



## REQUEST FOR BOARD ACTION

ITEM NO. 15

**DATE OF MEETING:** May 26, 2015

**REQUESTED BY:** Megan O'Hare, Senior Planner, Planning & Community Development

**SHORT TITLE:** Resolution Requesting Approval of Major Revisions to an Existing Special Use Permit (SUP) for the Operation of a Sand Borrow Pit Mine. The Revisions are to Expand the Previously Approved Movable Area.

**BACKGROUND:** Dallas Harris, applicant and owner, is requesting approval of a major revision to an existing Special Use Permit (SUP) originally issued January 18, 2005 (SUP 04-12-20-20) for the excavation of 23.06 acres; this request is to excavate 5.578 acres directly adjacent to the previous dig site. This is the only requested revision to the previously approved SUP. There is one (1) tract associated with this request totaling  $\pm$  57 acres. The subject property is located directly west of Shaw Highway (SR 1520), Holly Township, and may be identified by Pender County PIN 3258-51-1378-0000. The property is currently zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance Section 5.2.3, Nonmetallic Mineral Mining & Quarrying (NAICS 2123) is permitted via Special Use Permit. In accordance with Section 3.12.4.H of the Pender County Unified Development Ordinance, major revisions to Special Use Permits must be submitted to the Board of Commissioners.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a revision to an existing Special Use Permit for the expansion of an existing mining operation.

**RESOLUTION**

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

on May 26, 2015 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit Revision, 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: Williams \_\_\_ Brown \_\_\_ McCoy \_\_\_ Piepmeyer \_\_\_ Keith \_\_\_

\_\_\_\_\_  
J. David Williams, Chairman      5/26/2015  
Date

\_\_\_\_\_  
ATTEST      5/26/2015  
DATE

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

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**SUMMARY:**

**Hearing Date:** May 26, 2015

**Applicant:** Dallas Harris

**Property Owner:** Dallas Harris

**Case Number:** 10368 R (SUP 04-12-20-20)

**Land Use Proposed:** The applicant is requesting approval of a major revision to an existing Special Use Permit (SUP 04-12-20-20) for the construction and operation of a Sand Borrow Pit Mine conditioned with a minable area of  $\pm 5.578$  acres in total.

**Property Record Number and Location:** The subject property is located directly west of Shaw Highway (SR 1520), Holly Township and may be identified by Pender County PIN 3258-51-1378-0000. There is one (1) tract associated with this request totaling  $\pm 57$  acres.

**Zoning District of Property:** The property is currently zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance Section 5.2.3, Nonmetallic Mineral Mining & Quarrying (NAICS 2123) is permitted via Special Use Permit.

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**PROJECT HISTORY:**

On January 18, 2005 a Special Use Permit was approved by the Pender County Commissioners for the construction and operation of a  $\pm 23.06$  acre minable area to be located on a seventy-six (76) acre parcel under the same C-Pit Mine project name (Exhibit1). Since the previous Special Use Permit approval, the mining operations on the property have been completed under North Carolina Department of Environment and Natural Resource (NC DENR); Division of Land Resources issued Mining Permit Number 71-42. The previous minable area covered in the State Mining Permit is now an existing pond.

Additionally, the property has since been subdivided and recorded in the Pender County Register of Deeds on Map Book 57 and Page 89 (Exhibit 2). The original Special Use Permit approval (SUP 04-12-20-20) was on the seventy-six (76) acre parcel whereas this is only a portion of that property totaling fifty-seven (57) acres.

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**PROJECT DESCRIPTION:**

Dallas Harris, applicant and owner, is requesting approval of a major revision to an existing Special Use Permit (SUP) originally issued January 18, 2005 (SUP 04-12-20-20) for the excavation of 23.06 acres; this request is to excavate 5.578 acres directly adjacent to the previous dig site. This is the only requested revision to the previously approved SUP. There is one (1) tract associated with this request totaling  $\pm 57$  acres. The subject property is located directly west of Shaw Highway (SR 1520), Holly Township, and may be identified by Pender County PIN 3258-51-1378-0000.

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**Mining Permit**

The North Carolina Department of Environment and Natural Resource (NC DENR), Division of Land Resources issued Mining Permit Number 71-42 for this project. According to NC DENR, Division of Land Resources on May 1, 2015 the previous permit on the site (Permit #71-42) is closed with no operations permitted on the site currently (Exhibit 3). A valid State Mining Permit is required prior to the issuance of Final Zoning and the applicant must work to obtain valid permits.

As prescribed in the applicant's Project Narrative, the maximum depth of excavation shall not be lower than twenty-six (26) feet below the high point located on site with an average depth of twenty-three (23) feet.

**Environmental Concerns**

Portions of the subject property may be located within the AE and Shaded X flood zones along the Northeast Cape Fear River and its tributaries, according to the February 16, 2007 FEMA Flood Insurance Rate Maps (FIRMs), Map Number 3720325800J, Panel Number 3258. The minable area and entire project proposal appears to be located outside of any identified flood zones. Any new development will need to comply with the National Flood Insurance Rate Program (NFIP) in accordance with the Pender County Unified Development Ordinance, and the Pender County Flood Damage Prevention Ordinance.

**Site Access**

The site is accessed via a thirty-five (35) foot wide road with direct access to Shaw Highway (SR 1520) which narrows to twenty-five (25) foot wide throughout the remainder of the site. Preliminary discussions with the NC Department of Transportation may require a Driveway Permit for the proposed project.

According to the applicant, mining of the resources will occur initially by excavators, and dredging once the pond is large enough. Sediment will be removed via dump trucks hauled off site through the existing gravel drive entrance to Shaw Highway (SR 1520).

**Hours of Operation**

According to the applicant's narrative; the proposed hours of operation will be Monday through Saturday from 6:30 AM until 6 PM. There will be a maximum of five (5) employees who operate mining endeavors on site coordinating with contractors for material pick up. There is no facility on site for mining operations which would necessitate any water or septic needs in this Special Use Permit, however portable toilets will be provided on the site.

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As this is a new dig site on a previously closed mining permit, the original conditions of SUP 04-12-20-20 are not applicable and the conditions associated with the proposed ± 5.578 acre minable project area shall be considered in their merit alone. Any further modification to the mining area (size and/or depth) or any other change to this permit will require Pender County Board of Commissioners review and approval. The subject property must comply with all federal and state permits as applicable.

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**EVALUATION:**

- A. Public Notifications:** Advertisements for the proposal have been placed in *The Pender Post/Topsail Voice*. Adjacent property owners were notified by first class mail and a public hearing sign was placed at the project site on Shaw Highway (SR 1520).
- B. Basis for Granting SUP:** See Attachment A for approval procedures (§3.12.3 of Unified Development Ordinance) and revision and revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. Unified Development Ordinance Compliance:** The property is currently zoned RA, Rural Agricultural zoning district and Nonmetallic Mineral Mining & Quarrying (NAICS 2123) is permitted via Special Use Permit. Additionally, the mining facility has been a previously approved mining facility, permitted through DENR.
- D. 2010 Comprehensive Land Use Plan Compliance:** The subject property is classified as Rural Growth in the *2010 Comprehensive Land Use Plan*. The Rural Growth land use classification defines those areas of the County where urban services such as public water and sewer are not expected to be provided, this limiting any surrounding residential development to low density. Incompatible residential and non-residential land uses in Rural Growth areas can be accommodated through spatial separation from existing residential development. The SUP revision request is also supported by goals and policies within the *2010 Comprehensive Land Use Plan*:
- **Policy 1A.1.5** – The County supports a pro-business/pro-growth attitude, balance by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.
- This SUP revision request does not conflict with any goals and policies in the 2010 Pender County Comprehensive Land Use Plan.
- E. Existing Land Use in Area:** The project area of the submitted Special Use Permit Application on the subject property is surrounded by an existing mine to the south (Special Use Permit 04-12-20-20 and State Mining Permit #71-41), and vacant undisturbed land to the north, west and east. There are some low density single family residential properties to the northeast of the property on Shaw Highway (SR 1520).
- F. Site Access Conditions:** The property has direct access to Shaw Highway (SR 1520) via an existing thirty-five (35) foot wide road narrows to twenty-five (25) foot wide throughout the remainder of the site. Preliminary discussions with the NC Department of Transportation may require a Driveway Permit for the proposed project.

**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 Developed Ordinance including Section 6.3 Major Site Development Contents.
2. No project activity shall commence on the site including clearing and grading until a Final Zoning Permit has been issued.
3. One standard highway warning signs stating "Trucks Entering Highway" must remain permanently placed approximately 1,000 feet north and south of the mine entrance along Shaw Highway (SR 1520 ) for the duration of the project. Signs should meet all NCDOT sign and ROW encroachment standards.
4. The project shall not result in any visible sedimentation beyond the project boundary.
5. No mining or earth disturbing activities shall take place outside the project boundary shown of this site plan.
6. The hours of operation for this project shall be limited to 6:30 AM to 6PM, Monday through Saturday.
7. Any further modification to the mining area (size and/or depth) or any other change to this permit will require Pender County Board of Commissioners review and approval.
8. Any new development within the AE or Shaded X will need to comply with the National Flood Insurance Rate Program (NFIP) in accordance with the Pender County Flood Damage Prevention Ordinance.
9. 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.
10. 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.
11. The term of this permit shall be valid for a period of 10 years from the date of issuance of a final zoning permit unless otherwise renewed by Pender County.
12. All other applicable local, state, and federal permits as required.

## Attachment A

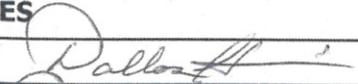
### **3.12.3 Procedures for Reviewing Applications**

- 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.
- H. Revisions - Major revisions to a Special Use Permit must be submitted to the Board of Commissioners. All legal notice and application fee requirements must be met for major revisions. Revisions that are considered minor revisions to an approved Special Use Permit may be reviewed and approved by the Administrator after basic submission requirements have been completed. All revisions approved by the Administrator must meet the original conditions of the permit as approved by the County Commissioners and current provisions of the Zoning Ordinance. The addition of an accessory structure less than 1000 sq. ft., addition of parking or other ancillary facilities or uses or the addition of similar product lines are examples of revisions that may be considered minor revisions.

## APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 10368R	Date	4/1/15
Application Fee	\$ 750.00	Receipt No.	150717
Pre-Application Conference		Hearing Date	5-26-15
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	DALLAS HARRIS	Owner's Name:	DALLAS HARRIS
Applicant's Address:	PO BOX 511	Owner's Address:	PO BOX 511
City, State, & Zip	WRIGHTSVILLE BEACH, NC 28480	City, State, & Zip	WRIGHTSVILLE BEACH, NC 28480
Phone Number:	(910) 686-3622	Phone Number:	(910) 686-3622
Legal relationship of applicant to land owner:	772-574-1023		
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	3258-51-0347-0000	Total property acreage:	55.99
Zoning Classification:	RA	Acreage to be disturbed:	6.72
Project Address :	5270 SHAW HIGHWAY, ROCKY POINT, NC 28457	NAICS Code:	212321
Description of Project Location:	FROM HWY 210 HEADING EAST FROM ROCKY POINT, TURN LEFT ONTO SHAW HIGHWAY (1520) CONTINUE FOR APPROXIMATELY 5 MILES, SITE WILL BE ON THE LEFT.		
Describe activities to be undertaken on project site:	EXCAVATING AND DREDGING SAND TO BE SOLD TO THE PUBLIC. SAND WILL BE HAULED FROM SITE USING DUMP TRUCKS.		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature		Date:	Mar/19/15
Owner's Signature		Date:	Mar/19/15
<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>			

updated parcel information

PIN: 3258-51-1378-0000

per MB 77 pg 89  
± 57 acres

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>750.00</u> Application#: <u>103682</u> Date of Hearing: <u>5-26-15</u>		
Attachments Included with Application: (Please include # of copies)					
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large	# of 11X17	Other documents/Reports
Payment Method:		Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input checked="" type="checkbox"/> Check # <u>130800932</u>
Application received by: <u>Pack Only</u>			Date: <u>4-1-15</u>		
Application completeness approved by: <u>Pack Only</u>			Date: <u>4-10-15</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"/>	<b>Project Narrative</b> --Written description of the project ( <u>max of 3 pages</u> ) including the following: <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"/>	<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: <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><input checked="" 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><input checked="" type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO)</li> <li><input checked="" type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO)</li> <li><input checked="" 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>
<b>RETURN COMPLETED APPLICATION TO:</b> Pender County Planning & Community Development P.O. Box 1519 Burgaw, NC 28425	

Print Form

## ***Project Narrative***

C-Pit Mine  
Pender County, NC

C-Pit Mine is a 55.99 ac. tract located on Shaw Highway in Rocky Point with PIN 3258-51-0347-0000. The site is bordered by Sand Hill Creek to the west, which is over 2,000 ft. from the proposed pit. An existing mine borders the south, an unoccupied lot to the north, and Shaw Highway to the east with the nearest residence located approximately ¼ mile from the proposed mine site. Wetlands on the eastern side of the site will be protected by a 50 ft. undisturbed buffer. No water will be discharged from the site; all runoff will be routed back to the existing pond. There are no existing or proposed structures on the property.

The proposed project will consist of the excavation of 5.58 acres for mining construction fill material. The mine will reach a maximum depth of 26 ft. below the high point located on site with an average depth of 23 ft. The mining process will consist of using an excavator to start, then completed with dredge once pond is large enough. Material will be loaded onto dump trucks and hauled off site. The site will be accessed via an existing gravel entrance drive off Shaw Highway which will have a security gate to be locked anytime the site is unattended.

The proposed site will be used as a construction fill material mining site which is listed among Special Uses for Pender County RA zoning district. This site was previously issued a special use permit (case# 04-12-20-20) on January 18, 2005. Hours of operation will be from 6:30 am through 6:00 pm with a maximum of 5 employees proposed. No utilities will be needed to serve the property. Portable toilets will be provided. The following State permit will be required: NCDOT Driveway Permit.

## FINDINGS

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 proposed site will be used as a fill material mining site which is listed as an allowed use under Special Uses for Pender County RA zoning district per Article 5-3 Pender County Unified Development Code Ordinance.

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;

Neighbors of the property are accustomed to mining operations in the area. This site was previously an active mine. The adjoining property to the south was also operated as a mine. All applicable regulations will be met and maintained throughout the duration of the project.

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

There is a minimum 50' buffer between site and all adjoining properties. The access gate will be locked anytime the site is unoccupied.

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 will conform to the Pender County Comprehensive Land Use Plan and policies adopted by the Board of County Commissioners for Rural Growth zoning classification.

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

Site will operate as previous special use permit using existing haul roads and driveway access. Runoff will be routed to existing pond and portable wastewater facilities 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; Given there will only

03/19/15

PN 2015-008

**be a maximum of 5 employees at the site, and the occasional dump truck coming or going from the site, traffic impact will be minimal.**

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 use of this site will conform to all applicable regulations for Pender County RA zoning 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. **The adjoining property to the south was also a mine. The nearest residence is over a 1/4 mile from the proposed mine site, therefore no adverse affects to surrounding uses. The proposed mine will only occupy approx. 10% of the total lot acreage.**

10368

PENDER COUNTY  
SPECIAL USE PERMIT APPLICATION FORM

THIS SECTION FOR OFFICE USE

Application No.	04-12-20-20	Date	Oct. 21, 2004
Permit Fee	\$ 580.00	Receipt No.	047995

APPLICANT INFORMATION

Applicant Name <u>JANET Whitehead</u>	Owner Name <u>Carlene Padgett</u>
Address: <u>3421 Hwy. 210 W.</u> <u>Hampstead NC 28443</u>	Address: <u>5270 Shaw Hwy.</u> <u>Rocky Point NC 28457</u>
Phone No: <u>270-4614</u>	Phone No: <u>259-9964</u>
Legal relationship of applicant to owner: <u>X</u>	

PROJECT INFORMATION

Property tax record No. <u>39909</u>	Total acreage
Zoning Designation: <u>RA</u>	In property: <u>76 Acres</u>
Acreage to be used for project: <u>23</u>	Acreage to be disturbed: <u>23 acres</u>
Project location and address: <u>From Hwy. 210 Rocky Point Turn on SHAW Hwy # 1520 go app. 5 miles - Will Be on left.</u>	
Describe activities to be undertaken on project site: <u>Will be dredging sand to be sold to the public. Loaded on Dump Trucks</u>	

SIGNATURES

Applicant: <u>[Signature]</u>	Date: <u>9/29/04</u>	Owner: _____	Date: _____
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NOTICE TO APPLICANT

1. Applicant must also submit the information described on page two of this form.
2. Applicant or agent authorized in writing must attend the public hearing.
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.
4. Applicant may wish to review the required findings for approval of a Special Use Permit(p. 3).

Ref: Mining Permit  
C- Pit  
Janet Whitehead

We would like to mine 23 acres of the 76 acre tract owned by Carlene Padgett. Enclosed is a map of property. This land is parcel # 39909 located on Shaw Hwy. We would like to have the permit for the period of at least 7 years.

The haul road will be an old existing road that has been there many years. It will be up-graded to handle dump trucks.

The owner will use the finished pond for their personal use.

Hours will be Mon. - Sat., 6:30 AM to 6:00 PM. I will employ app. 5 people.

There are no existing structures on property, and no proposed structures.

There are no areas that would cause environmental concern.

A gate will be put at entrance of haul road.

There is no wetlands in this area.

The N. E. Cape Fear River is on the west side of the property.

Sand Hill Creek is on the west side also, located well over 600 Ft. from mining area

We are not in a flood zone.

There will be no drainage problems. Any and all water will be routed back to pond.

High elevation marker is 35.14 ft. (is put on map)

A port-a-john will be used.

Adjacent land owners are Ethel Moore, 370 N. Holly Shelter Estates, Rocky Point, N.C. 28457.

Soil map enclosed- shows sandy material - AnB

I do not know of any bad impact it would have on the community. Only good: Supply a couple of jobs and materials for builders.

*The side will be sloped 3 to 1 and seeded as we progress with project.*

C - Pit  
Janet Whitehead

We will dig with an excavator until pond is large enough to set a dredge, then we will dredge onto the hill. Any and all water will be routed back to pond. There will be no run off of any kind.

This land is zoned RA which allows sand pits.

There are no large trees that would house the Red-cockaded wood pecker.

We do have a lease with land owner Carlene Padgett.

Stock pile area will move as pond grows. Stock pile area app.  $\frac{1}{2}$  acre.

Buffer area on map.

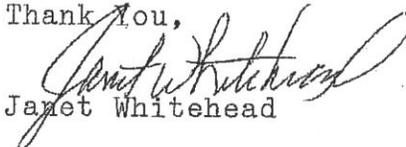
Janet Whitehead  
270-4614

9/29/04

TOWHOM IT MAY CONCERN:

We have to let the state know that we added the haul road from our pit # 71-41 on Shaw Hwy. In doing so I have to show that the county is aware of this, which you are for we have permit # P-0795 where we installed the driveway. Special Use: case # 04-08-16-11

Thank You,

  
Janet Whitehead

Adjoining owner . 2. 1. 1988

Carlene Padgett

APPLICATION FOR A MINING PERMIT

AFFIDAVIT OF NOTIFICATION

I, JANET Whitehead, an applicant, or an agent, or employee of an applicant, for a new Mining Permit, or a modification of an existing Mining Permit to add land to the permitted area, from the N.C. Department of Environment and Natural Resources, being first duly sworn, do hereby attest that the following are all known owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary (including, where an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, all owners of record of tracts adjoining these tracts, that are within 1,000 feet of the mining permit boundary) and that notice of the pending application has been caused to be mailed, by certified or registered mail, to said owners of record at their addresses shown below, such notice being given on a form provided by the Department:

(Adjoining Landowner Name)  
Carole Padgett

(Address)  
5270 SHAW HWY. ROCKY MOUNT NC 28457

(Attach additional list if necessary)

I do also attest that the following individual is the chief administrative officer of the county or municipality in which any part of the permitted area is located and that notice of the pending application has been caused to be mailed, by certified or registered mail, to said office at the following address:

(Chief Administrative Officer Name)  
[City Manager, County Manager, Mayor, etc.]  
Mr. Andy Hedrick

(Address)  
P.O. Box 5 Burgaw, NC 28425

The above attestation was made by me while under oath to provide proof satisfactory to the Department that a reasonable effort has been made to notify all known owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary (including, where an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, all owners of record of tracts adjoining these tracts, that are within 1,000 feet of the mining permit boundary) and the chief administrative officer of the county or municipality in which any part of the permitted area is located in compliance with N.C.G.S. 74-50(b1) and 15A NCAC 5B .0004(d). I understand that it is the responsibility of the applicant to retain the receipts of mailing showing that the above notices were caused to be mailed and to provide them to the Department upon request.

[Signature]  
Signature of Applicant or Agent

3-2-05  
Date

If person executing Affidavit is an agent or employee of an applicant, provide the following information:

(Name of applicant) JANET Whitehead; (title of person executing Affidavit) \_\_\_\_\_

I, Kelly Jacobson, a Notary Public of the County of Pender, State of North Carolina, do hereby certify that Janet Whitehead personally appeared before me this day and under oath acknowledged that the above Affidavit was made by him/her.

Witness my hand and notarial seal, this 2nd day of March, 2005.  
Notary: [Signature] My Commission expires: 9-12-06

NOTICE CERTIFICATION

Parcel Location / Description:

Special Use Permit – Borrow Pit Mine, Janet Whitehead, applicant is requesting approval of a Special Use Permit to operate a borrow pit. The property is zoned RA, Rural Agriculture and is located on the west side of Shaw Highway approx. 0.5 mile north of Carl Meeks Road, Rocky Point, N.C.

Barbara D. James, first being duly sworn, does hereby state as follows:

1. I am Secretary for the Pender County Planning Department, and
2. I am familiar with the procedures for notifying property owners of the Public Hearings for Special Use Permit
3. I have mailed a First Class Letter on December 6, 2004 to all property owners adjacent to the property and to the owner of property itself as their names appear on the Pender County Tax abstracts. These notices were mailed for the Pender County Planning Board public hearing to be held on December 20, 2004.

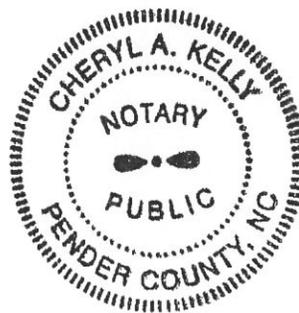
This the 7<sup>th</sup> day of December 2004

Barbara D. James  
(Name) & Signatures

Sworn to and subscribed before me  
this the 7<sup>th</sup> day of Dec., 2004.

Cheryl A. Kelly  
Notary Public

My commission expires: May 28, 2007



NOTICE CERTIFICATION

Parcel Location / Description:

Special Use Permit – Borrow Pit Mine, Janet Whitehead, applicant is requesting approval of a Special Use Permit to operate a borrow pit. The property is zoned RA, Rural Agriculture and is located on the west side of Shaw Highway approx. 0.5 mile north of Carl Meeks Road, Rocky Point, N.C.

Barbara D. James, first being duly sworn, does hereby state as follows:

1. I am Secretary for the Pender County Planning Department, and
2. I am familiar with the procedures for notifying property owners of the Public Hearings for Special Use Permit
3. I have mailed a First Class Letter on January 4, 2005 to all property owners adjacent to the property and to the owner of property itself as their names appear on the Pender County Tax abstracts. These notices were mailed for the Pender County Planning Board public hearing to be held on January 18, 2005.

This the 14<sup>th</sup> day of January, 2005.

Barbara James  
(Name) & Signatures

Sworn to and subscribed before me  
this the 14<sup>th</sup> day of Jan., 2005.

Cheryl A. Kelly  
Notary Public

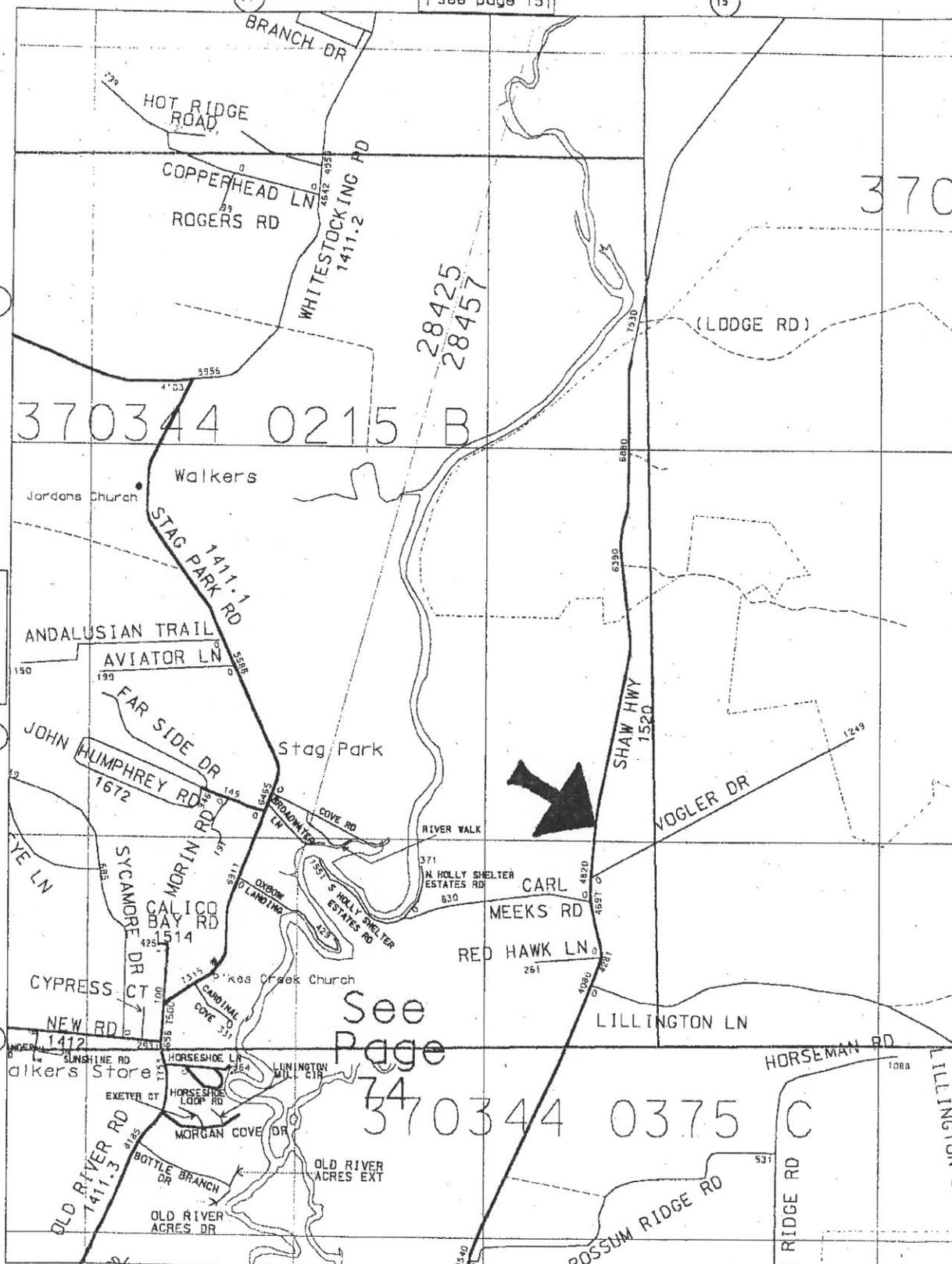
My commission expires: 5/28/07



↑ See page 15 ↑

15

14



370

370344 0215 B

See Page 74

370344 0375 C

↑ See page 25 ↑

↑ See page 27 ↑

↓ See page 37 ↓

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SCALE IN MILES



Prepared by  
 Address Conversion Technologies, Inc.  
 Rossville, GA 30170

May, 1997  
 770-654-7170





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

*Sams*  
**RECEIVED**  
 OCT 13 2006  
 BY:

James D. Simons, PG, PE  
 Director and State Geologist

Michael F. Easley, Governor  
 William G. Ross Jr., Secretary

October 11, 2006

Ms. Janet G. Whitehead  
 3421 Hwy 210 West  
 Hampstead, North Carolina 28443

RE: C-Pit Mine  
 Pender County  
 Cape Fear River Basin

Dear Ms. Whitehead:

The application for a mining permit for the above referenced mine site has been found to meet the requirements of G.S. 74-51 of The Mining Act of 1971. As we have received the required security to cover this application, I am enclosing the mining permit. Please note that you may reduce the amount of the reclamation bond received from \$27,800.00 to a total of \$11,500.00. See the attached bond calculation sheet.

The conditions of Mining Permit No. 71-42 were based primarily upon information supplied in the application with conditions added as necessary to insure compliance with The Mining Act of 1971. This permit expires on October 11, 2016. G.S. 74-65 states that the issuance of a mining permit does not supersede or otherwise affect or prevent the enforcement of any zoning regulation or ordinance duly adopted by an incorporated city or county or by any agency or department of the State of North Carolina.

As a reminder, your permitted acreage at this site is 28.23 acres and the amount of land you are approved to disturb is 9.49 acres.

Please review the permit and contact Ms. Kristin Hicklin, Assistant State Mining Specialist, at (919) 733-4574 of any objection or questions concerning the terms of the permit.

Sincerely,

Floyd R. Williams, PG, CPG, CPM  
 State Mining Specialist  
 Land Quality Section

FRW/kh

Enclosures: Permit No. 71-42 and the Bond Calculation Sheet

cc: Mr. Dan Sams, PE  
 Ms. Shannon Deaton -WRC, w/enclosures  
 Mr. Bradley Bennett-DWQ, w/enclosures  
 Mr. William Gerringer-DOL, Mine and Quarry Bureau, w/o enclosures

1612 Mail Service Center, Raleigh, North Carolina 27699-1612 • 919-733-4574 / FAX: 919-733-2876  
 512 North Salisbury Street, Raleigh, North Carolina, 27604

DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES  
DIVISION OF LAND RESOURCES  
LAND QUALITY SECTION

PERMIT

for the operation of a mining activity

In accordance with the provisions of G.S. 74-46 through 68, "The Mining Act of 1971," Mining Permit Rule 15A NCAC 5 B, and other applicable laws, rules and regulations

Permission is hereby granted to:

Janet G. Whitehead

C-Pit Mine

Carteret County - Permit No. 71-42

for the operation of a

Sand Mine

which shall provide that the usefulness, productivity and scenic values of all lands and waters affected by this mining operation will receive the greatest practical degree of protection and restoration.

MINING PERMIT EXPIRATION DATE: October 11, 2016

In accordance with the application for this mining permit, which is hereby approved by the Department of Environment and Natural Resources, hereinafter referred to as the Department, and in conformity with the approved Reclamation Plan attached to and incorporated as part of this permit, provisions must be made for the protection of the surrounding environment and for reclamation of the land and water affected by the permitted mining operation. This permit is expressly conditioned upon compliance with all the requirements of the approved Reclamation Plan. However, completed performance of the approved Reclamation Plan is a separable obligation, secured by the bond or other security on file with the Department, and may survive the expiration, revocation or suspension of this permit.

This permit is not transferable by the permittee with the following exception: If another operator succeeds to the interest of the permittee in the permitted mining operation, by virtue of a sale, lease, assignment or otherwise, the Department may release the permittee from the duties imposed upon him by the conditions of his permit and by the Mining Act with reference to the permitted operation, and transfer the permit to the successor operator, provided that both operators have complied with the requirements of the Mining Act and that the successor operator agrees to assume the duties of the permittee with reference to reclamation of the affected land and posts a suitable bond or other security.

In the event that the Department determines that the permittee or permittee's successor is not complying with the Reclamation Plan or other terms and conditions of this permit, or is failing to achieve the purposes and requirements of the Mining Act, the Department may give the operator written notice of its intent to modify, revoke or suspend the permit, or its intent to modify the Reclamation Plan as incorporated in the permit. The operator shall have right to a hearing at a designated time and place on any proposed modification, revocation or suspension by the Department. Alternatively and in addition to the above, the Department may institute other enforcement procedures authorized by law.

#### Definitions

Wherever used or referred to in this permit, unless the context clearly indicates otherwise, terms shall have the same meaning as supplied by the Mining Act, N.C.G.S. 74-49.

#### Expiration Date

This permit shall be effective from the date of its issuance until October 11, 2016.

#### Conditions

This permit shall be subject to the provisions of the Mining Act, N.C.G.S. 74-46, et. seq., and to the following conditions and limitations:

#### OPERATING CONDITIONS:

1. A. Any wastewater processing or mine dewatering shall be in accordance with the permitting requirements and rules promulgated by the N.C. Environmental Management Commission.

- B. Any stormwater runoff from the affected areas at the site shall be in accordance with any applicable permit requirements and regulations promulgated by the Environmental Protection Agency and enforced by the N.C. Environmental Management Commission. It shall be the permittee's responsibility to contact the Division of Water Quality to secure any necessary stormwater permits or other approval documents.
- 2.
    - A. Any mining process producing air contamination emissions shall be subject to the permitting requirements and rules promulgated by the N.C. Environmental Management Commission and enforced by the Division of Air Quality.
    - B. During mining operations, water trucks or other means that may be necessary shall be utilized to prevent dust from leaving the permitted area.
- 3.
    - A. Sufficient buffer (minimum 50 foot undisturbed) shall be maintained between any affected land and any adjoining waterway or wetland to prevent sedimentation of that waterway or wetland from erosion of the affected land and to preserve the integrity of the natural watercourse or wetland.
    - B. A 50-foot undisturbed buffer shall be maintained between the excavation area and both the 0.404-acre of wetlands and the wetlands west of the excavation area, as indicated on the Detail of Eastside map received by the Land Quality Section on July 13, 2006. In addition, said wetland areas shall be permanently delineated/marked on 100-foot intervals unless the line of sight allows for larger spacing intervals to ensure the 50-foot undisturbed buffer is in place.
    - C. Any mining activity affecting waters of the State, waters of the U. S., or wetlands shall be in accordance with the requirements and regulations promulgated and enforced by the N. C. Environmental Management Commission.
- 4.
    - A. Adequate mechanical barriers including but not limited to diversions, earthen dikes, check dams, sediment retarding structures, rip rap pits, or ditches shall be provided in the initial stages of any land disturbance and maintained to prevent sediment from discharging onto adjacent surface areas or into any lake, wetland or natural watercourse in proximity to the affected land.
    - B. All drainage from the affected area around the mine excavation shall be diverted internal to said excavation.
    - C. No dewatering activities shall occur at this site.
    - D. Mining activities shall occur in the "Proposed Borrow Pit" as indicated on the Detail of Eastside map received by the Land Quality Section on July 13, 2006, with the exception of the buffer area stipulated in Operating Condition No. 3B.

5. All affected area boundaries (9.49 acres) shall be permanently marked at the site on 100-foot intervals unless the line of sight allows for larger spacing intervals.
6. The angle for graded slopes and fills shall be no greater than the angle, which can be retained by vegetative cover or other adequate erosion control measure, structure, or device. In any event, exposed slopes or any excavated channels, the erosion of which may cause off-site damage because of siltation, shall be planted or otherwise provided with ground cover, devices or structures sufficient to restrain such erosion.
7. The affected land shall be graded so as to prevent collection of pools of water that are, or likely to become, noxious or foul. Necessary structures such as drainage ditches or conduits shall be constructed or installed when required to prevent such conditions.
8. Existing vegetation or vegetated earthen berms shall be maintained between the mine and public thoroughfares whenever practical to screen the operation from the public.
9. Sufficient buffer (minimum 50 foot unexcavated) shall be maintained between any excavation and any mining permit boundary to protect adjacent property.
10.
  - A. No on-site disposal of refuse or other solid waste that is generated outside of the mining permit area shall be allowed within the boundaries of the mining permit area unless authorization to conduct said disposal has first been obtained from both the Division of Waste Management and the Land Quality Section, Department of Environment and Natural Resources. The method of disposal shall be consistent with the approved reclamation plan.
  - B. Mining refuse as defined by G.S. 74-49 (14) of The Mining Act of 1971 generated on-site and directly associated with the mining activity may be disposed of in a designated refuse area. All other waste products must be disposed of in a disposal facility approved by the Division of Waste Management. No petroleum products, acids, solvents or their storage containers or any other material that may be considered hazardous shall be disposed of within the permitted area.
  - C. For the purposes of this permit, the Division of Land Resources considers the following materials to be "mining refuse" (in addition to those specifically listed under G.S. 74-49 (14) of the N.C. Mining Act of 1971):
    1. on-site generated land clearing debris
    2. conveyor belts
    3. wire cables
    4. v-belts
    5. steel reinforced air hoses
    6. drill steel

- D. If mining refuse is to be permanently disposed within the mining permit boundary, the following information must be provided to and approved by the Division of Land Resources prior to commencement of such disposal:
1. the approximate boundaries and size of the refuse disposal area;
  2. a list of refuse items to be disposed;
  3. verification that a minimum of 4 feet of cover will be provided over the refuse;
  4. verification that the refuse will be disposed at least 4 feet above the seasonally high water table; and,
  5. verification that a permanent vegetative groundcover will be established.
11. An Annual Reclamation Report shall be submitted on a form supplied by the Department by February 1 of each year until reclamation is completed and approved.
12. The operator shall notify the Department in writing of the desire to delete, modify or otherwise change any part of the mining, reclamation, or erosion/sediment control plan contained in the approved application for a mining permit or any approved revision to it. Approval to implement such changes must be obtained from the Department prior to on-site implementation of the revisions.
13. The security, which was posted pursuant to N.C.G.S. 74-54 in the form of a \$27,800.00 irrevocable standby letter of credit (of which \$11,500.00 is required for this site), is sufficient to cover the operation as indicated in the approved application. This security must remain in force for this permit to be valid. The total affected land shall not exceed the bonded acreage.
14. A. Authorized representatives of the Division of Archives and History shall be granted access to the site to determine the presence of significant archaeological resources.
- B. Pursuant to N. C. G. S. 70 Article 3, "The Unmarked Human Burial and Human Skeletal Remains Protection Act," should the operator or any person in his employ encounter human skeletal remains, immediate notification shall be provided to the county medical examiner and the chief archaeologist, North Carolina Division of Archives and History.

## APPROVED RECLAMATION PLAN

The Mining Permit incorporates this Reclamation Plan, the performance of which is a condition on the continuing validity of that Mining Permit. Additionally, the Reclamation Plan is a separable obligation of the permittee, which continues beyond the terms of the Mining Permit.

The approved plan provides:

### Minimum Standards As Provided By G.S. 74-53

1. The final slopes in all excavations in soil, sand, gravel and other unconsolidated materials shall be at such an angle as to minimize the possibility of slides and be consistent with the future use of the land.
2. Provisions for safety to persons and to adjoining property must be provided in all excavations in rock.
3. All overburden and spoil shall be left in a configuration which is in accordance with accepted conservation practices and which is suitable for the proposed subsequent use of the land.
4. No small pools of water shall be allowed to collect or remain on the mined area that are, or are likely to become noxious, odious or foul.
5. The revegetation plan shall conform to accepted and recommended agronomic and reforestation practices as established by the North Carolina Agricultural Experiment Station and the North Carolina Forest Service.
6. Permittee shall conduct reclamation activities pursuant to the Reclamation Plan herein incorporated. These activities shall be conducted according to the time schedule included in the plan, which shall to the extent feasible provide reclamation simultaneous with mining operations and in any event, provide reclamation at the earliest practicable time after completion or termination of mining on any segment of the permit area and shall be completed within two years after completion or termination of mining.

### RECLAMATION CONDITIONS:

1. Provided further, and subject to the Reclamation schedule, the planned reclamation shall be to restore the mine excavation to a lake area and to grade and revegetate the adjacent disturbed areas.
2. The specifications for surface gradient restoration to a surface suitable for the planned future use are as follows:
  - A. The lake area shall be excavated to maintain a minimum water depth of four feet measured from the low water table elevation.

- B. The side slopes to the lake excavation shall be graded to a 3 horizontal to 1 vertical or flatter to the water line and 2 horizontal to 1 vertical or flatter below the water line.
- C. Any areas used for wastepiles, screening, stockpiling or other processing shall be leveled and smoothed.
- D. No contaminants shall be permanently disposed of at the mine site. On-site disposal of waste shall be in accordance with Operating Condition Nos. 10A through 10D.
- E. The affected land shall be graded to prevent the collection of noxious or foul water.
3. Revegetation Plan:

After site preparation, all disturbed land areas shall be revegetated as per the following:

Permanent Seeding Specifications

<u>Dates</u>	<u>Species</u>	<u>Rate, Lbs/Acre</u>
February 15 - April 1	Kobe Lespedeza	10
	Bahiagrass	50
	Redtop	1
	Winter rye (grain)	15
April 1 - July 31	Common Bermuda	50
August 1 - October 25	Lespedeza (unscarified)	30
	German millet	40
October 25 - February 15	Rye (grain- temporary)	120

Soil Amendments

- Lime: 2000 lbs/acre or follow recommendations from a soil test.
- Fertilizer: 1000 lbs/acre 8-8-8 or 10-10-10, or follow recommendations from a soil test.
- Mulch: All seeded areas shall be mulched using small grain straw at a rate of 2000 lbs/acre and anchored appropriately.

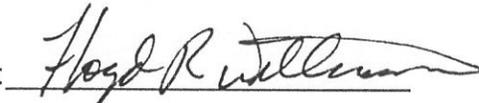
Whenever possible, disturbed areas should be vegetated with native warm season grasses such as switch grass, Indian grass, bluestem and gamma grass.

In addition, the permittee shall consult with a professional wildlife biologist with the N.C. Wildlife Resources Commission to enhance post-project wildlife habitat at the site.

4. Reclamation Plan:

Reclamation shall be conducted simultaneously with mining to the extent feasible. In any event, reclamation shall be initiated as soon as feasible after completion or termination of mining of any mine segment under permit. Final reclamation, including revegetation, shall be completed within two years of completion or termination of mining.

Permit issued this 11<sup>th</sup> day of October, 2006.

By: 



James D. Simons, Director  
Division of Land Resources  
By Authority of the Secretary  
Of the Department of Environment and Natural Resources

**NOTICE OF ISSUANCE OF  
MINING PERMIT**

You have previously expressed an interest and/or are listed as an adjoining landowner in the application for a mining permit filed by Janet G. Whitehead to conduct mining activities off SR 1520 in Pender County. The mining permit (no. 71-42) was issued on October 11, 2006.

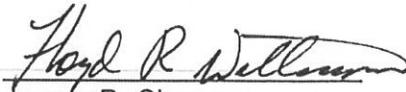
North Carolina law allows persons aggrieved by the issuance of a mining permit to contest the decision by filing a petition for a contested case in the Office of Administrative Hearings pursuant to N.C.G.S. 150B-23 of the Administrative Procedure Act (APA).

If you believe that you are an aggrieved party within the meaning of the APA, a petition for a contested case must be filed in the Office of Administrative Hearings within sixty (60) days of the mailing of this notice to you.

If you file a contested case petition, it must be in writing and in the form prescribed by N.C. General Statutes 150B-23. File the original petition and one copy with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714.

Any questions about filing a petition may be directed to the Clerk of the Office of Administrative Hearings by telephoning (919) 733-0926.

You must serve the **Department of Environment and Natural Resources** by mailing a copy of the petition to Ms. Mary Penny Thompson, Registered Agent and General Counsel, Department of Environment and Natural Resources, 1601 Mail Service Center, Raleigh, NC 27699-1601.

  
James D. Simons  
Director  
Division of Land Resources  
North Carolina Department of  
Environment and Natural  
Resources

This notice was mailed on 10/12/06.

  
Brenda Harris  
Mining Program Secretary

C-Pit  
 Janet G. Whitehead  
 #71-42

APPLICATION FOR A MINING PERMIT

E. DETERMINATION OF AFFECTED ACREAGE AND BOND

The following bond calculation worksheet is to be used to establish an appropriate bond (based upon a range of \$500 to \$5,000 per affected acre) for each permitted mine site based upon the acreage approved by the Department to be affected during the life of the mining permit. Please insert the approximate acreage for each aspect of the mining operation, that you intend to affect during the life of this mining permit (in addition, please insert the appropriate reclamation cost/acre for each category from the Schedule of Reclamation Costs provided with this application form) OR you can defer to the Department to calculate your bond for you based upon your maps and standard reclamation costs.

CATEGORY	AFFECTED ACREAGE		RECLAMATION COST/ACRE*	=	RECLAMATION COST
Tailings/Sediment Ponds:	— Ac.	X	\$ — /Ac.	=	\$ —
Stockpiles:	— Ac.	X	\$ — /Ac.	=	\$ —
Wastepiles:	— Ac.	X	\$ — /Ac.	=	\$ —
Processing Area/Haul Roads:	1.85 Ac.	X	\$ 1,800.00 /Ac.	=	\$ 3,330.00
Mine Excavation:	5.76 Ac.	X	\$ 500.00 /Ac.	=	\$ 2,880.00
Other: unex. buffers	1.88 Ac.	X	\$ 1,800.00 /Ac.	=	\$ 3,384.00
<b>TOTAL AFFECTED AC.:</b>	<b>9.49 Ac.</b>				
<b>(TOTAL PERMITTED AC.:</b>	<b>28.23 Ac.)</b>				

Temporary & Permanent Sedimentation & Erosion Control Measures:  
 Divide the **TOTAL AFFECTED AC.** above into the following two categories: a) affected acres that drain into proposed/existing excavation and/or b) affected acres that will be graded for positive drainage where measures will be needed to prevent offsite sedimentation and sedimentation to onsite watercourses and wetlands.

a) Internal Drainage 9.49 Ac.  
 b) Positive Drainage — Ac. X \$1,500.00 = \$ —  
**SUBTOTAL COST: \$ 9,594**

Inflation Factor:  
 0.02 X SUBTOTAL COST: \$ 9,594.00 X Permit Life (1 to 10 years): 10 YRS  
**INFLATION COST: \$ 1,918.80**  
**TOTAL COST = SUBTOTAL COST + INFLATION COST = \$ 11,512.80**

Total Reclamation Bond Cost: \$ <u>11,500.00</u> (round down to the nearest \$100.00)
--

\* \$ 27,800.00 ILOC on file \*  
 \$ 11,500.00 Required to date.  
 \$ 16,300.00 Bond can be reduced



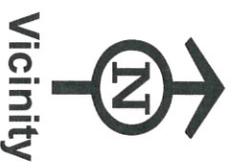
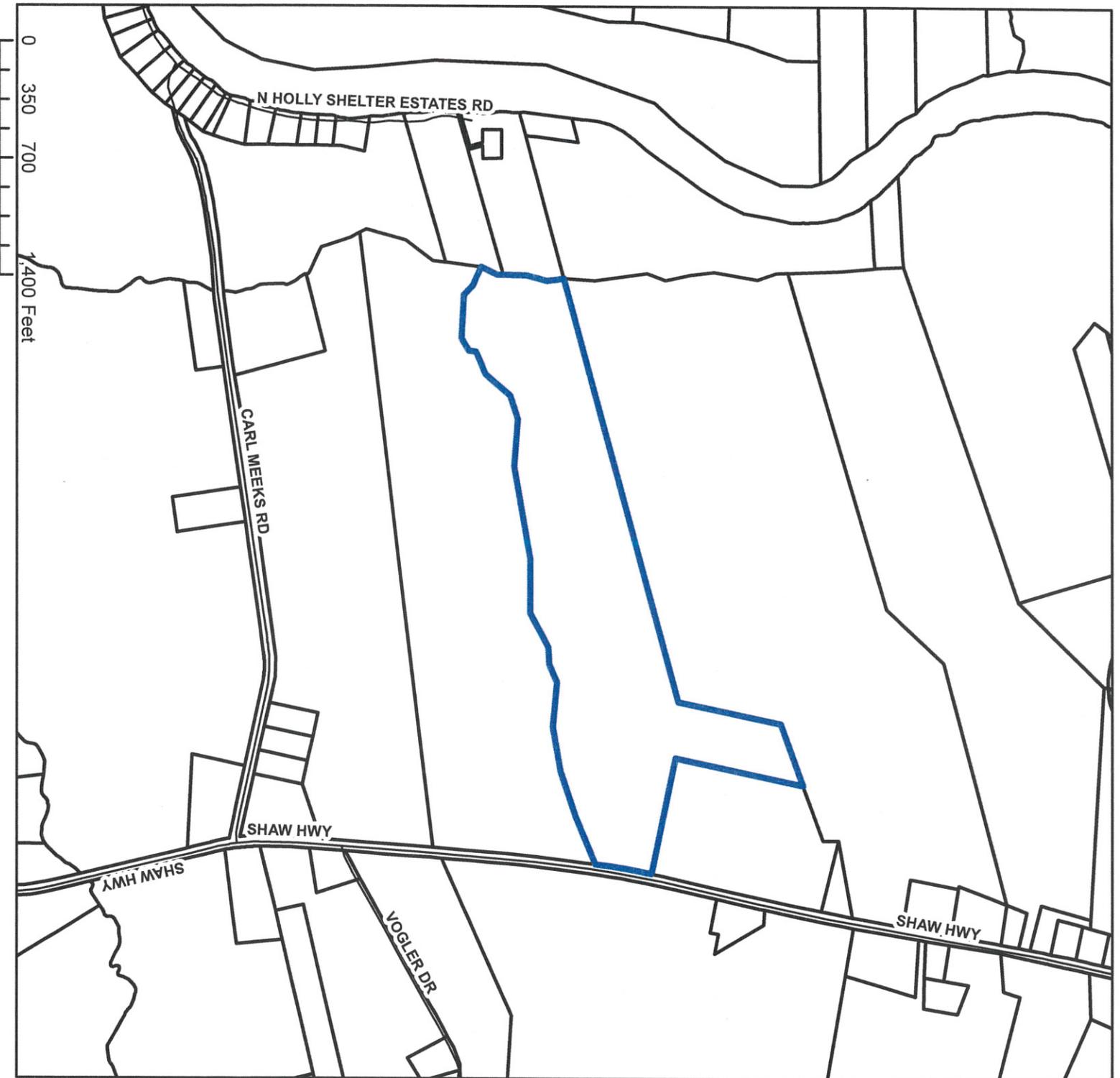
**Applicant:**  
Dallas Harris

**Owner:**  
Dallas Harris

**Special Use Permit:**  
#10368R

**Legend**

 Subject Property



Vicinity



**Applicant:**  
Dallas Harris

**Owner:**  
Dallas Harris

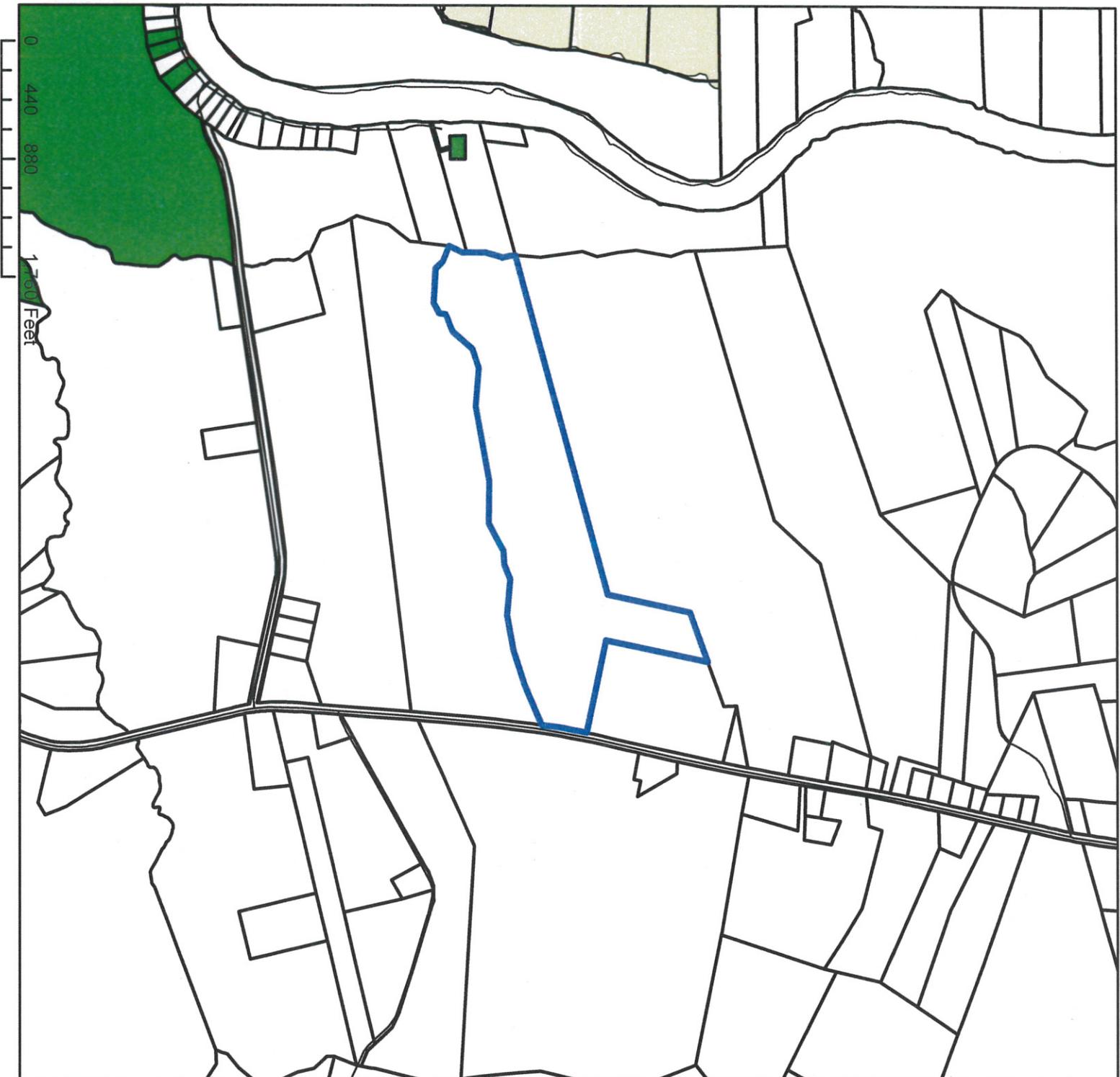
**Special Use Permit:**  
#10368R

**Legend**

- UDO Zoning
-  EC, Environmental Conservation
  -  GB, General Business
  -  GI, General Industrial
  -  Incorporated
  -  IT, Industrial Transition
  -  MH, Manufactured Housing
  -  O&I, Office & Institutional
  -  PD, Planned Development
  -  RA, Rural Agricultural
  -  RA-Conditional Zoning 1
  -  RP, Residential Performance
  -  Subject Property



**Current Zoning**





**Applicant:**  
Dallas Harris

**Owner:**  
Dallas Harris

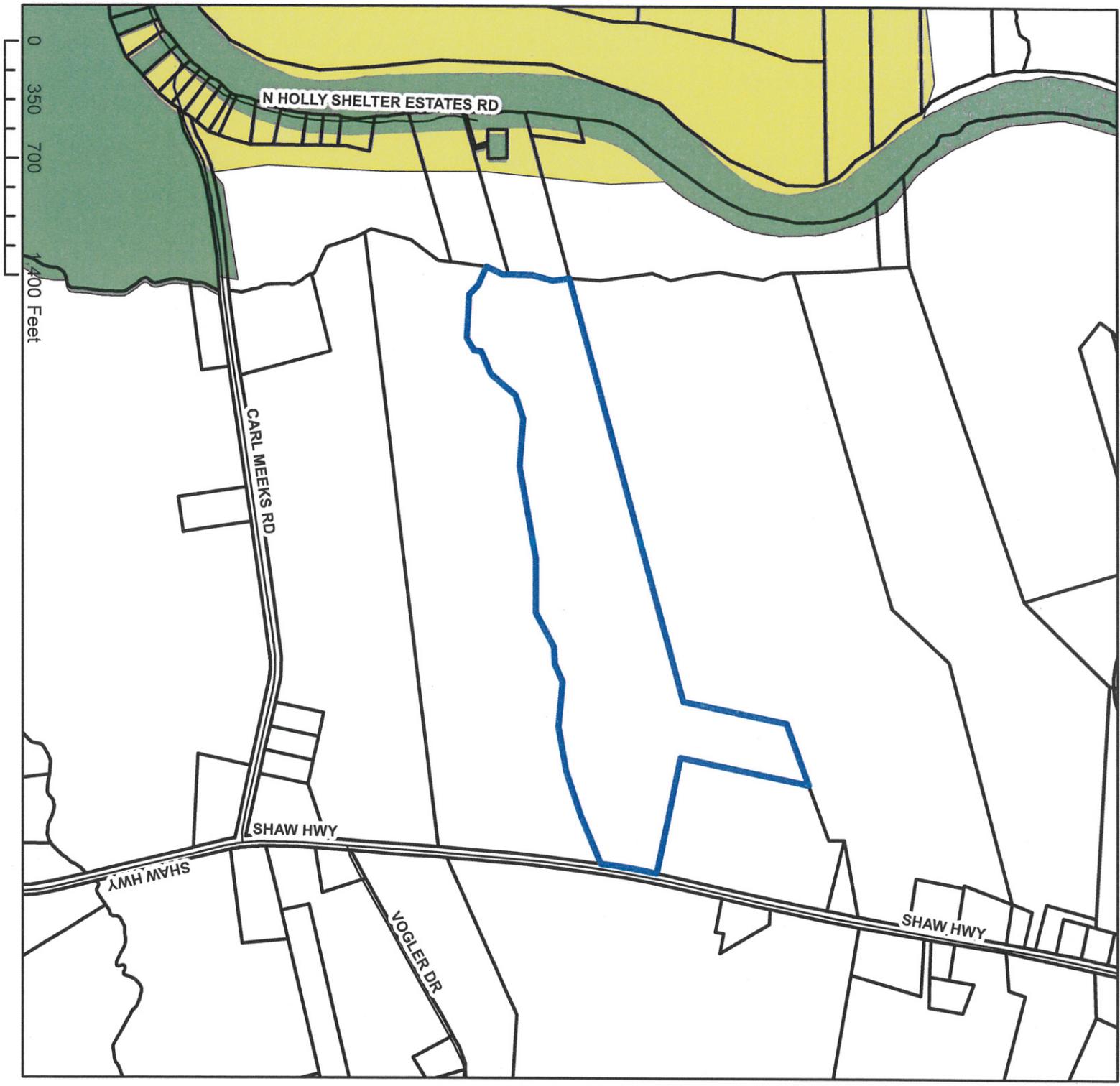
**Special Use Permit:**  
#10368R

**Legend**

- Future Land Use**
- Industrial
  - Mixed Use
  - Office, Institutional, Business
  - Rural Growth
  - Suburban Growth
  - Subject Property



**Future Land Use**





**Applicant:**  
Dallas Harris

**Owner:**  
Dallas Harris

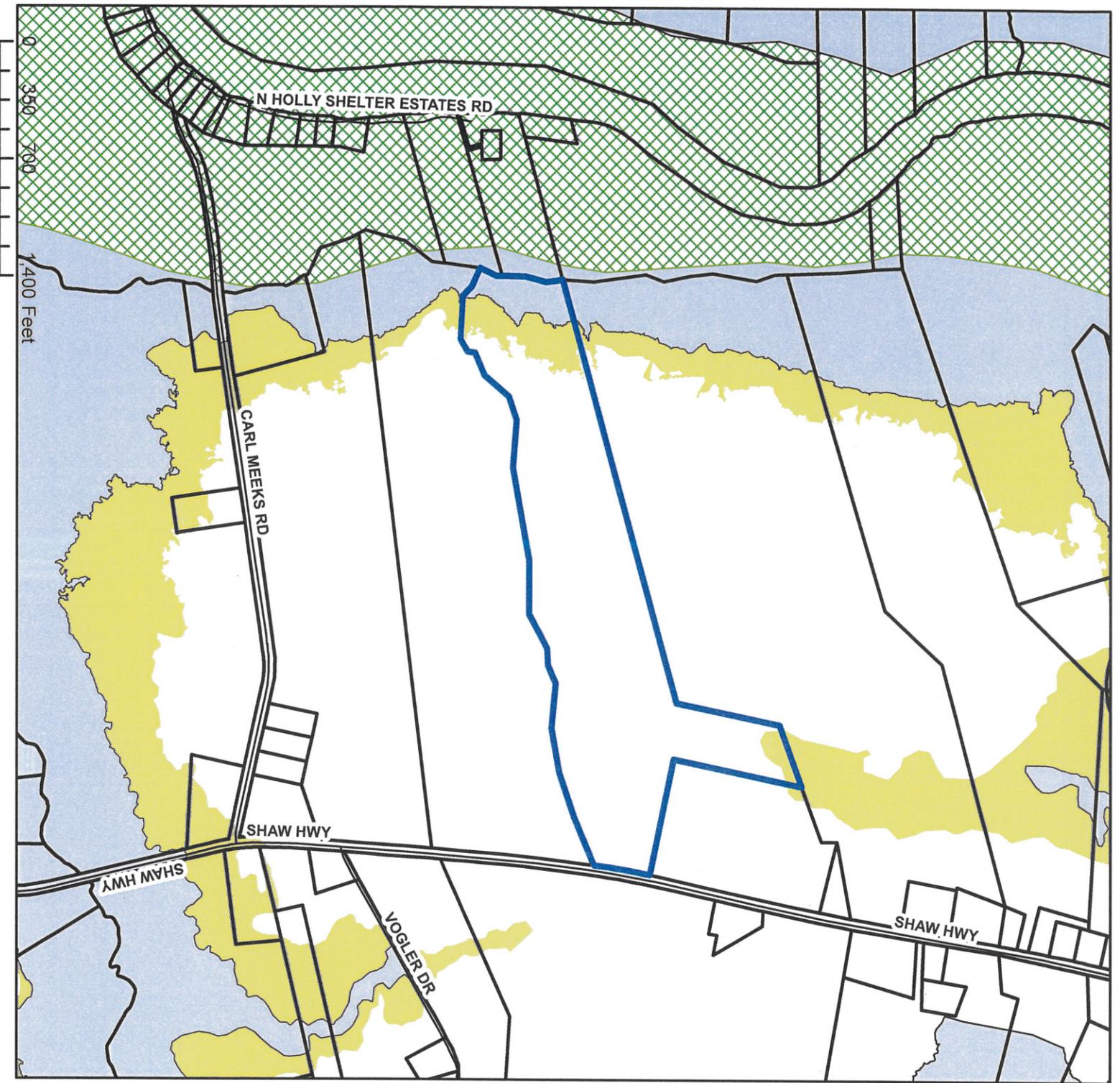
**Special Use Permit:**  
#10368R

**Legend**

 Subject Property



2012 Aerial



**Applicant:**  
Dallas Harris

**Owner:**  
Dallas Harris

**Special Use Permit:**  
#10368R

**Legend**

- Flood Zone**
- A
  - AE
  - AEFW
  - SHADED X
  - VE
  - Subject Property



**Flood Zone**