

Clarence Grier
County Manager

Sally Shutt
Assistant County
Manager



Rawls Howard
Director

David Moon
Deputy Director

CUMBERLAND COUNTY JOINT PLANNING BOARD

AGENDA May 16, 2023 6:00 PM Hearing Room #3

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO / APPROVAL OF AGENDA
- III. PUBLIC MEETING WITHDRAWALS / DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES
- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. Case ZNG-005-23: Initial zoning of 11.40+/- acres to the M1(P) Planned Light Industrial District; located at 5070 S US 301 Hwy REIDs 0423160821000; submitted by the Town of Hope Mills (agent) on behalf of High Family Properties, LLC (owner). (Hope Mills)**

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- B. CASE ZON-22-0067: Rezoning from A1 Agricultural District to A1/CZ Agricultural Conditional Zoning District or to a more restrictive zoning district for 62.55 +/- acres; located generally south of Carlos Rd and east of Rebel Rd, submitted by Michael Blakely (applicant) on behalf of Red Rock Materials, LLC (owner).**

IX. OTHER BUSINESS

- C. CONSIDERATION OF RECOMMENDING JAMI MCLAUGHLIN TO A THIRD TERM ON THE PLANNING BOARD**

X. DISCUSSION

- D. UPCOMING ELECTION AND SWEARING IN OF OFFICERS**

XI. ADJOURNMENT

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829 |
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631
co.cumberland.nc.us



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 16, 2023

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 5/16/2023

SUBJECT: CASE ZNG-005-23: INITIAL ZONING OF 11.40+/- ACRES TO THE M1(P) PLANNED LIGHT INDUSTRIAL DISTRICT; LOCATED AT 5070 S US 301 HWY REIDS 0423160821000; SUBMITTED BY THE TOWN OF HOPE MILLS (AGENT) ON BEHALF OF HIGH FAMILY PROPERTIES, LLC (OWNER). (HOPE MILLS)

ATTACHMENTS:

Description

CASE ZNG-005-2023

Type

Backup Material



STAFF REPORT

INITIAL ZONING CASE# ZNG-05-2023

Planning Board Meeting: 5-16-2023

Hope Mills Board Meeting: 6-20-2023

Address: 5070 US HWY 301 S

ZONING REQUEST: Initial Zoning to M1(P) Light Industrial District

The Town of Hope Mills staff received an annexation petition for 11.40 +/- acres of land tied to parcel identification number 0423-16-0821. The Hope Mills Board of Commissioners accepted the annexation petition adopting a resolution R2023-14 and set the public hearing for May 1, 2023 under annexation number A2023-04. The subject property is adjacent to the existing heavy industrial business, Autry Grading, Inc., across the street from James River Equipment and Camping World and backs up to the Colonial Heights subdivision. Please refer to the attached memorandum from the Hope Mills Plan Review Committee for recommendations from all pertinent engineering and permit based departments. The location of the subject property is illustrated in Exhibit "A".

SUBJECT PROPERTY INFORMATION

OWNER/APPLICANT:

Town of Hope Mills (agent) on behalf of
High Family Properties, LLC (owner)

ADDRESS/LOCATION: 5070 US HWY 301 S;
REID: 0423160821000

For additional Information on
the site location, refer to Exhibit
"A"

SIZE:

As stated above, the subject property is 11.40
acres in size with varying lengths of depth.

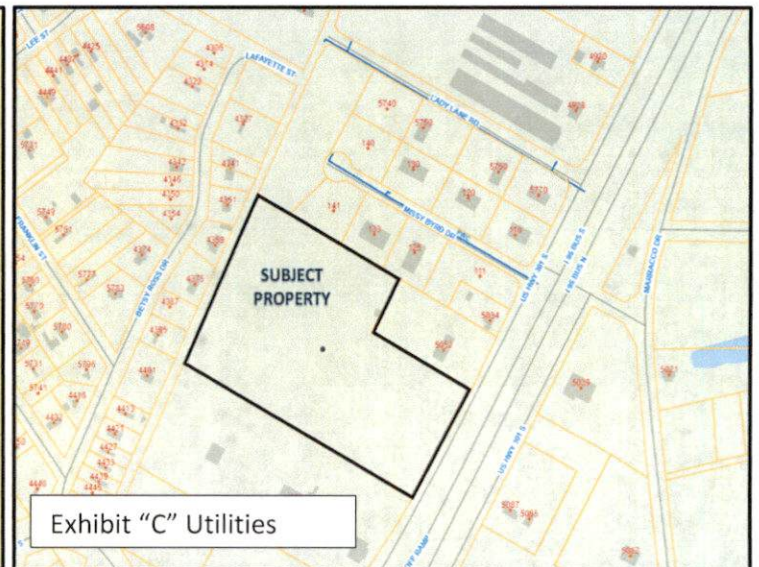
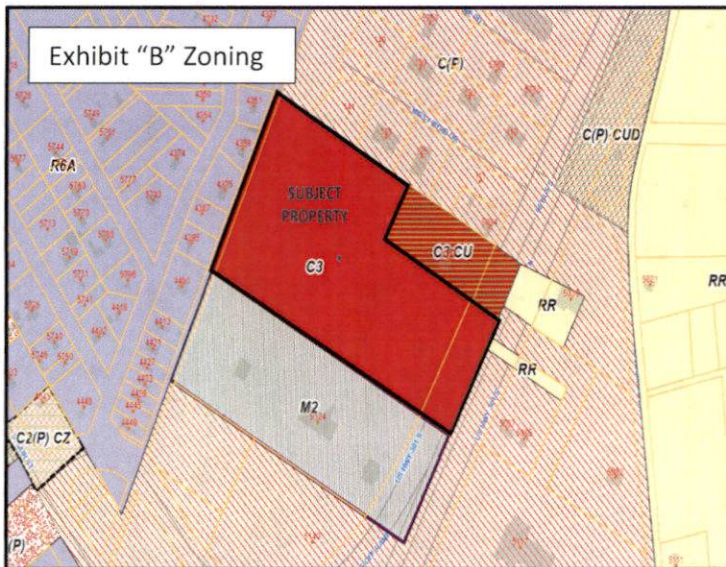
EXISTING ZONING: The subject property is
currently zoned under the C3 Commercial
district with the overall immediate surrounding
area also designated under Heavy Industrial to
the south, Planned Commercial to the northeast, and established residential to the west and east
of the property.

EXISTING LAND USE: The subject property is currently vacant.

SURROUNDING ZONING AND LAND USE: The properties adjacent to the immediate south is
Heavy Industrial with single family residential uses with the area to the immediate west and
mostly Commercial and Rural Residential to the north and east. Refer to Exhibit "B" for zoning
and surrounding land uses.



OTHER SITE CHARACTERISTICS: Exhibit "C" provides the location of water and sewer availability.

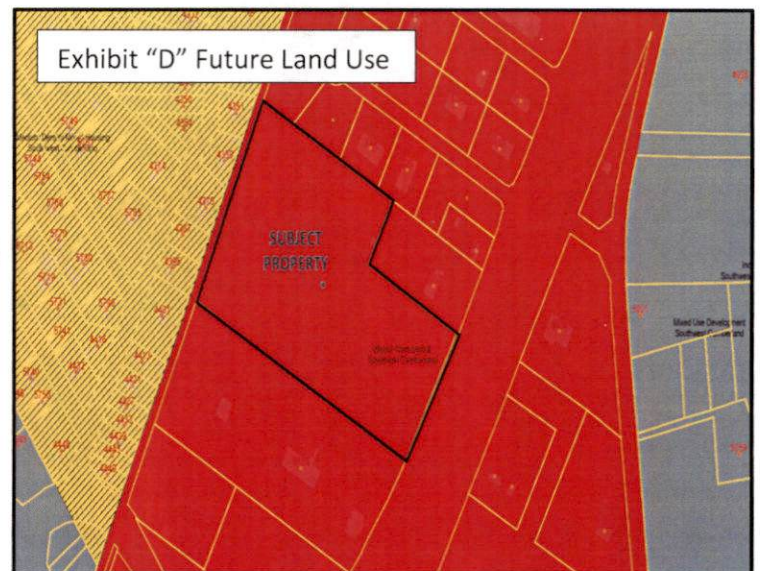


DEVELOPMENT REVIEW: The development of this property will require a site plan and development review.

COMPREHENSIVE DEVELOPMENT PLANS:

This site is located within the Southwest Cumberland Land Use Plan area (2013) and is designated as "Heavy Commercial". This request is not consistent with the land use plan but is supported by staff as it is located adjacent to a heavy industrial site and is surrounded by several commercial properties and rural residential properties. The requested industrial land use allows staff to increase the stock of light industrially zoned properties in the surrounding areas.

Please refer to Exhibit "D" for additional information.



IMPACTS ON AREA FACILITIES

PUBLIC WORKS: When developed, the driveway permit will have to be obtained through NCDOT, otherwise, the regular Hope Mills Standards and Specifications will apply.

UTILITIES: The property will be served by PWC water.

STORMWATER: Will require Stormwater Management Permit application, not located in the Airport Overlay District nor in any floodplains.

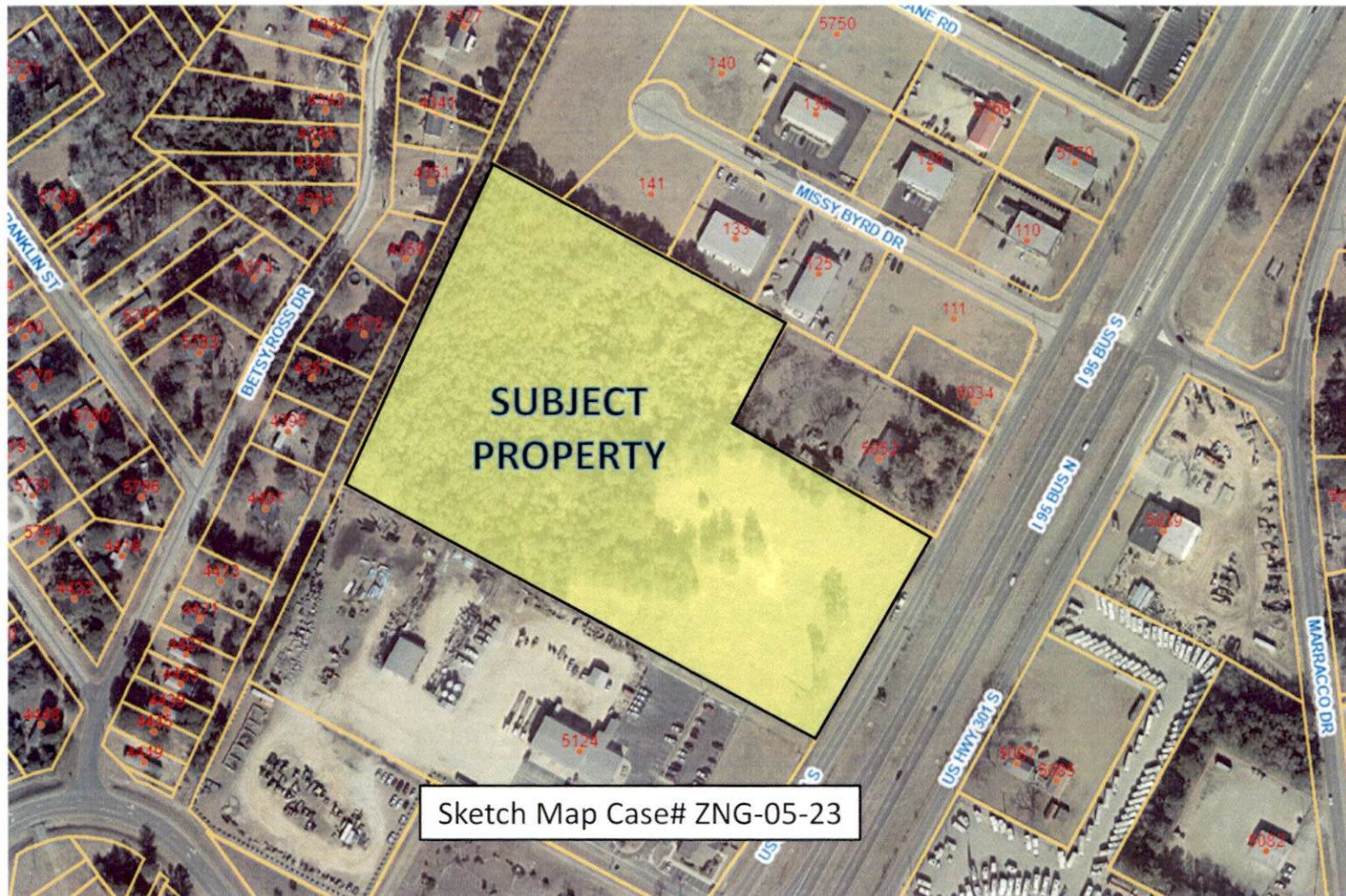
PLAN REVIEW COMMENTS: The Town of Hope Mills Plan Review team has no objections to this request.

SPECIAL OVERLAY DISTRICTS: The subject property is not located within the boundaries of any established overlay district.

CODE DEVIATIONS: None.

STAFF RECOMMENDATION

In ZNG-005-23, the Town of Hope Mills Planning staff **recommends approval** of the initial zoning request to the M1(P) Light Industrial district and finds that even though the request is inconsistent with the Southwest Cumberland Land Use Plan (2013) designation, it does complement the existing zoned properties adjacent to the subject property that are developed with similar uses. The economic and regional impact of the proposed development fits within the vision and long-term outlook of the area developed to the immediate south. Approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding existing uses and zoning.





Town of Hope Mills

◆
Planning Department

CASE NO.: ZNG-005-23

PLANNING BOARD

DATE: 5/16/2023

TOHM BOARD

MEETING DATE: 6/20/2023

DATE APPLICATION

SUBMITTED: 5/1/2023

RECEIPT NO.: N/A

RECEIVED BY: C. F. McLaughlin

APPLICATION FOR REZONING HOPE MILLS ZONING ORDINANCE

The following items are to be submitted with this completed application:

1. A copy of the *recorded* deed and/or plat;
2. If portion(s) of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered for the rezoning; and
3. A check made payable to "Town of Hope Mills" in the amount of \$ 0.
(See attached Fee Schedule).

Rezoning Procedure:

1. Complete application submitted by the applicant.
2. Notification to surrounding property owners.
3. Zoning Board hearing.
4. Re-notification of interested parties and adjacent property owners; public hearing advertisement in the newspaper.
5. Hope Mills Commissioners' public hearing (approximately two to four weeks after Planning Board public hearing)
6. If approved by the Hope Mills Commissioners, rezoning becomes effective immediately.

The Town Planning Staff may advise on zoning options, inform applicants of development requirements and answer questions regarding the application and rezoning process. For questions, call (910)424-4555. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to/on the application may cause the case to be delayed and re-scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable* once processing of the application has begun.

TO THE ZONING BOARD AND THE TOWN OF HOPE MILLS BOARD OF COMMISSIONERS, HOPE MILLS, NORTH CAROLINA:

I (We), the undersigned, hereby submit this application, and petition the Hope Mills Board of Commissioners to amend and to change the zoning map of the Town of Hope Mills as provided for under the provisions of the Hope Mills Zoning Ordinance. In support of this petition, the following facts are submitted:

1. Requested Rezoning from C3 (county) to M1(P) (Hope Mills) for Initial Zoning

If the area is a portion of an existing parcel, a written metes and bounds description of only that portion to be considered for rezoning, including the exact acreage must accompany this application along with a copy of the recorded deed and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

2. Address/location of property to be Rezoned: 5070 S US 301 HWY Hope Mills, NC

3. Parcel Identification Number (PIN #) of property: 0423-16-0821
(also known as Tax ID Number or Property Tax ID)

4. Acreage: 11.40 +/- acres Frontage: 405.6 +/- feet Depth: 700+

5. Water Provider: Well: _____ PWC: X

6. Septage Provider: Septic Tank X PWC _____ Other (name) _____

7. Deed Book 5155, Page(s) 0301 Cumberland County Register of Deeds. (Attach copy of deed of subject property as it appears in Registry).

8. Existing use(s) of property: Vacant

9. Proposed use(s) of the property: Distribution center

10. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No X
If yes, where? _____

11. Has a violation been issued on this property? Yes _____ No X

The Planning Staff is available for advice on completing this application; however, they are not available for completion of the application.

The High Family Properties, LLC
Property owner(s)' name (print or type)

Telephone number	Alternative telephone number

Town of Hope Mills (Agent)
Agent, attorney, or applicant (other than property owner) (print or type)

910-426-4103	
Telephone number	Alternative telephone number

Owner's signature _____

Agent, attorney, or applicant's signature
(other than property owner) _____

Upon submission, the contents of this application becomes “public record” and is available for review and/or copies upon request.



Town of Hope Mills Voluntary Annexation Packet

VOLUNTARY ANNEXATION SUBMITTAL REQUIREMENTS:

Only complete submittals will be processed. The following items are required to be submitted to the Town of Hope Mills for your application to be deemed complete:

- ☒ Original Petition Form Signed by ALL Owners of the property.
- ☒ Legal description of the area to be annexed in both hard and digital (Word) format.
- ☒ A complete copy of the last deed of record for each parcel of property to be annexed.
- ☒ 1 paper copy and 1 digital copy of the ***filed** annexation plat prepared by a registered land surveyor including the following information:
 - Title block:
Annexation Map for Town of Hope Mills
Annexation File # A2023-09
 - Vicinity map showing location of property in relation to the primary corporate town limits, (indicate where corporate limits are adjacent to the property or the location of the closest point of the primary Town Limits)
 - Surveyors' certificate.
 - Plat book and page numbers. Book 149 Page 120

CHECK PAYABLE TO TOWN OF HOPE MILLS IN THE AMOUNT OF \$500.00 FOR VOLUNTARY ANNEXATION FEE MUST BE SUBMITTED.

(The petition fee is waived for Voluntary Annexation Petitions that are initiated by the Town through the Water and/or Sewer Annexation Agreements.)

* (Per the Secretary of State's office said plat must be signed by a surveyor but is not required to be sent through any approval process. Per GS 47-30 paragraph G. and j. "The provisions of this section shall not apply to boundary plats of State lines, county lines, areas annexed by municipalities, nor to plats of municipal boundaries, whether or not required by law to be recorded.")

Town of Hope Mills

5770 Rockfish Road • Hope Mills, NC 28348 • (910) 424-4555 • (910) 424-4902 fax



For Town Clerk Use:
Annexation # A2023-04

Town of Hope Mills
Voluntary Annexation Petition

To the Board of Commissioners of the Town of Hope Mills:

We, the undersigned, being of all the owners of the real property described herein, respectfully request that the area described herein be annexed to the Town of Hope Mills pursuant to the provisions of G.S. 160A-31.

The area to be annexed is ☐ contiguous ☒ non-contiguous to the existing Town Limits of Hope Mills and the boundaries of such territory are as indicated below and on the attached map and description.

Property Information:

If only part of a parcel is included, then write "Part" after the Cumberland County Parcel Identification Number and Real Estate Identification Number (s).

Cumberland County Parcel Identification Number (s):

0423-16-0821

Cumberland County Real Estate Identification Number (s):

0423160821000

Acreage of Annexation Area: 11.165

Existing Population: 0

Number of existing residential dwelling units: 0

Do you declare vested rights*? ☐ yes ☐ no

*We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate "yes" and attach proof.)

Property Owner(s):

Address:

Signature:

Date:

All property owners must sign this petition including husband and wife if jointly owned.

The High Family Properties, LLC 605 Larkfield Ct.
Fayetteville, NC 28314

3/24/23

*Vested Right - Means the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan. A vested right shall be deemed established with respect to any property upon valid approval, or conditional approval, of a site-specific development plan or phased development plan, following notice and public hearing by the county with jurisdiction over the property.

Town of Hope Mills

5770 Rockfish Road • Hope Mills, NC 28348 • (910) 424-4555 • (910) 424-4902 fax

0301

BK5155PG0301

44226
44226

RECEIVED
8-31-1999 AM 11:11
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

Recise Tax None

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by County on the day of 19.....
by

Mall after recording to Richard M. Wiggins, McCoy, Weaver, Wiggins
202 Fairway Drive, Fayetteville, NC 28305

This instrument was prepared by Richard M. Wiggins, McCoy, Weaver, Wiggins
Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 7th day of JANUARY, 1999, by and between

GRANTOR

Gregory Sneed High and wife,
Sue Smith High
Sidney R. High, II and wife,
Teresa High
Barbara H. Arne and husband,
Paul Arne

GRANTEE

THE HIGH FAMILY PROPERTIES, LLC
605 Larkfield Court
Fayetteville, NC 28314

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Township,

..... County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:
Easements and Restrictions of record.

1999 ad valorem taxes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in his corporate name by his duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....
(Corporate Name)

By:

..... President

ATTEST:

..... Secretary (Corporate Seal)

.....
(Corporate Name)

By:

..... President

ATTEST:

..... Secretary (Corporate Seal)

USE BLACK INK ONLY

Gregory Sneed High (SEAL)
Gregory Sneed High

Sue Smith High (SEAL)
Sue Smith High

Sidney R. High (SEAL)
Sidney R. High

Teresa High (SEAL)
Teresa High

Barbara H. Arns (SEAL)
Barbara H. Arns

Paul Arns (SEAL)
Paul Arns

USE BLACK INK ONLY

..... (SEAL)

..... (SEAL)

..... (SEAL)

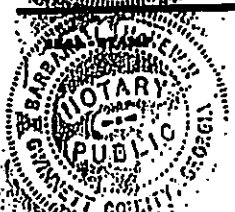
..... (SEAL)



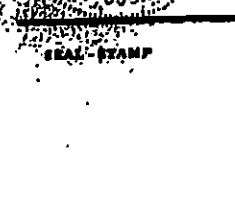
NORTH CAROLINA, Cumberland County.
I, a Notary Public of the County and State aforesaid, certify that Monterey Reed High and wife, Sam Smith
High Grantor,
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this 24th day of February, 1992.
My commission expires: 10/1/2003 Michelle C. Ping Notary Public



NORTH CAROLINA, Cumberland County.
I, a Notary Public of the County and State aforesaid, certify that Sidney R. High, II and wife, Teresa
High Grantor,
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this 13th day of August, 1992.
My commission expires: 10/1/2003 Michelle C. Ping Notary Public



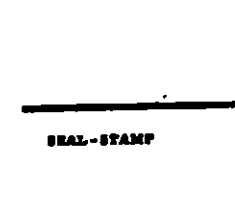
Georgia Fulton County.
I, a Notary Public of the County and State aforesaid, certify that Barbara H. Anna and husband, Paul Anna
Anna Grantor,
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this 15th day of April, 1992.
My commission expires: Aug 19, 1994 Barbara L. McKenney Notary Public



NORTH CAROLINA, _____ County.
I, a Notary Public of the County and State aforesaid, certify that _____
Grantor,
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this _____ day of _____, 19____.
My commission expires: _____ Notary Public



NORTH CAROLINA, _____ County.
I, a Notary Public of the County and State aforesaid, certify that _____
Secretary of
personally came before me this day and acknowledged that _____ he is _____
a North Carolina corporation, and that by authority duly
given and as the act of the corporation, the foregoing instrument was signed in its name by its _____
President, sealed with its corporate seal and attested by _____ as its _____ Secretary.
Witness my hand and official stamp or seal, this _____ day of _____, 19____.
My commission expires: _____ Notary Public



NORTH CAROLINA, _____ County.
I, a Notary Public of the County and State aforesaid, certify that _____
Secretary of
personally came before me this day and acknowledged that _____ he is _____
a North Carolina corporation, and that by authority duly
given and as the act of the corporation, the foregoing instrument was signed in its name by its _____
President, sealed with its corporate seal and attested by _____ as its _____ Secretary.
Witness my hand and official stamp or seal, this _____ day of _____, 19____.
My commission expires: _____ Notary Public



NORTH CAROLINA, _____ County.
I, a Notary Public of the County and State aforesaid, certify that _____
Secretary of
personally came before me this day and acknowledged that _____ he is _____
a North Carolina corporation, and that by authority duly
given and as the act of the corporation, the foregoing instrument was signed in its name by its _____
President, sealed with its corporate seal and attested by _____ as its _____ Secretary.
Witness my hand and official stamp or seal, this _____ day of _____, 19____.
My commission expires: _____ Notary Public

The foregoing Certificate(s) of Michelle C. Ping & Barbara L. McKenney

Were certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By George E. Tatum REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Deputy / Assistant - Register of Deeds **NO REVENUE**

EXHIBIT "A"

TRACT ONE

BEGINNING at a point in the western margin of DeVane Street, which point is located 316.35 feet in a northwardly direction from the end of the curb which leads from Twin Oak Drive to DeVane Street, said point being the southeast corner of Estate #14, and running thence with the western margin of DeVane Street North 18 degrees 10 minutes East 105 feet to the southeast corner of Estate #13; thence North 70 degrees 58 minutes West 150 feet to a point; thence South 18 degrees 10 minutes West 105 feet to a point; thence South 70 degrees 58 minutes East 150 feet to the Beginning. And being Estate #14 in the subdivision known as Birnam Wood Estates, as per plat of the same duly recorded in Book of Plats 14, at page 63, Cumberland County Registry.

TRACT TWO

Lying and being in the County of Cumberland and State of North Carolina, in Cross Creek Township and more particularly described as follows:
Lying and being on the West side of Highway 15A. Beginning at a point in the Western margin of Highway 15A, said beginning point being Rosa Wright's Southeast corner, and running thence North 43 degrees West 234 feet to a stake in an old road; thence with the old road South 15 degrees West 340 ft to a stake; thence South 58 degrees East 155 feet to the Western margin of Highway 15A; thence with the Western margin of Highway 15A North 25 degrees East 268 feet to the beginning.

TRACT THREE

Cross Creek Township, Cumberland County, State of North Carolina, and founded as follows, viz.:

Beginning at a point in the northern margin of West Rowan Street, said beginning point being the intersection of the northern margin of West Rowan Street with the eastern margin of Amos Street and runs thence North 01 degree 35 minutes East 263.4 feet to a stake, the southwest corner of Nathaniel McCoy's tract; thence with McCoy's southern line South 71 degrees 29 minutes East 138.6 feet to a stake, McCoy's southeast corner; thence with McCoy's eastern line North 06 degrees 13 minutes East to McCoy's northeast corner; thence South 71 degrees 29 minutes East 52.55 feet to Clint Hall's western line; thence with Clint Hall's western line South 06 degrees 13 minutes West 356.29 feet to the northern margin of West Rowan Street North 83 degrees 47 minutes West 168.42 feet to the point of Beginning.

TRACT FOUR

BEGINNING at a stake in the western margin of the U.S. Highway 301 and runs thence along the western margin of said U.S. Highway 301, North 28 degrees 30 minutes East 600 feet to a stake; thence North 61 degrees 30 minutes West 980.15 feet to an iron stake in the eastern margin of a 30 foot unopened roadway; thence South 25 degrees 15 minutes West 600.97 feet to an iron stake; thence South 61 degrees 30 minutes East 946.08 feet to an iron stake in the western margin of

U.S. Highway 301, the point of BEGINNING; and being all of Lots No. 16, 17, 18, 19, 20, and 21, containing 14.56 acres, more or less, as shown on map of property of the Cumberland County Sinking Funds Committee, made by H.O. Bullard, Surveyor, August 15, 1935, and of record in the office of the Register of Deeds for Cumberland County, North Carolina. Being the same lands described in a Deed from W.C. Downing, Commissioner, et al to Richard P. Braxton, of record in Book 515, Page 164, in the office of the Register of Deeds for Cumberland County; and being the same land described in a deed from John T. Henley and wife, Rebecca E. Henley, to Joseph E. Goins of record in Book 2118, Page 401, Cumberland County Registry; and being the same land described in a deed from Ervin I. Baer, Trustee to Vamco Music Co., Inc. dated July 12, 1973, and recorded in Book 2397, at Page 287, Cumberland County Registry.

Less and excepting that tract of land previously deeded to Michelle Rivera f/k/a Michelle Boland and Steven Rivera more particularly described as BEING all of Lot 2 consisting of 1.84 acres, more or less, as shown on plat entitled "SUBDIVISION FOR GREGORY SNEED HIGH, SIDNEY R. HIGH, XI AND BARBARA H. ARNE" drawn by Robert M. Bennett, Registered Land Surveyor. See Deed Book 4993, Page 0099 Cumberland County, North Carolina, Registry

TRACT FIVE

BEGINNING at a stake in the southern margin of the Wilkes Road, the northeast corner of a lot heretofore conveyed to Paul Brewington and running thence with the southern margin of said Wilkes Road North 75 degrees 30 minutes East 52.35 feet to a stake; thence South 14 degrees 30 minutes East 416 feet to a stake in the southern line of the lot of which it is a part; thence with said line South 75 degrees 30 minutes West 52.35 feet to Paul Brewington's Southeast corner; thence with his line North 14 degrees, 30 minutes West 416 feet to the Beginning, containing one-half acre, more or less, and being a part of the lot described in a Deed from George R. Bell and wife, to the said Isham Monroe, dated December 21 1949, and registered in Book 546, Page 249, in the Office of the Register of Deeds for Cumberland County. And being the same property described in Deed from Isham Monroe to Joseph Earl Goins and wife, Arletha Goins, in Book 590, Page 116, Cumberland County Registry.

TRACT SIX

BEGINNING at a stake in the southern margin of the Wilkes, at a point North 75 degrees 30 minutes East 1595.3 feet from the intersection of the southern margin of the Wilkes Road and the eastern margin of the Fayetteville-Lumberton Highway, the said point of beginning being the beginning corner of the lot of which it is a part, and running thence with the southern margin of said Wilkes Road North 75 degrees 30 minutes East 104.7 feet to a stake; thence South 14 degrees 30 minutes East 416 feet to a stake in the northern margin of a 20 foot road; thence with the northern margin of said road South 75 degrees 30 minutes West 104.7 feet to a stake; the southwest corner of the lot of which it is a part; thence North 14 degrees 30 minutes West 416 feet to the BEGINNING, containing one acre, more or less, being a part of the lot described in a Deed from George R. Bell and wife to the said Isham Monroe, dated December 20 1949, and registered in Book 546, Page 249, in the Office of the Register of Deeds for Cumberland County, and also being the same land described in a Deed dated September 28, 1951, from Isham Monroe to Paul Brewington, recorded in Book 581, Page 54, Cumberland County Registry. See also Deed from Paul Brewington and wife to J.E. Goins and wife, Arletha Goins in Book 826, at Page 141, Cumberland County Registry. See also deed from Arletha Goins in Book 1100, at Page 141, Cumberland County Registry.

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305

TRACT SEVEN

BEGINNING at a stake in the southern margin of the public road called the Wilkes Road, the northeast corner of Lot No. 8, and running thence with the southern margin of the said road North 75 degrees East 52 feet to a stake; thence South 15 degrees East 416 feet to a stake; thence South 75 degrees West 52 feet to a stake; thence North 15 degrees West 416 feet to the BEGINNING, containing one-half of an acre, more or less, being part of the land known as the T.L. Whisnant land. And being the same property described in Deed dated July 30, 1952, from Isham Monroe to Joe Goins as appears of record in Book 602, Page 162, Cumberland County Registry.

TRACT EIGHT

BEGINNING at a stake, the northwest corner of a lot described in Deed recorded in Book 763, Page 130, Cumberland County Registry, and runs thence North 75 degrees 30 minutes East 108 feet to a stake; thence South 14 degrees 30 minutes East 52.50 feet to a stake; thence South 75 degrees 30 minutes West 105 feet to a stake; thence North 14 degrees 30 minutes West 52.50 feet to the BEGINNING, and being the northern one-half of the lot described in the Deed above referred to, and being the same property conveyed to Joe E. Goins and Connie Dianne Goins by Deed from Gladys Brewington as appears of record in Book 866, Page 285, Cumberland County Registry.

TRACT NINE

BEING all of Lots 16, 17, 24 and 25 of the H.C. Blackwell Subdivision, plat of which is duly recorded in Book of Plats 11, Page 52, Cumberland County Registry. And being the same property conveyed to Bryant M. Horne and wife, by Deed dated October 14, 1964, of record in Book 1080, Page 335, Cumberland County Registry. See also Deed from Horne to Goins as recorded in Book 2001, Page 383, Cumberland County Registry, dated September 29, 1966.

TRACT TEN

BEING ALL of lot 19 of the W.T. Rigbee property as surveyed and platted July, 1926 by E.C. Belvin, of record in Book of Plats 6, page 82, Durham County Registry.

BEGINNING at an iron stake on the West side of Foster Street at the northwest corner of Lot No. 24, of the W.T. Rigbee property as surveyed and platted by E.C. Belvin, July 1926, 150 feet from the intersection of the West side of Foster Street and the south side of Hargrove Street, and running thence North 86 degrees 30 minutes West 66.5 feet to an iron stake, southeast corner of Lot No. 20, thence North 10 degrees 07 minutes West 51.4 feet to an iron stake in the southwest corner of Lot No. 22; thence South 86 degrees 30 minutes East 78.6 feet to an iron stake in the West side of Foster Street; thence along the West side of Foster Street South 3 degrees 30 minutes West 50 feet to the point and place of Beginning. And being all of Lot No. 23 of the W.T. Rigbee property as surveyed and platted July 6, 1926, by E.C. Belvin, of record in Book of Plats 6, Page 82, Durham County, North Carolina, Registry.

TRACT ELEVEN

BEGINNING at a stake in the eastern margin of Gillespie Street at the southwest corner of the Rachel Barnes lot and running South 17 West along said margin of Gillespie Street 80 feet to the center of driveway or alley between lot herein conveyed and lot adjoining on the South; thence South 72 East along the center of said driveway 98 feet to a stake, the southwest corner of the Pemberton lot; thence North 17 East and parallel with the eastern margin of Gillespie Street 80 feet to a stake, a line of Rachel Barnes; thence North 72 West along line of Rachel Barnes 98 feet to the BEGINNING, same being the western portion of the lot conveyed to the late Jane E. Williams by Henry J. Green and wife, by deed recorded in Book 118, Page 501, Cumberland County Registry, which see for further reference. The above described tract of land is the same land described in the deed dated November 19, 1945, from Kate M. Pemberton and others, to H.C. Pate and wife, Core Lee Page, which is duly recorded in Book 475, Page 238, aforesaid Registry.

BOOK 155 PG 0306
306

EXHIBIT "A"
Legal Description

BEGINNING at a stake in the western margin of the U.S. Highway 301 and runs thence along the western margin of said U.S. Highway 301, North 28 degrees 30 minutes East 600 feet to a stake; thence North 61 degrees 30 minutes West 980.15 feet to an iron stake in the eastern margin of a 30 foot unopened roadway; thence South 25 degrees 15 minutes West 600.97 feet to an iron stake; thence South 61 degrees 30 minutes East 946.08 feet to an iron stake in the western margin of U.S. Highway 301, the point of BEGINNING; and being all of Lots No. 16, 17, 18, 19, 20, and 21, containing 14.56 acres, more or less, as shown on map of property of the Cumberland County Sinking Funds Committee, made by M.O. Bullard, Surveyor, August 15, 1935, and of record in the office of the Register of Deeds for Cumberland County, North Carolina.

LESS AND EXCEPTING that tract of land previously deeded to Michelle Rivera f/k/a Michelle Boland and Steven Rivera more particularly described as BEING all of Lot 2 consisting of 1.84 acres, more or less, as shown on plat entitled "Subdivision For Gregory Sneed High, Sidney R. High, II and Barbara H. Arne" drawn by Robert M. Bennett, Registered Land Surveyor. See Deed Book 4993, Page 0099 Cumberland County, North Carolina, Registry.

Also described as:

BEING the same property as Tract Four in that deed recorded in Book 5155, Page 301, Cumberland County Registry, and referred to as Lot 1, comprising 11.51 acres, on that plat subdivision for Gregory Sneed High, Sidney R. High, II, and Barbara H. Arne by Bennett Engineering, dated September 1, 1998, recorded in Plat Book 98, Page 25, Cumberland County Registry.

FURTHER LESS AND EXCEPT that property which is the subject of a taking in fee simple by North Carolina Department of Transportation in that matter styled Department of Transportation v. The High Family Properties, L.L.C., Cumberland County Superior Court matter 2018-CVS-3822, a consent judgment in which matter is recorded in Book 10527, Page 718, Cumberland County Registry.

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ALTA COMMITMENT FOR TITLE INSURANCE

Issued by

FIDELITY NATIONAL TITLE INSURANCE COMPANY

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Fidelity National Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within 180 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Fidelity National Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

Countersigned By:

Megan Brown
Authorized Officer or Agent



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Commitment Number: GB22008216

Transaction Identification Data for reference only:

Issuing Office: Fidelity National Title Company, LLC, 300 N. Greene Street, Suite 925, Greensboro, NC 27401

Phone: 336-275-9734

Fax: (336)275-8661

Commitment Number: GB22008216

Property Address: 5070 S US 301 Highway, Hope Mills, NC 28348

SCHEDULE A

1. Commitment Date: October 7, 2022 at 08:00 AM

2. Policy to be Issued:

(a) ALTA Owner's Policy (06-17-06)

Proposed Insured: Crosland Barnes Group, LLC, a South Carolina limited liability company

Proposed Policy Amount: \$1,070,000.00

3. The estate or interest in the Land described or referred to in this Commitment is:

Fee Simple

4. Title to the Fee Simple estate or interest in Land is at the Commitment Date vested in:

The High Family Properties, L.L.C., a ___ limited liability company

5. The Land is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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**SCHEDULE B, PART I
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be Insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be Insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. **REQUIREMENTS ADDRESSING LIENS FOR LABOR, SERVICES, MATERIALS OR RENTAL EQUIPMENT:**

Receipt of applicable NCLTA form below (or substantially similar form approved by Company), completed, executed and notarized, as follows:

NO RECENT (last 120 days) OR CONTEMPLATED CONSTRUCTION:

NCLTA FORM 1 (Owner Affidavit) from every seller (on sale) or borrower (on refinance) who has not contracted for recent or contemplated improvements on the Land or for a construction loan.

NOTE: If a contract purchaser has contracted for or is contemplating improvements, see "CONSTRUCTION CONTEMPLATED OR IN PROCESS" below.

RECENTLY COMPLETED IMPROVEMENTS:

Non-MLA Project: NCLTA FORM 2 (Owner/Contractor Affidavit, Lien Waiver, and Indemnity) from every Owner and every Contractor.

MLA Project:

(1) Receipt of proof satisfactory to the Company that prior to closing or prior to first contracting for construction (whichever occurs first):

- a. A Lien Agent was designated on the LiensNC.com website; AND
- b. The Appointment of Lien Agent was posted at the Land.

(2) NCLTA FORM 5 (Owner Affidavit) from every Owner; AND

(3) NCLTA FORM 6 (MLA Lien Waiver) from every PLC-MLA.

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CONSTRUCTION CONTEMPLATED OR IN PROCESS:

Non-MLA Project: NCLTA FORM 3 (Owner/Contractor Affidavit, Indemnity and Lien Subordination) (for lender coverage only) from every Owner and every Contractor.

MLA Project:

(1) Receipt of proof satisfactory to the Company that prior to closing or prior to first contracting for construction (whichever occurs first):

- a. A Lien Agent was designated on the LiensNC.com website, AND
- b. The Appointment of Lien Agent was posted at the Land;

(2) NCLTA FORM 5 (Owner Affidavit); AND

(3) NCLTA FORM 6 (MLA Lien Waiver) or NCLTA FORM 7 (MLA Subordination of Liens) from every PLC-MLA, **AND SUCH ADDITIONAL CONTRACTORS AS MAY BE REQUIRED BY THE COMPANY.**

NOTE: If a contract purchaser has contracted for or is contemplating improvements prior to closing, see "NO RECENT IMPROVEMENTS" above regarding seller lien affidavits as well.

MLA Project – MLA NOT Appointed Prior to Contracting for Labor Services or Materials

In all cases in which an MLA was required but not (timely) appointed, prior approval and terms of coverage (if any) by Company underwriting counsel is required.

Definitions

"Contractor" is any person or entity who has performed or furnished or has contracted to perform or furnish labor, services, materials, or rental equipment pursuant to a contract, either express or implied, with the Owner of real property for the making of an Improvement thereon OR who has delivered a claim of lien upon funds to the Owner.

"Non-MLA Projects" are any projects where the Improvements are

- (1) first contracted before April 1, 2013;
- (2) for a value less than \$30,000; OR
- (3) solely for Improvements to owner's existing residence.

All other projects (other than public projects) are MLA projects.

"Owner" is holder of any interest in the Land, including leasehold owner or contract purchaser.

"Potential Lien Claimant" (or "PLC-MLA") is any person (or entity):

- (1) ENTITLED to file a claim of lien on real property (herein "Liens"), for providing labor, services, materials or rental equipment for improvements to the Land (herein "Improvements"), pursuant to Article 2 of Chapter 44A of the North Carolina General Statutes AND who either:
 - a. has filed a Notice to Lien Agent; OR
 - b. was identified in the original Appointment; OR
 - c. is a Design Professional; OR
 - d. first furnished labor, services, materials or rental equipment for Improvements within 15 days prior to closing; OR
- (2) That has delivered a claim of lien upon funds to the Owner.

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Commitment Number: GB22008216

6. If the recorded instrument(s) required herein or otherwise recorded to complete the transaction, are to be executed by way of power of attorney (POA); receipt of proof satisfactory to the Company the POA is: 1) recorded in the county where the Land is, or if a North Carolina entity, recorded in the principal's county of domicile, or if not a North Carolina resident or entity, in the North Carolina county where the principal has a significant business interest 2) valid to support the acts undertaken on behalf of the principal and not revoked, and 3) if not recorded in the county where the recorded instrument executed pursuant to the POA is, the POA is identified in the instrument by recording information, including the book, page and county of recording.
7. The Company must be provided with the following documentation for The High Family Properties, L.L.C. (the LLC):
 - o A copy of the Articles of Organization and the Operating Agreement and any amendments, thereto;
 - o A Certificate of Good Standing/Existence for the state of incorporation and for North Carolina, if different; and
 - o Proof, satisfactory to the Company, that the contemplated transaction is duly authorized by the manager(s)/member(s) of the Company and identifying by name and title, the person(s) authorized to execute documents on behalf of the LLC.
8. The Company must be provided with the following documentation for Crosland Barnes Group, LLC (the LLC):
 - o A copy of the Articles of Organization and the Operating Agreement and any amendments, thereto;
 - o A Certificate of Good Standing/Existence for the state of incorporation and for North Carolina, if different; and
 - o Proof, satisfactory to the Company, that the contemplated transaction is duly authorized by the manager(s)/member(s) of the Company and identifying by name and title, the person(s) authorized to execute documents on behalf of the LLC.
9. Receipt of proof satisfactory to the Company of payment in full of all taxes, including any interest or penalties thereon, through and including the year 2022.
10. Receipt of evidence or assurance satisfactory to the Company that the Land is not commercial under NC Gen. Stat. Sec. 44A-24.3(3); or receipt of waiver of lien rights and/or acceptable affidavit and indemnity against possible lien for broker services, as provided by NC Gen. Stat. Ch. 44A, Article 2, Part 4, in a form satisfactory to the Company.
11. NOTE CONCERNING THE UNAUTHORIZED PRACTICE OF LAW: The drafting of a legal instrument which conveys an interest in real property, such as a deed or deed of trust, is the practice of law by statute (NCGS 84-2.1) in North Carolina. Only an actual party to said instrument or a North Carolina licensed attorney acting on behalf of one of the parties can lawfully prepare a conveyance instrument.
12. This commitment must be approved by senior underwriting counsel of the Company and until that occurs and this requirement is eliminated in writing, this commitment is only for illustrative purpose. The Company is not obligated to honor this commitment or issue a final policy pursuant hereto.
13. Receipt of affidavit from the seller/borrower in a form satisfactory to the Company that there is no tenant on the Land other than those reported in the affidavit, that there is no controversy or dispute pertaining to ownership of the Land, that there is no outstanding government charge, such as for utility service, that might become a lien against the Land, and other assurances as specified by the Company.

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Commitment Number: GB22008216

14. If disbursement of funds will occur prior to recordation of the instruments required herein, and Item 1 of Schedule B-II will be deleted prior to recordation, then, the following must be provided in a form satisfactory to the Company:
o Financial statement from the proposed indemnitor must be approved by the Company.
o Indemnity agreement from the indemnitor.
o Executed and acknowledged instruments to be recorded.
o Approval by the Company of the party to disburse the funds.
o Funds to be disbursed including premium for special risks and services undertaken.
15. Receipt of current survey satisfactory to the Company. The Company reserves the right to make changes to the Exceptions reflecting the matters revealed by the current survey.

END OF SCHEDULE B, PART I

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SCHEDULE B, PART II
Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. The lien of all taxes for the year 2022, which are due and payable but not yet delinquent, and subsequent years.
3. Building restriction lines, easements, and any other matters shown on map or plat recorded in Plat Book 9, Page 33 and Plat Book 98, Page 25.
4. Easement(s) and right(s)-of-way for roads or public/private utilities.
5. Memorandum of Action recorded in Book 10308, Page 1; as affected by Consent Judgment recorded in Book 10527, Page 718.
6. Rights or claims of parties in possession as tenants under unrecorded leases.
7. Discrepancies, variances, shortages or overages in the acreage of the Land.
8. Any discrepancy, conflict, matter affecting access, shortage in area or boundary lines, encroachment, encumbrance, violation, variation, overlap, setback, easement or claims of easement, riparian right, and title to land within roads, ways, railroads, watercourses, burial grounds, marshes, dredged or filled areas or land below the mean high-water mark or within the bounds of any adjoining body of water, or other adverse circumstance affecting the Title that would be disclosed by a current inspection and accurate and complete land survey of the Land.
9. Statutory liens of mechanics, laborers and materialmen that have performed or furnished labor, professional design or surveying services, or furnished materials or rental equipment of which no notice appears of record. (NOTE: This exception will be deleted only upon receipt of documentation satisfactory to the Company satisfying the Requirements Addressing Liens for Labor, Services, Materials or Rental Equipment set out in Schedule B-1 of this Commitment.)

END OF SCHEDULE B, PART II

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COMMITMENT CONDITIONS**1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

- 2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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Commitment Number: GB22008216

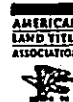
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
 - (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
 - (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
- 7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.
- 8. PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
- 9. ARBITRATION**
The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is Two Million And No/100 Dollars (\$2,000,000.00) or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

END OF CONDITIONS

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Cain Surveying, P.C.
License No. C-4430
Matthew, NC 28030
P.O. Box 4430
Fax: (704) 443-0300

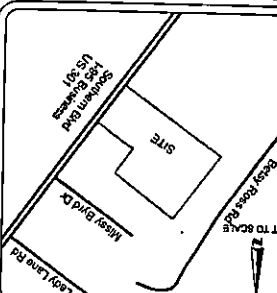
03/14/2023
Date
Cain, P.C.

- I hereby certify to one or more of the following:
- ☐ That this plat is a subdivision of land within an area of the County or Municipality that has an Ordinance that regulates said parcels of land.
 - ☐ That the survey is located in a portion of the County or Municipality that is surveyed as to an ordinance that regulates parcels of land.
 - ☐ That the survey is of an existing building or other structure, or natural feature, such as a watercourse, or existing street.
 - ☐ That the survey is of a new street or change in land and does not create a new street or change in existing street.
 - ☐ That the survey is of an existing parcel or parcels of land and does not create a new street or change in existing street.
 - ☐ That the survey is of another category, such as the recommendation of existing parcels, a court-ordered survey, or other such exception to the definition of subdivision.
 - ☐ That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in a through D above.

FILED Mar 27, 2023 11:41:15 AM
BOOK 00149
PAGE 0120
COUNTY NO. 1
REGISTERED
L. E. WATKINS, JR.
EXCISE TAX \$21.00
(None)
RECORDING



I, Jimmy F. Cain, a Professional Land Surveyor, certify that this map was drawn under my supervision from an actual survey made under my supervision, deed and description recorded in Deed Book 5155 Page 301 of the Cumberland County Registry, and that the ratio of precision as calculated by latitudes and departures is 1 / 10,000. I do not know of any other survey or plat in books referenced. This map was prepared in accordance with G.S. 47-20 as amended. Witness my hand and seal this 14th day of March, A.D. 2023.



- POB-Point of Beginning
POC-Point of Commencement
M-Station
W-Well
H-Hydrant
L-Flag
S-Security Light
P-Power Pole
C-Contour Monument
M-Contour Monument
W-Well Marker
F-Found from Stake

LEGEND

- POB-Point of Beginning
POC-Point of Commencement
M-Station
W-Well
H-Hydrant
L-Flag
S-Security Light
P-Power Pole
C-Contour Monument
M-Contour Monument
W-Well Marker
F-Found from Stake

LARRY KENNETH AUSTRY, TRUSTEE
DEED BOOK 1000 PAGE 100
PLAT BOOK 1000 PAGE 100

11.165 Acres ±

DOUGLASS ROAD
SOUTHERN BLDG. DRIVERS 4660
PLAT BOOK 119 PAGE 199



- NOTES:
- (1) PIN #0423160821000
 - (2) Deed Reference: Deed Book 5155 Page 301
 - (3) Bearing Book: Plat Book 68 Page 25
 - (4) Map Reference: Plat Book 68 Page 25
 - (5) No NCOS Monuments within 200'
 - (6) The location of all buildings shown hereon are from observed evidence of above ground appurtenances only. The surveyor was not provided with underground plans or surface ground markings to determine the location of any subterranean uses.
 - (7) Floc Zone: X
FEMA #3720042900
Effective date: 01/05/2007
No distances are horizontal.
 - (8) No utility provided. Subject to all easements of record.
 - (9) Surveyed from existing corner.
 - (10) Ownership shown was taken from the Cumberland County GIS.
 - (11) This office does not guarantee or certify that the property shown is adequate for independent sewer systems.
 - (12) Plat may be subject to review.
 - (13)

SOUTHERN BLDG. DRIVERS
US HIGHWAY #301 BUSINESS

"NO APPROVAL REQUIRED"

Date: 3/14/23
Signature: Jimmy F. Cain

Annexation Map for Town of Hope Mills
Annexation File #
OWNER: 5070 US 301 Highway, Hope Mills, NC
SITE ADDRESS
COUNTY: Cumberland
Date: 02/01/2023
Drawn By: J.A. Cain, PLS



Annexation No. A2023-04
5070 South US Hwy 301
The High Family Properties, LLC

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION PURSUANT TO G.S. 160A-58.2
RESOLUTION NO. R2023-14

WHEREAS a petition requesting annexation of the area described herein has been received; and

WHEREAS the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Hope Mills, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Town Hall, 5770 Rockfish Road, Bill Luther Board Meeting Room #120, at 7:00 p.m., May 1, 2023.

Section 2. The area proposed for annexation is described as follows:

Cumberland County Parcel #0423-16-0821 which is a non-contiguous annexation and equals 11.165 Acres plus or minus and belongs to The High Family Properties LLC and is registered in plat book 149 on page 120 in the Cumberland County Register of Deeds office.

Section 3. Notice of the public hearing shall be published in the Fayetteville Observer, a newspaper having general circulation in the Town of Hope Mills, at least ten (10) days prior to the date of the public hearing.

ADOPTED this 17th Day of April, 2023.

JACKIE WARNER, MAYOR

ATTEST:

Jane G. Starling, CMC Town Clerk


CERTIFICATE OF SUFFICIENCY

ANNEXATION NO. A2023-04

**TO THE BOARD OF COMMISSIONERS OF THE TOWN OF HOPE MILLS,
NORTH CAROLINA:**

I, Jane G. Starling, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said is signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Hope Mills, this 4th day of April, 2023.


Jane G. Starling, CMC
Town Clerk

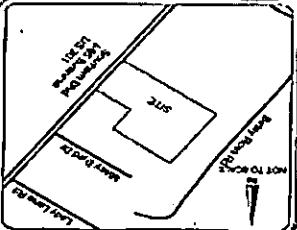


Cain Surveying, P.C.
10000 10th Street, Suite 100
Dallas, Texas 75243
(214) 343-1111
Fax: (214) 343-1112
www.cain-surveying.com

☐ A. The law is not to be applied to the defendant's conduct if the defendant is a minor.
☐ B. The law is not to be applied to the defendant's conduct if the defendant is a minor and the defendant is a minor.
☐ C. The law is not to be applied to the defendant's conduct if the defendant is a minor and the defendant is a minor.
☐ D. The law is not to be applied to the defendant's conduct if the defendant is a minor and the defendant is a minor.

[illegible]

ALL BEHAVIOR "PRACTICES" OF THE FBI TO THE EXTENT THAT THEY ARE IN VIOLATION OF THE CONSTITUTION OR FEDERAL LAWS, AND TO THE EXTENT THAT THEY ARE IN VIOLATION OF THE CIVIL RIGHTS OF THE PEOPLE, ARE HEREBY PROHIBITED AND CONSIDERED UNLAWFUL AND VOID.



CLARK COUNTY
NOT IN CLARK
COUNTY, MISS.
COUNTY, MISS. THAT THE
COUNTY, MISS. THAT THE
DATE 2/17/73

1777

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LARRY KENNETH ALTRY, TRUSTEE
2225 SOUTH 12TH AVENUE
SUITE 200
DENVER, COLORADO 80202

[illegible]

9555 BLVD
HAWAY #301
HAWAY, HI 96721

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MEMORANDUM

DATE: April 25, 2023

TO: Chancer F. McLaughlin – Interim Town Manager

FROM: Stephen F. Dollinger – Police Chief
Elisabeth Brown – Stormwater Administrator
Don Sisko – Public Works Director
Chuck Hodges – Fire Chief
Robert Carter – Fire Marshall
Kenny Tatum – Chief Building inspector
Emily Weidner – Town Planner

SUBJECT: 5070 S US 301 HWY Annexation
REQUEST: Annexation
PARCEL#: 0423160821000
SIZE: 11.40+/- acres
LOCATION: 5070 S US 301 HWY

POLICE DEPARTMENT:

Recommendation: **APPROVAL**
Comments: No objections

PUBLIC WORKS DEPARTMENT:

Recommendation: **APPROVAL**
Comments: No objections.

STORMWATER DEPARTMENT:

Recommendation: **APPROVAL**
Comments: Stormwater permit required. Is not located in the Airport Overlay District nor is it located in the floodplain.

PLANNING AND ZONING DEPARTMENT:

Recommendation: **APPROVAL**
Comments: Planning staff is requesting approval to begin the initial zoning process to designate the site under the M1(P) Planned Light Industrial District.

FIRE DEPARTMENT:

Recommendation: **APPROVAL**
Comments: No objections, if approved, will be in full responder contracted area for Cotton Fire Department.

INSPECTIONS DEPARTMENT:

Recommendation: **APPROVAL**
Comments: No objections.



STAFF REPORT

REQUEST: Annexation

Hope Mills Board Meeting: 5-1-2023

Address: 5070 S US 301 HWY

REQUEST

ANNEXATION

The Town of Hope Mills Board of Commissioners voted to accept the annexation petition on March 20, 2023 under resolution R2023-14. The Board also moved to set the public hearing for the consideration of annexation for April 17, 2023. The petition for annexation is for 11.40+/- acres of land tied to parcel identification number 0423-16-0821. The subject property is located at 5070 S US 301 HWY. Please refer to the attached memorandum from the Hope Mills Plan Review Committee for recommendations from all pertinent engineering and permit based departments. The location of the subject property is illustrated in Exhibits "A & B".

SUBJECT PROPERTY INFORMATION

OWNER/APPLICANT:

CASTO Southeast Realty Services (agent) on behalf of High Family Properties, LLC (owner).

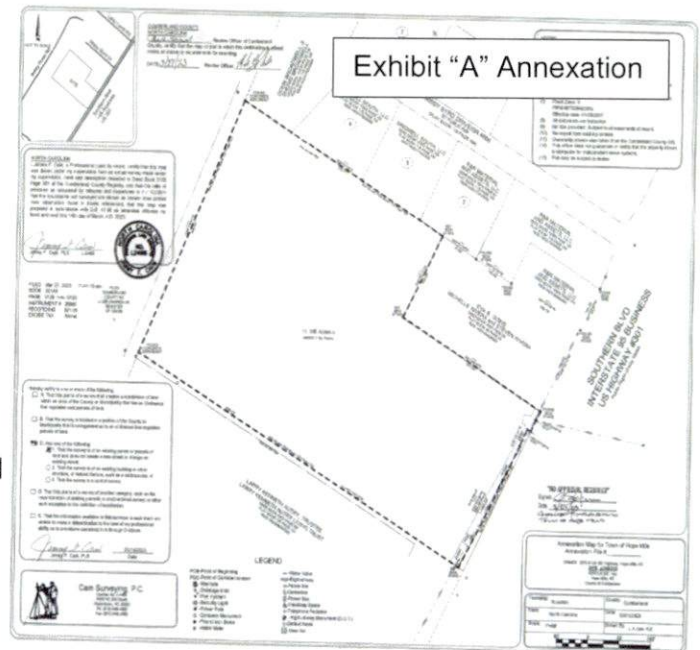
ADDRESS/LOCATION:

5070 S US 301 HWY REID#: 0423160821000.
Refer to Exhibit "A" for annexation plat.

SIZE:

The subject tract is 11.40+/- acres in size.

EXISTING ZONING: The whole parcel is currently zoned under C3 Commercial district. It is currently surrounded by Heavy Industrial to the south, Planned Commercial to the north east, and established residential to the west and east of the property.



STAFF RECOMMENDATION

Staff is requesting authorization to proceed with initially zoning the property under the M1(P) Planned Light Industrial District.



Owner	Street	City	State	Zip
High Family Properties, LLC	605 Larkfield Court	Fayetteville	NC	28314
Deliverance Jesus is Coming Victory Center, Inc	PO Box 393	Hope Mills	NC	28348
Eva B Goins Life Estate	5052 S US 301 HWY	Hope Mills	NC	28348
R&R Material & Assets, LLC	PO Box 447	Hope Mills	NC	28348
New Town Apartments, LLC	2105 Cloverfield Lane	Eastover	NC	28312
Singwell South, LLC	2103 Angelia M Street	Fayetteville	NC	28301
Dohn B Broadwell, Jr. & Sherri B	PO Box 53587	Fayetteville	NC	28305
Joseph & Garietta Hudson	4341 Betsy Ross Drive	Hope Mills	NC	28348
Steven & Jennifer Williams	420 Lookout Place	Fayetteville	NC	28311
James L Caulder	4359 Besty Ross Drive	Hope Mills	NC	28348
Heather N Jones & Donnie L Godwin Heirs	4375 Betsy Ross Drive	Hope Mills	NC	28348
Michele M Holden	21 Cornelia Lane	Weaverville	NC	28787
Wilma D Hester	4555 South Main Street	Hope Mills	NC	28348
Larry K Autry Trustee	PO Box 368	Hope Mills	NC	28348



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 16, 2023

TO: JOINT PLANNING BOARD

FROM: PLANNING AND INSPECTIONS DEPARTMENT

DATE: 5/16/2023

SUBJECT: CASE ZON-22-0067: REZONING FROM A1 AGRICULTURAL DISTRICT TO A1/CZ AGRICULTURAL CONDITIONAL ZONING DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 62.55 +/- ACRES; LOCATED GENERALLY SOUTH OF CARLOS RD AND EAST OF REBEL RD, SUBMITTED BY MICHAEL BLAKELY (APPLICANT) ON BEHALF OF RED ROCK MATERIALS, LLC (OWNER).

ATTACHMENTS:

Description

CASE ZON-22-0067

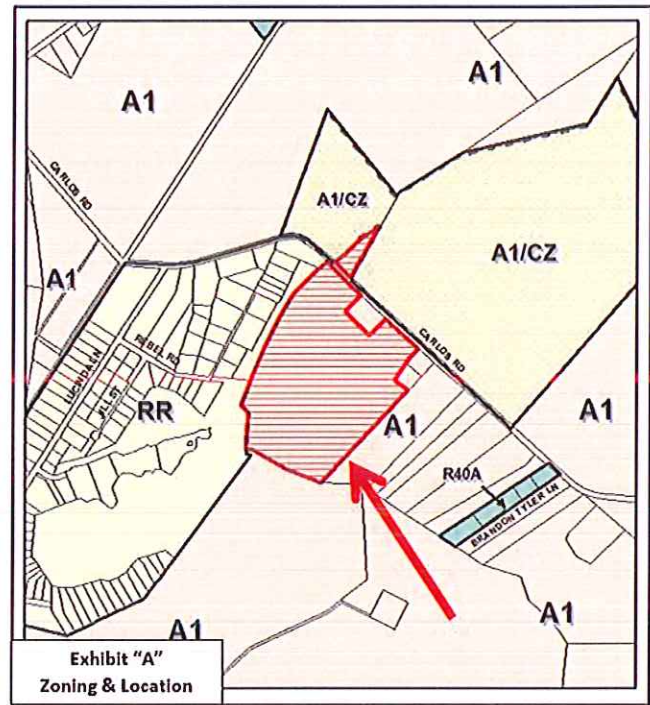
Type

Backup Material

REQUEST

Rezoning A1 to A1/CZ

This conditional zoning request appeared before the Joint Planning Board on September 20, 2022 and involves a property owner's interest to conduct a quarry operation within an A1 Agriculture zoning district. At the September 20th hearing, the JPB reached a decision to deny the request by a vote of six to one. This action was based on a finding that the request "is not in harmony with the surrounding land use activities due to public safety concerns of expanding mining operations in the area". Instead of proceeding directly to a hearing before the Board of County Commissioners, the applicant chose to prepare additional information in the form of a groundwater impact study and to conduct additional meetings with the nearby residents. With this new information, the applicant requests to return to the Joint Planning Board. The new information submitted by the applicant is attached to this report together with a copy of the minutes from the September 20, 2022 JPB meeting. Based on the applicant's more recent community meetings, additional conditions are offered that affect the requested use of the property as well as the proposed quarry operation. These applicant-offered conditions appear in the proposed conditional zoning conditions of approval (attached) with an applicant's update letter.



The applicant requests a rezoning from A1 Agricultural District to A1/CZ Agricultural Conditional Zoning District for 62.55 +/- acres. The proposed site activity is limited to 61.74 +/- acres on the southern side of Carlos Road located at the property surrounding 8299 Carlos Road. The intent of the property owner is to have a sand and gravel quarry. (Site plan is provided as Exhibit "A" to the Conditions of Approval, which is found in Exhibit "F" (attached). Per Section 403, Use Matrix, of the County Zoning Ordinance, a quarry use must be approved as a conditional zoning and must meet the requirements set forth in Section 919, Quarry standards, both of which are provided in the Appendix.

PROPERTY INFORMATION

OWNER/APPLICANT: Brain Raynor, Red Rock Materials, LLC

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0573003160000

SIZE: 62.55 +/- acres parcel. Road frontage along Carlos Rd. is 1000 feet in length. The property has a varying depth of approximately 1940 feet in length at its deepest point. The parcel includes area on the north side of Carlos Road- all proposed site activity will occur on the 61.74 +/- acres on the south side of Carlos Road.

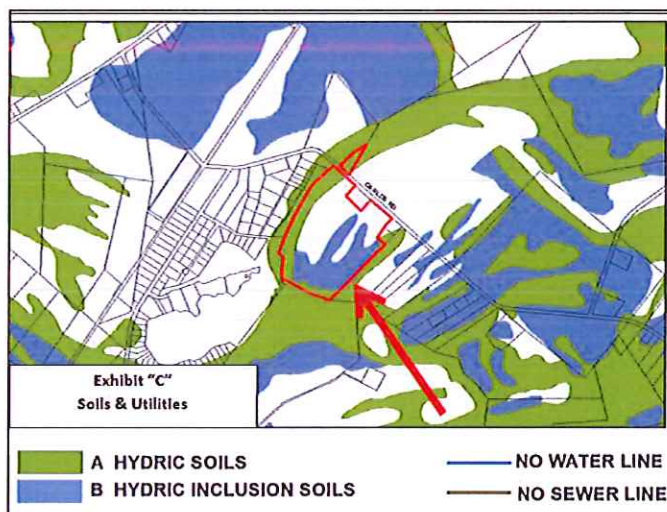
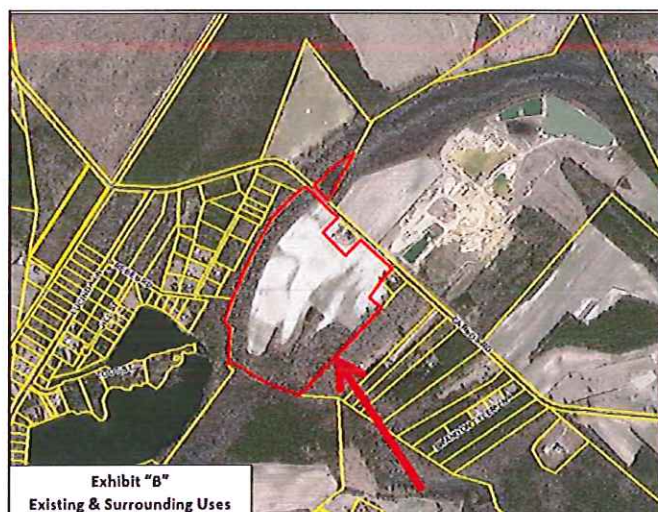
EXISTING ZONING: The subject property is currently zoned A1 Agricultural District. Minimum lot size for this district is two acres. This district is intended to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents. A quarry operation is a permissible use in an A1 zoning district only through a conditional zoning approval.

EXISTING LAND USE: The subject parcel is currently vacant. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- **North:** Wooded lands, farmland & quarry operations
- **East:** Wooded lands, farmland & single-family homes
- **West:** Wooded lands & single-family homes
- **South:** Wooded lands & farmland

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates presence of hydric and hydric inclusion soils along the eastern, southern, and western areas of the property.



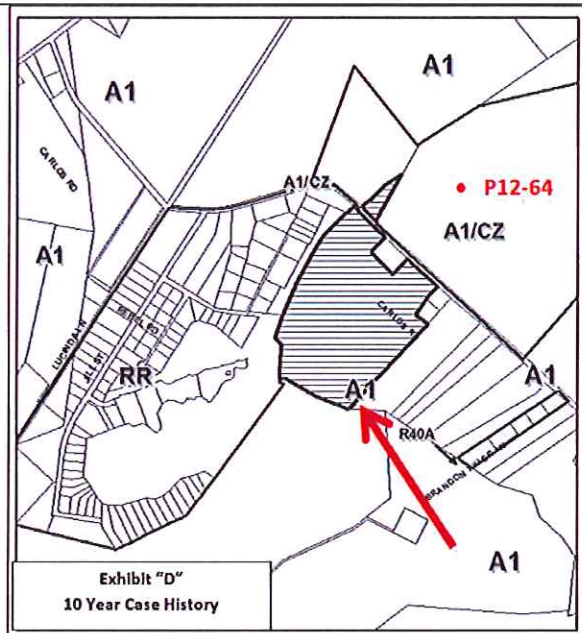
TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes the location of the zoning case history described below. This zoning case is a conditional zoning for a quarry, which is currently in operation.

- **P12-64: A1 to A1/CZ; APPROVED FOR QUARRY**

DEVELOPMENT REVIEW:

- Applicant has submitted a site plan addressing submittal requirement pursuant to Zoning Ordinance Section 1402, as well as the additional review criteria of Zoning Ordinance Section 919 for Quarry operations.
- Applicant has reviewed conditions presented by Current Planning Staff and offered additional conditions (Attachment F).



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	A1/CZ Defaults to M(P) (Proposed)
Front Yard Setback	50 feet	50 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	30 feet
Rear Yard Setback	50 feet	30 feet
Lot Area	2 acres	2 acres
Lot Width	100'	100'

DEVELOPMENT POTENTIAL:

Existing Zoning (A1)	Zoning (A1/CZ)
26 dwelling units	Quarry (see conditional zoning site plan, Exhibit "F")

- Section 202 (A): Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

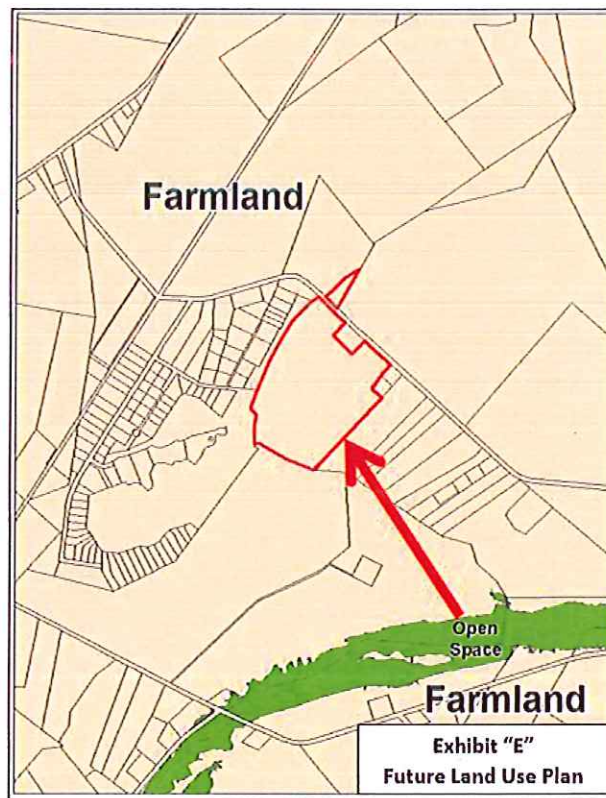
COMPREHENSIVE PLANS: This property is located within the North Central Area Land Use Plan (2011). The future land use classification of the property is "Farmland", as illustrated in Exhibit "E." The proposed rezoning request is consistent with the adopted Land Use Plan.

Associated plan goals and policies that may be considered include the following:

FUTURE LAND USE CLASSIFICATION Development Goal: Farmland & Industrial

Industrial: Limit the scope, intensity, and location of "clean" industrial and manufacturing enterprises to areas with adequate infrastructure to ensure compatibility in the Study Area as well as have a positive impact on the social, natural, and environmental conditions in the Area.

Locate industries and manufacturing enterprises in areas that have adequate infrastructure and land area for buffering, vehicular and pedestrian circulation, landscaping, and is compatible with the character of the Area.



SUGGESTED CONDITIONS:

- Additional buffering, dust, and noise control measures may be considered in addition to those already existing in the zoning ordinance, specifically around areas with existing residential structures.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water and sewer lines are not available near the subject property. It is the applicant's responsibility to determine if the utility provider will serve their development. Utilities for water and sewer are shown on Exhibit "C". Well and septic will likely be required, and the lot size must meet the minimum area necessary to accommodate both. There are both hydric soils & hydric inclusion soils on the parcel.

TRAFFIC: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property, Intersection of 8299 Carlos Road, is located outside of FAMPO boundaries.

The North Carolina Department of Transportation offers the following comment: NCDOT Pavement Management Unit will review roadway to determine if additional improvements will be required for the hauling routes on SR 1707 (Carlos Road).

SCHOOLS CAPACITY/ENROLLMENT: The proposed use will not generate additional school-age children.

School	Capacity	Enrollment
Long Hill Elementary	516	494
Raleigh Road Elementary	179	209
Pine Forest Middle School	804	783
Cape Fear High	1712	1665

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no objection to the proposed request.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has the following comment:

1. Ensure all fire department access requirements are met in accordance with section 503 of the 2018 NC fire code.
2. Ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code.
3. Submit building plans to scale for new construction and building renovation.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: See Exhibit "F" for the Conditions of Approval and Conditional Zoning Site Plan.

STAFF RECOMMENDATION

In Case ZON-22-0067, Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to A1/CZ Agricultural District Conditional Zoning. Staff finds the request is consistent with the North Central Land Use Plan which calls for "Farmland" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:

Conditions of Approval

Notification Mailing List

Application

Groundwater Impact Study

September 20, 2022 JPB meeting minutes

Applicant Transmittal Addressing Concerns

Exhibit "F"
Conditions of Approval
ZON-22-0067

The applicant has offered the following conditions:

1. The proposed mining activity is for open surface mining only.
2. The proposed site will perform mining activities Monday-Friday 7 am to 6 pm.
3. All equipment will be equipped with muffled backup alarms (duck, white noise, etc.) per MSHA regulations.
4. Site will comply with all NCDOT Driveway Permit requirements and provide required upgrades to existing connecting driveway route as required by a NCDOT Driveway Permit.
5. Per the North Carolina Division of Energy, Mineral, and Land Resources (NCDEMLR) mine permit, the permitted mining operation shall submit and obtain an Air Quality Permit that governs the air quality and emissions.
6. Per the NCDEMLR Mine permit, the permitted mining operation shall submit and obtain NPDES Permit that governs the water quality.
7. The mining access will be one access on Carlos Road.
8. Product Stockpiles will not exceed 60 feet in height.
9. The site will provide a 50 ft minimum undisturbed buffer along property boundaries.
10. The site will provide a 30 ft minimum undisturbed buffer along wetlands boundaries.
11. The site will be surrounded by a 6 ft high earthen berm with a double row of evergreen trees staggered in two rows at 25 ft spacing.
12. All Existing natural vegetation shall be left in its natural state except for the areas specifically needed for current site development.
13. All mining activities and operations shall meet the requirements of the 1971 Mining Act.
14. No blasting will be required in the extraction of the mined material.

Planning & Inspections Conditions of Approval:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any should be within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional

information, the developer should contact a Code Enforcement Officer. In addition, applicant is responsible to obtain all other federal, state, and local permits required for quarry operations.

- a. Note: This conditional approval is not approval of the permitting of any structures for this site; re-submittal of the site plan for staff review and approval is required prior to application for permits for any structure to be located on this site.
2. The applicant must keep an updated copy of the state permit and conditions on record with the County Planning & Inspections Department.
3. Prior to issuance of a zoning permit, the applicant must provide to Code Enforcement an acknowledged copy- to include the County Manager - of the *Affidavit of Notification* which is required as part of the state application for a mining permit and a copy of the state mining permit application.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The developer must provide the Code Enforcement Section with an approved NC Department of Environmental and Natural Resources (NCDENR) mining permit prior to any application for permits. A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any zoning permits. Proper erosion and sediment control measures shall be installed and maintained in accordance with North Carolina State standards during mining/quarry operations.
8. The final inspection cannot be accomplished until Planning & Inspections staff inspects the site and certifies that the site is developed in accordance with the approved plans.
9. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project; however, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

Site-Related:

10. Use and development of the quarry shall occur consistent with the Conditional Zoning Site Plan within Exhibit "A" of the Conditions of Approval, the Conditions set forth herein, and the County Zoning and Subdivision Ordinances. Where any conflicts occur between the Conditions of Approval herein, including the Site Plan, with the County Zoning and Subdivision Ordinances, the Conditions of Approval and Site Plan shall supersede.
11. The lot shall be adequate to provide the yard space required for the M(P) Planned Industrial District and meet the standards of section 919 of the County Zoning Ordinance.
12. All equipment used for excavation, quarrying, and permitted processing shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which would injure or annoy persons living or working in the vicinity.
13. The temporary erection and operation of plants and equipment necessary for crushing, polishing, dressing, or otherwise physically or chemically processing the material extracted on the site shall comply with the district dimensional requirements of the M(P) zoning district.
14. All excavations shall be made either to a depth of five feet below a water producing level, or graded or back-filled with non-noxious and non-inflammable solids to assure that the excavated area will not collect and retain stagnant water or that the graded or back-filled surface will create a gentle rolling topography to minimize erosion by wind or rain and substantially conform with the contour of the surrounding area.
15. Whenever the floor of a quarry is five feet or more below the grade of adjacent land, the property containing the quarry shall be completely enclosed by a barrier either consisting of a mound of earth not less than six feet high located at least 25 feet from any street right-of-way and planted with a double row of quick growing vegetative landscaping, or shall be enclosed with a chain link fence or its equivalent in strength and protective character to a height of six feet along the property line
16. An excavation shall be located 100 feet or more and back-filled to 150 feet from a street right-of-way line. Quarrying operations shall be located 50 feet or more from a street right-of-way line and to any property boundary line. With approval by the County Engineer, such excavation or quarrying may be permitted inside these limits in order to reduce the ground elevation to the established street grade.
17. A reclamation plan shall be submitted along with the site plan and the application. All such reclamation plans shall include the following:
 - a. A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within 500 feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five feet or less.
 - b. Existing and proposed drainage of the area
 - c. Details of re-grading and re-vegetation of the site during and at conclusion of the operation. The following are the minimum requirements to be met at the conclusion of the operation:
 - i. The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two feet horizontal to one foot vertical. This slope shall be maintained 20 feet beyond the water line if such exists.
 - ii. Spoil banks shall be graded to a level suiting the existing terrain.

- iii. All banks and extracted areas shall be surfaced with at least six inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized and approved by the County Engineer.

18. When any extraction has been completed, such area shall either be left as a permanent spring-fed lake, or the floor thereof shall be leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion.
19. The facility must be permitted by the North Carolina Department of Environment and Natural Resources and/or other applicable Federal, State, and local agencies.
20. No excavation shall be made closer than 200 feet from the bank of any river, stream, creek, or waterway except by submission of documentation, verified by the County Engineer, that such excavation or quarrying shall not impair the lateral support needed for permanent stream levees.
21. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired as stated in the written application, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
22. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
23. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
24. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
25. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
26. Turn lanes may be required by the NC Department of Transportation (NCDOT).
27. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
28. The proposed perimeter berm to be constructed around the excavated areas shall be a minimum of six feet in height and planted with a double row of quick growing vegetative landscaping in accordance with the provisions of Section 919.G, County Zoning Ordinance.

29. The owner/developer is responsible and liable for maintenance and upkeep of this site, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers/berms and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
30. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.
31. The developer must contact the County Engineer's office at the conclusion of operation to inspect the site for compliance with the provisions of Section 919, County Zoning Ordinance and that the site must be reclaimed in accordance with the reclamation plan included in the case file.
32. All equipment must be removed within three months of the completion of the extraction of materials.
33. Access ways or drives within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.
34. The facility must be permitted by the North Carolina Department of Environment and Natural Resources and/or other applicable Federal, State, and local agencies. A note stating as such will be provided on the plan.
35. All quarry and related operations must be limited to the south side of Carlos Road as submitted on the Site Plan.
36. All proposed traffic generated by the quarry operations shall be limited to State owned roadways. The applicant is responsible for coordination with NCDOT pertaining to roadway maintenance and impact.

Other Relevant Conditions:

37. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
38. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
39. This conditional approval is contingent upon continued compliance with the County's Subdivision and Zoning Ordinances.
40. This conditional approval is not to be construed as all - encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations for a quarry operation.

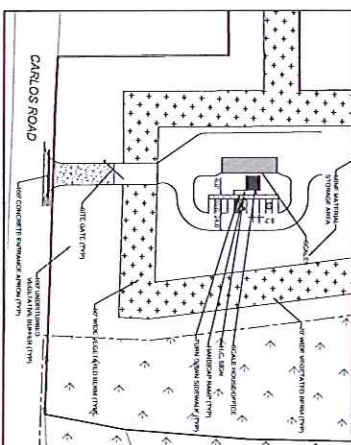
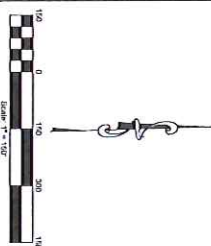
**EXHIBIT "A" OF CONDITIONS OF APPROVAL
CONDITIONAL ZONING SITE PLAN**

[illegible]

PROPOSED MINING AREAS	
PT	27.8 AC
PLANT SITE	2.1 AC
UNDISTURBED BUFFER	23.7 AC
OTHER MISC. AREA (ditches, stream diversions, etc.)	0.1 AC
TOTAL PROJECT AREA	61.7 AC

HE EQUIPMENT INVENTORY				
KEY	OFFICER'S	COMMON NAME	FOOTING	TOTAL
RD	TABLET 1811	RED BATTERY (1000mAh)	HEIGHT	
LC	TABLET 1811	US BATTERY (1000mAh)	4.7"	20x5x10
			66x10x7"	517

SYMBOL	DESCRIPTION
	CONCRETE WALL
	PERIMETER FENCE
	WETLAND
	ULTIMATE PIT
	BUCKET
	PLANT SITE
	AFFECTED AREA
	CRACK
	DEBRIS



- [illegible]

**RED ROCK MINE
CONDITIONAL ZONING**

**GAINEY ROAD
CUMBERLAND COUNTY, NORTH CAROLINA**

SITE LAYOUT PLAN

AGENCY REVIEW ONLY
NOT FOR CONSTRUCTION

C2 of 11	Reviewed by MTB
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DDS JOB #: 2022-42

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ATTACHMENT – MAILING LIST

STAFFORD, GARY 5000 HARBOR BEACH BLVD APT A BRIGANTINE, NJ 08203	SHOCKLEY, OWEN;SHOCKLEY, TAMMY 112 BAYSHORE DR PARKTON, NC 27371	MCLAMB, JERRY DON 4500 BENSON HARDEE RD BENSON, NC 27504
BAIRD, REBA A 190 MCLEAN RD LILLINGTON, NC 27546	BARBER, WILLIAM TERRY 10414 CHAPEL HILL RD MORRISVILLE, NC 27560	DICKENS, PATRICIA C;DICKENS, KARY V 1538 BOROS DR FAYETTEVILLE, NC 28303
LAKE TERESA HOMEOWNERS ASSOCIATION INC 2939 BREEZEWOOD AVE STE 100 FAYETTEVILLE, NC 28303	SCHUCHMAN, WILLIAM F;SCHUCHMAN, HELEN 5511 RAMSHORN DR FAYETTEVILLE, NC 28303	RED ROCK MATERIALS LLC 2204 BAYVIEW DR FAYETTEVILLE, NC 28305
MCLEAN, BETTY H 345 FARMERS RD FAYETTEVILLE, NC 28311	ORTIZ, ISRAEL 325 W SUMMERCHASE DR FAYETTEVILLE, NC 28311	SPENA, MARTEN L;SPENA, RONDA G 211 HAVERHILL DR FAYETTEVILLE, NC 28314
GREEN, CHRISTINA MARIE 591 MCKOY TOWN RD CAMERON, NC 28326	BEAR PARK LLC PO BOX 1108 CLINTON, NC 28329	MCLEOD, GENE D 346 PROSPECT CHURCH RD DUNN, NC 28334
BINION, GLADYS LOUISE 8145 CARLOS RD LINDEN, NC 28356	BYRD, BILLY 7864 JILL ST LINDEN, NC 28356	CAPEHART, JAMES L;CAPEHART, KIMBERLY S 8107 CARLOS RD LINDEN, NC 28356
CONNER, STEPHANIE LEE;CONNER, PAUL LEROY 3971 REBEL RD LINDEN, NC 28356	CROSS, SADIE L 4038 REBEL RD LINDEN, NC 28356	GLENARD W. BAILEY LIMITED PARTNERSHIP 3930 TOOT STREET LINDEN, NC 28356
GORDON, RICHARD MARTIN;GORDON, FIDELIS 4041 REBEL RD LINDEN, NC 28356	HARPER, BRENDAN L;HARPER, TIFFANY L 3980 REBEL RD LINDEN, NC 28356	HARPER, BRENDAN;HARPER, CAROL 3981 REBEL RD LINDEN, NC 28356
HARPER, BRENDAN;HARPER, CAROL 3983 REBEL RD LINDEN, NC 28356	HUBBARD, DIANNE MARIE PO BOX 65 LINDEN, NC 28356	JORDY, DANNETTE GENELEE 3998 REBEL RD LINDEN, NC 28356
JUHAOZ, MICHAEL 8065 CARLOS RD LINDEN, NC 28356	MINTON, DENVER D 8481 CARLOS AVE LINDEN, NC 28356	MULLINS, JENNIFER;WALLAR, WESLEY 8215 CARLOS ROAD LINDEN, NC 28356

MUNOZ, LEONEL ROBERT;MUNOZ, DORIS JACKSON
3960 TOOT ST
LINDEN, NC 28356

POPE, AUDRA SIMMONS
2740 CHIMNEY POINT RD
LINDEN, NC 28356

RAINEY, MARK ANDREW
8540 DURANT NIXON RD
LINDEN, NC 28356

RAYNOR, LARRY CHRISTOPHER
4068 REBEL RD
LINDEN, NC 28356

RINGLED, LINDA DIANE
3931 REBEL RD
LINDEN, NC 28356

ROSAS-JIMENEZ, MYRIAM
4069 REBEL ROAD
LINDEN, NC 28356

WHITLEY, DAVID BRUCE;WHITLEY, MARY ELIZABETH
3972 REBEL ROAD
LINDEN, NC 28356

WAGNER, MICHAEL ANTONINO;FELDMAN, MICHELLE
LYNN
101 BAYOU COURT
RAEFORD, NC 28376

PIPER, DONALD PAUL
300 SWEETEN RIDGE LN
BEAUFORT, NC 28516

BAILEY, LUCINDA CAROL
709 COMPASS POINTE DR
N MYRTLE BEACH, SC 29582

ATTACHMENT -- APPLICATION



County of Cumberland

Planning & Inspections Department

APPLICATION FOR CONDITIONAL ZONING DISTRICT REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

CASE #: ZON-22-0067

PLANNING BOARD

MEETING DATE: _____

DATE APPLICATION

SUBMITTED: 8/16/22

RECEIPT #: _____

RECEIVED BY: CP

Upon receipt of this application (petition), the Planning and Inspections Staff will present to the Planning Board the application at a hearing. In accordance with state law and board's policy, a notice of the hearing will be mailed to the owners of the adjacent and surrounding properties, **which may be affected by the proposed Conditional Zoning. In addition, a sign will be posted on the property.**

The Planning Board will make a recommendation to the Cumberland County Board of Commissioners concerning the request. The Board of Commissioners will schedule a public hearing and issue a final decision on the matter. Generally, the Commissioners will hold the public hearing four weeks following the Planning Board meeting. The Conditional Zoning District is not effective until the request is heard and approval granted by the Board of Commissioners.

The following items are to be submitted with the completed application:

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to an engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. A check made payable to the "Cumberland County" in the amount of ~~\$ 7165~~ 1540 (See attached Fee Schedule)

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable*.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan. For questions call (910)678-7603 or (910) 678-7602. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

1. Applicant/Agent Red Rock Materials, LLC. - Brian Raynor
2. Address: 2204 Bayview Drive, Fayetteville Zip Code 28305
3. Telephone: (Home) _____ (Work) (910) 824-1238
4. Location of Property: 8299 Carlos Road, Linden, NC 28356 (apprx.)
5. Parcel Identification Number (PIN #) of subject property: REID: 0573003160000
(also known as Tax ID Number or Property Tax ID) (pin not available GIS)
6. Acreage: 61.74 Frontage: 1000 FT Depth: 1940 FT MAX
both sides of road
7. Water Provider: private well Septage Provider: private septic
8. Deed Book 11468, Page(s) 0355, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Agriculture
10. Proposed use(s) of the property: Sand & Gravel Pit

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No X
12. Has a violation been issued on this property? Yes _____ No X
13. It is requested that the foregoing property be rezoned FROM: A1
TO: (Select one)

- X Conditional Zoning District, with an underlying zoning district of A1-CZ
(Article V)
- _____ Mixed Use District/Conditional Zoning District (Article VI)
- _____ Planned Neighborhood District/Conditional Zoning District (Article VII)
- _____ Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Zoning. (Use of the underlying district will be restricted only to the use(s) specified in this application if approved.) The proposed use for the Conditional Zoning is for sand and gravel pit. The propose project is for 61.7 ac site phases which will include an ultimate pit with a proposd plant site. The operation will employee 10 employees on on shift. The proposed operation will operate between the hours of 7 am to 6 pm Monday through Friday.
- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units. Parking - 1 space/employee x 10= 10 spaces
Commercial Areas are all 4 phases
Pit Area = 29.8 ac
Plant Site= 3.1 ac
Berm Area = 4.84 ac
Buffer Area= 23.96 ac

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks. Per M(P) District
Setbacks
Front= 100 ft from R/W
Side=50
Rear=50
- B. Off-street parking and loading, Sec.1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.
1 space/300 sf or employee - 10 spaces proposed

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.
M(P) District

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs. (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.** Streetscape requirement - large shade tree at 50 ft spacing - 1000 ft streetscape requires 20 trees total. Existing trees along Durant Nixon Road to be used in lieu of new planting if they meet shade tree description/requirements.

Parking proposed/Required is 10 spaces - No landscaping required per Sec 1102N3.

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

Proposed buffer is to be 100 ft of undisturbed buffer in conjunction with 50ft x 6.3ft high vegetated berm for a total of 150 ft buffer from all R/W's and property boundaries.

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

Proposed site is to meet in addition to Cumberland County Zoning Ordinance the states NCDEQ Mine Permit and State Erosion Control standards and specifications along with any state and federal water protection requirements.

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Red Rock Materials, LLC. - Brian Raynor

NAME OF OWNER(S) (PRINT OR TYPE)

2204 Bayview Drive, Fayetteville, NC 28305

ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE (910)824-1238
WORK TELEPHONE

SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

Drafting and Design Services, Inc. - Michael Blakley
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

6728 Carbonton Road, Sanford, NC 27330
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE (919) 499-8759
WORK TELEPHONE

draftinganddesign@ymail.com
E-MAIL ADDRESS FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

ATTACHMENT- GROUNDWATER IMPACT STUDY



Groundwater Management Associates, Inc.
2205-A Candun Drive
Apex, NC 27523
Telephone 919-363-6310
www.gma-nc.com

March 6, 2023

Mr. Brian Raynor
Red Rock Materials, LLC
2204 Bayview Drive
Fayetteville, NC 28305
Phone: (910) 824-1238

Re: Hydrogeologic Evaluation of proposed Red Rock Mine,
8299 Carlos Road, Linden, Cumberland County, NC

Dear Mr. Raynor:

Groundwater Management Associates, Inc. (GMA) is pleased to provide you with this letter report describing the results of our hydrogeologic evaluation of the proposed Red Rock Mine located at 8299 Carlos Road, Linden, Cumberland County NC. This report describes the hydrogeology of the proposed mine area (Figure 1), and it describes the estimated impact of mining on groundwater resources in the area. GMA understands that Red Rock Materials LLC will develop a sand mine at this location. GMA understands that there are no boring data available for this site. Red Rock Materials has provided a draft mine plan document prepared by Drafting and Design Services Inc. (dated August 2021) for GMA to review.

Based on our discussions with Red Rock Materials, and our review of the draft mine plan by Drafting and Design Services (August 2021), GMA understands that sand at the mine will be removed from land surface (about 113 feet above sea level) to an elevation of about 95 feet above sea level. The plans show the water table should be encountered at an elevation of about 104 feet above mean sea level. Using these data, the mine excavation will extend up to 20 below land surface, and it may extend about 10 feet below the water table.

Site Overview

GMA focused our investigation on the approximately 61.7-acre site shown on the Red Rock Mine plans provided to GMA (Figure 2). The site is located on Carlos Road near Linden NC. Across Carlos Road from the Red Rock Mine is an active sand mine operated by American Materials. It is our understanding that the operation of the Red Rock Mine will be similar to the operation of the American Materials Mine.

An unnamed tributary to the Cape Fear River, located immediately west of the proposed mine site, flows toward the south-southwest. A ditch located along the southern border of the proposed mine property drains to the west to that unnamed stream. Across the unnamed stream to the west is Theresa Lake. Theresa Lake does not appear to have an outlet to the unnamed stream. The lake's shape suggests that the origin of this lake is the result of a past sand pit operation, thus the water level is expected to represent the water table.

Surrounding Theresa Lake is a residential community consisting of approximately 50 houses. Members of this neighborhood have voiced concerns about whether the sandpit will affect groundwater levels in their community, particularly the water levels in the residential wells and the water level of Theresa Lake.

Site Visit

GMA conducted a field visit on November 21, 2022. The water level of the unnamed creek located to the west of the site appeared to be less than 10 feet below the land surface of the fields on the proposed mine site. GMA conducted a reconnaissance by vehicle for residential water-supply wells in the area, and we noted there appears to be a residential well house at every structure within a 3,000-foot radius of the proposed mine site. A map has been prepared that shows the assumed locations of those nearby wells (Figure 3). Public water service does not appear to be available to the area.

While on site, GMA spoke to Ms. Hubbard, the resident of the house across the street from the American Materials mine and the previous owner of the land on which the proposed Red Rock Mine will be constructed. Ms. Hubbard said she hasn't had an issue with water availability from her well since the American Materials Mine opened. However, she thinks she has noticed that her water has a higher iron content than it used to have prior to the start of the American Materials operation. Ms. Hubbard indicated she thinks her well is less than 50 feet deep.

Soils

GMA reviewed the National Resource Conservation Service website soil survey report regarding the soils of Cumberland County (Web Soil Survey, National Cooperative Soil Survey, Natural Resources Conservation Service, Cumberland County, North Carolina, Version 24, September 8, 2022). The proposed Red Rock Mine site (Figure 4) is primarily comprised of Tarboro loamy sand (Ta) and Dogue fine sandy loam (Do). Both the American Materials mine operation north of the Red Rock Mine site, and the area surrounding Theresa Lake, are primarily composed of Tarboro loamy sand with some Craven loam (Cr). The Cape Fear loam (CF) separates the proposed mine area from Theresa Lake, corresponding to the location of the unnamed creek. A brief description of the different soils from the NRCS soil survey are summarized below:

Ta: Tarboro sandy loam generally forms ridges on stream terraces. The parent material for this soil is sandy fluviomarine deposits and/or alluvium. The soil profile is generally loamy sand shallow, grading downward to sand and then gravelly sand at depth of about 99 inches.

CF: Cape Fear loam generally occurs on flats and depressions. The parent material for this soil is clayey marine deposits and/or fluviomarine deposits over loamy and sandy fluviomarine deposits. The soil profile is generally loam, clay, and sandy clay loam to a depth of 52 inches, then sand to about 80 inches.

Cr: Craven loam generally forms ridges on marine terraces. The parent material for this soil is clayey marine deposits. The soil profile is generally fine sandy loam to about 80 inches, with clay from 9 inches to 54 inches.

Do: Dogue fine sandy loam generally forms flats on stream terraces and marine terraces. The parent material for this soil is old clayey alluvium derived from igneous and metamorphic rock. The soil profile is generally fine sandy loam to a depth of about 10 inches, then clay loam to a depth of about 80 inches.

Hydrogeology of the Area

GMA conducted a well records search for wells located within 3,000 feet of the proposed mine. GMA contacted North Carolina Department of Environmental Quality (NCDEQ) and Cumberland County Health Department for any available records. The data available on the NCDEQ website and County laserfische for each well include the site location and limited well construction information. Along with this information, GMA researched existing United States Geological Survey and North Carolina Geological survey publications (topographic maps, geologic maps, and special publications) that included geological data of interest for the proposed Red Rock Mine site.

While information was not available for all wells in the area, GMA was able to retrieve construction information for many wells, including lithologic descriptions prepared by the driller. GMA identified 32 different well records around the proposed Red Rock Mine site (Figure 5 and Table 1). Of the 32 wells, only four had depths less than 30 feet. The depth range for those shallow wells was from 19 feet to 27 feet, and the static water level in these wells ranged from 8 feet to 12 feet below the top of casing. These shallow wells can be problematic for well owners because of the limited available drawdown in the well. Well WSW26 is located in the Theresa Lake area. This well is 20 feet deep with a static water level of 8 feet below the top of casing. The remaining 28 wells had depths exceeding 200 feet. Well WSW2 is also in the Theresa Lake area. This well is 200 feet deep with a static water level of 20 feet below the top of casing.

Based on our research, GMA believes that the local sands being mined in the area (including those of the proposed Red Rock Mine) are fluvial deposits from the ancestral Cape Fear River. The old fluvial valley boundary occurs about 2 miles west-northwest of the site where there is a prominent ridge that rises to an elevation of about 205 ft MSL, and to the south-southeast of the site at the current location of the Cape Fear River.

The North Carolina Division of Water Resources (NCDWR) hydrogeologic framework places a bedrock elevation contour of approximately 0 ft Mean Sea Level (MSL) through the proposed Red Rock Mine site along Carlos Road. Land surface elevation at that location is about +113 feet above MSL, so if the wells in the area are deeper than 150 feet they are most likely open to bedrock. If wells are 30 feet to 150 feet deep, the wells are likely open to leaky sand and silt aquifer material as recorded in the driller's logs for the residential wells in the area. GMA interprets that lithology to be the Black Creek Aquifer. If wells are less than 30 feet deep, they are likely open to the Surficial Aquifer comprised mostly of sand and silty sand. There does appear to be a thin clay layer lying between the Surficial Aquifer and the Black Creek Aquifer. This clay extends laterally beneath the proposed mine site, Theresa Lake, and the unnamed stream between the two. As shown in a cross-section view (Figure 6), the vertical extent of those three features likely extends down to the clay layer. This clay layer will limit the vertical movement of groundwater down to deeper aquifers. Also, the Surficial Aquifer sand layer may, in effect, not be continuous between the proposed mine operation and the lake. The unnamed creek divides the Surficial Aquifer between those two areas and acts as a buffer to any impacts to the lake. As a result, the only potential impact on water availability or water quality would be to the unnamed stream. There should be no potential impact to deeper residential wells open to deeper aquifers.

Most of the groundwater movement is expected to be horizontal through the sand layers of the Surficial Aquifer. Under natural conditions, groundwater movement in the Surficial Aquifer is largely lateral from both the proposed mine location and Theresa Lake toward the unnamed stream, discharging to the stream.

The mining operation plans to remove about 10 feet of sand below the water table at the site. The operation intends to mine sand wet, and periodically use pumps to lower the water levels. During periodic periods of pumping, the groundwater flow gradient could change with water from the creek flowing to the mine, but the water level in the pit would have to be drawn down below the elevation of the creek. As the operation is mined wet, the removal of wet sand will be a withdrawal from the groundwater system. Water that previously occupied pore spaces in the pit area will be withdrawn, and the higher elevation groundwater outside of the pit boundary will flow into that newly created open space as groundwater discharge to the pit. Any water coloration (higher turbidity) resulting from mining in the pit will remain in the pit. The water level in the pit will be lower than the water level in unmined areas surrounding the pit, thus the pit becomes a groundwater discharge area. The only way groundwater will flow from

the pit will be if sufficient stormwater enters the pit to raise the elevation of the water table higher than the surrounding water table. If that happens, the higher turbidity water will be filtered through the sand aquifer before reaching the stream.

Proposed Mine Operations

GMA understands the sand will be mined wet when the pit extends below the water table. GMA understands from inspection of the draft mine plan document that any water pumped from a shallow pit will go to a sediment basin for infiltration to the shallow groundwater system, or to a previously mined sand basin. This water will infiltrate into the water table or ditch by infiltration through the sand of the Surficial Aquifer. The proposed location of the sediment basin is near the southern portion of the property close to an existing dug ditch that appears to drain to the unnamed creek located west of the proposed mine site. That ditch was dry during our site visit, but there was a pond on the property nearby that will be removed during mining.

GMA has reviewed permit information available on the NCDENR website for sand pits nearby. During mine reviews by the State, sediment basin issues and discharges to the canal/creeks adjacent to the sites were noted, and repairs to sediment control structures and methods were requested. There don't appear to have been complaints regarding groundwater issues. Our assumption is that the proposed Red Rock Mine will be operated in a similar fashion to those other sand mines, so that any future issues will revolve around sediment control structures and not groundwater withdrawals. Sediment control structures will have to be properly engineered, constructed, and maintained.

Conclusions

The neighbors around Theresa Lake have voiced concerns about potential changes to water quality, sediment, color, and lake levels. Most of these issues can be managed by the proper design/construction/maintenance of surface water sediment control structures. Available data indicate that groundwater withdrawals associated with the proposed sand mine will be minimal and should not affect lake levels of Theresa Lake. The Theresa Lake community reportedly has some residential water-supply wells shallower than 30 feet below land surface. Other residential wells are over 200 feet deep. Well depths provide a clue as to which aquifers they are tapping. The shallow wells are tapping the Surficial Aquifer composed of sand. This is the same aquifer that the proposed mine will operate in. The deeper wells tap into the basement rock or crystalline rock aquifer and will not be impacted by the mine operation.

The base of the unnamed creek located between the proposed mine and Theresa Lake likely extends down to the top of a clay layer that underlies the area. As a result, the Surficial Aquifer sand layer may, in effect, not be continuous between the proposed mine operation and the

lake. The unnamed creek acts as a hydraulic boundary that will mitigate impacts to the lake. Under natural conditions, groundwater movement in the Surficial Aquifer is largely lateral from both the proposed mine location and Theresa Lake toward the unnamed stream, discharging to the stream.

The mining operation plans to remove about 10 feet of sand below the water table at the site. The operation intends to mine sand wet, and periodically use pumps to lower the water levels. During periodic periods of pumping, the groundwater flow gradient could change with water from the creek flowing to the mine, but the water level in the pit would have to be drawn down below the elevation of the creek for that to occur. Since the same clay layer underlies both the creek and the pit, that is unlikely to happen.

As the operation is mined wet, the removal of wet sand will be a withdrawal from the groundwater system. Water that previously occupied pore spaces in the pit area will be withdrawn, and the higher elevation groundwater outside of the pit boundary will flow into that newly created open space as groundwater discharge to the pit. Likewise, any water coloration (higher turbidity) resulting from mining in the pit will also remain in the pit since the water level in the pit will be lower than the water level in unmined areas surrounding the pit. The only way groundwater will flow from the pit will be if sufficient stormwater enters the pit to raise the elevation of the water table higher than the surrounding water table. If that happens, the higher turbidity water will be filtered through the sand aquifer before reaching the stream.

GMA expects that the level of Theresa Lake will be unaffected by the operation of the sand mine, and any of the water removed from the sand pit during operation will infiltrate back into the shallow groundwater system through the sediment basins and other sediment control structures connected to the ditch and the unnamed creek.

It is GMA's understanding that Ms. Hubbard, the resident of the house located at 8299 Carlos Road and previous owner of the land on which the proposed Red Rock Mine will be constructed, intends to live at that residence during mining. While Ms. Hubbard informed GMA she hasn't had an issue with water availability from her well since the American Materials Mine opened, the new mining operation will be much closer to her residence. Since her well is shallow it could have limited available drawdown. Therefore, her well could experience periods of lower water availability and nuisance water quality issues like higher iron during the mining operation.

GMA appreciates the opportunity to provide this report to you. If you have any questions, please feel free to contact me.

Best Regards,

Groundwater Management Associates, Inc.



William L. Lyke, P.E., P.G.
Senior Hydrogeologist

CC: James K. Holley, P.G. - GMA, Greenville
John J. Wise, P.E. - GMA, Apex

Attachments:

Figure 1: Site Location Map.

Figure 2: USGS Topographic Map.

Figure 4: Cumberland County Soil Map.

Figure 3: Assumed Residential Well Location Map.

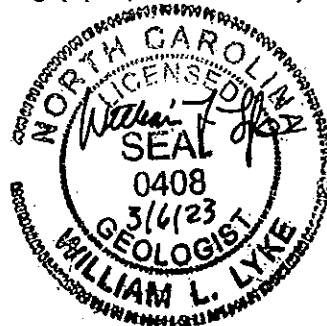
Figure 5: Identified Private Residential Water Supply Well Locations.

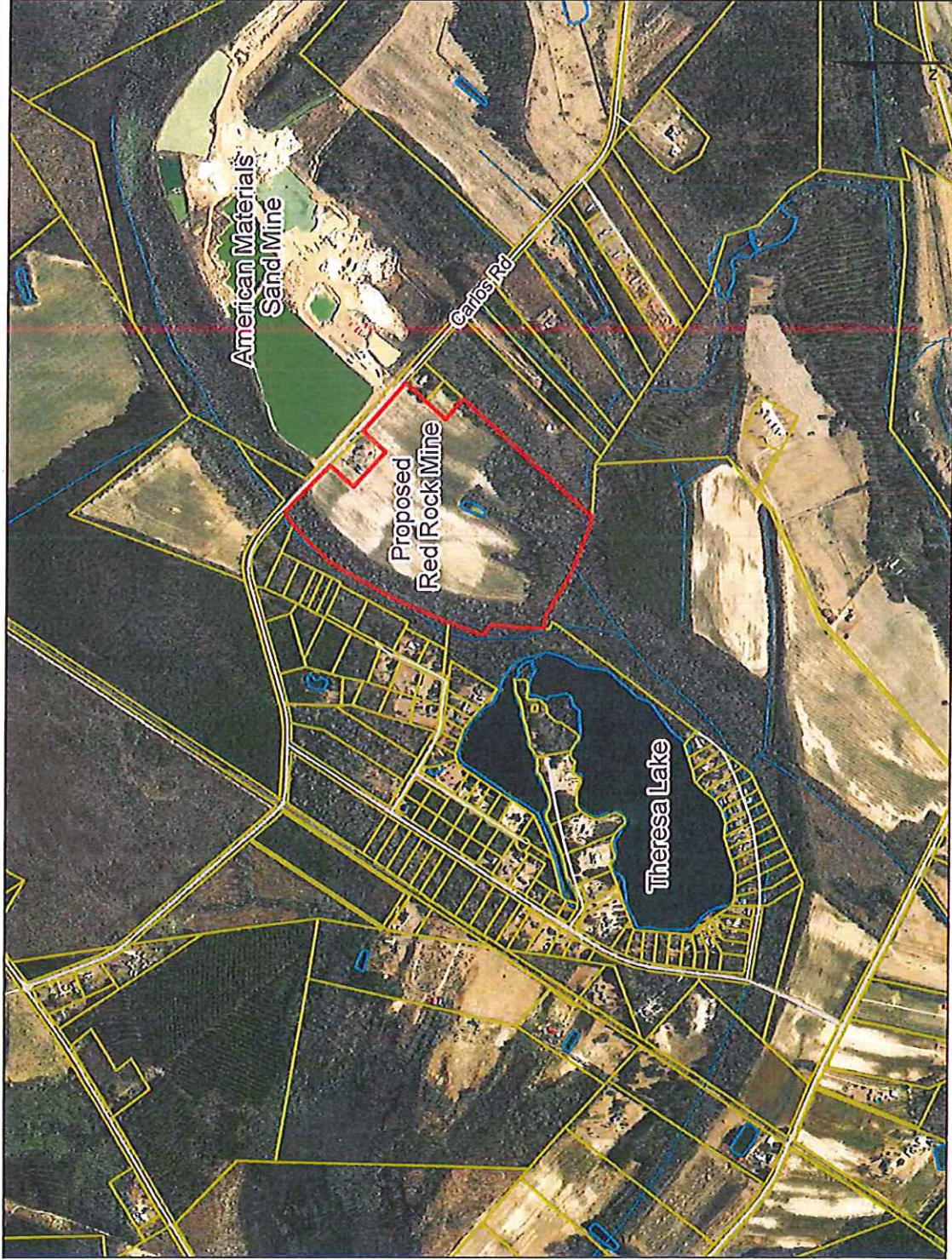
Figure 6: West-East Cross-Section

Table 1: List of Residential Water-Supply Wells

Report Certification

I, William L. Lyke, a Licensed Geologist for Groundwater Management Associates, Inc. (GMA), do certify that the information contained in this report is correct and accurate to the best of my knowledge. GMA is a professional corporation licensed to practice geology (Greenville and Apex, NC #C-121) and engineering (Apex, NC #C-0854) in the state of North Carolina.





Legend

- Streets
- NC Rivers
- Site Property
- Parcels
- NC Lakes and Ponds

PROJECT: 167801

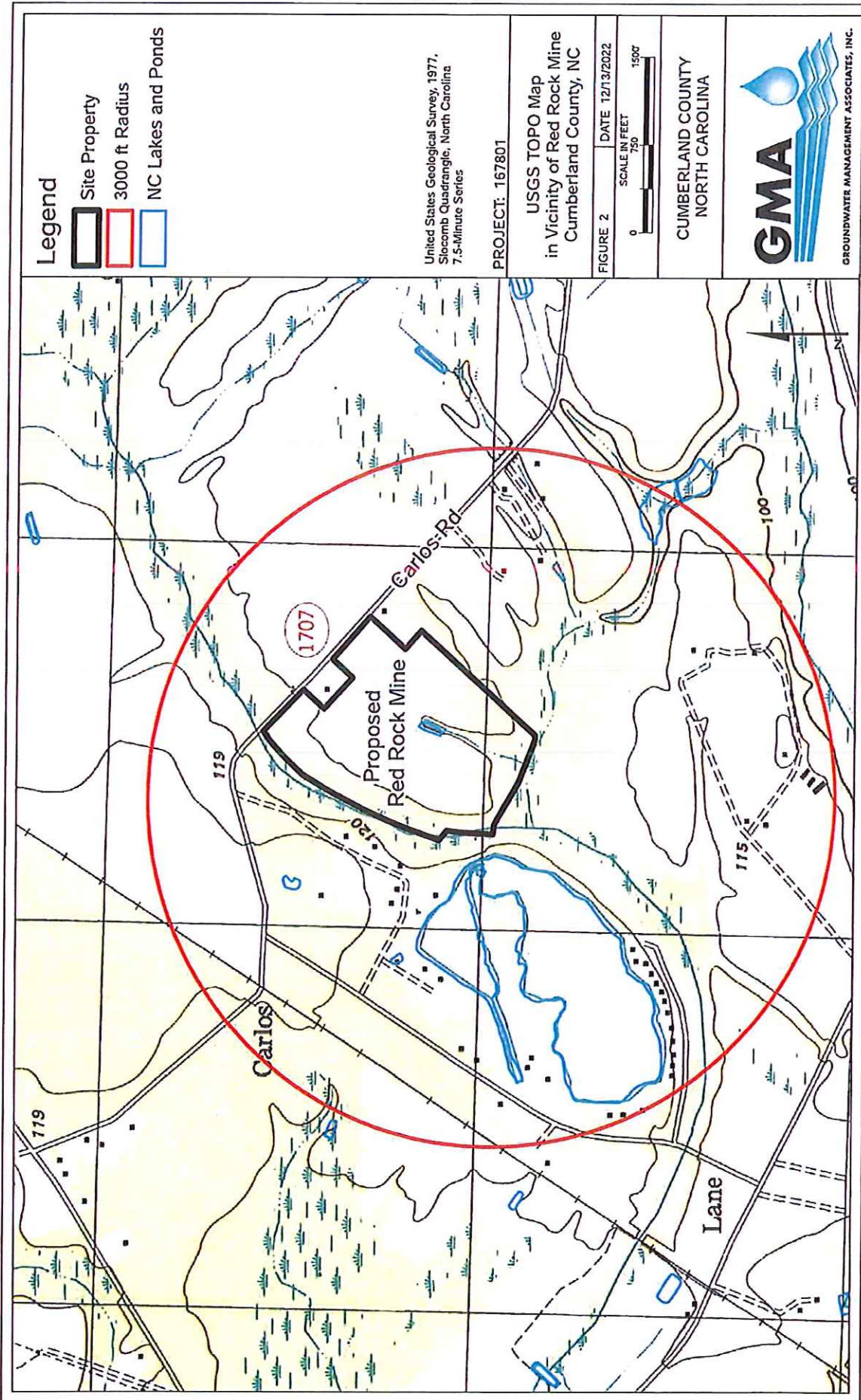
Site Map
Red Rock Mine
Cumberland County, NC

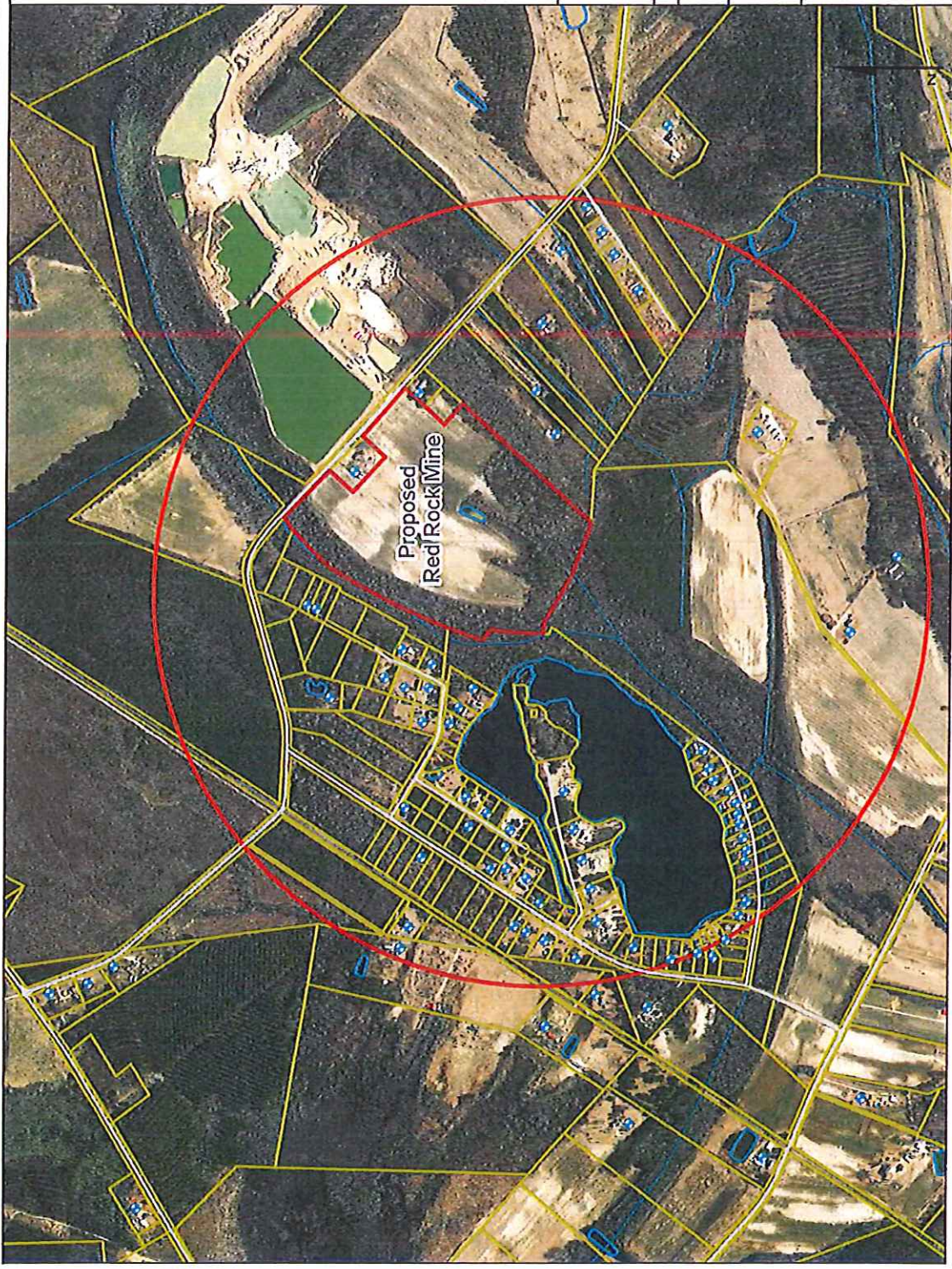
FIGURE 1 DATE 12/16/2022

SCALE IN FEET
0 750 1500'

CUMBERLAND COUNTY
NORTH CAROLINA







Legend

- Assumed Locations of Private Water-Supply Wells
- Streets
- NC Rivers
- Site Property
- 3000 ft Radius
- Parcels
- NC Lakes and Ponds

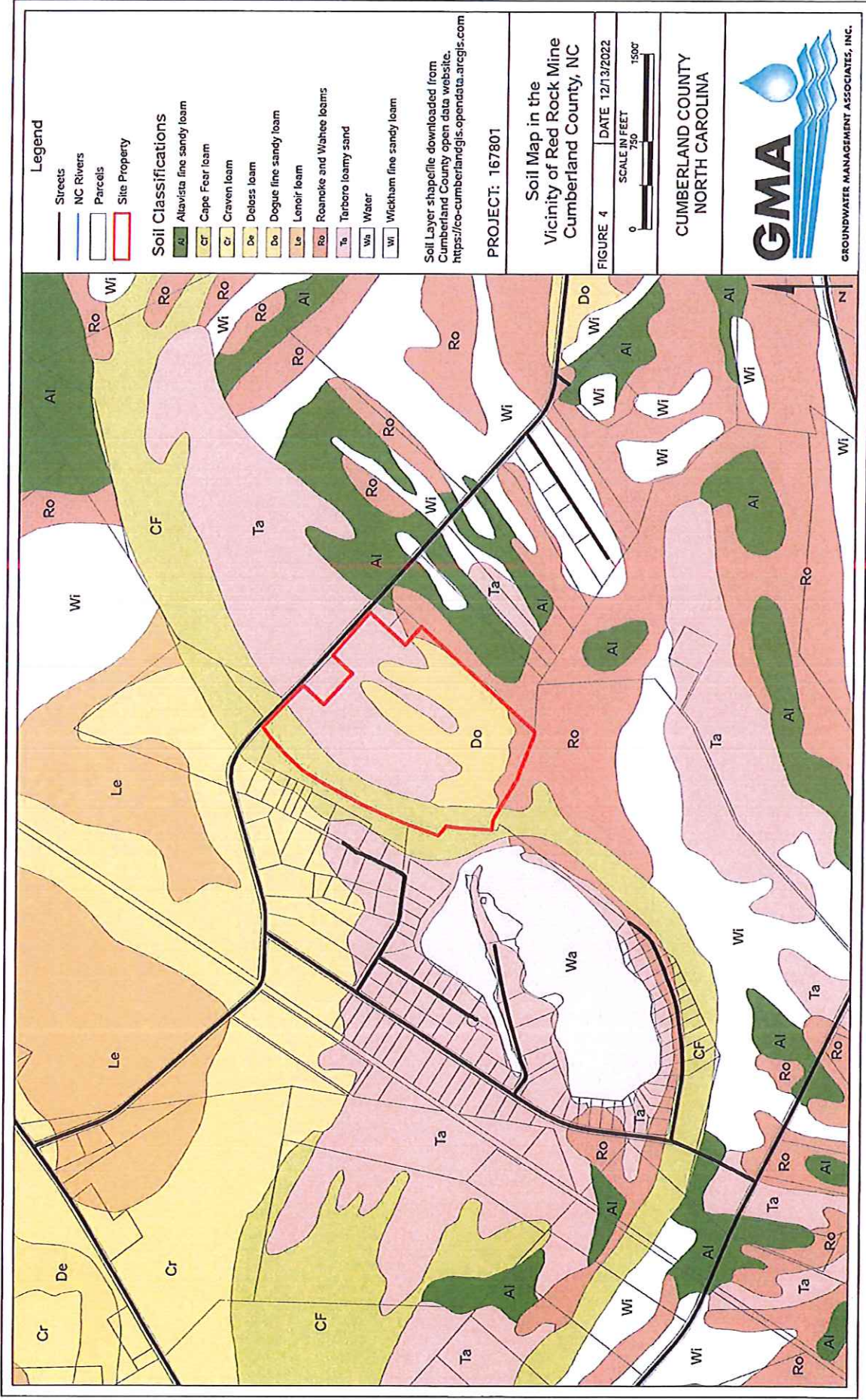
PROJECT: 167801

Private Water Supply Wells
in Vicinity of Red Rock Mine
Cumberland County, NC

FIGURE 3 DATE 12/8/2022
SCALE IN FEET
0 750 1500'

CUMBERLAND COUNTY
NORTH CAROLINA







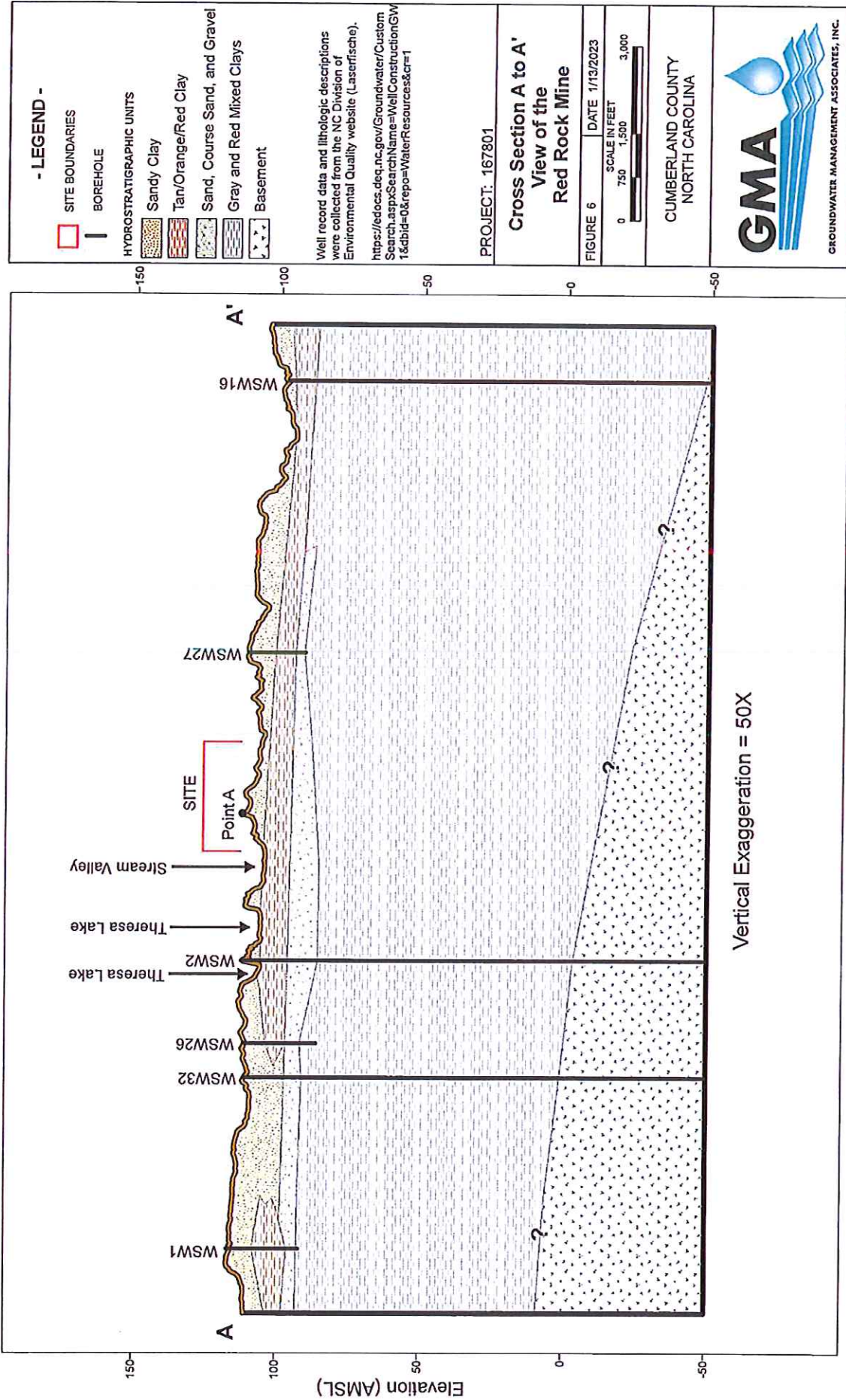


Table 1: List of Residential Water-Supply Wells
Red Rock Mine, Linden, NC

(page 1)

Well	PermitNum	Date	Contractor	CertNum	Owner	Address	Parcel_ID
WSW1	2020-1087	8/25/2020	Larry Williford Jr	2863-A	Dale Sherron	3674 McBryde Rd	563626857
WSW2	2020-1276	2/25/2021	Jonathan Kamionka	3465-A	L Robert Munoz	3960 Toot St	562893138
WSW3	2020-1192	3/25/2021	Jonathan Kamionka	3465-A	Precision Custom Homes	2995 Slocumb Rd	562856548
WSW4	2020-1366	3/3/2021	Jonathan Kamionka	3465-A	Gary Robinson Homes	9050 Hawkins Rd	573164543
WSW5	2020-1365	2/26/2021	Jonathan Kamionka	3465-A	Gary Robinson Homes	9058 Hawkins Rd	573163567
WSW6	2020-1313	9/24/2021	Jonathan Kamionka	3465-A	H&H Homes	9232 Giles Rd	563963813
WSW7	2020-1400	9/28/2021	Jonathan Kamionka	3465-A	H&H Homes	4265 McBryde Rd	563081212
WSW8	2020-1400	9/28/2021	Jonathan Kamionka	3465-A	H&H Homes	4253 McBryde Rd	563081212
WSW9	2020-1314	9/27/2021	Jonathan Kamionka	3465-A	H&H Homes	9210 Giles Rd	563985800
WSW10	643-2020	10/22/2021	Jonathan Kamionka	3465-A	Russell Gray	7060 Carowind Dr	562911758
WSW11	2021-1191	12/2/2021	Jonathan Kamionka	3465-A	Precision Custom Homes	3067 Slocumb Rd	562856548
WSW12	2020-1193	12/3/2021	Jonathan Kamionka	3465-A	Precision Custom Homes	3015 Slocumb Rd	562856548
WSW13	2020-1316	11/29/2021	Jonathan Kamionka	3465-A	H&H Homes	4265 McBryde Rd	573080150
WSW14	2020-1397	11/30/2021	Jonathan Kamionka	3465-A	H&H Homes	4231 McBryde Rd	563979950
WSW15	2019-1125	9/30/2019	Larry Williford Jr	2863-A	Brad Jack	9100 Hawkins Rd	573069811
WSW16	2015-866	8/28/2017	Larry Williford Jr	2863-A	Etta Whitehead	6 Colliers Chapel Church	572666933
WSW17	2020-1191	5/25/2021	Jonathan Kamionka	3465-A	Precision Custom Homes	2965 Slocumb Rd	562856548
WSW18	2020-1363	6/10/2021	Jonathan Kamionka	3465-A	Benjamin Stout Real Estate	9074 Hawkins Rd	573162606
WSW19	2020-1362	6/15/2021	Jonathan Kamionka	3465-A	Benjamin Stout Real Estate	9082 Hawkins Rd	573161721
WSW20	2020-1315	5/28/2021	Jonathan Kamionka	3465-A	H&H Homes	4181 McBryde Rd	563977447
WSW21	2020-1317	5/26/2021	Jonathan Kamionka	3465-A	H&H Homes	4191 McBryde Rd	563977586
WSW22	2020-1399	6/17/2021	Jonathan Kamionka	3465-A	H&H Homes	4211 McBryde Rd	563978763
WSW23	2020-1396	6/16/2021	Jonathan Kamionka	3465-A	H&H Homes	4221 McBryde Rd	563964986
WSW24	2020-1398	5/29/2021	Jonathan Kamionka	3465-A	H&H Homes	4201 McBryde Rd	563978624
WSW25	2020-1364	6/15/2021	Jonathan Kamionka	3465-A	Benjamin Stout Real Estate	9066 Hawkins Rd	573162661
WSW26	1463-2020	11/3/2021	Larry Williford Jr	2863-A	Adam Robertson	3909 Rebel Rd	563805812
WSW27	2007-1300	10/8/2021	Larry Williford Jr	2863-A	J. Michael Hair	6301 Brandon Tyler Ln	572282770
WSW28	2021-194	9/27/2022	Jonathan Kamionka	3465-A	Southeastern Construction	993 Palestine Rd	553439019
WSW29	2021-00088	9/23/2022	Jonathan Kamionka	3465-A	Southeastern Construction	943 Palestine Rd	553434885
WSW30	2021-642	9/26/2022	Jonathan Kamionka	3465-A	Southeastern Construction	983 Palestine Rd	553438024
WSW31	2021-00089	9/24/2022	Jonathan Kamionka	3465-A	Southeastern Construction	973 Palestine Rd	553437030
WSW32	2022-55	7/1/2022	Jonathan Kamionka	3465-A	Jason Brown	7855 Lucinda Ln	583708319

Table 1: List of Residential Water-Supply Wells (continued)
Red Rock Mine, Linden, NC

(page 2)

Well	PermitNum	Lat	Long	Depth	Static_WL	BH_Diam	Method	Yield
WSW1	2020-1087	35.214351	-78.777384	24	8	6	mud rotary	10
WSW2	2020-1276	35.203797	-78.771367	200	20	6	air & mud rotary	20+
WSW3	2020-1192	35.189939	-78.783174	218		6	air & mud rotary	10
WSW4	2020-1366	35.22339	-78.76112	260	20	6	air & mud rotary	10
WSW5	2020-1365	35.223468	-78.761613	260	20	6	air & mud rotary	15
WSW6	2020-1313	35.225019	-78.767688	220		6	air rotary	20
WSW7	2020-1400	35.2298064	-78.7647547	240		10	air rotary	20
WSW8	2020-1400	35.229457	-78.7649598	240		6	air rotary	20
WSW9	2020-1314	35.224785	-78.766847	220		6	air rotary	20
WSW10	643-2020	35.1848952	-78.7667077	240	52	6	air rotary	20
WSW11	2021-1191	35.1883877	-78.7805083	240		6	air rotary	10
WSW12	2020-1193	35.1883857	-78.7805063	300		6	air rotary	10
WSW13	2020-1316	35.2298064	-78.7647547	220		6	air rotary	40
WSW14	2020-1397	35.2288165	-78.7653358	220		6	air rotary	15
WSW15	2019-1125	35.224286	-78.762948	27	11	6	mud rotary	20
WSW16	2015-866	35.197669	-78.743602	224	51	10	air & mud rotary	12
WSW17	2020-1191	35.19149	-78.772717	240		6	air & mud rotary	10
WSW18	2020-1363	35.223982	-78.76179	260		6	air & mud rotary	20
WSW19	2020-1362	35.224048	-78.762233	230		6	air & mud rotary	20+
WSW20	2020-1315	35.226274	-78.765886	200		6	mud rotary	30+
WSW21	2020-1317	35.226648	-78.765661	260		6	mud rotary	20+
WSW22	2020-1399	35.227108	-78.765365	200		6	mud rotary	20
WSW23	2020-1396	35.227193	-78.765322	200		6	mud rotary	20+
WSW24	2020-1398	35.226721	-78.765621	260		6	mud rotary	20
WSW25	2020-1364	35.223945	-78.761419	240		60	air & mud rotary	30
WSW26	1463-2020	35.207691	-78.771115	25	8	8	mud rotary	5
WSW27	2007-1300	35.202056	-78.758332	19	12	6	mud rotary	8
WSW28	2021-194	35.2134177	-78.8175736	360		6	air rotary	5
WSW29	2021-00088	35.213433	-78.817507	320		6	air rotary	30
WSW30	2021-642	35.2138677	-78.8162121	340		6	air rotary	8
WSW31	2021-00089	35.213882	-78.816376	400		6	air rotary	2
WSW32	2022-55	35.207116	-78.772962	240	35	6	air rotary	30

ATTACHMENT- MINUTES FROM THE 9/20/22 JOINT PLANNING BOARD

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

In Case ZON-22-0064 Mr. Williams made a motion, seconded by Mr. Baker to defer this case to give the applicant an opportunity to work with staff on a conditional zoning request. Unanimous approval.

- F. ZON-22-0067: Rezoning from A1 Agricultural District to A1/CZ Agricultural Conditional Zoning District or to a more restrictive zoning district for 62.55 +/- acres; located at 8299 Carlos Road; submitted by Michael Blakely (applicant) on behalf of Red Rock Materials, LLC (owner).

Mrs. Garcia presented the case information and photos.

In Case ZON-22-0067, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to A1 Agricultural District/Conditional Zoning. Staff finds the request is consistent with the North Central Land Use Plan which calls for "Farmland" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Mr. Moon advised the board that the request also included the triangular portion of the property on the north side of Carlos Road, and the conditional zoning site plan does not include it and it will be left undeveloped according to the condition sheet.

Mrs. Garcia also added that the applicant and the agent have approved the conditions presented by staff.

Public meeting opened.

Mr. Blakely spoke in favor. Mr. Blakely asked if the opposition could be heard first, and he would speak after and address their concerns.

Mr. Jason Thompson, Lake Teresa HOA president, was signed up to speak in opposition and stated that he represented a majority of the property owners on Lake Teresa as they are members of the Homeowners Association, and he would like to speak on behalf of them and the one's signed up to speak.

Mr. Thompson presented the Board with a pamphlet on Lake Teresa, that also included the community's concerns about the request. The concerns are with noise, how the quarry will affect the well water and water levels, the heavy traffic from trucks, dust from the mines and the air quality, and effects on property values. Mr. Thompson stated that he had a petition from forty of the residents who were not present at the meeting who are in opposition to the request.

Mrs. Leslie Finley spoke in opposition. Mrs. Finley stated that she was concerned about noise and aquifer depletion and asked that a study be done on how this proposed use could affect lake levels.

Mrs. Tina Minten spoke in opposition. Mrs. Minten's concerns are with the water levels. She stated that they have a shallow well and have never had trouble with their well until the mining across the road began and now they have trouble with their well going dry and agrees with studies being done on the effects this could have. Mrs. Minten also has concerns with the increased traffic and the noise.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

Mr. Blakely spoke in favor. Mr. Blakely described the property and stated that the tree lines will remain in place to provide buffering and talked about the additional buffering that they will have in place. There are two residents who are immediately adjacent to the site who were not present at the meeting because they went over how they were going to screen and buffer them on all three sides. They are providing as much buffering as possible. In conjunction with that, they don't feel that the use is obtrusive. It has been a mining community for fifty or sixty years and there is an active mine across the road that is the same type of operation. Mr. Blakely addressed the concern about the water and indicated that the staff report has aerial photos of the mine there now that is actively mining beside adjacent pits that are full of water. A pit is essentially an open well and you can see that the water table is not affected by the mining activities. As far as pavement, they will submit to the Department of Transportation (DOT) for a driveway permit and there will be a DOT study for any pavement improvements, turn lanes, any requirements that they would be subject to. The State Mining Permit and Air Quality has extensive rules that they regulate, and anyone can call and speak to a State Representative if they feel like there hasn't been dust suppression. Mr. Blakely addressed the dump truck issue and said that there wasn't enough distance for the dump trucks to build up too much speed to be harmful, and they must be coming from a different location, not necessarily from the existing mine.

Mr. Lloyd commented on the trucks speeding through the community and stated that they were probably trucks coming back from somewhere. Secondly Mr. Lloyd was wondering how the air quality is affected by the existing mine now and went on to ask about the pumps going at night and where they were pumping to.

Mr. Blakely said they pump for about a week and that will last long enough for them to mine for a couple of weeks. It's not continuous, what they do is excavate enough material to sell for two to three months in a few weeks. Mr. Blakely said it's intermittent, it's not a continuous operation. It is discharged into the existing sediment basins on site, which is required.

Mr. Burton asked what depth they were going in the pit.

Mr. Blakely said that he thought the average was twenty-five to thirty feet. As a requirement of the quarry, we must keep an average of five feet.

Mr. Brian Raynor spoke in favor. Mr. Raynor stated that his intention is to mine this material for their own use. They will be using this material to supply plant and job needs.

Mrs. Moody asked about studies being done.

Mr. Raynor said studies have not been done at this time, but we will meet all local, state, and federal guidelines.

Public meeting closed.

In Case ZON-22-0067 Mr. Walters made a motion, seconded by Mrs. Moody to deny the request for rezoning from A1 Agricultural District to A1 Agricultural District/Conditional Zoning. The Board finds that the request is not in harmony with surrounding land use

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

activities due to public safety concerns of expanding mining operations in the area. Motion for denial passed 6-1 with Mr. Williams voting in opposition to the denial.

- G. **ZON-22-0065:** Rezoning from A1 Agricultural District to R40 Residential District or to a more restrictive zoning district for 1.00 +/- acres; located at 3698 South River School Road; submitted by Daniel Antonio José (applicant/owner).

Mrs. Greer presented the case information and photos.

In Case ZON-22-0065, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40 Residential District. Staff finds the request is consistent with the Bethany Land Use Plan which calls for "Rural" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Mr. Howard advised the Board that the applicant was not present and there were people signed up to speak in opposition.

Public meeting opened.

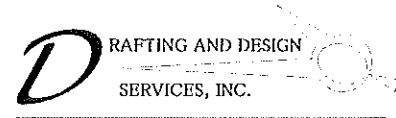
Mr. Stephen Bullard spoke in opposition. Mr. Bullard said that there is no R40 close to the subject property. It is not in harmony with the area.

Ms. Robin Bridges spoke in opposition. Ms. Bridges stated that appropriate notice was not given there were people who did not receive letters. Ms. Bridges quoted a portion of the Bethany Land Use Plan that says to preserving the rural character, minimizing any obstruction. The applicant has a barn on the property, he raises chickens and sells eggs. He has farm animals. Ms. Bridges went on to say that A1 is appropriate for a farming area. Ms. Bridges went on to say that the Land Use Plan is not even a year old and we are already having this discussion and staff is recommending it. Changing the zoning in this case is not the answer.

Public meeting closed.

Mr. Howard said that staff looked at it and noted that the plan calls for R40 being a suitable district for this area if additional development standards are in place. In this particular case, the property is already an existing lot of record at an acre and couldn't be subdivided any further, regardless if the district was A1 or R40. There is already a home on the site which is a mobile home. R40 does not allow mobile homes and the applicant has indicated a desire to construct a stick-built home on the site which would be considered a higher development standard, per the plan policies. The setbacks for the existing A1 would make building a stick-built home on that property very restrictive or difficult to obtain building permits because of the size of the existing property relative to the required A1 setbacks, which are intended for 2 acre lots. If R40 were approved, the applicant could make use of suitable setbacks for an acre lot, and it could help in obtaining bank financing for construction now that his lot is in direct conformance with the zoning standards.

ATTACHMENT- APPLICANT'S PROJECT UPDATE LETTER



6728 Carbonton Road
Sanford, NC 27330
(919) 499-8759

April 11, 2023

Ms. Alyssa Garcia
Cumberland County
Planning Department
130 Gillespie Street
Fayetteville, NC 28301

Reference: Red Rock Materials Conditional Zoning Request – ZON-22-0067

Dear Ms. Garcia;

Please consider the proposed burden of proof for the request to take the above referenced project back to the Planning Board for re-consideration.

The above referenced project was presented to the County Planning Board on September 20, 2022 and the Planning Board voted for a recommendation of denial to the County Commissioners. During that meeting the adjoining neighbors expressed concerns they had about the proposed Site Use and how they believed they would be affected.

The concerns presented by the neighbors are listed below with mitigation actions presented by Mr. Raynor (owner/developer).

- Mining Noise
- Well Water Levels
- Truck Traffic
- Dust and Air Quality
- Property Values

Neighbors concern about Mining Noise. The proposed site will operate Monday-Friday 7 am to 6 pm. All equipment will be equipped with muffled backup alarms (duck, white noise, etc.). The site is completely surrounded by a 6 ft high earthen berm with a double row of evergreen trees staggered in two rows at 25 ft spacing. Per the NCDEMLR mine permit all site noise shall be less than 40 decibels at the property line. In comparison ASHATTO regulations for major highways that requires noise barriers is 70-80 decibels.

Neighbors concern about Well Water Levels. In response to the water level concerns about the well water levels and the lake levels Groundwater Management Associates, Inc. (GMA) was contracted to prepare an analysis of the current well and groundwater elevations and provide a conclusion on any possible effects the Mining will have on them. The report concluded that there were 32 wells within 3,000 feet of the pit and that only 4 of the wells had a depth less than 30 ft. These shallow wells are within in the same aquifer as the proposed mine. However, the aquifer is separated by the unnamed stream between the proposed mine and the shallow wells. Per the report the clay layer in the stream would

provide separation of the aquifers. CMA analysis of the ground water has determined no affect on the groundwater due to the proposed mining. Please refer to the full report.

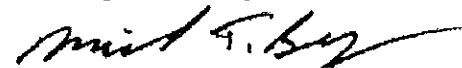
Neighbors concern about Truck Traffic. It was stated in the meeting that there was concern over increased traffic. The Traffic increase on NCDOT roads will be governed by NCDOT driveway permit. With the submittal of the driveway permit which is required for the site. NCDOT will analyze the anticipated trips per day and determine if any mitigation (turn lanes, signage, speed reduction) is required on the existing NCDOT road. Based on a preliminary analysis of Carlos Road the 2021 AADT is 110 trips per day (includes American Materials Mine trips). The Existing Road section for Carlos Road is 22 ft which will support 10,000 trips per day at full capacity. The proposed mine will be adding an average of 50 trips per day at peak which will compute to 160 trips per day at full buildout. The American Materials mine has less than 5 years of material left and the proposed Red Rock Mine will not be in operation until 2024. There will be a 4 year overlap in the two mine sites which with both sites in operation the capacity on Carlos Road is not exceeded.

Neighbors concern about Dust and Air Quality. Per the NCDEMLR Mine permit the permitted mining operation shall submit an Air Quality permit that governs the air quality and emissions for the operation. This state permit regulates the type of petroleum based engines onsite emissions emittance and allowable levels. The permit also regulates mined material in the air in the form of dust and sets healthy levels for the operation workers and adjacent properties. These levels are monitored and annual site checks by the State Department of Air Quality agency. All mining will be wet material and were material and haul roads are dry periodic wetting of the roads will be applied throughout the mining process on each day of operation.

Neighbors concern about Property Values. Through evaluation of tax records and sales in the proposed project area there has not been a decrease in land values per taxes and recent sales. Based on this observation that a current active mine and other active/closed mines in the community for the past 50-60 years have not de-valued the adjacent properties indicates that the proposed site would not have an impact on property values.

If you have any questions or additional comments please feel free to contact me at your earliest convenience.

Sincerely,
Drafting and Design Services, Inc.



Michael Thomas Blakley



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 16, 2023

TO: JOINT PLANNING BOARD

FROM:

DATE:

**SUBJECT: CONSIDERATION OF RECOMMENDING JAMI MCLAUGLIN TO A
THIRD TERM ON THE PLANNING BOARD**



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF MAY 16, 2023

TO: JOINT PLANNING BOARD

FROM:

DATE:

SUBJECT: UPCOMING ELECTION AND SWEARING IN OF OFFICERS