



## REQUEST FOR BOARD ACTION

ITEM NO. 27.

**DATE OF MEETING:** October 21, 2013

**REQUESTED BY:** Ed McCarthy, Planner II, Planning & Community Development

**SHORT TITLE:** Resolution to Approve a Special Use Permit (SUP) for a Revision to an Existing Special Use Permit for the Use of Nonmetallic Mineral Mining and Quarrying.

**BACKGROUND:** HanPen Land Co. LLC, applicant, on behalf of Jim Teachey, owner(s), is requesting approval of a revision to an existing Special Use Permit, approved 8/23/99 and revised on 09/18/2000 for the Use of Nonmetallic Mineral Mining and Quarrying operation (Case Number: 11024). The property is located approximately 450 feet north of Sidbury Road and may be identified as Pender County PIN 3262-21-4436-0000. The property is zoned RA, Rural Agricultural, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; Nonmetallic Mineral Mining and Quarrying (NAICS 2123) is permitted via Special Use Permit in the RA zoning district.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a special use permit (SUP) for nonmetallic mineral mining and quarrying.

**RESOLUTION**

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that:

The Board hereby (approved, modified, denied) a special use permit for a Nonmetallic Mineral Mining and Quarrying use, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS

YEA VOTES: Brown \_\_\_ McCoy \_\_\_ Tate \_\_\_ Ward \_\_\_ Williams \_\_\_

\_\_\_\_\_  
Chairman 10/21/2013

Date

\_\_\_\_\_  
ATTEST 10/21/2013  
Date

**PLANNING STAFF REPORT**  
**Special Use Permit**

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**SUMMARY:**

**Hearing Date:** October 21, 2013  
**Applicant:** HanPen Land Co. LLC  
**Property Owner:** Jim Teachey  
**Case Number:** 11024

**Land Use Proposed:** HanPen Land Co. LLC, applicant, on behalf of Jim Teachey, owner(s), is requesting approval of a revision to an existing Special Use Permit, Case (10591), for a Nonmetallic Mineral Mining and Quarrying operation.

**Property Record Number and Location:** The property is located approximately 450 feet north of Sidbury Road and may be identified as Pender County PIN 3262-21-4436-0000.

**Zoning District of Property:** The approximately 313.43 acre property (Pender County) (429.65 acres total) is currently zoned RA, Rural Agricultural, and Nonmetallic Mineral Mining and Quarrying is permitted via SUP in the RA zoning district.

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**Project History:**

During the 8/23/99 Board of Commissioners meeting for SUP Case (10591), applicant Mark Walton, on behalf of Socastee Harvest, L.L.C., owner, was approved for the establishment of an 11.88 acre sand mine near Sidbury Road in Hampstead, NC. The approval consisted of a (2.18 acre pit mine area), while the remainder of the 11.88 acres was approved to be mined in conjunction with the ditching of the roads. The method of mining was a Front-end Loader and Truck Dragline method.

- January 2000 application to increase the mine area by 23.9 acres: No action taken
- March 2000 application to increase the mine area by 23.9 acres: Removed from the agenda
- April 2000 application to increase the mine area by 23.9 acres: Tabled until inspection
- July 2000 application to increase the mine area by 23.9 acres: Tabled not heard (Hearing Cancelled)
- August 2000 application to increase the mine area by 23.9 acres: Tabled

Although, a thorough documented explanation of the “tabling and removal explanation” from the Board of Commissioners’ agenda was not documented, the following provides an indication as to some of the issues that may have affected prior events.

*“From May 2000 through September 2000, the applicant initiated wetland restoration, modified their state mining permit (to add 15.38 acres Pit II), obtained approval of a sedimentation and erosion control plan, submitted a mine inspection report, and submitted a site map detailing disturbed areas, wetlands, mining areas, and sedimentation and drainage structures.”*



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**EVALUATION:**

- A. *Public Notifications:*** Advertisements for the proposal have been placed in the *Pender-Topsail Post & Voice*. Adjacent property owners were notified by first class mail.
- B. *Basis for Granting SUP:*** See attachment A for approval procedures (§3.12.3 of Unified Development Ordinance) and revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. *Unified Development Ordinance Compliance:*** The property is currently zoned RA, Nonmetallic Mineral Mining and Quarrying is permitted in the RA zoning district by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses.
- D. *2010 Comprehensive Land Use Plan Compliance:*** The subject property is classified as Mixed Use in the *2010 Comprehensive Land Use Plan*. The Mixed Use land use classification designates locations where a mixture of density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner.

The SUP request may be supported by a policy within the *2010 Comprehensive Land Use Plan*:

- *Policy 1A.1.5 – The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.*

- E. *Existing Land Use in Area:*** The subject property's borders to the west, north and east are a number of vacant, and/or parcels participating the State of North Carolina's present use value program. The properties along the southern boundary include a number of single family residential homes and unused tracts of land.
- F. *Site Access Conditions:*** The proposed use plans to utilize existing access to Sidbury Road (New Hanover County) via an adjacent southern parcel in common ownership.
- G. *Conditions To Consider In Issuing the Special Use Permit For This Project:***
1. The project shall comply with all requirements of the Pender County Unified Development Ordinance.
  2. As prescribes in Section 3.12.4.C of the Pender County of the UDO; unless a request for additional time is granted or approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void if final Zoning Approval has not been issued for the project within 24 months after the Notice of Approval of the Special Use Permit has been served on the applicant. The Administrator may provide one extension of the expiration date by no more than 6 months, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the Zoning Approval.
  3. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation.
  4. The applicant shall meet all other local, state and federal regulations.

5. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in affect for the duration of this permit.
6. All conditions established in prior Special Use Permits remain in full effect.
7. A letter of concurrency shall be obtained from New Hanover County (Planning and Inspections) indicating that continued access (as a result of mine expansion) through the New Hanover Parcel identified by (Alt ID 326101.19.9290.000) is permitted.

## **Attachment A**

### **3.12.3 Procedures for Reviewing Applications**

- A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.
- B. The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public.
- C. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed.
- D. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.
- E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.
- F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.
- G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:
  1. The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;
  2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
  3. The proposed use shall not constitute a nuisance or hazard;
  4. The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
  5. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
  6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;
  7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
  8. The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

### **3.12.4 General Provisions Concerning Special Use Permits**

- B. Revocation - In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Administrator may initiate a notice of violation for the provisions of this ordinance and the conditions of the Special Use Permit not in compliance or the Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall

be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified.

## APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP # 10591 - R	Date	Sept. 6 - 2013
Application Fee	\$ 750 (300 + 450)	Receipt No.	# 132054
Pre-Application Conference	N/A	Hearing Date	10.27.2013
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	Han Pen Land <sup>Co</sup> LLC	Owner's Name:	Jim Teachey
Applicant's Address:	1430 Commonwealth Dr Suite 102	Owner's Address:	1430 Commonwealth Dr Suite 102
City, State, & Zip	Wilmington NC 28403	City, State, & Zip	Wilmington NC 28403
Phone Number:	(910) 350-1200	Phone Number:	(910) 350-1200
Legal relationship of applicant to land owner:			
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	3262-21-4436-0000	Total property acreage:	313.16 AC
Zoning Classification:	RA	Acreage to be disturbed:	4.38
Project Address :	8501 Sidbury Rd.	NAICS Code:	
Description of Project Location:	From US 17 travel NW on Sidbury Rd 2.0 miles to gate of land.		
Describe activities to be undertaken on project site:	continue with sand mining. Sand is loaded into dump trucks and hauled off site.		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature	HANPEN LAND LLC	Date:	9-5-13
Owner's Signature	Jim Teachey Pres	Date:	9-5-13
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Special Use Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing.</li> <li>4. Applicant may wish to review the required findings for approval of a Special Use Permit found on page 1 of this application</li> <li>5. Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing.</li> </ol>			

**Office Use Only**

<input type="checkbox"/> General/ Fees: \$300 +\$10 per acre over 5 acres, Max. of \$5,000 <input type="checkbox"/> Tower over 75 Feet/ Fees \$500 <input type="checkbox"/> Minor Revisions /Fees \$100 <input checked="" type="checkbox"/> Mining Fees \$750	Total Fee Calculation: \$ <u>1750</u>								
	Application#: <u>10591</u>								
	Date of Hearing: <u>10.21.13</u>								
Attachments Included with Application: (Please Include # of copies)									
CD /other digital Version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets	<u>Yes</u>	# of large	<u>No</u>	# of 11X17	<input checked="" type="checkbox"/>	Other documents/Reports	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card:	<input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check:	<input checked="" type="checkbox"/> Check # <u>300</u>				
Application received by:	<u>Ashley Frank</u>						Date:	<u>9.6.13</u>	
Application completeness approved by:	<u>Ashley Frank</u>						Date:	<u>9.6.13</u>	

**Special Use Permit Checklist**

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete)
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input checked="" type="checkbox"/>	<p><b>Project Narrative</b>--Written description of the project (max of 3 pages) including the following:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Location of the project and type of access to project site</li> <li><input checked="" type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc.</li> <li><input checked="" type="checkbox"/> Description of all construction activities to be undertaken on the site</li> <li><input checked="" type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers</li> <li><input checked="" type="checkbox"/> List of all state and federal permits that will be required for the project</li> <li><input checked="" type="checkbox"/> Applicant <u>must specifically address the 8 written findings</u> for Special Use Permit approval which are identified on page 1 of this application and in the Pender County Unified Development Ordinance (Section 3.12.3.G.). Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts. The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project.</li> </ul>
<input checked="" type="checkbox"/>	<p><b>Project Map(s)</b>--Map or maps of the special use project site with boundaries of the project if less than the parcel boundaries. This map or maps shall be drawn to a <u>readable</u> scale. The scale shall be not more than 200' to the inch. The map shall display an accurate bar graph scale, date prepared, north arrow and the author of the map. This map(s) shall show the following:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Boundaries of the property upon which the special use will be located, the acreage in the property and project site, with a north arrow and bar graph.</li> <li><input checked="" type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road.</li> <li>NA <input type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property.</li> <li><input checked="" type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries.</li> <li><input checked="" type="checkbox"/> Existing and proposed structures, other on-site improvements, and location of all activities associated with the use, location of well, septic tank, and/or other utilities.</li> <li><input checked="" type="checkbox"/> Boundary of all clearing, grading, and/or land disturbing activities on the site and the calculated acreage of all land disturbing activities on the site.</li> <li><input checked="" type="checkbox"/> Parking, loading areas, and access to the project (See Article 7, Pender County UDO)</li> <li>NA <input type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO)</li> <li><input type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO)</li> <li>NA <input type="checkbox"/> Pedestrian walks, area lighting and flood lighting.</li> <li><input checked="" type="checkbox"/> Existing natural features of the site including, wooded areas, tree lines, ponds, streams, other water bodies or ditches on or adjacent to the site, designated flood hazard areas &amp; known or designated wetlands on the site.</li> <li><input checked="" type="checkbox"/> Drainage plan and/or direction of flow of runoff from the project and site.</li> <li><input checked="" type="checkbox"/> After review by the Planning and Community Development Department, additional information may be required to be submitted.</li> <li><input checked="" type="checkbox"/> Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.</li> </ul>
RETURN COMPLETED APPLICATION TO: Pender County Planning & Community Development P.O. Box 1519 Burgaw, NC 28425	

September 6<sup>th</sup>, 2013

Ms. Ashley Frank  
Pender County Planning and Community Development  
805 S. Walker Street  
Burgaw, NC 28425

Re: Mining Permit Modification for HanPen Mine.

Dear Ashley,

Enclosed is a special use permit application for HanPen Mine. The application is being made for the purposes of continued sand mining by modifying the existing permit. The modification consists of expanding the mine permit boundary to an area with better sand resources. This modification will add 4.38 acres from the east side of the original mine permit boundary.

The permit application includes: the signed application form, application fee of \$300, List of adjacent landowners, addressed and stamped envelopes to adjacent land owners, two full size site maps and 20 copies of the site map.

The following will serve as the project narrative.

The site is located off Sidbury Road, two miles from US HWY – 17 in southern Pender County. This application is for continued mining of sand at the site. Construction activities include sand removed by excavator and put in dump trucks to be hauled offsite. No utilities are necessary for this operation. State and federal permits include a Mining Permit from NCDENR's Land Quality Section and a NPDES General Permit.

The existing and proposed permit is for mining unconsolidated material only. No rock mining is proposed. The depth of mining in the proposed additional area will be done by removal of surficial material to a depth no greater than six feet below ground surface. The intent is for the final depth to be at or above the surficial water table so that no pond is formed as a result of mining.

The new mine are will be graded and/or ditched so that runoff drains into the existing mine area. Water from the existing mine goes through a settling basin and discharges into adjacent wetlands under the existing NPDES Permit.

An application for modification of the NC Mining Permit is being prepared simultaneously with the special use application.

The following is the response to the 8 approval standards that must be addressed with this application:

*1. The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;*

The use requested is listed among the special uses in the district for which the application is made.

*2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;*

The use requested will not impair the integrity or character of the surrounding or adjoining districts nor adversely affect the safety, health, morals or welfare of the community or of the immediate neighbors of the property. At 313.16 acres, the property is so large that the additional 4.38 acres added to the 24.36 acre sand mine located near the property's center should have no affect on the community or neighbors of the property. The piece of land has also been used for sand mining since approximately 2000, therefore the proposed modification is not anything new for the property. Also, the operations of the sand mine will be in accordance to the state's mining permit rules and therefore are regulated in terms of safety, health and welfare of the community. The modification is only for adding 4.38 more acres, so there will not be any additions of operations or equipment on the site. The application is being made for the purposes of continued sand mining.

*3. The proposed use shall not constitute a nuisance or hazard;*

The proposed use will not constitute a nuisance or hazard At 313.16 acres, the property is so large that the additional 4.38 acres added to the 24.36 acre sand mine located near the property's center should not be a nuisance or hazard.

*4. The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County commissioners;*

The proposed use is permitted by special use permit in an RA district.

*5. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;*

The area has already been set up and is being used as a sand mine. All access roads, drainage and necessary facilities are already in place.

6. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;*

Adequate measures have been taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads. The mine has been set up and operational since 2000.

7. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and*

The special use conforms to the applicable regulations of the district. The proposed use is permitted by special use permit in a RA district.

8. *The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.*

At 313.16 acres, the property is so large that the additional 4.38 acres added to the existing sand mine located near the properties center should be sufficient in size to satisfy the space requirements of the sand mine. The mine is not visible from the road or the residences in the area.

If you have any questions or need additional information, please feel free to call me at 910-259-4800.

Sincerely,



Allen Thornton  
Walton Engineering  
P.O. Box 895  
Burgaw, NC 28425  
allen@waltonengineering.net

North Carolina Department of Environment and Natural Resources,  
Division of Energy, Mineral, and Land Resources, Land Quality Section

MINE INSPECTION REPORT

PERMITTED MINE SITE

UNPERMITTED MINE SITE

1. MINE NAME: HanPen Mine 2. MINE LOCATION: Sidbury Rd

3. COUNTY: Pender 4. RIVER BASIN: Cape Fear 5. CASE: \_\_\_\_\_

6. OPERATOR: Hanpen Land Co, LLC Mr. Jim Teachey

7. ADDRESS: 1430 Commonwealth Dr Wilmington, NC 28403

8. MINING PERMIT #: 71-15  N/A 9. PERMIT EXPIRATION DATE: 1.12.20  N/A

10. PERSON(S) CONTACTED AT SITE: None - no one available

11. PICTURES?  Yes  No TAKEN BY: \_\_\_\_\_

12. TYPE OF INSPECTION:

A. Initial Inspection (Unpermitted Mine Sites)

1. Size of affected land: \_\_\_\_\_ ac. (attach sketch map)

2. How was this area measured? \_\_\_\_\_ Measured by: \_\_\_\_\_

B. Routine Inspection (Permitted Mine Sites)

C. Follow-up Inspection

13. Date of last inspection: 4.2.13

14. Any mining since that date?  Yes  No If yes, cite evidence of such mining activity: \_\_\_\_\_

15. Was mine operating at time of inspection?  Yes  No If yes, explain: \_\_\_\_\_

16. Is the mine in compliance with the Operating Conditions of the Permit?  Yes  No  N/A

If no, explain: \_\_\_\_\_

17. Is the mine in compliance with the Reclamation Conditions of the Permit?  Yes  No  N/A

If no, explain: \_\_\_\_\_

18. Is there any off-site damage? A.  Yes B.  No C.  None observed

If A, describe the type and severity of the damage: \_\_\_\_\_

If B or C, is there potential for offsite damage?  Yes  No Explain: \_\_\_\_\_

19. Corrective measures needed and/or taken: \_\_\_\_\_

20. Other recommendations and comments: Mine boundaries need to be permanently marked as stated in Mining Operating Condition 5. Per our conversation at the last inspection the boundaries will be marked and if they are not marked by the next inspection the site will be considered in non compliance with the Operating Conditions.

21. Is the Annual Reclamation Report +/- map accurate?  Yes  No (Explain)  Not Reviewed  N/A

22. Follow-up inspection needed?  Yes  No Proposed date \_\_\_\_\_

23. No. of additional pages of Inspection Report \_\_\_\_\_ 24. Copy of Report sent to operator 10.7.13

INSPECTED BY: Trentt James DATE 10.3.12

Telephone No: 910.796.7305

Copy to file

Copy to operator

Copy to Mining Specialist

North Carolina Department of Environment and Natural Resources,  
Division of Land Resources, Land Quality Section

MINE INSPECTION REPORT  
(PERMITTED MINE)

1. MINE NAME HanPen Mine 2. MINING PERMIT # 71-15  
3. OPERATOR Hanpen Land Company, LLC Mr. Jim Teachey  
4. COUNTY Pender 5. ADDRESS 1430 Commonwealth Dr Wilmington, NC 28403  
6. PERMIT EXPIRATION DATE 01/12/2020 7. RIVER BASIN Cape Fear  
8. Person(s) contacted at site Mr. Teachey  
9. Was mine operating at time of inspection?  Yes  No 10. Pictures?  Yes  No  
11. Date last inspected: 10.21.11 12. Any mining since last inspection?  Yes  No  
13. Is the mine in compliance with the Operating Conditions of the Permit?  Yes  No  
If no, explain: \_\_\_\_\_

14. Is the mine in compliance with the Reclamation Conditions of the Permit?  Yes  No  
If no, explain: \_\_\_\_\_

15. Did any of the above deficiencies result in offsite damage?  Yes  No If yes, describe the  
type and severity of the damage: \_\_\_\_\_

16. Corrective measures needed and/or taken: \_\_\_\_\_

17. Other recommendations and comments: Mine boundaries need to be marked and will be per Mr. Teachey.

18. Is the Annual Reclamation Report +/- map accurate?  Yes  No (Explain)  Not Reviewed

19. Follow-up inspection needed?  Yes  No Proposed date \_\_\_\_\_

20. No. of additional pages of Inspection Report \_\_\_\_\_ 21. Copy of Report sent to operator 4.4.13

INSPECTED BY: Trentt James DATE 4.2.13  
Telephone No: 910.796.7227

Copy to file

Copy to operator

Copy to Mining Specialist

- E. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been provided.
- According to the applicant the only access to the project is a logging road off Sidbury Road.
  - The access entry point is located in New Hanover County.
  - Portable toilets will be used for restroom facilities.
  - Stock pile areas will be sloped so water will drain back into the mine pit.

- F. That adequate measures have been taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads; and
- According to the applicant. There is an existing logging road that will be used for ingress and egress.
  - According to the state application, a gravel construction entrance will be installed where the logging road meets Sidbury Road.

- G. That the special use shall, in all other respects, conforms to the applicable regulations of the district in which it is located.
- All local, state, and federal regulations must be met.

- H. The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.
- The areas to be mined are contained within the 220 +/- acre tract. According to the permit, the site is approximately 1350' from Sidbury Road
  - Silt fencing will be placed at the mine pit during excavation.

**V. PLANNING STAFF ACTION:** The legal notice was published in the local newspaper, affected property owners were notified by mail and the public hearing notice sign was posted.

**VI. PLANNING BOARD ACTION:** On July 6, 1999, the Planning Board unanimously approved the Special Use Permit with the following conditions. All members were present. The conditions were as follows:

1. The acreage excavated from the roads shall be included in the mining permit.
2. All local, state, and federal requirements shall be met.

**VII. PUBLIC COMMENT:** The following is a synopsis of the comments:

- No wetlands exist where the excavation will occur.
- Ditching, which also impacts storm water, is regulated by the Corps of Engineers and therefore must be included in the project area.
- The wetland boundaries are shown on the map.
- The roads must be included in the state permit.
- No part of the mining activity is within 50 feet of the hydric soils.
- Current EPA violations are not a part of this request. The matter is in court and the applicant has discussed corrective action. Unapproved disturbed areas have been closed. Restoration of the area includes seeding the ditches and plugging all areas opened.

problem. Now that the disturbed areas of the site have been initially stabilized a primary concern should be to repair as problems occur and maintain permanent vegetation on all disturbed areas of the site to prevent transport of soil particles by water, air or other means.

**E. Conditions that should be Considered in Issuing a Special Use Permit for this project:**

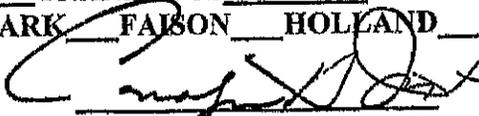
- 1) Prior to issuance of a zoning permit for the project the applicant shall comply with the following:
  - a) A map shall be submitted to and approved by the planning director that shows the location of all previous and proposed project activities including mining activities, disturbed areas, LCID disposal facilities, etc. The map should also show property boundaries, wetland areas, jurisdictional boundaries, roads, drainage facilities with direction of flow and other significant physical features of portions of the site affected by mining activities. A schedule of activities should accompany this map.
  - b) A map on Phase II of the mining activities shall be submitted to and approved by the planning director that shows the following information: Mine Map with contents as required under NCAC Title 15A Subchapter 5A, Section .0004(C). This submission shall show the project boundaries scaled and with dimensions in relation to the adjacent wetlands and the cross sections required under the above noted provisions shall be scaled and show the adjacent wetlands and their elevation. The cross sections showing the final slopes for the banks of the reclamation pond and the stabilization plan proposal for the banks shall be reviewed and approved by the US Soil Conservation Service Agency or other similar agency approved by the Planning Director. The material should show finished elevations for the reclamation proposal and a schedule for vegetation of all areas of the site. The "site" should include any area within 300' of any land disturbing activity to be undertaken in this phase and any access provided for the site and associated activities.
  - c) Drive way permit from NCDOT for the project be submitted to the Zoning Administrator
  - d) In any phase of the project where activities are currently underway a marker consisting of a 5 foot post shall be placed in or adjacent to the wetlands boundary at points that are closest to the project activities. These markers shall be shown on the maps noted above and maintained until all activities have ceased in that phase of the project.
  - e) The two county line monuments located on the property shall be staked in the same manner as noted above.
  - f) Applicant submit a summary report on status of current wetlands restoration activities.
- 2) That the LCID facility located on the property be operated and maintained in compliance with NC Solid Waste Management Section Rules.
- 3) That no land disturbing activity take place on the site except in accordance with plans and specifications submitted and approved under this special use permit and that all activities on the site comply and be maintained in accord with all Federal, State and Local permits and regulations.
- 4) All Pender County permits issued for activities on the property shall become void when violations of any permits issued for activities on the property occur and the violations are not corrected as prescribed by the responsible agency.
- 5) The entrance to the property be stabilized and maintained with an all weather surface for a distance of 300' from the pavement edge at Sidbury Road. If this section of the entrance is not paved the all weather surface shall meet all NCDOT requirements for base installation for secondary roads.
- 6) That adequate drainage be maintained on all disturbed non wetland areas to insure that water does not pond, become stagnant or provide breeding areas for mosquitos

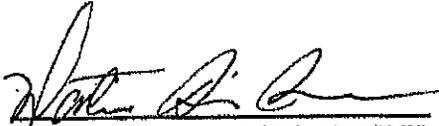
- 7) That the out parcel owned by the applicant on Sidbury Rd., east of the main entrance be cleaned of debris, seeded and stabilized, and the temporary driveway to this lot be removed and the sideline ditch be stabilized in accord with NCDOT requirements. A fence and gate should be installed at the rear of this property to prohibit unauthorized access to the project facilities.
- 8) Truck access be permitted only at the main western entrance as shown on plans as Submitted
- 9) The parking spaces as required under the Pender County Zoning Ordinance shall be shown on the plans noted above and marked on the ground.
- 10) At a minimum temporary or portable restrooms will be provided for employees on the site and visitors to the site.
- 11) Applicant comply with EPA wetlands restoration directives in a timely manner and verify with written documentation to the Planning Dept. when compliance is achieved.
- 12) Upon approval of Phase II(current application) special use permit, no additional mining activities in existing roads will occur except in the 7000± feet approved by the Board of Commissioners on 8/23/99.
- 13) Prior to issuance of any permits beyond Phase II of the project a map of the entire property shall be recorded in the Pender County Registry that shows the property boundaries, all wetland boundaries, and any areas that have been used for solid waste disposal sites.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on 09/18/2000, the Pender County Board of Commissioners considered a Special Use permit for Sandstone Mining, LLC, to include an additional 23.9 acres to expand its mining operation as described herein and Carolyn Justice, Chairman or Martin Beach, County Manager/Clerk to the Board, is authorized to provide notice to the applicant of the action taken herein.

**AMENDMENTS:** Approved with all conditions plus #14; Hours of operation are from 6:00 a.m. to 10:00 p.m. only.

MOVED FAISON SECONDED STRICKLAND  
 APPROVED X DENIED UNANIMOUS  
 YEA VOTES: JUSTICE RIVENBARK FAISON HOLLAND STRICKLAND

  
 \_\_\_\_\_ 9/18/00  
 CAROLYN H. JUSTICE DATE  
 CHAIRMAN

  
 \_\_\_\_\_ 9/18/00  
 MARTIN H. BEACH, CLERK DATE