improvements for this project. We do not anticipate the daily trips from the project site to exceed 1,000 nor the peak hour trips to exceed 100. Roads included in the County Thoroughfare Plan will accommodate the anticipated requirements of the proposed project.

- b. Visual Impact & Screening <Required> Describe the visual presentation of the completed project in context with the adjoining properties. How will fencing and/or plantings alter the future visual presentation?

The subject property is bisected in a northeasterly direction by a 100' wide power easement. The plant equipment is proposed to be erected north of the power easement, adjacent to the easement. There will be two points of access, both on King Road. The two points will circulate the plant site in a "U" shape with development proposed in the middle of the "U" shape. No other areas are expected to be used for the plant. There will be 100' wide setbacks along King Road and along all property lines thereby creating a physical distance between the plant and the road or any adjacent uses/properties. At present, there are no known uses adjacent to the site, but the Elkins Sawmill and the Triangle Brick Company Merry Oaks Plant are located west of the site, down King Road.

- c. Lighting <Required> Will there be lights associated with the use? This includes but is not limited to pole lights whether for security or decorative post mounted lights, lights on buildings/structures, landscape lighting, flood lights, etc. If so, describe the wattage, type, method of support (if on poles, give height of pole), and times of night the lights would be in use. What considerations and methods have been considered to the shielding of the light from adjacent properties? Are similar lights in use elsewhere that can be evaluated?

All lighting will be established per the requirements of the Chatham County Zoning Ordinance. The project intends to use site lighting as necessary for safety purposes. Night operations would only be conducted under special circumstances and not expected to be conducted on a regular basis. The project will utilize lighting provided by Duke Energy.

- d. Noise <Required> Will there be noise generated by the use? If so, what will be the source of this noise? Provide an estimate of the level of noise in decibels at the property lines of the site. Provide the basis for this estimate. If the noise generated is anticipated to exceed the County Noise Ordinance, a permit must be requested and approved to exceed the ordinance requirements.

The operation of an asphalt plant is not silent, but noise generated from the operation of various equipment is expected to be compliant with the Chatham County Noise Ordinance. Importantly, there are no known existing uses within about 1,000 feet of the site, other than the mulch yard south of King Road from the site. At a distance of 800-ft, on flat ground, an asphalt plant would be expected to generate less than 60 decibels of sound, which is the limit under the noise ordinance.

- e. Chemicals, Biological and Radioactive Agents <Required>. Identify types and amounts of chemicals, explosives, biological and radioactive materials that will be utilized by the requested use. What is the estimated amounts of these agents that will be generated as waste; how will they be disposed? Identify the possible biochemical or radioactive hazards that may be associated with this use; how will these be handled? Identify the potential for emissions into the air. Identify the potential for discharges or runoff of liquids that would pollute the surface and/or groundwater sources.

Emissions from this facility are expected to be below acceptable ambient air levels (AALs) set by the state or other regulatory agencies. In fact, on June 30, 2022, the NC Department of Environmental Quality's Division of Air Quality issued Air Permit # 10736R00 for this proposed asphalt plant finding it to be consistent with state regulatory requirements. There are no surface waters within the Project site. The project is proposed with two sediment basins with skimmers and the diversion ditches leading to them. The site is designed to be a balance earthwork site meaning no fill material is expected to be imported or exported for development of the site. The site will be subject to the North Carolina Department of Environmental Quality regulations which require all site runoff during asphalt plant operations to be captured by diversion ditches and directed to and treated by the two sediment basins with skimmers prior to discharge. These plants also are required to provide and abide by a regularly monitored Spill Prevention, Control, and Countermeasure Plan with oversight by the North Carolina Department of Environmental Quality. No direct impacts to surface waters, ground waters, or drinking waters are anticipated.

- f. Signs <Required> Will the use include the display of a sign (advertisement or identification)? If so, describe the method of display, lighting, color, size, number and location on the site.

An identification sign may be incorporated into the development at one or both of the entrance points along King Road, in addition to any regulatory signage required for the operation of the plant. Wayfinding signage also will be provided to facilitate truck routing in a regular pattern to maintain consistency and traffic patterns.

- g. Emergency Services <Optional>

- i. Fire Protection - Document the impact on respective volunteer fire department's ability to service the site with the requested use. This should come from the Chatham County Fire Marshal as a letter.

It is anticipated that an on-site well will provide water for fire safety. The project site sits roughly between Moncure Fire Station 14 and Apex Fire Department Station 2. We understand the site area to be within the Mutual Aid District within which the Town of Apex automatically provides aid for all structure fires by, at a minimum, dispatching 1 pumper with a minimum capacity of 1,000 gallons per minute, 1 water tank with a minimum capacity of 750 gallons, and three certified firefighters.

- ii. Police Protection - Document the impact to the Chatham County Sheriff Department's ability to provide protection for the site with the requested use. This should come from the Sheriff in the form of a supporting letter.

- iii. Rescue 911 - Document the impact to rescue and ambulance ability to provide support to the site; provide approximate arrival time to site after a 911 call is placed.

- h. Impact to surrounding Land Values <Optional> What will be the impact to surrounding land values as a result of the proposed use? Is this impact anticipated to change with time or create possible changes in use of the surrounding properties? Note that if the applicant does choose to provide this information to support the application, then the basis for the information must be provided. For example, if a real estate appraiser's opinion is presented, then the opinion is expected to be derived from an analysis of comparison sites with requested use, some other real estate study or survey.

There are no residences or other active uses adjacent to or near the property other than the mulch yard directly across King Road from the project site. Moreover, the Sheran-Harris Plant, which is less than 2 miles from the site, probably is the single most impactful feature with respect to property values in the area.

3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.

- a. Need and Desirability <Required> The application should describe why there is a need for the proposed use in the area being applied for. Describe how this was determined (for example, an analysis of present or projected demands on existing similar uses). This is an opportunity for the applicant to establish the benefit to the county that will result from approval of this permit. Why is the proposed use more desirable than other uses permitted under the existing zoning?

The proposed project site is ideal for this industrial project because it is within an industrially zoned area, near existing industrial uses, on a low volume road, near the Sheran-Harris Plant. The particular site is well-suited for an industrial operation given all these factors. Aside from that, North Carolina has the second largest state-maintained highway system in the United States with more than 80,000 miles of roads and more under construction every year. About 4,400 miles of roads are repaved every year for regular maintenance. Paving is difficult at lower temperatures, which means facilities located closest to a particular job site are best suited to serve that site because of the shorter haul distance. With a purported investment of \$4 Billion and 7,500 jobs, VinFast is expected to have a marked impact on population growth in Chatham County. Wolfspeed is reported to be investing \$5 Billion and bringing an additional 1,800 jobs to the area. Coca-Cola Bottling will bring another 200 jobs to the area. With the massive growth expected in

the next few years, the need for asphalt in Chatham County and surrounding municipalities is an inevitability. The proposed project will help meet demand to accommodate this tremendous growth.

- b. Survey of Similar Uses <Required> How many other instances of this use are currently in Chatham or within an adjacent county? Are there similar uses already approved for the requested use on adjacent properties? Provide summary of existing similar uses. If there are already a number of such uses allowed in the County or another similar use in reasonably close proximity to the new requested site, why is this new instance of this use essential? Are these other instances currently in operation and successful?

There are two other facilities with an NCDEQ Synthetic Minor permit for asphalt production in Chatham County. One is located off Pea Ridge Road (2014). The other is located north of Highway 64 (2017). There is one asphalt plant in Lee County; it is south of Sanford. There are several in Wake and Durham Counties. To our knowledge, there are no similar uses proposed on properties adjacent to the proposed site. The need for additional asphalt plants in Chatham County is related to the massive growth expected, especially as a result of significant investment in and new jobs to the area from VinFast, Wolfspeed, Coca-Cola, and more. Distance from development is of particular import when paving because of temperature requirements; thus facilities in Durham, Wake, and even Lee Counties are not able to support the expected growth in Chatham County.

- c. Public Provided Improvements <Required> Identify any public improvements, services, etc., that the county would be required to provide in support of this site if the use is approved. If no additional public improvements are needed, then state this as the case.

No additional improvements by the County are expected to be needed to support this project.

- d. Tax considerations <Optional> If appropriate, or of advantage to the application, provide an estimate of the tax revenue (direct and indirect) to the County that this use would provide. Describe how this estimate was determined. What is the net result of expenditure of County services and facilities required vs. the tax revenue generated?

Currently, the property appears to be within a present use tax value program, so its current assessed tax value is much lower than its market value. The tax map's indicate the parcel has \$0 assessed value, but it is likely the case that the parcel's tax value is assigned to the larger Elkin's piece south of King Road from the site, which was the previous owner. The assessed value of that piece is \$84,852 while the market value is listed as \$630,413. By contrast, the asphalt plant on Pea Ridge Road has an assessed value equal to its market value; nearly \$325,000. While we do not know specifically what the new facility would be assessed at, it would be much higher than its current assessed tax value.

- e. Employment <Optional> Discuss the number of jobs that would be created by this use. Designate these positions as full time or part time. If possible, describe the salary ranges of the employees.

- 4. **The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.** (I.e. Comprehensive Plan, Chatham/Cary Joint Land Use Plan, etc.) You must note specifics from the plan/s giving reference to page number and section. **In support of the Comp Plan, include the following references at a minimum:**

CHAPTER TWO: (begins on page 13)

- Issues and Opportunities – The Industrial Suitability Map on Page 21 identifies the region of the proposed asphalt plant as having “High Suitability” for industrial type uses. This analysis helps identify areas where non-residential, employment bearing uses would be most viable. Factors included proximity to existing compatible uses, access to adequate transportation infrastructure, proximity to utilities, and environmental constraints.

CHAPTER THREE: (begins on page 39)

- Goals and Objectives- Goal 4 on Page 41 aims to diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. The first bullet point under this goal highlights the importance of increasing non-residential tax base. As explained earlier, the current tax base for this site is very low due to it being in a present use value tax program. The proposed use would help achieve Goal 4 by increasing the share of non-residential tax base.

- Land Use Descriptions – select the correct designation for your submittal and support the various bullet points as outlined. The site appears to be designated as Rural on the Future Land Use and Conservation Plan Map. On Page 48, this designation is described as low density, with some commercial, and with small scale businesses, among other things. The proposed asphalt plant will be a low density, small scale business development, away from existing residential uses. This is consistent with the designation on the Future Land Use and Conservation Plan Map.

CHAPTER FOUR: (begins on page 51)

The minimum strategies to address are the following. You may include others as you deem supportive of your application.

- Economic Development (page 53) – As stated on Page 53, the Primary Goal in terms of Economic Development is to diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. The asphalt plant itself will help to provide more non-residential tax base, but more importantly, it will help support more development in Chatham County as demand continues to grow for housing, employment, education, and more.

- Land Use (page 61) – As outlined on Page 61, clustering development in appropriate areas is one of the tools which guides form and intensity of development to create a sensible built environment. The industrial use sought with this application is sought in a markedly industrial area, away from residential uses, activity centers, employment hubs, and recreational areas. This approach of siting industrial uses in industrial areas is consistent with guidance throughout the Comprehensive Plan.

- Natural Resources (page 103) – One of the listed strategies for ensuring the long-term quality of water resources on Page 104 is to maintain riparian buffers in Watershed Protection Ordinance and minimize stream crossings in new developments. The project site is within the White Oak Creek / Buckhorn Creek (Harris Lake) watershed of the Cape Fear River Basin. The project drains to Harris Lake located to the east. Harris Lake is classified by the State as “WS-V: Water Supply V – Upstream.” This WS-V classification does not prevent land uses such as the proposed asphalt plant. Nevertheless, careful consideration has gone into the site plan in order to minimize impacts to surface waters. The Project will completely avoid the 100-foot protected riparian buffer around the normal pool elevation of Harris Lake. Furthermore, an additional 100-foot vegetated setback will be provided around the entire property. The only use proposed within this setback is the proposed “Stormwater Control Measure #1” and “Stormwater Control Measure #2” (SCM) as well as the septic fields shown on the plans. Consistent with the listed strategy, this project respects riparian buffers and minimizes stream crossings.

- Parks and Recreation (page 117) – The Parks, Recreation and Open Space Concept Map on Page 119 does not indicate any planned opportunities for public parks and recreation. This makes

sense given the industrial nature of the area. The proposed project is consistent with this guidance.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

- a. Water Source and Requirements <Required>. How much water will the use require? What is the source of the water (county water or private well)? If the supply is to be supplied by the county, then with the help of the Public Works Dept. (542-8270) identify how the water connections are to be provided.

Drinking water on site will be provided from well water. The well locations are depicted on the plans. The required setbacks from the wells will be observed.

- b. Wastewater Management <Required>. What is the wastewater capacity needs for this use? Specify the treatment and disposal methods to be used. WWTP, public (i.e. Aqua of NC), or private septic. If individual septic, provide septic improvements permit letter from the Chatham County Environmental Health Department. If other than individual septic systems are to be used, submit a plan for wastewater management. If system requires approval from NCDENR or Aqua of NC or any other state or public source, please provide preliminary approval towards getting approval.

Private septic is planned; however, the wastewater needs will be minimal. The project has no need for septic until the office warehouse building with restrooms is constructed. Port-a-johns will provide adequate coverage for the expected need in the interim.

- c. Water/Sewer Impact Statement <Required>. All applications where a public utility is to be utilized, (water or sewer) must state clearly the amount of usage that is anticipated. The usage estimate must be validated by the County Public Works Director, along with an updated usage vs. capacity statement. The impact statement should provide a projection of the demand after the site is fully developed.

No public utility is expected to be used for this project.

- d. Access Roads <Required>. Describe the access to and from the site to public highways or private roadways. If the requested use will require a new driveway or enhancement to existing highway(s), address the following questions. If a new driveway access is part of the proposal, has NCDOT approved this access (include copy of the preliminary approval for a commercial driveway permit)? If the site is located on a road designated as a "major collector", is the site accessed by an existing or proposed service road? Describe any upgrades of public or private roads necessary to serve the property.

Access to the site will be provided from King Road. This access is deal because from the site to US-1, King Road does not pass through any non-industrial areas (residential, agricultural, office, etc.). King Road is not designated as a major collector. The access driveways and truck paths are planned to be shoulder sections (no curb and gutter) with roadside ditches to direct roadway runoff to the SCM(s) within the project.

- e. Stormwater Runoff <Required>. Detail the methods and various structures that will be used to control stormwater runoff. (If disturbing more than 20,000 square feet of area, a stormwater management plan must be submitted with this application)

This information will detail all points of offsite discharge with design techniques used and projected impact on neighboring properties.

Prior to construction and operation of the asphalt plant, coverage under an asphalt plant stormwater general permit (called an NCG1600) will be applied for and obtained from the North Carolina Department of Environmental Quality to ensure that all site runoff during asphalt plant operations continues to be captured by diversion ditches and directed to and treated by the two sediment basins with skimmers prior to discharge. By State law, these NCG1600 permits require quarterly sampling at the discharge point of each SCM, a Stormwater Pollution Prevention (SWPP) Plan, and a Spill Prevention, Control, and Countermeasure (SPCC) Plan that requires regular inspections, routine maintenance, recordkeeping, and reporting to and oversight by the North Carolina Department of Environmental Quality. The SWPP and SPCC plans contain specific requirements for stormwater pollution control (routine maintenance of areas upstream of SCMs) and spill prevention (double walled tanks and containment structures) to protect water quality entering and exiting SCMs. The above ground tanks that store both fuel and liquid asphalt are closely regulated by the EPA and the North Carolina Department of Environmental Quality to ensure they do not rupture, and there are adequate protection systems and safeguards in place to prevent any discharge in the unlikely event of a leak. These standards are well in excess of what typically is required in the County.

