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27 June 2023

Jason Sullivan
Planning Director
Chatham County
80-A East St.
Pittsboro, NC 27312

RE: Chatham Co. Zoning Ordinance Conformity: Chatham County Environmental Impact Assessment, Chatham County Asphalt Plant, King Road Site, Updated April 1, 2023

Mr. Sullivan:

It is SEI's pleasure to provide the below comments re: the above referenced project's conformity with the five items listed in the *Chatham County Zoning Ordinance, Section 17.1* (page 96). Pursuant to Section 17.1, *In granting a special use permit, the Board of Commissioners shall make the following affirmative findings:*

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.

The subject property is classified as *IH: Heavy Industrial, Section 10.13, Table 1.* of the *Chatham County Zoning Ordinance* states that *asphalt manufacturing or refining* is an allowable use within this classification, only with a *Special Use Permit*.

It is SEI's opinion that, because of the project's location and existing, surrounding land uses, as presented it will conform with item 17.1.3, provided the design, construction and operational details specified in the report are followed.

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

The applicant asserts that the asphalt plant would provide "much needed" production capacity for current and future local development and infrastructure projects. Given its proximity to major highways and distance from residential hubs, the project would likely not infringe on the public convenience or welfare throughout the plant's construction and operation, while still providing its intended benefits once operational. The applicant's *Asphalt Plant Market Study for Chatham County, NC* describes a lack of competition in Chatham County and states that: *In most cases, purchasers of various asphalt mixes are obtaining the product from Wake County (who will keep the sales tax) and transporting it to Chatham County for use.*

Because of the need within Chatham County, combined with the stated cost differential relative to facilities located within Wake County, it is SEI's opinion that the project, as presented, will conform with item 17.1.2.

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

According to the *Chatham County Zoning Ordinance, Section 10.13, Table 1*, the proposed facility is an acceptable land use, provided a Special Use Permit is approved. Impacts to water sources are not anticipated and will be avoided throughout operation. Sediment and erosion control measures detailed on the presented preliminary soil and erosion control plan (page C4.0 of the site plan) appear sufficient to prevent sediment transport into protected riparian buffers and waters of the United States during construction. According to section 5.7 “Air Quality” of the *King Road Asphalt Plant EIA, Updated April 1, 2023* (page 14), the plant, throughout construction and operation, will comply with state air quality standards, as required by its permit (*Air Quality Permit No. 10736R00*). Noise and light pollution will be kept to a minimum through incorporating mitigation measures for different noise sources (pages 17-19) and only operating at night to provide asphalt to DOT for night operations (page 20). The smell of heated asphalt, though noticeable, does not pose any health risks (page 15). Though the operating noise level and associated smell of the plant will likely be noticeable, the applicant believes that the plant’s distance from nearby residential hubs will minimize any detrimental effects on the community. However, given the plant’s adjacency to surface water resources, any possible contaminant releases will need to be addressed promptly to avoid environmental damage. High truck traffic volume to and from the plant also poses a risk for oil, diesel, and gasoline pollution.

It is SEI’s opinion that the project, as presented, will conform with item 17.1.3, provided the design, construction and operational details specified in the report are followed.

4. The requested permit will be consistent with the objectives of the Land Use Plan.

The Chatham County Future Land Use and Conservation Map shows the project area’s intended future land use as “rural.” Accordingly, the area is not intended to be used for conservation, protected park lands, or agriculture, so the requested permit will be consistent with future land use plans.

It is SEI’s opinion that the project, as presented, will conform with item 17.1.4.

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.

Site plans indicate that the site will be accessible from King Road to the south, along which power and natural gas lines will be extended. The applicant states that drinking water will be provided by onsite wells (page 24). Should an office be built at the site as a subsequent phase, septic fields will be necessary, as depicted in the Site Plan (C2.0, pdf page 104).

It is SEI’s opinion that the project, as presented, will conform with item 17.1.5, provided the design, construction and operational details specified in the report, as well as Chatham County design standards and requirements, are followed.

After reviewing the conformity of the proposed project to the five items listed in *Chatham County Zoning Ordinance, Section 17.1*, it is SEI’s professional opinion that the proposed King Road Asphalt Plant meets the standards set forth therein. The project poses no heightened risk to the local environment, provided plans and guidelines presented in the April 1, 2023 Environmental Impact Assessment prepared by Soil & Environmental Consultants, as well as other federal, state and Chatham County permits, standards and requirements are strictly adhered to.

Should you have questions, comments, or require additional information, please do not hesitate to contact us.

Sincerely,
Spangler Environmental, Inc.



Ward Marotti
Director – Land and Water Resources

