



# Goldston Town Planning Board Agenda Notes

Date: October 8, 2024

Agenda Item: 1                      Attachments #: 2

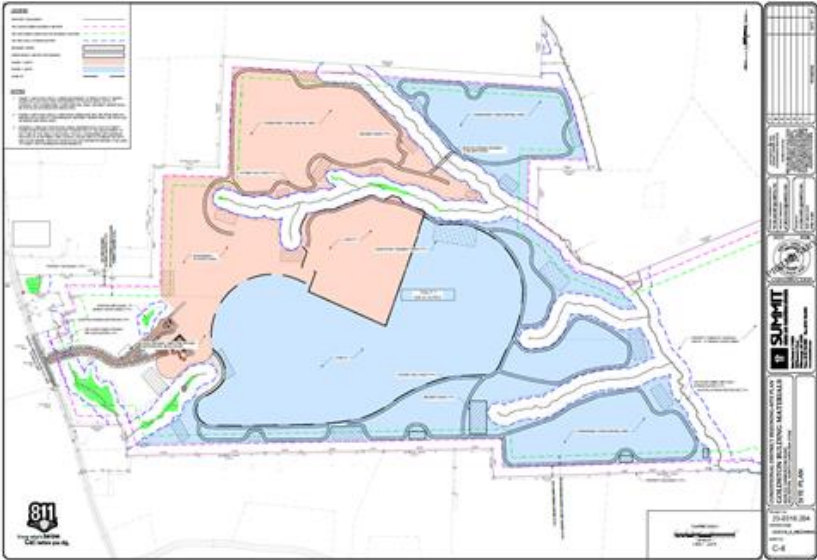
Subdivision     Conditional Use Permit     Rezoning Request     Other:

<b>Subject:</b>	Alex Culpepper on behalf of Sunrock Group and Chatham Resources LLC has a legislative request for an amendment to the Town of Goldston Zoning Map to zone as CD-IH Conditional District Heavy Industrial 639.66 acres located off Goldston Glendon Road and Bonlee Carbonton Road (parcels 8335,74836,80056).
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Application</li> <li>2. Site Plan</li> </ol>

**Introduction & Background:**  
 Chatham Resources LLC purchased three parcels in southwestern Chatham County in 2022 totaling 639.66 acres. The overall use of the property has been timbering operations. Representatives from Sunrock and Morningstar Law Group have been attending town board meetings for approximately two years now and have made their intentions clear. The owners wish to annex the property into the town of Goldston and to rezone the property as CD-IH.

Before the application was submitted, Sunrock did lots of due diligence. In 2023 Sunrock employed Summit Engineering to conduct a public participation survey and visioning plan for the town. Summit created an informational website where the public could participate and gain information. This website was not affiliated with the town or the county. The survey consisted of 19 questions and there were 21 responses. There were also two public information meetings. These meetings were designed to help Sunrock create the best application when it came time to submit.

Throughout the process the public has been vocal in its concern about the Sunrock project. There have been several town board meetings with other annexations and rezonings on the agenda, and residents have mentioned the supposed planned quarry.



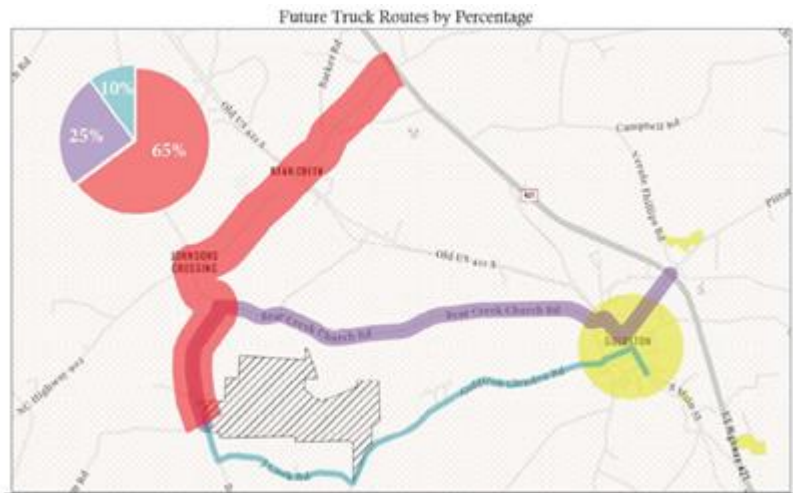
Residents of the town and county residents neighboring the tumbleweed and Sunrock projects have been concerned and have not generally shown support.

In addition to the public participation survey, the applicant has completed a traffic impact assessment or TIA. The TIA found the need for several road improvements because of this project. At this point in the project the applicant is

planning on sending most of the truck's northwest to 421 via NC 902. The potential improvements needed would be at the intersections of NC 902 and US 421 and NC 902 and Old US 421. At NC 902 and Bonlee Carbonton Road/Bonlee School Rd moderate delays will be expected during peak hours. The addition of left turn lanes for both eastbound and westbound traffic will increase intersection capacity, reduce queues and provide improved site distance on NC 902.

The applicant submitted the application for a conditional district rezoning on April 19<sup>th</sup>, 2024. The first public hearing was scheduled for June, but the applicant requested to postpone the hearing until July. The Town Board voted to move the public hearing to a special meeting on August 13<sup>th</sup>. The Goldston TRC met on May 8<sup>th</sup> to discuss this item. There were not many comments from staff because the first TRC meeting is

usually more conceptual. The Public Hearing for the project was held at the Goldston Methodist Church on August 13<sup>th</sup> at 7:00pm. The application was presented by the Planning Director, Jason Sullivan. The applicant was represented by Nil Ghosh of Morningstar Law Group and Alex Culpepper of Sunrock. The meeting was well attended by neighbors of the site and Goldston residents who spoke out against the project during the Public Hearing.



Alex Culpepper and Nil Ghosh gave a short but detailed presentation of the application and their vision of the project.

Most of the speakers chose to speak against annexation, which was the first hearing opened by the town board. However, the comments against annexation were generally against the rezoning. The speakers in the audience did not support the quarry and really didn't care if it was the correct time to voice their concerns.

The Town Board opened each hearing and asked if there was public comment. The public participation dwindled as the night went on. The board closed each public hearing and sent the rezoning item to the planning board for consideration and recommendation.

### **Discussion & Analysis:**

**1. Any alleged error in the ordinance, if any, which would be remedied by the proposed amendment.**

The applicant is not declaring any error in the ordinance.

**It is planning staff opinion that this finding is met.**

**2. The changed or changing conditions, if any, make the proposed rezoning reasonably necessary.**

- a. Need and Desirability:** The applicant has broken this question into several parts. They describe several benefits to Chatham County and to the town of Goldston. Chatham County is experiencing explosive growth driven by several economic development projects and the growth needs construction materials close to existing concrete and asphalt plants. The aggregate that would come from this quarry would supply plants within 50 miles of Chatham. The applicant states that for every \$1.00 earned in aggregate industries, \$4.19 is generated in other economic sectors. Every job in the aggregate industry creates 5 additional jobs in other industries. The benefits for Goldston are similar and more specific. For instance, the quarry will create high paying blue-collar jobs. In addition to the jobs this will create more customers for Goldston businesses and significantly increase the town's tax revenue. Beyond tax revenue the applicant gave examples of other ways it financially contributes to the towns it has projects in.
- b. Similar Uses:** The applicant listed the Daurity Springs quarry and the Luck Stone quarry in Pittsboro. There are also some quarries in Wake and Lee counties, but the applicant claims these are insufficient for the growing needs to the area.
- c. Public Provided Improvements:** The site will be served by county water and septic tanks for the small office and internal facilities.
- d. Tax Considerations:** The project is expected to generate about \$61,000 a year by the end of phase two. The first phase of the site will take a few years, and the initial tax increases would be about \$28,000. The applicant provided a table in the attached rezoning narrative.
- e. Employment:** In the first five years of operation the applicant expects to employ 10-15 people.

**3. The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Town of Goldston Land Use Plan or part thereof. You must note specifics from the Plan giving reference to page number and section:**

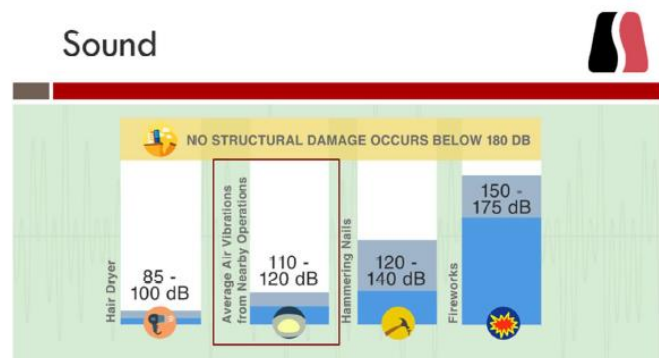
The applicant is claiming the rezoning is consistent with the Goldston Land Use Plan's community goals for business, infrastructure, growth, and public/civic facilities. The land use plan calls for industrial development in designated areas, and the applicant is claiming this goal is met because the quarry will be located outside of the town limits. Being about 2 miles away from the town center it is appropriately located.

The applicant will be required to upgrade the roads around the site so they claim the infrastructure of Goldston will benefit from these road improvements. They also say they are not going to direct truck traffic to town and have planned the site to send most of the traffic north to NC902. This might not necessitate much infrastructure improvement within the town. The applicant claims that the goal of growth is met because the project maintains the existing rural density and scale of development. As this is a satellite annexation and is two miles away it would not be a large industrial project in the town. In theory this goal is met strictly by being satellite. It is not clear in the LUP that this was the intent of the plan itself.

Most of the benefits and claimed consistency with the LUP come from the idea that increased tax revenue for the town will allow the town to realize its goals.

**4. List all of circumstances, factors, and reason which the applicant offers in support of the proposed amendment:**

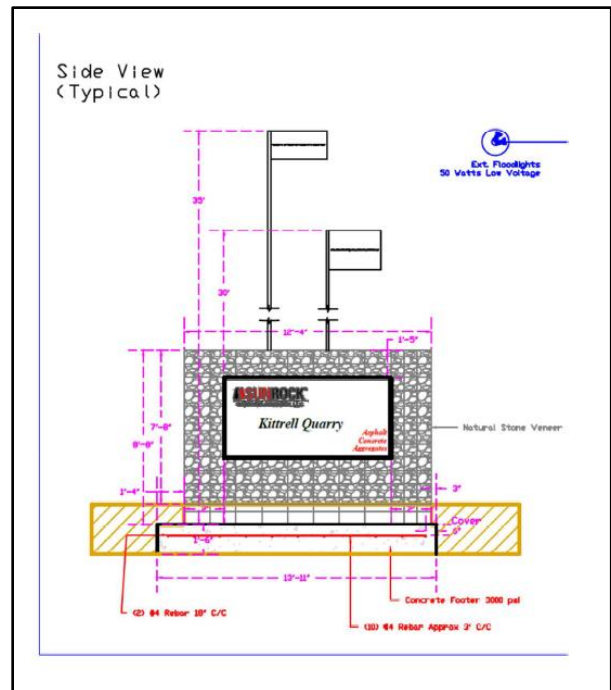
- a. **Traffic:** A full TIA was done by summit engineering as is an attachment to the application. Several improvements were recommended by the assessment and will be paid for by the developer.
- b. **Visual Impact and Screening:** The applicant has proposed a 100' undisturbed buffer and a 100' unexcavated buffer around the site. In total a 200-foot buffer will exist, however, there will be some development of roads within 200 feet.
- c. **Lighting:** There are no nighttime operations planned for the site. All lighting will be internal and conform to the Goldston UDO lighting requirements.
- d. **Noise:** The applicant claims the average air vibrations from nearby quarries are usually between 110 and 120 decibels of sound. For context, structural



□ Everyday activities can reach and even exceed sound levels from nearby mining operations.

damage can occur at over 180 decibels. The applicant explained that noise obviously dissipates as you move away from it. All residences around the property are at least 1700 feet away. Best practices require that noise monitoring equipment be used, and adjustments can be made if necessary. A table of the expected noise is below.

- e. **Chemicals, Biological and radioactive agents:** none of these will be used on the site. However, the applicant did supply a list of typically used and stored substances related to the quarry operation. Those substances are lubricants, hydraulic fluid, various weights of motor oil, radiator fluid, and diesel fuel. The typical blasting products to be used include either Dyno Nobel (titan xl) or Orica USA (central gold HV). All blasting products delivered to the site are handled by qualified professionals.
- f. **Signs:** The site will have a two-sided entrance sign that will be about 7-8' tall. This will be lit by low wattage voltage. The sign will be required to get a sign permit and will meet the regulations of the UDO. The applicant is also planning for two flag poles at about 30' and 35'. An example of the sign is below.

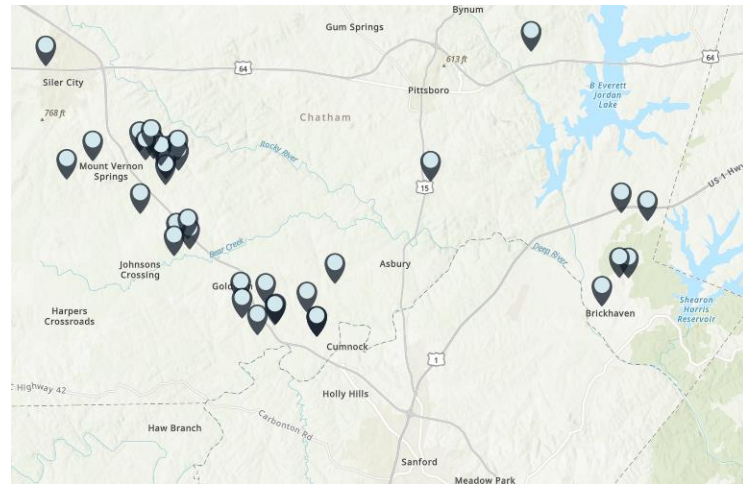


**5. All other information required on**

**this application or as offered by the applicant in support of the request:**

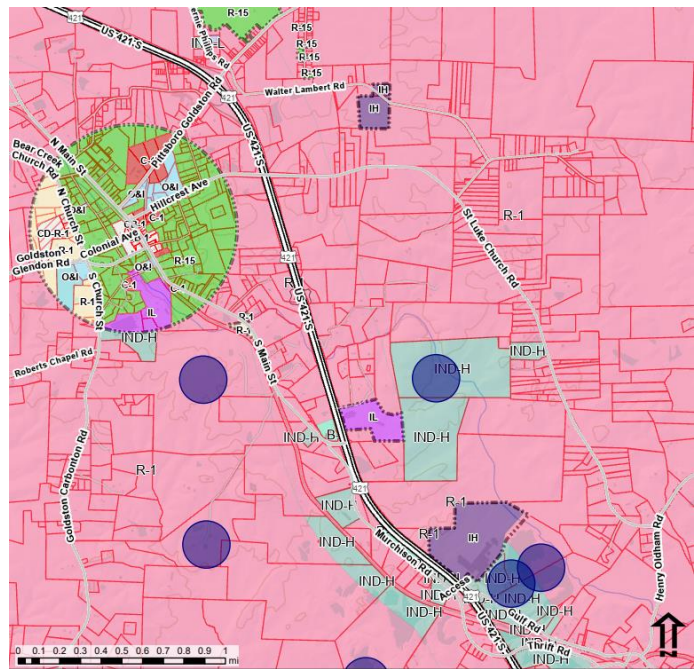
- a. **Water source and requirements:** Most of the water the site will need will be recycled. This site will tie into the county water line on Bonlee Carbonton Road.
- b. **Wastewater Management:** The site will have septic tanks for limited use.
- c. **Water/Sewer Impact Statement:** The project will use county water and recycled water that is caught in the pits.
- d. **Access Roads:** There will be an entry road that connects to Bonlee Carbonton Rd. The roadway improvements are discussed in detail in the TIA.
- e. **Stormwater Runoff:** There will be several surface SCM's on the site that will be approved and monitored by the county watershed protection department.

Planning Staff thought it would be informative for the planning and town boards to see understand where the active mining permits are in Chatham County and surrounding



Goldston. Most town residents are certainly aware of the Daurity Springs mine and have voiced concerns about the nuisance it causes to the town. The maps below show the open mining permits. There are lots of open permits that are not active mines. For instance, Martin Marietta has a permit for a mine off Jesse Davis Road and Saint Luke Church Road. This project has not been started and is not in the town limits but will be a mine at some point.

As you can see from these maps, there are several open mine permits and operating mines near Goldston. The mine directly south of the town limits is the active Daurity Springs mine. Further South down Daurity Road is an old mine permit for General Shale. It is unclear whether the owner of the property intends to create a mine. To the southeast of town is the Martin Marietta mine which the company has said they intend to operate and was included in the county wide rezoning.



This application is a conditional district rezoning and as such can have conditions placed on the approval. The conditions must be agreed upon by the town board and the applicant. At the time of the public hearing the only condition the applicant had placed on the site was that it would be used for a quarry and associated activities. The application has claims about opening hours and when noise will occur, but those are not offered as conditions. Furthermore, none of the environmental findings alleged in the application are added as conditions.

Planning staff would recommend a set of conditions based on the requirements of the application and the recommended conditions of the town attorney. Below is a comprehensive set of conditions that could be part of any conditional district rezoning approval. Any conditions placed on the project as part of an approval would need to be agreed upon by the applicant and the town board. The conditions below were sent to the

applicant and they may want to make adjustments and/or argue that some of the conditions are not applicable to their particular site and project.

### **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.

**How does this relate to the Land Use Plan:**

This area, if annexed, is not discussed or considered in the town's Land Use Plan. The town needs to seriously consider a comprehensive update to the Land Use Plan.

Prior to adopting or rejecting any zoning amendment, the Town Board shall adopt a statement describing whether its action is consistent with an adopted land use plan, is reasonable, and in the public interest. Should the Town Board adopt a zoning amendment

after finding that such an action is not consistent with an adopted comprehensive plan, the Board of Commissioners must also issue a declaration that the adopted comprehensive plan in question is also amended. The statement must include an explanation of “the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.”

The regularly scheduled meeting for September 10<sup>th</sup>, 2024, was postponed until October 8<sup>th</sup>. The applicant requested more time to review the conditions and stipulations. The chair of the board accepted the request, and as there was no other pertinent items on the agenda, the meeting was rescheduled.

**Recommendation:**

Discuss the item and make a recommendation.

If the planning board finds the item consistent with the land use plan, they should also vote on a consistency statement. Below is a suggested consistency statement.

**This conditional district rezoning of 639.66 acres located off Goldston Glendon Road and Bonlee Carbonton Road is consistent with the adopted Land Use Plan goals of business, infrastructure, and growth. Goldston’s business base is developed with the development of industrial uses in an appropriate area while preserving the rural character of the town core.**

If the planning board finds the item inconsistent with the land use plan, they should also vote on an inconsistency statement. Below is a suggested inconsistency statement.

**This conditional district rezoning of 639.66 acres located off Goldston Glendon Road and Bonlee Carbonton Road is inconsistent with the adopted Land Use Plan and is found to not be reasonable or in the public interest of the town. This rezoning does not maintain the rural character of the Town or place reasonable limits on growth mentioned in the Land Use Plan. The Plan clearly states the goal of limiting the development of nuisance businesses, such as those with high pollution, loud noise, or high traffic.**

Below is a recommended statement of reasonableness:

**Approving this rezoning will simultaneously amend the Goldston Land Use Plan as the Town Board finds the changing conditions in Goldston due to growth of the Carolina Core, including the TIP site and Wolf Speed, requires amending the plan. As Goldston can satellite annex land within three miles of its corporate limits at amounts greater than 10% of its total area, the ability to extend heaving industrial zoning west of town, is appropriate and reasonable for Goldston to achieve its goal of encouraging businesses to grow and develop, creating jobs, in appropriate locations.**