

Site Specific Conditions

1. Permitted Uses. This Conditional District Rezoning is only for the following heavy industrial and heavy manufacturing uses specifically listed as follows: A Quarry and limited uses accessory to stone extraction including rock and mineral extraction and blasting; processing and manufacturing activities, such as crushing, screening, and aggregate production; and storage and distribution activities, such as stockpiling, loading trucks, and operating a weigh station for trucks. No concrete batch plants or other heavy equipment associated with the ready- mix concrete industry, asphalt plants or salvaged equipment shall be located or stored at or on the site.
2. Screening and Buffering. An area of land, which shall not be less than one hundred fifty (150) feet in width, shall be provided along all boundaries of the affected land with the exception of permitted ingress and egress to public roadways. This buffer area may be left in a natural vegetative state if sufficient visual buffering is provided otherwise the buffer, where practicable, must be planted with trees, shrubs or plants that create a visual screen. Trees, plants, and ground covers to be planted must be native to the area and trees shall not be less than eight (8) feet in height when mature. Alternatively, an earthen berm (or berms) may be placed within the buffer for visual screening. Any berm must have a vegetative groundcover and side slopes sufficient to minimize erosion. If the berm(s) is (are) less than ten feet in height, trees not less than six (6) feet in height at the crown shall be planted on the berm(s) to supplement visual screening. A natural vegetative buffer of 100' in width measured from each stream bank landward shall be maintained undisturbed on any jurisdictional streams and wetlands.
3. Final Plans. Final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the planning staff prior to issuance of a Zoning Compliance Certificate or authorization to construct, and that such plans conform to the plans approved by this approval and demonstrate compliance with all applicable conditions and the design standards of the UDO and other applicable laws or regulations, as modified by this conditional zoning approval.
4. Erosion Control. An erosion and sedimentation control plan must be approved by the Chatham County Department of Watershed Protection and submitted to the Town planning staff prior to the issuance of a Zoning Compliance Permit
5. Storm Water Management. This project must comply with the applicable stormwater provisions of the Town's Unified Development Ordinance and shall be designed in compliance with requirements codified in NCDEQ's Minimum Design Criteria. The built-upon area of property shall not exceed 70 percent. A storm water management plan shall be approved by the Planning staff prior to issuance of a Zoning Compliance Permit, and the developer is required to provide the Planning staff with final plans and an impervious surface calculation sheet. The developer shall construct storm water management control measures sufficient to serve the entire project area prior to issuance of a Certificate of Occupancy. To the extent practicable, the development shall not discharge stormwater received during and after development at a rate or volume greater than that discharged prior to development in order that adjacent properties shall not be unreasonably burdened with surface waters as

a result of the development. Likewise, the development shall not unreasonably impede the natural flow of surface waters from adjacent properties across the development, thereby unreasonably causing substantial damage to such properties. The Plan shall control and treat the first inch of stormwater runoff from the project site and from any offsite drainage routed to an on-site control structure; ensure that the draw down time for this treatment volume is a minimum of forty eight (48) hours and a maximum of one hundred and twenty (120) hours; and maintain the discharge rate for the treatment volume at or below the pre-development discharge rate for the 1-year, 24-hour storm. Such plan shall be certified to the Town by a qualified professional. The developer shall have a Stormwater Operation and Maintenance Plan approved by the Town prior to approval of any final subdivision plat. Maintenance and upkeep of stormwater controls shall be consistent with *Stormwater Best Management Practices* as documented by the State of North Carolina.

6. Fire flow. A fire flow report indicating adequate design shall be approved by the Chatham County Fire Marshal, Goldston Fire Department, Inc., and Planning staff prior to issuance of a Zoning Compliance Permit. Adequate fire flow shall be demonstrated prior to issuance of a certificate of occupancy. Any final plan shall indicate adequate access for pumper trucks.

7. Lighting Plan Approval. All area lighting shall meet Town standards and not adversely affect adjoining residential areas. All such lighting shall direct light downwards and away from any adjoining property.

8. Utility and Access Easements. Easement documents as required by the Town for any public utilities used or furnished to the project area shall be recorded prior to issuance of a Zoning Compliance Permit.

9. Operations. Site activities shall be subject to the following operational conditions:

- a. Operating hours shall be limited to six o'clock (6:00) A.M. to six o'clock (6:00) P.M., Mondays through Friday. On Saturday's operations may occur between seven o'clock (7:00 A.M.) and one o'clock (1:00 P.M.). No operations will be permitted on Sundays or major holidays.
- b. Gravel crushing operations shall be confined and localized to the bottom of the pit.
- c. Any fueling shall be done from operable fuel vehicles or tanks with approved leakage containment systems and approved by the County Fire Marshal.
- d. No standing water shall be permitted in the pits except what is created by natural precipitation and runoff or that is created or being used in the gravel mining, washing, and screening processes.
- e. All equipment used for excavation, quarrying, and permitted processing shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which would injure or annoy persons living or working in the vicinity.
- f. Access ways or drives within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.
- g. All operations shall take all reasonable measures necessary to ensure the security

of the site, protect the public, and prevent trespassing. The applicant shall show on the plans the location of all fences, signs warning of the mining operations, and other site hazard protection or equipment necessary to provide adequate public protection.

- h. No emission of odorous matter shall be allowed in excess of ambient air quality standards, as set forth by regulations adopted by the State of North Carolina.
- i. Any activity producing humidity, in the form of steam or moist air, heat, or glare, shall be carried on in such a manner that the humidity, heat, or glare is not perceptible at any Property perimeter line.
- j. No emission of particulate matter, sulfur compound, carbon monoxide, hydrocarbon, nitrogen oxide, nor open burning shall be allowed.
- k. All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the State of North Carolina or other regulatory authority.
- l. All mining operations shall be conducted in such a manner as to minimize the adverse impacts of aggregate truck traffic on roads, traffic circulation, traffic congestion, and traffic safety.
- m. All private roads or driveways providing access to the mining site shall be adequately managed to prevent aggregate or other materials being drawn onto the public roads and rights-of-ways. Management techniques may include surfacing approach ways, installing tire grates, avoidance of over-filling and overwatering, covering loads, regular sweeping or washing of roadway and shoulders, and spill clean-up response.
- n. All operators shall be required to develop a truck driver education program which includes posting details on preferred haul routes and informing drivers of procedures established to reduce public conflicts. Operators will also be required to monitor driver compliance and respond to complaints about gravel trucks.
- o. All roads to be used for site access should have sufficient width, shoulders, pavement strength, and other features necessary to adequately mitigate the traffic impacts of proposed operations. Public access roads shall meet the design requirements of the approved mining permit and related standards. Traffic levels on public access roads shall not exceed the acceptable levels identified in the Traffic Impact Assessment.
- p. All operations shall be conducted in accordance with applicable air pollution control standards.
- q. A sales office shall be maintained on the site at all times during quarrying operations.
- r. Production blasts shall be limited to a maximum of two per day, but not to exceed three days per week. Construction blasts not exceeding 100 pounds of explosive may take place at any time during operating hours.
- s. Blasting shall occur in compliance with the rules and regulations of the NC Division of Energy, Mineral and Land Resources. The following standards shall be met as measured at the nearest off-site dwelling:
 - i. Blasts shall be designed to produce a ground vibration of less than

0.5"/second but not to exceed 1.0"/second. The quarry operator shall furnish proof that any shot exceeding 0.5"/second was designed not to exceed that level.

- ii. Blasts shall be designed to comply with the North Carolina requirements. The quarry operator shall furnish proof that any shot exceeding State standards was designed not to exceed that level. Each and any violation of these design standards shall result in not less than five or more than 30 days suspension of operations, to be imposed by the Town.
 - t. All equipment used in quarrying operations shall have sound deadening features and meet M.E.S.A. Standards. Steady-state vibrations caused by production equipment shall not produce particle velocities in excess of .025 inches per second and sound pressure level resulting from the operation of equipment shall not exceed 61dB(A), both to be measured at the nearest off-site dwelling.
 - u. All quarry blasting shall be monitored by a qualified seismology firm to be paid for by the operator and shall be conducted in compliance with the applicable regulations promulgated by the NC Division of Energy, Mineral and Land Resources. Results of the quarry blast monitoring shall be kept on file and made available to authorized representatives of the Town upon request.
 - v. Explosives shall be delivered only between the hours of 7:00 A.M. and 2:00 P.M. No explosives or blasting agents shall be stored on the Property without the expressed written permission of the Town.
 - w. All machinery and equipment used in quarry operations shall have dust suppressing features as required by the NC Division of Energy, Mineral and Land Resources.
 - x. Electronic notification of scheduled production blasts shall be provided via text, email or other electronic means to any area residents electing to receive such notice from seven to three days in advance, including any rescheduling of said blasts. An electronic notification system shall be created and maintained by applicant, and any future owners, with notice of said notification system provided in writing to all property owners within 2,000 feet of the perimeter of the subject parcel.
9. Mitigation. The operator shall be required to pay an annual mitigation fee to the Town of \$50,000 to mitigate the traffic, circulation and social impacts caused by the operation and its truck traffic will have on the Town by paying a fair share of the costs of such effects for enhanced planning, recreation and public safety services by the Town. Such payments shall continue until such time as the ad valorem taxes levied and received by the Town from the Property and its improvements exceed such amount.

Stipulations Regarding State and Federal Government Approvals

10. Permits. Any required State or Federal permits or encroachment agreements, including commercial driveway permit(s) from NC DOT be obtained and copies submitted to the Town prior to the issuance of a Zoning Compliance Permit. No site disturbing activities are allowed until all required permits have been issued by the State of North Carolina, including but not limited to a Mining Permit, an Air Quality Permit, and a Water Quality Permit.
11. Improvements. Off-site improvements required by N.C. DOT, or any other public

agency shall be constructed at no cost to the Town including the traffic improvements as stated in the most recent TIA and others as deemed warranted by the NCDOT following its analysis.

Stipulations Regarding Required Improvements

12. Parking and Sidewalks Parking areas shall be installed in accordance with the ordinances and policies of the Town.

13 Utilities.

(a) The developer shall demonstrate availability of adequate water and wastewater supplies to serve the property and plans for provision of the same shall be approved by the Planning staff prior to issuance of a Zoning Compliance Permit. Such plans shall be in conformity with any Town policies then in effect and the developer shall pay all fees and charges associated with the project, including then current utility fees, review, and inspection charges prior to issuance of a Zoning Compliance Permit. The entire cost of extending public utility services if desired or required under Town regulations shall be borne by the applicant or successor.

(b) Adequate water service may include the provision of an above-ground storage facility at a site satisfactory to the Goldston Gulf Sanitary District if necessary to adequately provide fire flow pressures for the project and surrounding area.

(c) Adequate wastewater service for the entire project area shall be determined and approved by the appropriate regulatory agencies prior to issuance of a Zoning Compliance Permit and constructed at no cost to the Town. Equipment such as motors, pumps and blowers will be appropriately insulated or buffered to ensure that no noise from them will be noticeable on a typical day at the boundary of any adjoining lot.

14. Public Facilities. The landowner shall donate a suitable site for a water storage facility if required by the Goldston Gulf Sanitary District. The applicant will cooperate with the District in the exact location and area of said facility.

Stipulations Related to Landscape Elements

15. Landscaping/Screening. All required screening and buffers shall be in place prior to issuance of a Certificate of Occupancy. Existing vegetation may be used to fully or partially fulfill the landscaping and buffer requirements of the Town. The extent to which the same can be used shall be determined by the Planning staff prior to issuance of the Zoning Compliance Permit.

Miscellaneous Stipulations

16. Archaeological Survey. A preliminary field reconnaissance archaeological survey to determine the existence or absence of any site of likely archaeological significance will be performed by a professional archaeologist (as listed on the NC Dept. of Cultural Resources website). The reconnaissance survey shall be performed in areas of ground disturbance which would adversely impact potential sites, such as areas of future roadways, active recreation areas to be graded, and lots to be developed (i.e., not including buffers, open space or irrigation areas). Areas determined by the NC Department of Cultural Resources, Archaeology/Historic Preservation Section as a low probability of likely significant sites are not required to be surveyed. Any site identified with likely archaeological significance shall have an intensive survey to determine significance. If a site is determined as a candidate for nomination to the "National Register of Historic Places" it shall be preserved or documented prior to being disturbed. The field reconnaissance survey shall be performed

prior to preliminary plat submission. Any recommended intensive survey shall be performed prior to ground disturbing activity in the area of concern. The surveys shall be performed at the developer's expense.

17. Solid Waste Management Plan. A detailed solid waste management plan, including recycling and management for construction debris, shall be approved by the Planning staff prior to the issuance of a Zoning Compliance Permit. The final plans shall include details of proposed service areas and respective access drives. This plan shall include the location and proposed use of containers for refuse and recyclables.

18. Standards. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/ or conditions, are considered to be standards as set forth and the operator shall comply as stated. Changes to and variations or variations from any requirements of this approval/permit must be approved through planning staff or town board before any such change can take place.

19. Fees. Applicant and or landowner shall pay to the Town all required fees and charges attributable to the development of this project in a timely manner, including, but not limited to, the town contract engineer and planning staff.

20. Accessibility Requirements. Prior to issuance of a Certificate of Occupancy, the operator shall provide the minimum required handicapped infrastructure according to the Americans with Disabilities Act and associated codes and standards.

21. Not Comprehensive: The listing of these standard stipulations, and the specific stipulations applicable to this Ordinance, is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this development project.

22. Continued Validity. The continued validity and effectiveness of this approval is expressly conditioned upon the continued compliance with the plans and conditions listed above.

23. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

24. Vested Rights: No statutory vested rights shall be created by this conditional map amendment. This Conditional Zoning map amendment does not constitute a site-specific development plan as defined in the Town UDO or as provided by N.C.G.S. Section § 160D-108.1.

25. Violation. This conditional zoning approval may be revoked by the Town for violation of these conditions or any applicable county, federal, or state laws or regulations. Such remedy shall be in addition to any remedies allowed under the Town UDO.

26. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the Town as to further development of the applicant's property and this

permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

27. Appeal. The Town shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the Town concerning this ordinance or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the town harmless from all loss, cost or expense, including reasonable attorneys' fees, incurred in connection with the defense of or response to any and all actions, causes of action, claims, demands, costs, losses, expenses, compensations and all consequential damages on account of, either known and unknown, resulting to or from this decision.

28. Public Relations. To better maintain relations with the surrounding community, applicant and any future owner(s) of the quarry shall maintain a phone number in the business listings of the local phone directory and an email address so that members of the public may register any concerns related to the operation of vehicles serving the quarry. Such phone number and address shall be appropriately titled to encourage citizen inquiries. Where a concern is brought to the owner's attention, the owner shall investigate the concern in a timely manner and inform the person raising the issue of the results of such investigation. If appropriate, the owner shall take reasonable steps to prevent the recurrence of any incidents. In addition, the owner shall keep a log available for Town inspection documenting any such calls and the owner's response.