

MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

July 8, 2008

The Franklin County Planning Board held its regular scheduled monthly meeting on Tuesday, July 8, 2008 in the Courtroom of the Hamilton Hobgood Annex Building, 113 South Main Street, Louisburg, North Carolina.

Present: Melvin Cheaves, Richard Hoyle, Ricky May, Phillip Jeffreys, Ronnie Pearce, Henry Nelms, William Wallace, Fannie Brown, Willie Bartholomew, William Holden and Mary Solomon.

Absent: Mark McArn, Robert VanGraffeland and Philip Bues.

Staff: Pat Young, Scott Hammerbacher, Jason Rogers and Tammy Davis.

Chairman Henry Nelms called the meeting to order at 7:15 P.M.; and welcomed everyone in attendance. He explained the meeting was moved from the Commissioners Meeting Room to the Annex Building due to the large crowd in attendance exceeded the maximum capacity set by the Fire Marshall. William Wallace gave the invocation.

Richard Hoyle made a motion, seconded by William Holden to approve the minutes from the June 12, 2008 meeting. The motion passed unanimously. Pat Young introduced Planning Staff, Clerk to the Planning Board and County Attorney to the public. Chairman Nelms explained that the Planning Board's responsibility was to make a recommendation for agenda items to the County Commissioners based on the facts presented during the meeting. He explained that anyone wishing to address the Board would be given five minutes to speak.

Agenda Items:

- #1. Special Use Permit: Carolina Sunrock LLC, Louisburg Township, NC Hwy 39 N & Beasley Road, 480.86 Acres, Agricultural Residential (AR) District, Granite Quarry, Aggregate Processing Plant & Washed Sand Plant.

Pat Young gave a presentation on the Special Use Permit. He stated the site was located approximately 3.5 miles north of Louisburg and it had frontage on both NC Hwy 39 and Beasley Road. He stated the proposed site represents an assemblage of six current properties. He stated the proposed project activities would be Aggregate (sand, gravel & rock) mining and processing. He stated operation components include the following:

- Quarry = Area where rock will be extracted.
 - Initial quarry area will be approximately 20 acres.
 - Will grow to 295 acres over lifetime of operation
 - Petitioner expects to produce an average of 300,000 to 500,000 tons of rock and sand during years one through five of operation
- Stone Crushers
 - Primary
 - Secondary/screening tower
- Conveyors
- Rock and sand processing plant
- Product (sand and rock) stockpiles

- Shop Building
- Employee Building
- Employee Parking
- Office and Scale House
- Operation of Excavators, Haul Trucks and other specialized equipment associated with removal of sand and rock
- Loading of aggregate materials and shipping offsite via truck

Mr. Young explained the applicant proposes an approximately 75-year lifetime and an exact timeframe of site development would be based on market conditions. He stated quarry operations would be limited to the areas north and west of Bear Swamp Creek and the production operations would be limited to the areas east of the creek. He presented the Board with the “Conceptual” location of major buildings as presented by the applicant. He stated exact building and equipment locations are non-binding unless specifically referenced by the Board of Commissioners as a condition.

Mr. Young went over the Special Use Permit process, findings required for a Special Use Permit and the required conditions for any mining operation in Franklin County. He explained if the Board of Commissioners approves the Special Use Permit, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be complied with and to reduce or minimize any potentially injurious effect on the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Mr. Young stated the following issue areas were reviewed by Planning Staff (he went through the applicant’s representations and staff findings for each):

- Other Permitting Requirements
- Reclamation Obligations
- Setbacks and Buffers
- Dust Control / Air Quality
- Traffic / Roadway Impact / Site Entry
- Impact on Adjacent and Nearby Wells and Other Water Supply
- Noise
- Fencing and Security
- Visual Impacts
- Impact on Property Values
- Blasting and Vibration
- Parking and Lighting
- Economic Impact
- Environmental Impacts
- Hours of Operation
- Timeframe for Initial and Subsequent Project Activity

Mr. Young submitted into evidence the following items:

- “Impacts of Trucks on Arterial LOS and Freeway Work Zone Capacity” (Transportation Research Center at UF)
- “Mining Permit Application Review Process Flowchart”
- “Agencies that will Regulate Carolina Sunrock LLC Louisburg Facility”
- “Land Use Planning Tools for Airport Protection”
- “Sound Levels & Human Response”

- Letter from Town of Louisburg expressing their concern on the potential short term and long term water quality impacts to the Watershed IV area of the Tar-Pamlico

Mr. Young stated is the Planning Board should recommend approval of the Special Use request, planning staff would recommend that it be done so with the following conditions:

- All proposed berms and fencing surrounding the facility shall be constructed prior to commencement of mining activities.
- Noise levels shall not exceed 65 db at the property line. The applicant shall be responsible for ensuring that allowable noise levels are not exceeded.
- A 100-foot undisturbed buffer shall be provided along the perimeter of the site and depicted within Appendix 2 of the special use permit addendum.
- All representations made within the applicant's submittal shall become binding subject to Board of Commissioner action and are hereby incorporated by reference unless approved conditions of approval are more stringent.
- Approval shall be subject to adhering to all other County, State and Federal regulations.
- Annual compliance documentation from the NC Division of Land Resources, Land Quality Section shall be submitted to the Franklin County Planning & Inspections Department.
- Any violations as documented by the NC Department of Environment and Natural Resources shall be submitted to the Franklin County Planning & Inspections Department within seven days of notification.
- Lighting shall not spill onto adjacent properties or right of ways.
- Hours of operation shall be limited to Monday through Friday from 7 a.m. until 6 p.m. and from 8 a.m. until 12 p.m. on Saturdays.
- Operations at the facility shall be prohibited on days recognized by the North Carolina State Office of Personnel as a holiday.
- Blasting activities shall not commence prior to 8:00 a.m. and shall not occur past 5:00 p.m. on allowable work days.
- Truck traffic shall be prohibited along Beasley Road.
- A fifty foot opaque buffer shall be provided along the proposed driveway adjacent to the property with the following PIN 2807-74-9563 located at 2799 US 401/NC 39.
- Parking areas shall comply with regulations as specified within Article 16 of the UDO which requires that one space be provided for each employee on the facilities largest shift.
- Prior to securing building permits from the County, documentation from all other applicable state and federal agencies shall be submitted to the Franklin County Planning & Inspections Department verifying permit approval.

Shelia Hanna (2905 NC Hwy 39) was sworn in and went over a list of concerns that she had with the proposed project. She stated she had visited the Kittrell quarry with representatives from Sunrock. She stated the facility was well maintained and there were a lot of natural areas. She stated she feels the application doesn't meet the Special Use Permit requirements. She urged the Planning Board to recommend a complete study be done to determine the pitch of the noise level. She questioned the type and the amount of explosives that would be used. She questioned the violation she discovered through the US Army Corp of Engineer on 1.58 acres of wetland at the Kittrell quarry.

John Pike was sworn in and stated he represented his mother (Sofia C. Wall) who is an adjoining property owner. He stated the citizens of northern Franklin County have been left out when improvements have been made. He stated they don't have access to a secondary water supply which

means they depend on their wells. He stated his family owns a horse boarding facility and their customers will not want to ride their horses when Sunrock is blasting and noisy trucks start hauling from the site. He questioned how the residents will be compensated if something happens to their water supplies and money is lost for his family business. He wanted to know how the citizens could stop the quarry project.

Marilyn Sebastian (2578 NC Hwy 39) was sworn in and stated she has a compromised immune system. She stated she has letters from two doctors stating that noisy conditions would be detrimental to her health.

Ken Jones (316 Beasley Road) was sworn in and stated the Franklin County Economic Development website states "Franklin County is for anyone who is seeking a quiet peaceful place" and he feels the proposed project is the further thing from the truth. He stated he feels this project has been kept quiet since October 2007 until the past 10 days and it makes people feel it's corrupt. He stated silica dust exposure can lead to Silicosis, lung cancer, tuberculosis and other diseases. He stated the EPA reports that older adults and children are most likely to develop these diseases.

Ronnie Morgan was sworn in and stated he works for NC State University. He stated the facts that Ken Jones gave to the Board has been given to him as an employee for installing sheet rock and this warrants the Board's consideration.

Debra Valentine (829 Duke Valentine-Wynne Road) was sworn in and stated she owns property at the location. She questioned what the average salary is for a Sunrock employee. She questioned if the tax value of the Sunrock property would be additional income for Franklin County. She also questioned what would be the long term and short term profitability of the quarry. William Wallace questioned if Mrs. Valentine's property near the location is rental property. Mrs. Valentine responded she doesn't rent out the property.

Alice Kidd (8452 NC Hwy 39) was sworn in and stated she also co-owns property located at 268 Beasley Road. She presented a petition with 814 signatures so far opposing the project. She questioned why Sunrock didn't contact any of the citizens as part of their social responsibility. She stated she telephoned the Kittrell quarry and asked how many people were employed at their facility. She stated the gentleman told her that they were at their minimum which was four people and the maximum number would be 15 people. She stated she contacted James Simmons at the Environmental Agency to question what effect the quarry would have on her well. She stated Mr. Simmons told her the blasting at the quarry would shake the homes and could cause damage to surrounding wells including creating cloudy water. She questioned who would be responsible if damage occurred. She stated Mr. Simmons stated it would be the responsibility of Sunrock if this happened.

Luther Coppedge was sworn in and stated he has been the pastor at Haywood Baptist Church which is located on Rocky Ford Road for 44 years. He stated many of his over 300 members live in the proposed area. He stated he feels the quarry needs to be located elsewhere in a more appropriate area.

George Clifton (1001 Eaves Road) was sworn in and stated he owns property on Highway 39. He stated he has done research and discovered the duration of a blast is 2 minutes and this may not be a considerable amount of time unless it's in your backyard. He reminded the Board that it's their responsibility to protect the citizens of Franklin County. He suggested that the Board compare the

proposed area to other quarry locations and talk to the people that live in these areas where quarries are located.

A lady in the audience stated she would like to give her five minutes to Shelia Hanna so she could continue with her statement. Shelia Hanna was reminded she was still under oath. She questioned if the supplies for the quarry would be purchases in Louisburg or any part of Franklin County. She questioned what revenue was brought into Person and Granville Counties where Sunrock has other quarries located. She stated her research showed there was a \$465,000 Senate funding obtained in Person County. She stated she feels no taxpayer should have to pay to support Sunrock's requirements. She stated Sunrock should have to conduct business at the convenience of the citizens since they were there first. She stated she feels Sunrock isn't trying to help the citizens and it's the Board's job to help the citizens.

Donnell Privette (874 Beasley Road) was sworn in and stated he has been a brick mason for 25 years. He stated he has to wear a mask and eye protection when he deals with silica dust. He questioned what he is supposed to do when his kids are around the dust while playing outside and when their water is undrinkable.

Judy Umeck (721 Beasley Road) was sworn in and stated she moved here from California two years ago. He stated from 1976-1986 she lived adjacent to a quarry in Sun Valley, California. She stated she had an elderly roommate and she died from emphysema from silica dust. She stated she spoke with a geologist to question the impact of mining and blasting. She stated she was told her home and well would sustain damage. She stated she feels she shouldn't have to incur legal costs to prove the damage was caused by quarry activities. She questioned how she could ever sell her property if the quarry is approved.

P.G. Murphy (311 Rocky Ford Road) was sworn in and questioned if a concrete and asphalt plant would be installed. He expressed concern over the possibility of traffic increasing immensely.

Susie Thomas (917 Beasley Road) was sworn in and pleaded with the Board not to allow the quarry to be brought into the community. She stated there was no way she could sell and purchase another home at her age. She emphasized to the Board to please consider the community when they made their recommendation.

Sue West (2661 NC Hwy 39) was sworn in and stated she recently retired and she has worked hard over the years to purchase her property as a single person. She stated she feels the proposed site is the wrong place for a quarry.

Georgeann Brown (313 W. Dyking Road) was sworn in and questioned what would be the traffic impact for the Town of Louisburg. She questioned if the proposed operations be seasonal like the construction industry. She questioned the provisions of security to keep people from the quarry to prevent injury and/or death and would there be any provisions pertaining to expansion. Pat Young stated an expansion would have to go through the Special Use Permit process.

Bill Coffey (2907 NC Hwy 39) was sworn in and questioned if the Board had visited the proposed site and driveway locations. He stated he feels the Town of Louisburg's water concerns need to be addressed. He stated he feels the setback requirements need to be extended. He expressed concern with the possibility of the run-off from the proposed property going into the creek and the driveway being located at the bottom of a hill.

Crystal Johnson (75 Woodlief Acres) was sworn in and stated she travels Beasley Road frequently and questioned if these roads would be policed. She stated the existing roads are very narrow and she expressed concern with the effects of traffic on the side roads.

Ronnie Morgan was reminded he was still under oath and he questioned the effect the quarry would have on vegetation (fruit trees and gardens) and the effect on pets and general wildlife.

John Pike was reminded he was still under oath and he stated he feels people should be able to speak after Sunrock gives their presentation. He stated the project doesn't fit the definition of a Special Use Permit.

Jerry Ball (352 Moulton Road) was sworn in and stated he owns a well drilling company. He stated a quarry would affect wells up to seven miles. He stated no one knows where water vein goes or comes from. He stated if a vein is damaged, water goes into the quarry and citizens would have to pay to drill another well.

Jerry Jones (2725 NC Hwy 39) was sworn in and stated renters are just as important as the property owners regarding this matter. He stated his wife owns their property because it was family land but he could be affected by the proposed use.

Shelia Hanna questioned if the County is offering any incentives to Sunrock for locating a quarry in Franklin County. Pat Young stated not to his knowledge there are no incentives being offered.

Jamie Clifton (2603 NC Hwy 39) was sworn in and stated she rents her home. She questioned if any of the Board members lived in the area of the quarry.

Steven Branch Sr. (1245 Dyking Road) was sworn in and questioned if Franklin County would be compensated from Sunrock to build the quarry. Mr. Young replied no.

Keith King was sworn in and stated he owns property at 4648 NC Hwy 39 (1.5 miles from site) and 2702 NC Hwy 39 (75 feet from site). He stated he has been in law enforcement for 15 years and 5 years of that has been with motor vehicles. He stated road improvements would cost approximately \$250,000 as set in Sunrock's proposal. He questioned if the tax rate would be dropped when property tax value goes down.

Chairman Nelms recessed the meeting at 9:20 P.M. for a five minute break. He called the meeting back to order at 9:30 P.M.

Bill Hopper (Oxford, NC) was sworn in and stated he is the attorney representing Carolina Sunrock. He stated Sunrock is a family owned and operated company. He stated all of Sunrock's facilities are well maintained and Sunrock employs approximately 200 people currently. He stated the site is partly timbered and doesn't contain a lot of wetlands. He stated there is a 200-foot buffer in place. He stated studies reflect that the noise level would be no more than what neighbors are currently hearing. He stated they predict there will be no more than a 1% increase in traffic but this could change someday. He stated trucks from the quarry carry 21,000-22,000 pounds total. He stated a quarry is needed in order to build structures, roads, etc. and a quarry is regulated by air permits and many other types of permits. He stated there has never been an incident in North Carolina where water was an issue due to a quarry.

He stated a quarry impacting tax value is a perception. He requested the Board deal with the facts of the proposed and not perceptions that may not be true.

George Banino was sworn in and stated he has been a geologist for 35 years with experience in the sand and stone industry. He explained that everyone uses products from a quarry and most counties in North Carolina have quarries. He stated people are not getting sick and dying from quarries since they are heavily regulated. He stated Beasley Road will not be used to transport materials and would be used only by service vehicles. He stated proposed buffer area adds up to 175 acres which is 36% of undisturbed vegetated property. He stated they are proposing an access road off Hwy 401 with a bridge to go over the wetland so there will be less impact on the wetlands. He stated there would be lighting located at the entrance, office/scale house and the mining area, which wouldn't create a glare. He emphasized that mining only occurs at one area at a time, not all over the facility and there is a 100-foot undisturbed buffer around the mining area.

Mr. Banino stated the state requires monitoring wells be installed prior to the site being developed. He stated a property the size of the proposed would have more than two monitoring wells. He stated Sunrock doesn't propose to put fencing around the sand mining area but 6-foot fencing would be put up around the rock mining area and will be expanded as the rock mining area expands. He stated there would be no dynamite used for the blasting. He stated they place a mixture (fuel oil mixed with a blasting material) in 5-6 inch holes and backfill it with no explosive material. He stated there would be several mini explosions, not one big explosion. He stated no blasting materials would be kept on the property and any material not used if take off of the property. He stated blasting is monitored and documents have to be maintained. He stated vibration, noise and dust are impacts of blasting but they are all heavily regulated. He stated blasting occurs 1-2 times per week between 8AM-5PM and only lasts no more than a couple of minutes.

Mr. Banino stated the road from Highway 401 to the office area would be paved with asphalt. He stated the other roads would consist of crushed stone and sprayed with water to help with any dust issues. He stated they would be swept periodically. He stated the entrance would be professionally landscaped and additional screening will be put in place if needed. He stated Sunrock had experts do a survey and they took noise measurements from the Kittrell quarry with the nearest home being located over 1,000 feet from the processing area. He showed a video clip of a blasting in progress. He stated quarry's produce vibrations below the allowable level. He stated no wells had been de-watered and he didn't see any depression of the water table outside 200 feet. He stated most quarry's have wells located on their property. He informed the Board that no wells have ever been impacted by the Kittrell quarry.

Mr. Banino stated reclamation is required as part of the permit to operate a quarry and the plan is bonded. He stated a quarry can be used as a water reservoir, recreational use and residential use. He stated there would be non-employees on the site as well as Sunrock employees. He stated the water supply for the site would come from wells and a septic system would be installed. He stated the traffic would be regulated by NCDOT and enforced by law enforcement. He stated the quarry is meeting the demand for the product. He stated the proposed quarry would be supplying the material from a closer location. He stated currently material is brought in from outside Franklin County to supply projects. He stated the trucks traveling the highway from the proposed site would be replacing existing trucks that travel now from other facilities.

Mr. Banino went over a map of the quarry that is located on US Hwy 1. He pointed out the quarry's location in relation to Olde Liberty Subdivision and the new school built on Long Mill Road. He stated

this quarry hasn't created any problems for residents living in the area and a school was even built near the quarry. Pat Young stated the quarry located on US Hwy 1 didn't have to go through the Special Use Permit process because it was zoned to allow the quarry and there are no homes occupied on the east side of Olde Liberty but it is plotted for development.

Bill Hopper stated after reviewing the Special Use Permit checklist, he has made the following findings:

- Conditions have been addressed and met.
- Traffic flow is minimal
- Crush would be located over 2000 feet from the nearest property.
- No public facilities would be used
- All the screening and buffering requirements would be met
- Quarry would not have an impact on the adjacent properties.

Pat Young stated he wanted to address some of the questions from the comments made by the public earlier. He stated the air quality and noise study that was conducted are not site specific since there is nothing on the proposed site and the results were from similar site tests. He stated the blasting noise is measured in frequency and decibels. He stated during the blasting process, you would hear a series of rumbles instead of one big bang. He stated the noise level is regulated by the decibel scale. He stated the applicant has emphasized to staff that no explosive materials used in blasting process would be stored on the property. He directed the question of the type of material use for blasting to be answered by Sunrock. Joe Nawrocki was sworn in and stated he works for the company that does the blasting. He stated ammonium nitrate is for the blasting. He stated it doesn't become an explosive until it is put into the blasting holes and mixed with fuel. He stated approximately 300-350 pounds is put into each hole.

Pat Young continued with answering the questions from the public. He stated it is estimated that it would take approximately 70 round trips at 20-22 tons per trip to meeting the expected 300,000-500,000 tons. He stated as far as if compensation would be made to adjacent property owners, the applicant has expressed that there would no damages which would require compensation. He stated it has been proposed that the average salary of a quarry employee is \$40,000-\$50,000 yearly plus benefits. He stated as far as the quarry impacting property values, he wouldn't be able to answer because the County would have to do a reevaluation. He asked Sunrock to respond to a comment made referring having blasting on a specific schedule to accommodate the residents. Mr. Banino stated blasting would only be conducted during the regular operation hours. He stated he couldn't give a specific time but they possibly could give a broad time span for the blasting. He stated it takes a couple of days to drill the holes and then a couple of hours to fill and shoot them.

Mr. Young asked Sunrock to comment on the violation on the 1.58 acres of wetland in Kittrell that Ms. Hanna had inquired about earlier. Tony Sample (Sunrock) stated the violation had been corrected and completed with the Corp of Engineer. Pat questioned the off-site problem with silica dust. Mr. Sample stated the dust is controlled by a state permit. He stated Sunrock employees are checked periodically by IMSHA (federal government agency). William Holden questioned how often the employees are checked. Mr. Sample's response was twice a year. Mr. Young questioned if employees wore protective gear. Mr. Banino stated employees only are required to wear hard hats. Mr. Young questioned if there is any problems with cloudy water or dewatering. Mr. Banino stated there are no reports of water problems and if dirtying of water did occur, it would be temporary.

Pat Young questioned the traffic impact analysis on the Town of Louisburg. Tracy Parrott was sworn in and stated he designed the entrance. He stated a traffic impact analysis was submitted. He stated the projected number of trips on the reports is the estimated number for the first decade of the development. Mr. Young question if Sunrock is projecting seasonal variations of the traffic. Mr. Banino stated that some of the traffic projections would be based on the weather and they expect traffic to be slower during the winter months. Mr. Young questioned if there would be any additional perimeter security. Mr. Banino stated there would be fencing at the main access and the Beasley Road access.

Mr. Young asked for comments on the concern expressed referring to run-off into the Tar River. Mr. Banino stated off-site run-off is controlled by Federal permits. He stated the Kittrell quarry is adjacent to the Tar River and it doesn't impact the river. He stated water is collected and treated before being released. Mr. Young questioned the impacts on the riparian buffers. Mr. Banino stated the 50-foot buffer has been deemed adequate and this is what is required by the State. Mr. Young questioned the safety concerns pertaining to ingress and egress of the driveway location. Mr. Parrott went through the conceptual and the conceptual widening plans. He stated the driveway location is safe since it is located where the road begins to flatten out. He stated the road would be widened 6-feet on each side and a turning lane would be developed. Mr. Young questioned if any DOT funding or match that would come from the County to fund transportation improvements. Mr. Parrott stated he is not involved with the matter regarding funding sources.

Mr. Young stated there is concern that Beasley Road is posted for no vehicles weighing over 30,000 tons. Mr. Banino they have no intent of using Beasley Road for commercial use. He stated it would be used by "light" vehicles to service equipment. Mr. Young questioned the impact the quarry would have on wildlife, pets and gardens. Mr. Banino stated mining occurs one site at a time and processing is ongoing. He stated the undisturbed sections become refuge for wildlife. He stated the quarry has very little if any impact on the wildlife and it actually enhances wildlife.

Chairman Nelms called for any rebuttal from the audience. Keith King stated that the effects of the quarry on the health and livelihood of his family are a big concern for him. He stated that Raleigh is not Louisburg and feels they can't be compared. He stated Sunrock couldn't find 480 acres of vacant land in Raleigh to create a quarry. He stated the quarries that are located in Raleigh were put in before their surrounding developments. He stated that the people who live around those quarries chose to live there and if he wanted to live next door to a quarry, he would sell his property and purchase near one.

Shelia Hanna stated she understands that Sunrock has been cited eight times by her information. She inquired on the reason for the citations and what they were for. Mr. Banino stated with an operation as complex as a quarry, there would be things missing. He stated a citation is issued by an inspector and are normally fixed before they leave the site. Ms. Hanna stated her research indicated that 30 families at the Butner quarry formed a group to fight the expansion of the facility. She stated she also discovered that there was opposition against the Person County site claiming there was deception of what was proposed.

Chairman Nelms closed the public hearing. William Wallace made a motion, seconded by Ronnie Pearce to recommend to the County Commissioners a denial of the petitioner's request due to the type, size and intensity of the proposed use would have significant adverse impact on the adjoining properties, the neighborhood and the general welfare of the community. The motion passed unanimously.

With there being no further business before the Planning Board, Chairman Nelms adjourned the meeting at 11:50 P.M.

Henry Nelms, Chairman
Franklin County Planning Board

Tammy Davis, Clerk
Franklin County Planning Board