

## Catawba County Application for a Board of Adjustment Decision

**Applicant** Adam Lawing **Phone #** (704) 819-4611  
**Applicant's Fax** N/A **Applicant's Email** littlemtnconstruction@gmail.com  
**Applicant's Mailing Address** 6837 East Hwy 150 **City, State, Zip** Maiden, NC 28650  
**Property Owner** Same as applicant **Phone #** Same as applicant  
**Property Owner's Mailing Address** Same as applicant **City, State, Zip** Same as applicant  
**Parcel 911 Address** 5011 Lebanon Road, Maiden, NC 28650 **PIN #** 367604926377  
**Subdivision Name and Lot #** N/A

Type of Application:

☒ **Special Use Permit**

- A detailed site plan and the general information listed below shall be submitted with the application.
- Special Use requested including Unified Development Ordinance Section Reference 44-654
- Documentation must be submitted addressing all standards found in UDO Section 44-328(f)(2) and the specific criteria for the special use.

☐ **Variance**

- Documentation must be submitted supporting all criteria found in UDO Section 44-329 (f)(1).
- A plot plan sealed by a licensed professional and the general information listed below must be included with the application.

☐ **Extension or Change of a Nonconforming Use**

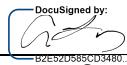
- A detailed site plan and the general information listed below shall be submitted with the application.
- Documentation must be submitted addressing all standards found in UDO Section 44-704(b)(4).

☐ **Appeal**

- An appeal must be submitted in writing and filed with the recording secretary of the board of adjustment within 30 days of the date of the Planning Director's decision. Sec. Ref. \_\_\_\_\_

**General Information to be attached:**

- ☒ 12 copies of plan at a scale no smaller than 1 inch equals 200 feet, on either a 18 x 24 or 24 x 36 inch map and either one 8.5 x 11 or 11 x 17 inch map (including digital copies in .pdf or .jpg format); complete application and any attachments.
- ☒ If applicable, a legal description of the property
- ☒ If applicable, a detailed statement of all other circumstances, factors, and reasons, which applicant offers in support of the appeal.
- ☒ Appropriate completed checklist (special use permit, variance, extension or change of a nonconforming use) found in Procedures Manual.
- ☐ Filing Fee: Per Catawba County Fee Schedule

**Applicant's Signature**  **Date** 8/1/2024  
**Property Owner's Signature** Same as Applicant **Date** \_\_\_\_\_

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## CATAWBA COUNTY SPECIAL USE PERMIT-DEVELOPMENT CHART (Quasi-Judicial Hearing - Board of Adjustment)

**Detailed Site Plan:** used for:

- All special use applications which must meet the requirements of Section 44-328, Article VI, Division 3, and Article V of the Unified Development Ordinance.

### **Legend**

R - Required to be shown on plan, if applicable to the development project.

PM - Procedures Manual

\*Applicant to check box in Column B if information has been submitted on site plan.

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
		<b>Detailed Site Plan</b>	<b>Check if included on site plan</b>	<b>(Staff only)</b>	<b>Code Reference</b>
1.	Access management	R	✓		44-515
2.	Access – waterfront	R	N/A		PM
3.	Accessory structures	R	✓		PM
4.	Airstrips (if existing or proposed) on site & surrounding properties	R	N/A		
5.	Date of plan	R	✓		PM
6.	Easements, reservations & right-of-ways (existing and proposed)	R	N/A		44-519
7.	Floodplain denoted & delineation of area	R	N/A		44-429
8.	Floor Area Ratio	R	N/A		44-404(d)
9.	Historic sites (location of existing, if applicable)	R	N/A		
10.	Landscaping – driveways	R	N/A		44-523(c)
11.	Landscaping - foundation plantings	R	N/A		44-523(g)
12.	Landscaping - internal parking area	R	N/A		44-523(e)
13.	Landscaping - perimeter buffer of parcel	R	✓		44-523(f)
14.	Landscaping - perimeter for parking facilities	R	N/A		44-523(d)
15.	Landscaping - street trees	R	✓		44-523(h)
16.	Landscaping - trees & shrubs, berms- location of existing/proposed–preservation	R	N/A		44-503
17.	Lighting standards - type & location (free - standing & on buildings)	R	N/A		44-522
18.	Loading & service areas (screening & location)	R	N/A		44-526 44-537
19.	Mechanical equipment – ground/rooftop (screened)	R	N/A		44-524
20.	Name of development	R	✓		PM
21.	Name(s) of developer	R	✓		PM
22.	Natural areas – if existing (wetlands, etc.)	R	N/A		PM
23.	North arrow	R	✓		PM
24.	Open storage with required screening	R	✓		44-527

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
		<b>Detailed Site Plan</b>	<b>Check if included on site plan</b>	<b>(Staff only)</b>	<b>Code Reference</b>
25.	Parcel, includes metes & bounds description, acreage and parcel ID.	R			PM
26.	Parking - off street	R	N/A		44-534
27.	Parking facilities – access to adjacent street, aisle dimension, spaces (numbered and dimension), and location.	R	✓		44-535 44-536
28.	Roadway classification	R	✓		PM
29.	Scale, 1"=200' or less preferred	R	✓		PM
30.	Setbacks	R	✓		44-404-1
31.	Sign – wall signs - location & size of	R	✓		Art. V, Div. 7 44-563
32.	Sign - design drawing	R	N/A		PM
33.	Sign - location of existing signs on lot & building(s)	R	N/A		PM
34.	Sign – freestanding - new sign location, size, height, surface and landscaping	R	N/A		44-562
35.	Sign – Off-premise directional	R	N/A		44-565
36.	Slopes in excess of 20% (if existing)	R	N/A		
37.	Solid waste storage area (location & screening)	R	N/A		44-525
38.	Storm water management facilities locations (retention basins, etc.)	R	✓		
39.	Street designation, internal (public or private)	R	N/A		PM
40.	NCDOT driveway permit approval		N/A		PM
41.	Street trees	R	N/A		44-523(h)
42.	Structures, existing/proposed - location, height	R	✓		
43.	Topographical features – 5 ft. or less contours	R	✓		PM
44.	Traffic improvements-off site (turn lanes, etc.)	R	N/A		
45.	Traffic patterns – existing & proposed - circulation/channelization, access, visibility,	R	N/A		44-515
46.	Utilities provider (water & sewer or well and septic tank) - confirmation in writing from provider	R	N/A		44-521
47.	Vicinity Map	R	✓		PM
48.	Watershed designation and percentage of imperviousness	R	✓		44-434
49.	Zoning district and land use of adjoining sites	R	✓		PM
50.	Zoning district of site, existing	R	✓		PM

**Statement of Intent**  
**Special Use Permit**  
**for**  
**Mr. Adam Lawing**  
**Little Mountain Land Clearing and Inert Debris Site**

Mr. Adam Lawing (“Lawing” or “Applicant”) is requesting a determination of special use with Catawba County for a Land Clearing and Inert Debris (LCID) landfill (“Facility”). The Facility will be designed, permitted, and operated in accordance with NC Solid Waste Rule 15A NCAC 13B .0563. The parcel being requested for special use (PIN 367604926377) is located at 5011 Lebanon Road, and totals approximately 13 acres. Lawing plans on constructing an approximate 7-acre LCID landfill on this property and approximately 2-acres of ancillary support infrastructure. The site is within the Catawba County jurisdiction, and zoned R-40, residential. Approval of this request allows the Applicant to pursue a solid waste permit through the North Carolina Department of Environmental Quality and its applicable divisions.

Mr. Adam Lawing

The applicant is a long-standing resident of Catawba County and has conducted business within the County for almost five (5) years as Little Mountain Construction, LLC (Little MTN). The proposed Special Use Permit will sustain the business within the area for years to come. Ownership of the proposed property is included in a parcel referenced in DB 3578 PG 1690, which is provided as **Exhibit 1**.

Existing Site Use

The Site is currently used as a maintenance and storage area for equipment.

Zoning

The site is zoned R-40 (residential). Within the ordinances of Catawba County, a Land Clearing and Inert Debris (LCID) Landfill is allowed within the R-40 designation by Special Use Permit. This application addresses the requirements for Special Use.

Adjacent Properties

All adjacent properties located within Catawba County are currently zoned R-40 (Residential); all adjacent properties located in Lincoln County are currently zoned R-S (Residential Suburban). No changes to the current zoning are proposed for the site development.

Environmental Study

Any new LCID landfill shall be subject to solid waste regulations set by NC Department of Environmental Quality (“DEQ”) Division of Waste Management (“DWM”). Smith Gardner Inc., a consulting engineering firm specializing in solid waste facilities, was engaged to evaluate applicable state regulations and develop a site plan that complies with these requirements as shown in the Letter Report and Site Plan provided as **Exhibit 2**.

### Wetlands and Streams

A USGS blue line stream was identified that traverses the property. A review of potential areas of Clean Water Act jurisdiction (wetlands and streams) was completed by Inver Environmental Consulting, LLC which indicated this blue line stream is not present on site and no wetlands or additional streams were present on the property. A copy of this preliminary review is provided as **Exhibit 3**.

### Stormwater and Erosion and Sedimentation Control

The prevention of sedimentation will be completed by directing site run-off to on-site sediment ponds. The ponds are used to reduce the peak runoff from the site, as well as reduce sediment in stormwater runoff. Each pond is designed for the 25-year 24-hour design storm in accordance with the North Carolina Erosion and Sediment Control Manual.

### Buffers and Setbacks

Any new LCID landfill shall be subject to several solid waste vertical and horizontal separation rules set by NC Department of Environmental Quality (“DEQ”) Division of Waste Management (“DWM”). Vertical and horizontal separations are presented in *15A NCAC 13B .0564* and are as follows:

- Floodplain Restrictions: A site shall not be located in the 100-year floodplain.
- Buffer Requirements: A site shall maintain the following buffer requirements:
  - 50 feet from the waste boundary to waters of the State as defined in G.S. 143-212.
  - 100 feet from the waste boundary to property lines, residential dwellings, commercial or public buildings, and potable wells.
- The site and site operations shall comply with 15A NCAC 02L for protection of groundwater quality. The bottom elevation of the waste shall be no less than four feet above the seasonal high groundwater table as defined in Rule .0532 of this Section.

In addition to NC DWM required buffers, this facility will be in compliance with Catawba County screening requirements.

### Traffic

The proposed development is anticipated to have approximately 10 trips a day. Based on the low volume of traffic, no traffic study has been completed based on recommendations from NC DOT, see **Exhibit 4**.

### Driveway Access

The Parcel has an existing gravel driveway with access from Lebanon Road which will be improved to a paved access in accordance with NC DOT requirements, see **Exhibit 4**. In accordance with the DEQ solid waste rules a sign will be installed at the entrance to identify the site name and contact, permit number, emergency contact information, and the types of waste accepted for disposal.

## Operations

The Facility will accept LCID debris which consists of yard waste and inert debris. Debris will be placed into designated areas and compacted. The exposed debris will be covered with at least six (6) inches of soil monthly, or when the exposed debris area reaches one (1) acre. Additionally, areas that will not receive new debris for at least three (3) months will be covered with one (1) foot of soil. Once areas have achieved permitted grades, they will be closed in accordance with the permitted Closure Plan.

## Closure and Post-Closure

Within 30 days of the final receipt of debris, the Facility will begin closure activities. Closure activities involve ensuring all areas of the landfill have at least one (1) foot of soil placed over debris (cover), sloped to promote runoff from the landfill. Once all areas have proper cover, the area is stabilized by vegetation or other means. Closure activities require certification by a Professional Engineer (P.E.) and approval by DEQ. Upon DEQ approval of the closure, the permit is terminated and the Facility will begin the Post-Closure Care period (Post Closure). Post Closure lasts for 10 years and requires maintenance of the cap to perform as design.

## Special Use Findings

We offer findings of the information presented herein demonstrate:

- A. *The use will not materially endanger the public health, safety, and general welfare, if located where proposed and developed and operated according to the application;*

**The Facility is designed and will be operated to not materially endanger the public health, safety, or general, welfare. All applicable permits, including solid waste and erosion control, will be obtained prior to operating the landfill.**

- B. *The use, which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards of this chapter, unless greater or different regulations are contained in the individual standards for that special use;*

**Catawba County allows a LCID landfill within the R-40 district under a Special Use Permit. Re-zoning is not required under this application. The landfill will be designed and operated in accordance with Section 44-654.**

- C. *The use will not substantially injure the value of adjoining or abutting property;*

**A value appraisal has been prepared by Kirkland Land Appraisers (Kirkland) that evaluated the proposed land use and potential impacts to surrounding properties. Kirkland reviewed several existing LCID landfills, and any impacts to land values of adjoining property. It was determined the proposed use is in harmony with the surrounding area and will not have a negative impact on the adjoining property values, see Exhibit 5.**

*D. The use is consistent with any adopted area plans that encompass the property subject to the application.*

**The use is consistent with surrounding land uses, the property does not lie within an area plan.**

**EXHIBIT 1**  
**PROPERTY DEED**

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on Jun 17, 2020 at 03:20:00 pm

Excise Tax \$0.00 (AT)

INST. # 11429

DONNA HICKS SPENCER,  
Register of Deeds

BK 03578 Pg 1690-1691

Excise Tax \$0.00

Recording Time, Book and Page

Parcel Identifier No. 367604926377

Mail after recording to: ~~Grantor~~

✓ This instrument was prepared by: D. Todd Wulforth - Kennedy &amp; Wulforth, P.A. - 3758 Hwy 16 North, Denver, NC

Brief Description for the index

13.898 acres Lebanon Church Road

**NORTH CAROLINA GENERAL WARRANTY DEED**THIS DEED made this 26<sup>th</sup> day of May, 2020, by and between

GRANTOR

GRANTEE

JERRY R. LAWING, and wife  
WINIFRED H. LAWING

ADAM B. LAWING

6837 E NC Hwy 150  
Maiden, NC 286506837 E. NC Highway 150  
Maiden, NC 28650

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 Caldwell Township, Catawba County, North Carolina and more particularly described as follows:

**BEGINNING** at a point in the centerline of the 60-foot right-of-way for Lebanon Church Road, said point being the northeasterly corner of the property of Lebanon Methodist Church (Book 114, Page 915); thence along the boundary of the property of said Lebanon Methodist Church the following five (5) courses and distances: (1) South 48 deg. 51 min. 12 sec. West 31.80 feet; (2) South 48 deg. 52 min. 49 sec. West 138.61 feet; (3) South 12 deg. 14 min. 55 sec. East 26.62 feet; (4) South 12 deg. 15 min. 00 sec. East 33.78 feet; and (5) South 11 deg. 32 min. 11 sec. East 105.98 feet; thence a new line along the Catawba/Lincoln County line South 62 deg. 19 min. 21 sec. West 504.58 feet to a point in the easterly boundary of the property of Dennis Mathis (Book 939, Page 79); thence along the easterly boundary of the property of said Dennis Mathis and Ora Lee Mathis (Book 235, Page 491) and Rodger Mathis (Book 733, Page 329) North 45 deg. 13 min. 36 sec. West 1008.54 feet to a #5 rebar; thence along the southerly boundary of the property of Jerry Perkins (Book 1955, Page 471) North 62 deg. 42 min. 03 sec. East 742.97 feet to a point in the centerline of said Lebanon Church Road; thence along the centerline of said Lebanon Church Road the following three (3) courses and distances: (1) South 42 deg. 54 min. 01 sec. East 323.88 feet; (2) South 45 deg. 37 min. 11 sec. East 152.32 feet and (3) South 53 deg. 30 min. 26 sec. East 332.87 feet to the point and place of BEGINNING, containing 15.578 acres, more or less, LESS AND EXCEPT all of Lot 1, containing 1.680 acres, more or less, as shown on that plat entitled "Minor Subdivision for Jerry R. Lawing & Winifred H. Lawing" as recorded in Plat Book 75, Page 176, Catawba County Registry; as well as 0.19 acre, more or less, transferred to Lebanon Methodist Church in Deed Book 2662, Page 1816 and

then combined with property owned by Lebanon Methodist Church in Deed Book 2662, Page 1819, Catawba County Registry.

**NO TITLE EXAM REQUESTED, NO TITLE OPINION GIVEN  
AND DRAFTER DID NOT PARTICIPATE IN CLOSING OF THIS TRANSACTION**

1691

The property does not include the primary residence of the grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2575, Page 919.

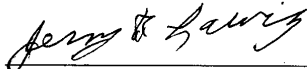
A map showing the above described property is recorded in Map Book 75, Page 176.

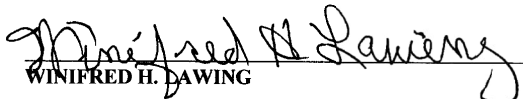
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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:

**Valid and enforceable reservations, restrictions, easements, conditions and right-of-ways in the record chain of title.**

  
\_\_\_\_\_  
JERRY R. LAWING (SEAL)

  
\_\_\_\_\_  
WINIFRED H. LAWING (SEAL)

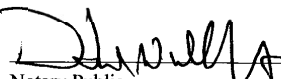
SEAL-STAMP

STATE OF NORTH CAROLINA

LINCOLN COUNTY

**D. TODD WULFHORST**  
NOTARY PUBLIC  
Lincoln County  
North Carolina  
My Commission Expires May 9, 2023

I, D. Todd Wulforth, a Notary Public of the County and State aforesaid, certify that, **JERRY R. LAWING and WINIFRED H. LAWING**, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15 day of ~~May~~ June, 2020.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 5-09-2023

**EXHIBIT 2**  
**ENVIRONMENTAL STUDY**

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August 1, 2024

Mr. Adam Lawing  
Little Mountain Construction, LLC  
4312 Lebanon Road  
Maiden, NC 28650

**RE: Proposed Little Mountain LCID Landfill  
5011 Lebanon Road (PIN 367604926377)  
Maiden, North Carolina**

Dear Mr. Lawing:

Smith Gardner Inc. (S+G) is pleased to provide an evaluation and environmental review of a proposed Land Clearing and Inert Debris (LCID) landfill (Facility) on your property located at 5011 Lebanon Road in Maiden, North Carolina. As you are aware, a permit application will be required from the North Carolina Department of Environmental Quality (DEQ) for the design, construction and operation of a solid waste management facility. An element of the permit application requires the Facility gain local government approval and be properly zoned. Catawba County zoning requires a Special Use Permit (SUP) to allow the operation of a LCID landfill within their jurisdiction. S+G has prepared this review and subsequent proposed Site Plan (**attached**) including supporting documentation in accordance with 15A NCAC 13B .0563 (Rules) as administered by the DEQ, and applicability to the proposed Facility in support of a SUP application. It is our opinion that the site will comply with applicable rules and statues for the development of an LCID landfill as proposed. *Please note that the use of "waste" and "debris" are used throughout this report as synonymous with one another due to the nature of LCID materials.*

### **Landfill Siting and Buffers**

There are several solid waste vertical and horizontal separation requirements established by 15A NCAC 13B .0564. Each requirement is presented in italics, followed by applicability to the proposed Facility, below.

#### Floodplain Restrictions

*A site shall not be located in the 100-year floodplain.*

No 100-year floodplains were identified at the proposed Facility.

#### Cultural Resources Restrictions

*A site and site operations shall not damage or destroy a property of archaeological or historical significance that has been listed on the National Register of Historic places or included on the Study List for the Register pursuant to 07 NCAC 04R .206 and .0300.*

Mr. Adam Lawing

August 1, 2024

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No properties of archaeological significance, listed on the National Register of Historic Places, have been identified on or in the immediate vicinity of the proposed Facility.

State Nature and Historic Preserve Restrictions

*A site and site operations shall not have an adverse impact on any component included in the State Nature and Historic Preserve pursuant to G.S. 143-260.10.*

No State Nature or Historic Preserves have been identified on or in the immediate vicinity of the proposed Facility.

Endangered and Threatened Species Restrictions

*A site and site operations shall not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Federal Endangered Species Act of 1973, Public Law 93-205, as amended.*

S+G contracted Inver Environmental Consulting, LLC (Inver) to perform a preliminary assessment<sup>1</sup> of potential habitats for federally listed threatened or endangered species under the protection of the Endangered Species Act (ESA). Inver identified several species in which the habitat may be located on the subject property but determined there to be no potential effects on the species as a result of constructing and operating a LCID landfill.

Clean Water Act Requirements

*A site and site operations shall:*

- (a) not cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act, including the National Pollutant Discharge Elimination System (NPDES) requirements pursuant to Section 402 of the Clean Water Act;*
- (b) comply with Section 404 of the Clean Water Act; and*
- (c) not cause the discharge of a nonpoint source of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or Statewide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act.*

In addition to a threatened and endangered species assessment, Inver performed a wetland and streams assessment. Inver did not identify any possible streams or wetlands on the property.

The proposed LCID Landfill will be in compliance with the Clean Water Act and designed to not cause a discharge into waters of the United States. This will be achieved through obtaining a NPDES permit. In accordance with the NPDES permit,

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<sup>1</sup> Memorandum by Inver Environmental Consulting dated January 12, 2023 title Preliminary Environmental Review for the Abbott Road Site to Smith Gardner Inc.

Mr. Adam Lawing

August 1, 2024

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sediment and erosion control measures will be designed and installed to capture and treat all stormwater generated from landfill runoff.

#### Waste Boundary Buffers

*A site shall maintain the following buffer requirements:*

- (a) 50 feet from the waste boundary to waters of the State as defined in G.S. 143-212.*
- (b) 100 feet from the waste boundary to property lines, residential dwellings, commercial or public buildings, and potable wells.*

*The Division may establish alternative site-specific buffers in the permit conditions if it is necessary for the preservation of public health and the environment.*

The proposed LCID Landfill debris boundary will be located a minimum of 100 feet from property lines, residential dwellings, commercial or public buildings, and potable wells. No waters of the State exist on the property and as such will not be buffered.

#### Fire Access

*The site shall establish and maintain an access road around the waste boundary for access by emergency or fire-fighting vehicles and equipment.*

The proposed landfill will be designed with an access road around the perimeter of the debris boundary.

#### Soil Cover

*The site shall have soil available for cover either on site or from on or off site.*

The landfill subgrade will be designed to generate a surplus of soil to be used for landfill construction, operational cover, and final cover. Should enough soil not be available on-site, due to excavation limitations, off-site sources may be used. Additionally, soil being disposed of by customers may be stockpiled for future construction or cover needs.

#### Groundwater Buffers

*The site and site operations shall comply with 15A NCAC 02L for protection of groundwater quality. The bottom elevation of the waste shall be no less than four feet above the seasonal high groundwater table as defined in Rule .0532 of this Section.*

The proposed landfill subgrade will be a minimum of four (4) feet above the seasonal high groundwater table. Groundwater elevations will be evaluated using test pits, piezometers, or a combination of the two (2).

Mr. Adam Lawing

August 1, 2024

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## **Landfill Operations and Closure**

Operational and Closure requirements for LCID Landfills are established in 15A NCAC 13B .0566 and 15A NCAC 13B .0567, respectively.

### Stormwater

As stated above, the proposed Facility is required to obtain a NPDES construction stormwater permit. The prevention of sedimentation will be completed by directing site run-off to on-site sediment ponds. The ponds are used to reduce the peak runoff from the Facility, as well as reduce sediment in stormwater runoff. Each pond is designed for the 25-year 24-hour design storm in accordance with the North Carolina Erosion and Sediment Control Manual.

### Driveway Access

The Parcel has an existing gravel driveway with access from Lebanon Road. The existing driveway will be paved to meet NC DOT requirements. In accordance with the Rules, a sign will be installed at the entrance to identify the Facility name and contact, permit number, emergency contact information, and the types of debris accepted for disposal.

### Operations

The Facility will accept LCID debris which consists of woody debris, yard debris and inert debris. Debris will be placed into designated areas and compacted. By regulation, the exposed debris will be covered with at least six (6) inches of soil monthly, or when the active area reaches one (1) acre. Areas that will not receive new debris for at least three (3) months will be covered with one (1) foot of soil. Once areas have achieved permitted grades, they will be closed in accordance with the permitted Closure Plan.

### Closure and Post-Closure

Within 30 days of the final receipt of debris, the Facility will begin closure activities. Closure activities involve ensuring all areas of the landfill have at least one (1) foot of soil placed over debris (cover), sloped to promote runoff from the landfill. Once all areas have proper cover, the area is stabilized by vegetation or other means. Closure activities require certification by a Professional Engineer (P.E.) and approval by DEQ. Once the closure is approved, the permit is terminated and the Facility will begin the Post-Closure Care period (Post Closure). Post Closure lasts for 10 years and requires maintenance of the cap to perform as design.



Mr. Adam Lawing

August 1, 2024

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## Summary

Significant additional design and permitting is required to permit a LCID landfill in NC following approvals at the local level. The proposed site plan (**attached**) and narrative herein has been prepared to show the extent of development that may be allowed in compliance with local and state requirements. It is our professional opinion that the preliminary site plan will satisfy and shows development in compliance with NC Solid Waste Rules.

Sincerely,  
**SMITH GARDNER, INC.**

DocuSigned by:  
*Spencer W. Hollomon*  
8B13721B7E5F488...

Spencer W. Hollomon, P.E.  
Project Engineer, x134

[spencer@smithgardnerinc.com](mailto:spencer@smithgardnerinc.com)



DocuSigned by:  
*Stacey A. Smith*  
27B482DF1A09438...

Stacey A. Smith, P.E.  
Senior Engineer, x127

[stacey@smithgardnerinc.com](mailto:stacey@smithgardnerinc.com)



swh/sas

Att.

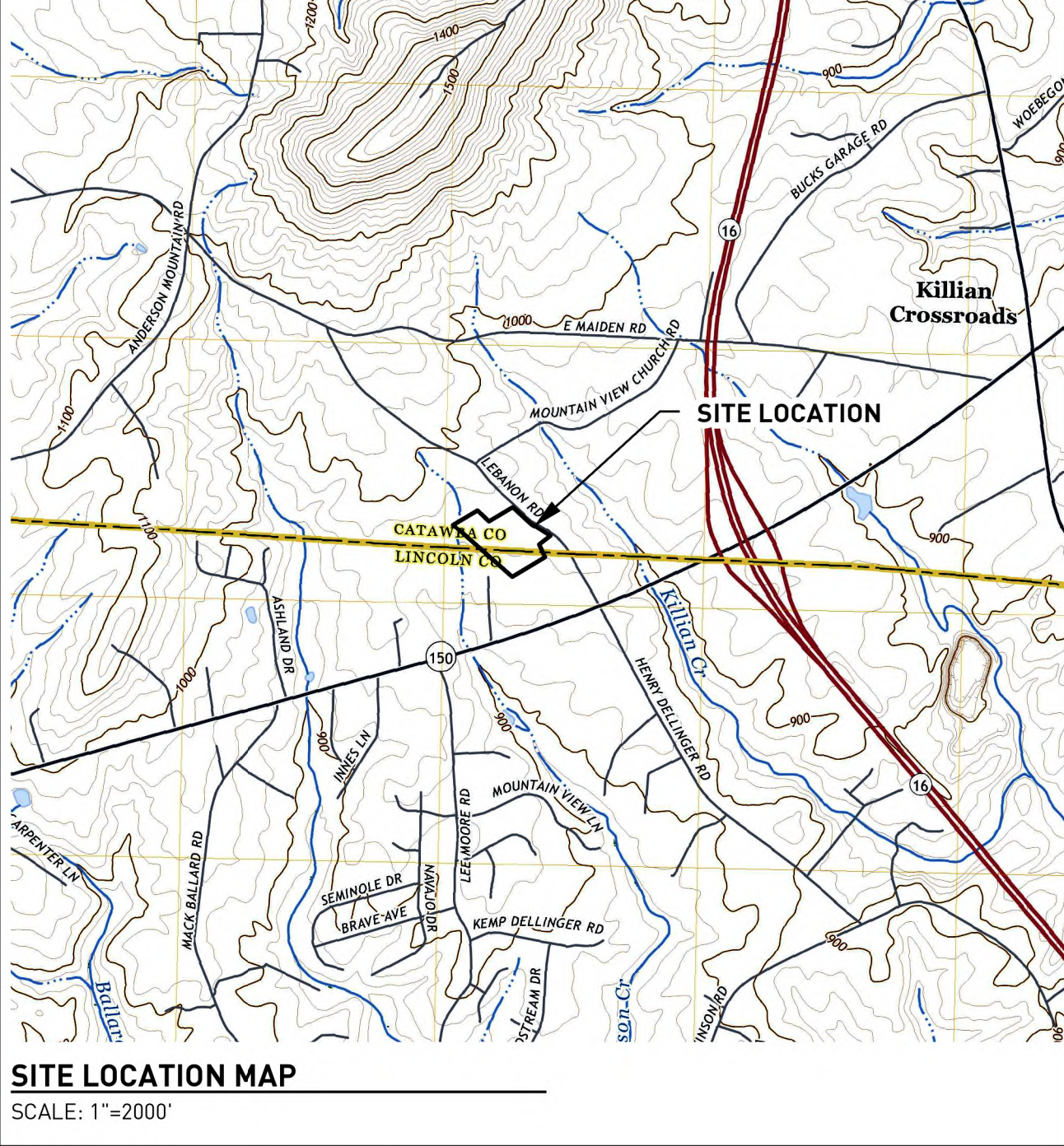
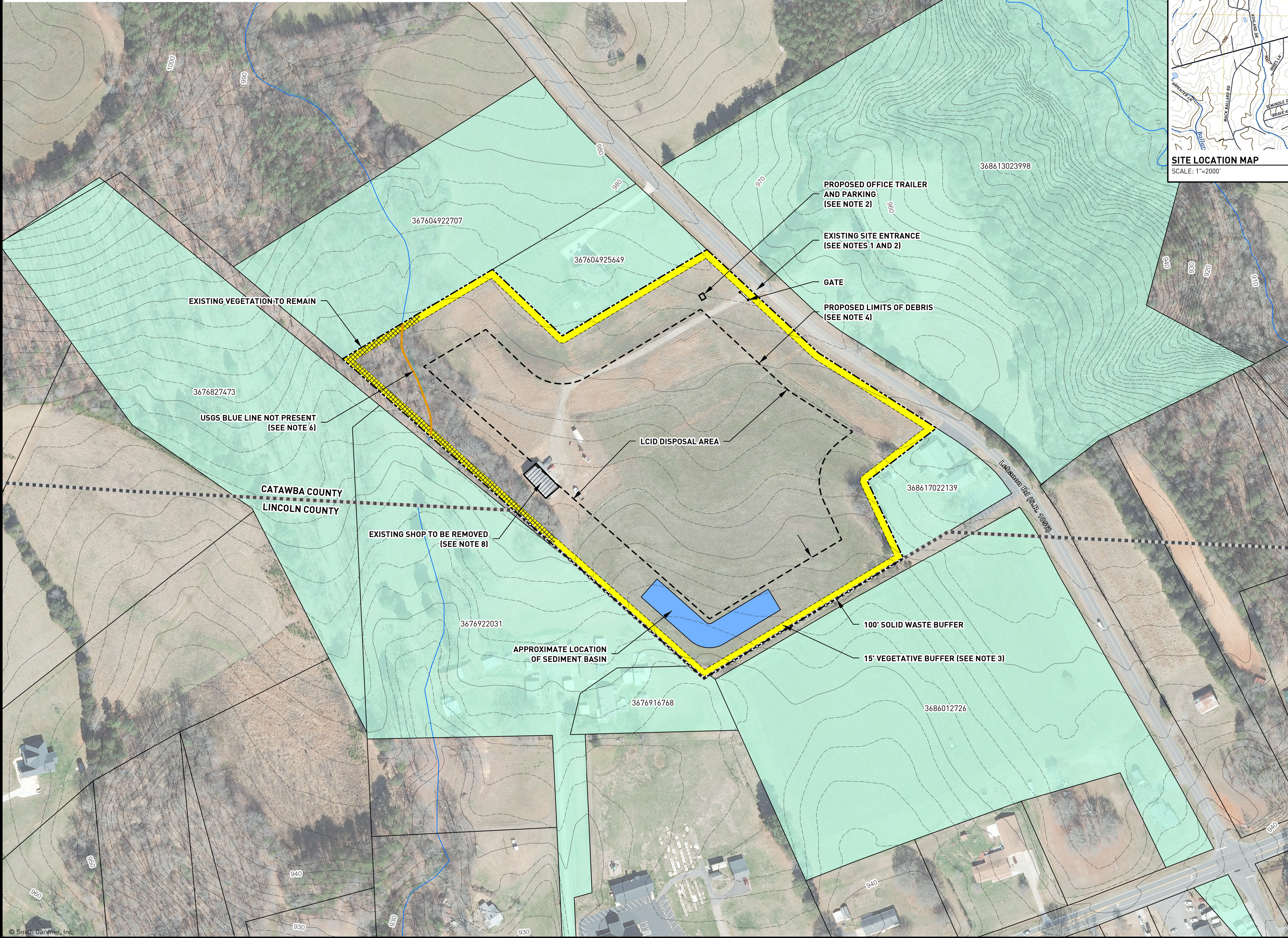
cc: Phil May, Inver Environmental  
Rich Kirkland, Kirkland Appraisals, LLC  
File

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CATAWBA COUNTY ADJACENT PARCEL DATA								
PIN	OWNER1	OWNER2	ADDRESS	CITY	STATE	ZIP	ACRE	ZONING
368617022139	LEBANON METHODIST		PO BOX 521	MAIDEN	NC	28650-0521	1.17	R-40
367604925649	OLSON LAURA J	PISHOTTI TONY J	4955 LEBANON RD	MAIDEN	NC	28650-9698	1.54	R-40
367604922707	CALDWELL BYNUM D		PO BOX 943	DENVER	NC	28037-0943	4.83	R-40
368613023998	LAWING DARRELL GENE HEIRS		11536 FOXBRIAR LN	FORT MYERS	FL	33913-9235	19.79	R-40

LINCOLN COUNTY ADJACENT PARCEL DATA								
PIN	OWNER1	OWNER2	ADDRESS	CITY	STATE	ZIP	ACRE	ZONING
3676827473	MATHIS ELVIN RUSSELL		4145 MATHIS LN	MAIDEN	NC	286500000	7.13	R-S
3676922031	MATHIS ELVIN RUSSELL		4145 MATHIS LN	MAIDEN	NC	286500000	7.52	R-S
3686012726	BALLARD AVONEAL		926 BELMORROW DR	CHARLOTTE	NC	28214	11.051	R-T
3676916768	MATHIS DENNIS S		4140 MATHIS LANE	MAIDEN	NC	28650-9516	0	R-S

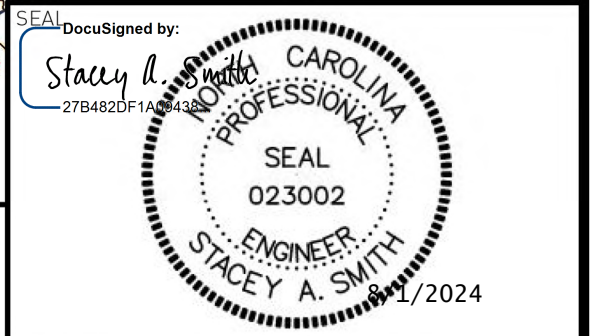
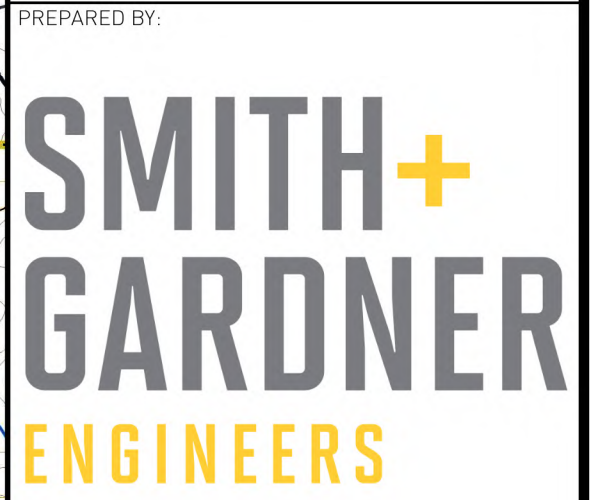


PROPERTY INFORMATION	
OWNER:	ADAM LAWING
ADDRESS:	5011 LEBANON ROAD MAIDEN, NC 28650
PIN:	367604926377
ACREAGE:	13.19 AC

LEGEND	
	EXISTING CONTOUR (10' INTERVAL)
	EXISTING CONTOUR (2' INTERVAL)
	APPROXIMATE PROPERTY BOUNDARY
	100' PROPERTY BUFFER
	15' VEGETATIVE BUFFER (SEE NOTE 3)
	PARCEL BOUNDARY
	APPROXIMATE USGS WATER FEATURE
	ADJACENT PARCEL

- NOTES**
- EXISTING GRAVEL ACCESS TO BE PAVED AS REQUIRED BY NCDOT. GATE AND SIGN TO BE CONSTRUCTED AT ENTRANCE WITH SITE CONTACT'S NAME AND PHONE NUMBER, SOLID WASTE PERMIT NUMBER, EMERGENCY CONTACT INFORMATION, AND THE WASTE TYPES ACCEPTED FOR DISPOSAL AT THE SITE IN ACCORDANCE WITH 15A NCAC 13B.0566.
  - OFFICE TRAILER TO BE APPROXIMATELY 10'x12' BUILDING AND INCLUDE TWO (2) PARKING SPACES.
  - SCREENING WITHIN THE VEGETATIVE BUFFER TO BE IN ACCORDANCE WITH 44-523(f)(3)(a), (b), AND/OR (d).
  - AN ALL WEATHER ACCESS ROAD SHALL BE CONSTRUCTED AROUND THE ENTIRE DISPOSAL AREA IN ACCORDANCE WITH 15 NCAC 13B.0566.
  - THE PROPERTY IS CURRENTLY ZONED R-40.
  - NO WATERS OF THE STATE ARE PRESENT ON THE PROPERTY BASED ON FIELD OBSERVATIONS BY INVER ENVIRONMENTAL CONSULTING, LLC.
  - THE LANDFILL WILL BE DESIGNED AND OPERATED IN ACCORDANCE WITH SECTION 44-654 OF THE CATAWBA COUNTY UNIFIED DEVELOPMENT ORDINANCE.
  - EXISTING SHOP TO BE REMOVED PRIOR TO DEBRIS PLACEMENT WITHIN 100'.

- REFERENCES**
- TOPOGRAPHY FROM CATAWBA COUNTY GIS DEPARTMENT.
  - PARCEL BOUNDARIES AND WATER FEATURES WITHIN THE CATAWBA COUNTY LIMITS FROM CATAWBA COUNTY GIS DEPARTMENT.
  - PARCEL BOUNDARIES AND WATER FEATURES WITHIN THE LINCOLN COUNTY LIMITS FROM LINCOLN COUNTY GIS DEPARTMENT.



REV	DATE	DESCRIPTION

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PROJECT TITLE:  <b>LITTLE MOUNTAIN LCID LANDFILL</b>	
DRAWING TITLE:  <b>SPECIAL USE SITE PLAN</b>	
DESIGNED: S.W.H.	PROJECT NO: LITTLEMTN 24-1
DRAWN: C.T.J.	SCALE: AS SHOWN
APPROVED:	DATE: Aug. 2024
FILENAME: LittleMTN 24-1	
SHEET NUMBER: -	DRAWING NUMBER: FIG.1



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**EXHIBIT 3**  
**PRELIMINARY WETLANDS AND STREAM REVIEW**

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Inver Environmental Consulting, LLC  
102 W 3<sup>rd</sup> St, Suite 1000, Winston-Salem NC 27101

www.inverenv.com  
(919) 606-1065

July 29, 2024

Mr. Stacey Smith, P.E.  
Smith Gardner Inc.  
14 North Boylan Avenue  
Raleigh, NC 27603

RE: Preliminary Environmental Review  
Little Mountain LCID Site  
Catawba/Lincoln Counties, NC

Dear Stacey,

This letter provides a summary of the office and field review of the above referenced site located off Lebanon Road, east of Killians Crossroads, in Catawba and Lincoln County NC (**Figure 1**). The site is an approximate 13-acre parcel (PIN 367604926377), and contains an existing maintenance shop for construction equipment, maintained fields, with a small forested area to the northwest.

The purpose of this review is to:

- Identify areas on the site that may contain wetlands and streams meeting the criteria of Waters of the US (WOTUS) and therefore potentially subject to the Clean Water Act (CWA)
- Assess the site for potential habitat for federally listed threatened or endangered species under the protection of the Endangered Species Act (ESA)

### ***Methodology***

The site was initially assessed via desktop review using the following available information:

- US Geologic Survey (USGS) National Map & National Hydrography Dataset
- Natural Resources Conservation Service (NRCS) soil survey for Catawba & Lincoln County
- NC Division of Emergency Management Light Detection and Ranging (LiDAR) data
- US Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) mapping
- USFWS Information for Planning and Consultation (IPaC) database
- NC Natural Heritage Program (NCNHP) Element Occurrence database
- NC OneMap aerial photography
- NC Division of Water Resources (NCDWR) stream classifications
- US Army Corps of Engineers (USACE) Antecedent Precipitation Tool, Version 2.0

From this information, field mapping was prepared to assist in on-site review. The site was traversed on foot on 7/22/24 during a period of normal rainfall in the dry season (**Attachment 1**). Note that several recent rain events of potentially 1-inch or greater had occurred in the preceding days. CWA potential resources were evaluated using the USACE 1987 Wetland Delineation Manual and appropriate regional

supplement for wetlands, and the USACE Ordinary High Water Mark (OHWM) Field Delineation Manual (Interim Draft) and NCDWR Stream Identification Method, Version 4.11 for streams.

Habitat analysis was performed in a general manner, noting the dominant plants in each community on site via transects in multiple areas, as well as specifically reviewing for potential habitat for federally listed species.

### **Potential Clean Water Act Resources**

The site is located in a primarily upland area, with the headwaters of Wilkinson Creek mapped in the northwest corner of the site (**Figure 2**). Wilkinson Creek (NC Stream Index No 11-119-2-2-1-1) is in the Catawba River Basin. This stream, and its tributaries, are Class C waters with no special protections. The NCDWR implements state riparian buffer rules in the Catawba basin, but these rules only apply to mainstem lakes and rivers, and therefore do not apply to the site.

NRCS mapping shows the site comprised primarily of Cecil sandy loam (CaB) and Cecil sandy clay loam (CeB2) soils (**Figure 3**). None of these soils are listed as hydric by the NRCS. The USFWS National Wetland Inventory data does not show any mapped resources on site, besides the Wilkinson Creek stream feature in the same location as USGS mapping.

No potential WOTUS were observed on the site. There is a small ditch in the location of the mapped stream feature, but this channel lacks sufficient indicators of OHWM to be considered jurisdictional (**Attachment 2, Photo 1**). A NC Stream Identification data form for this feature was collected at the location shown in **Figure 4 (Attachment 3)**. Despite recent rain of over 1-inch, and relatively normal conditions, there was no evidence of flow in the channel. Areas around the ditch within the woods were examined for the presence of wetland indicators, including hydrology, soils, and vegetation. The area exhibits no indicators meeting wetland criteria, as no hydrology indicators were present, soils were bright with no redoximorphic features, and vegetation was dominated by typical upland plants (**Attachment 2, Photo 2**).

### **Endangered Species Act Resources**

Two communities dominate the site – old field/pasture and mixed pine-hardwood forest (**Figure 4**). The fields comprise the majority of the site, and exhibit common species such as annual fleabane (*Erigeron annuus*), common morning glory (*Ipomoea purpurea*), common ragweed (*Ambrosia artemisiifolia*), dog fennel (*Eupatorium capillifolium*), Johnson grass (*Sorghum halepense*), Korean lespedeza (*Kummerowia stipulacea*), Queen Anne's lace (*Daucus carota*), red clover (*Trifolium pratense*), and tall goldenrod (*Solidago altissima*). The mixed pine-hardwood forest in the northwest corner of the site is dominated by an overstory of American elm (*Ulmus americana*), red maple (*Acer rubrum*), sweetgum (*Liquidambar styraciflua*), tulip poplar (*Liriodendron tulipifera*), Virginia pine (*Pinus virginiana*), water oak (*Quercus nigra*), white oak (*Quercus alba*), and willow oak (*Quercus phellos*). The understory consists of boxelder (*Acer negundo*) and Eastern red cedar (*Juniperus virginiana*) along with saplings of the overstory species. The herb layer is dominated by vines including common greenbrier (*Smilax rotundifolia*), English ivy (*Hedera helix*), muscadine (*Muscadinia rotundifolia*), and poison ivy (*Toxicodendron radicans*).



The following species were identified as potentially occurring on the site using the USFWS IPaC database, accessed 7/19/24 (**Attachment 4**). Each species listed in the IPaC report is presented below with common and scientific name, protection status, preliminary assessments of habitat presence on the site, and a biological conclusion of potential for development of the site to affect the species.

**Table 1: USFWS IPaC Species List (7/19/24)**

Name (common)	Name (Scientific)	Federal Status*	Habitat on site?	Biological Conclusion
Bog turtle	<i>Glyptemys muhlenbergii</i>	SAT	No	N/A
Monarch butterfly	<i>Danaus Plexippus</i>	C	No	N/A
Dwarf-flowered heartleaf	<i>Hexastylis naniflora</i>	T	No	No Effect
Michaux's sumac	<i>Rhus michauxii</i>	E	Yes	No Effect
Schweinitz's sunflower	<i>Helianthus schweinitzii</i>	E	Yes	No Effect

\*E = Endangered; T= Threatened; C = Candidate; SAT = Threatened due to Similarity of Appearance

**Bog turtle** – The bog turtle is listed due to the similarity of the southern bog turtle to the northern population. No habitat for this species is present on the site as no wetlands were observed. Species listed as threatened due to similarity of appearance are not protected from site development under the ESA. Therefore no biological conclusion is required.

**Monarch Butterfly** – Candidate species are not protected under the ESA and have not been proposed for listing at this time. Migratory habitat for this species (milkweed plants) was not observed on the site. There is no current timeline for listing of this species, so no further action is required.

**Dwarf-flowered heartleaf** – No habitat is present on the site for this species due to the lack of north-facing slopes and dense herb layer consisting of invasive species. The closest known population is approximately 0.5 miles to the east. While the site visit occurred outside the recommended survey window for identification of this species, genus-level identification can occur throughout the year. No individuals of the *Hexastylis* genus were observed on the site. Therefore, the project would not affect this species.

**Michaux's sumac** – This species occurs most often in areas of regular maintenance such as powerlines and roadside rights-of-way. The closest known population is a historic record (from 1917) in Lincoln County with low accuracy (mapped as the entire county). Habitat for this species is marginal, consisting of a few small areas along the roadside at the periphery of the site. The fields on site do not exhibit the required mowing/disturbance regime frequency suitable for this species. No individuals were observed in these areas. Therefore, the project would not affect this species.

**Schweinitz's sunflower** – This species occurs most often in areas of regular maintenance such as powerlines and roadside rights-of-way. The closest known population is approximately 7 miles to the southeast. Habitat for this species is marginal, consisting of a few small areas along the roadside at the periphery of the site. The fields on site do not exhibit the required mowing/disturbance regime frequency suitable for this species. While the site visit occurred outside the

recommended survey window for this species, no individuals were observed with similar leaf morphology, which would be recognizable close to the flowering window (starting late August). Therefore, the project would not affect this species.

A records review was performed using the NC Natural Heritage Program Data Explorer (**Attachment 5**). No element occurrences (EO) of any federal or state listed species, important natural communities, natural areas, or conservation/managed areas were found on the site. As mentioned above, one occurrence of dwarf-flowered heartleaf is recorded within one mile of the site. Two historic occurrences (Michaux's sumac and littleleaf sneezeweed) are noted but are of low accuracy.

### **Recommendations**

Based on the preliminary review of the site summarized above, the following are recommendations for further work if needed:

- Due to the lack of potential WOTUS on the site, no coordination or communication with the USACE is required.
- No evidence of federally listed species is present on the site, and the project would not affect listed species. If federal funding or permitting is required for the project, coordination via the lead federal agency may be required to confirm this.

The information provided above is based on a preliminary site review and best professional judgement and is subject to change upon more detailed investigations, if warranted or required.

Please contact me at your earliest convenience at (919) 606-1065 or [philm@inverenv.com](mailto:philm@inverenv.com) if you have any questions or require additional information.

Sincerely,

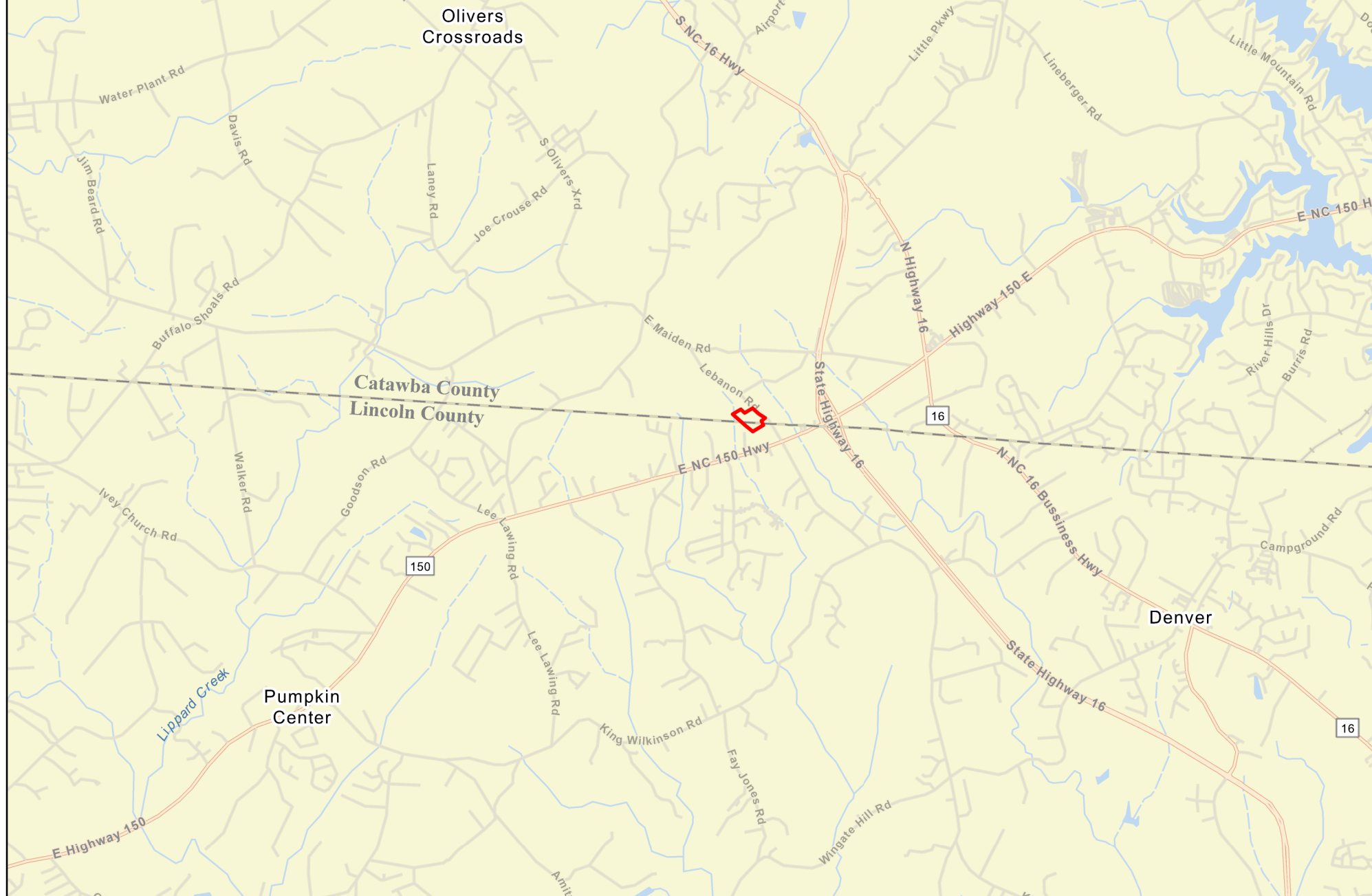
**Inver Environmental Consulting, LLC**

DocuSigned by:  
  
EA265839ADE54E4...  
Philip May

Senior Consultant/Managing Member

### **Attachments**

- Figure 1: Project Vicinity
- Figure 2: USGS National Map
- Figure 3: NRCS Soil Survey
- Figure 4: Aerial Photo
- Attachment 1: USACE Antecedent Precipitation Tool (7/16/24)
- Attachment 2: Site Photos (07/16/24)
- Attachment 3: Stream Data Form
- Attachment 4: USFWS IPaC Report (07/19/24)
- Attachment 5: NC NHP Report (07/21/24)




07/24/24

 Site

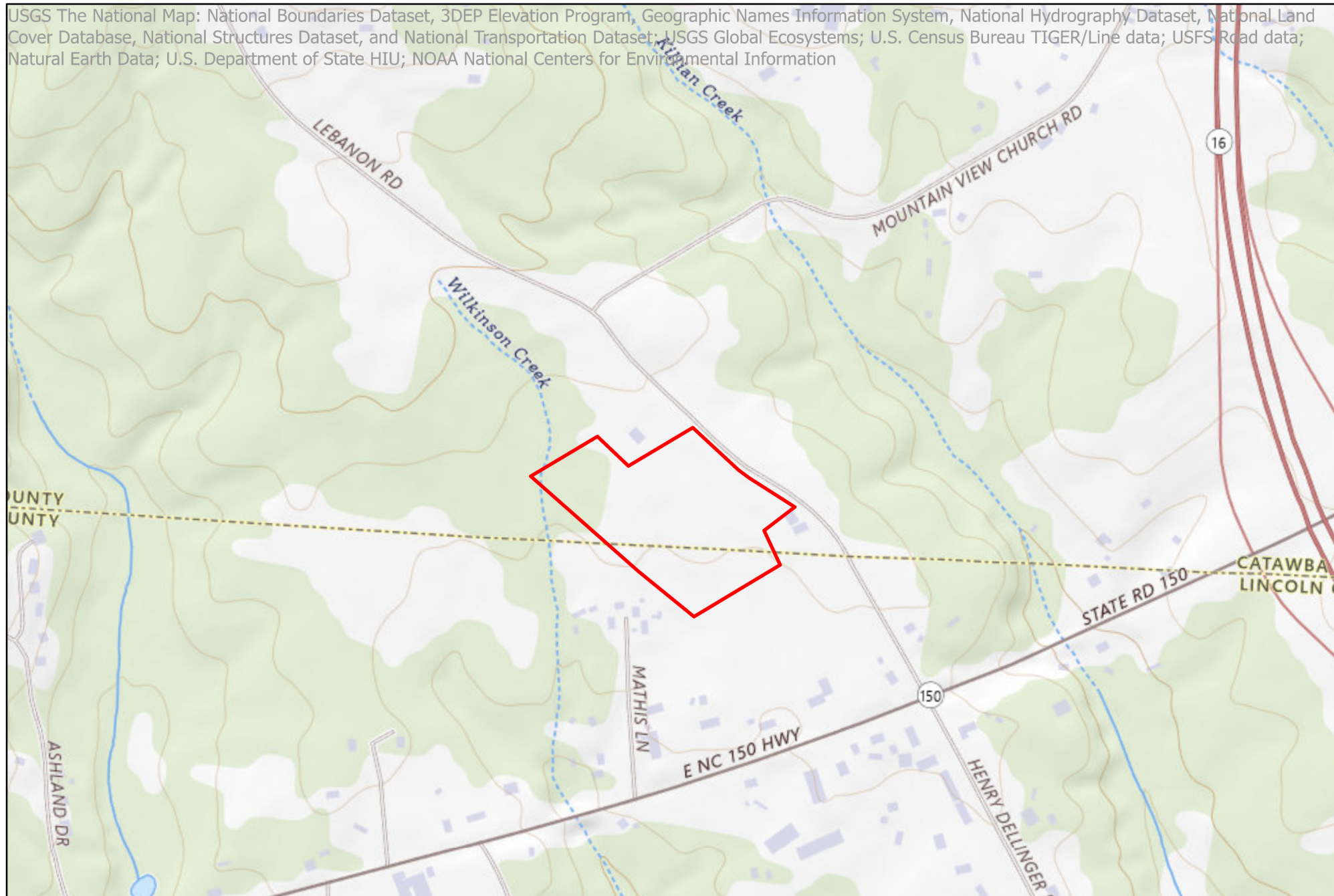
Site Coordinates: 35.5521485°N; 81.0857164°W



0 2,500 5,000  
 Feet

**Figure 1**  
**Vicinity Map**  
**Little Mtn LCID**  
**Catawba/Lincoln Co's NC**

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road data; Natural Earth Data; U.S. Department of State HIU; NOAA National Centers for Environmental Information



07/24/24

Site

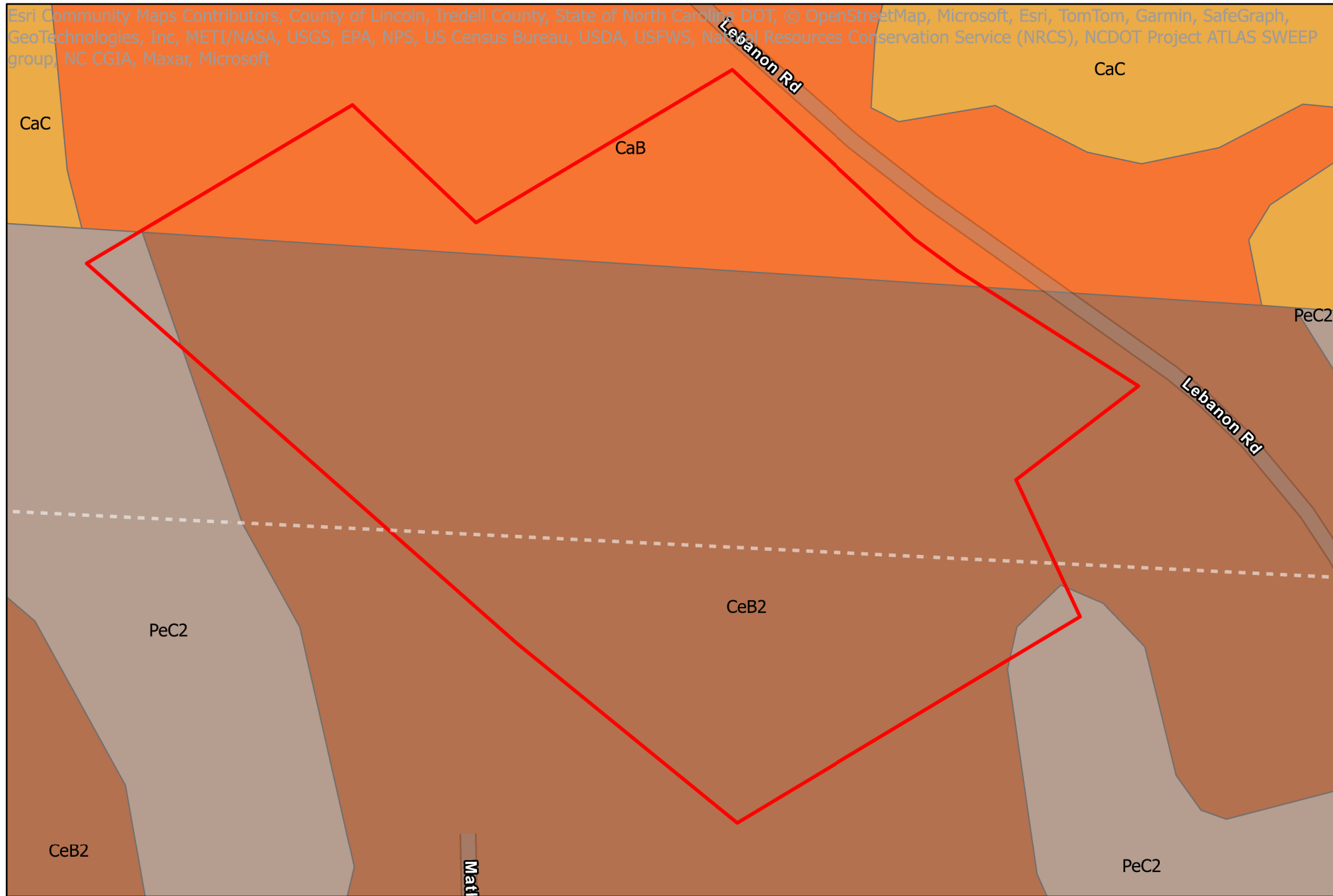
Site Coordinates: 35.5521485°N; 81.0857164°W



0 300 600 Feet

**Figure 2**  
**USGS National Map**  
**Little Mtn LCID**  
**Catawba/Lincoln Co's NC**

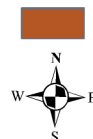




07/24/24

- Site
- AsB
- CaB
- CaC

- CeB2
- CeC2
- ChA
- PeC2



0 75 150 Feet

Site Coordinates: 35.5521485°N; 81.0857164°W

**Figure 3**  
**NRCS Soil Survey**  
**Little Mtn LCID**  
**Catawba/Lincoln Co's NC**



Data location	form
...	...

Lebanon Rd

Lebanon Rd



07/20/24

 **Parcels**  
 **Site**

**Contour interval: 1 ft**



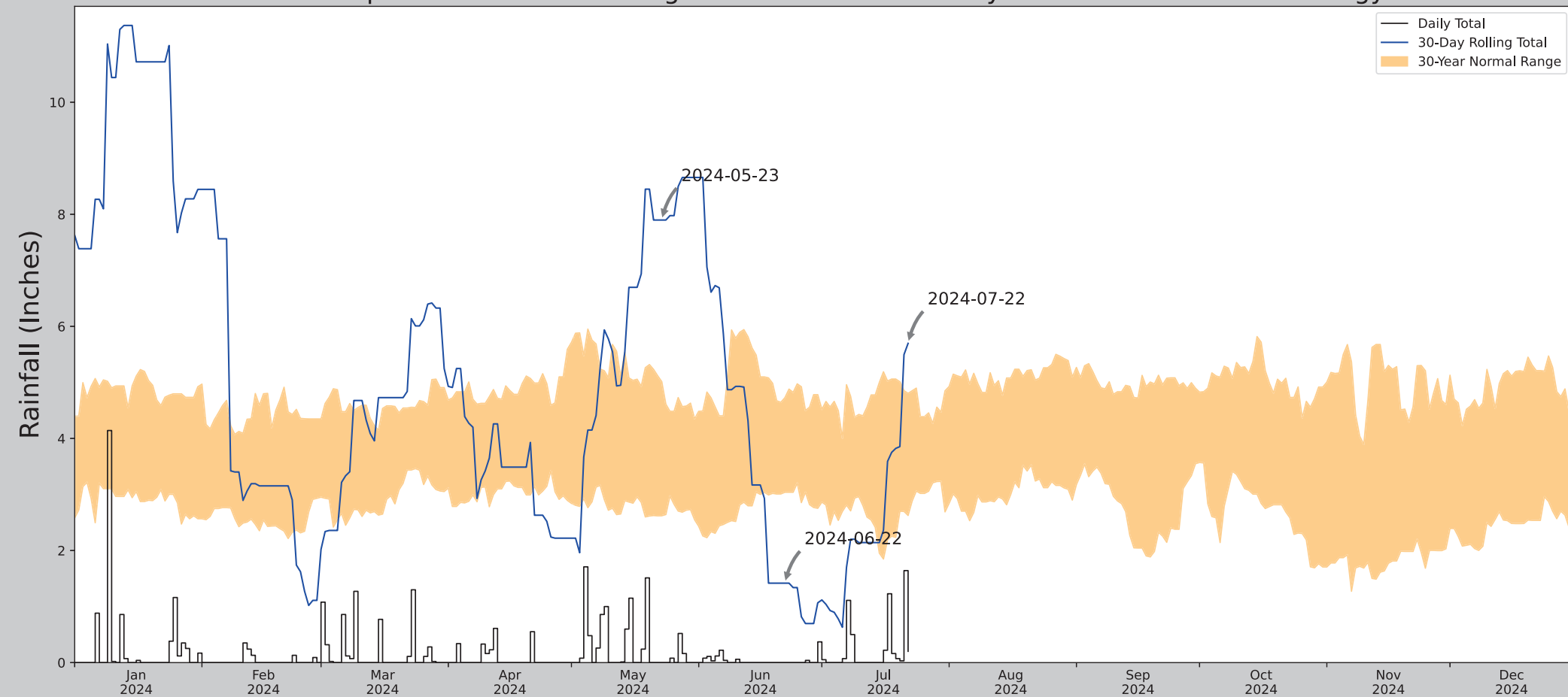
0 75 150 Feet

**Site Coordinates: 35.5521485°N; 81.0857164°W**

**Figure 4**  
**Aerial Photo**  
**Little Mtn LCID**  
**Catawba/Lincoln Co's NC**



# Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	35.551938, -81.085674
Observation Date	2024-07-22
Elevation (ft)	965.202
Drought Index (PDSI)	Incipient drought (2024-06)
WebWIMP H <sub>2</sub> O Balance	Dry Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2024-07-22	2.625984	4.803937	5.696851	Wet	3	3	9
2024-06-22	3.039764	4.727559	1.417323	Dry	1	2	2
2024-05-23	2.620079	5.01378	7.897638	Wet	3	1	3
Result							Normal Conditions - 14



US Army Corps  
of Engineers®



Figures and tables made by the  
Antecedent Precipitation Tool  
Version 2.0

Developed by:  
U.S. Army Corps of Engineers and  
U.S. Army Engineer Research and  
Development Center

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
LINCOLNTON 4 W	35.4606, -81.3297	887.139	15.107	78.063	7.977	11352	90



Photo 1: Mapped stream feature – lacking OHWM (see data form)





**Photo 2: Typical forest area in northwest corner of site**





**Photo 3: Old field area typical of the majority of the site**





# NC DWQ Stream Identification Form Version 4.11

Date: 7/22/24	Project/Site: Little Mn LCID	Latitude: 35.552434
Evaluator: P May	County: Catawba	Longitude: -81.087632
Total Points: Stream is at least intermittent if $\geq 19$ or perennial if $\geq 30^*$ 8.0	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other NJ2 e.g. Quad Name:

## A. Geomorphology (Subtotal = 3.0)

	Absent	Weak	Moderate	Strong
1 <sup>a</sup> . Continuity of channel bed and bank	0	✓	2	3
2. Sinuosity of channel along thalweg	0	✓	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	✓	1	2	3
4. Particle size of stream substrate	0	✓	2	3
5. Active/relict floodplain	✓	1	2	3
6. Depositional bars or benches	✓	1	2	3
7. Recent alluvial deposits	✓	1	2	3
8. Headcuts	✓	1	2	3
9. Grade control	✓	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = ✓		Yes = 3	

<sup>a</sup> artificial ditches are not rated; see discussions in manual

## B. Hydrology (Subtotal = 2.0)

12. Presence of Baseflow	✓	1	2	3
13. Iron oxidizing bacteria	✓	1	2	3
14. Leaf litter	1.5	✓	0.5	0
15. Sediment on plants or debris	✓	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	✓	1.5
17. Soil-based evidence of high water table?	No = ✓		Yes = 3	

## C. Biology (Subtotal = 3.0)

18. Fibrous roots in streambed	3	2	✓	0
19. Rooted upland plants in streambed	3	✓	1	0
20. Macroinvertebrates (note diversity and abundance)	✓	1	2	3
21. Aquatic Mollusks	✓	1	2	3
22. Fish	✓	0.5	1	1.5
23. Crayfish	✓	0.5	1	1.5
24. Amphibians	✓	0.5	1	1.5
25. Algae	✓	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = ✓			

\*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes: No evidence of flow. Recent rain

Sketch:

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Catawba and Lincoln counties, North Carolina



## Local office

Asheville Ecological Services Field Office

☎ (828) 258-3939

📅 (828) 258-5330

160 Zillicoa Street, Suite B  
Asheville, NC 28801-1082

NOT FOR CONSULTATION

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

- 
1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Reptiles

NAME	STATUS
<b>Bog Turtle</b> <i>Glyptemys muhlenbergii</i> No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/6962">https://ecos.fws.gov/ecp/species/6962</a>	SAT

## Insects

NAME	STATUS
<b>Monarch Butterfly</b> <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Flowering Plants

NAME	STATUS
<b>Dwarf-flowered Heartleaf</b> <i>Hexastylis naniflora</i> Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/2458">https://ecos.fws.gov/ecp/species/2458</a>	Threatened
<b>Michaux's Sumac</b> <i>Rhus michauxii</i> Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/5217">https://ecos.fws.gov/ecp/species/5217</a>	Endangered
<b>Schweinitz's Sunflower</b> <i>Helianthus schweinitzii</i> Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/3849">https://ecos.fws.gov/ecp/species/3849</a>	Endangered

# Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

## Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below.

Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds  
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds  
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC  
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.



NAME

BREEDING SEASON

**Bald Eagle** *Haliaeetus leucocephalus*

Breeds Sep 1 to Jul 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (l)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

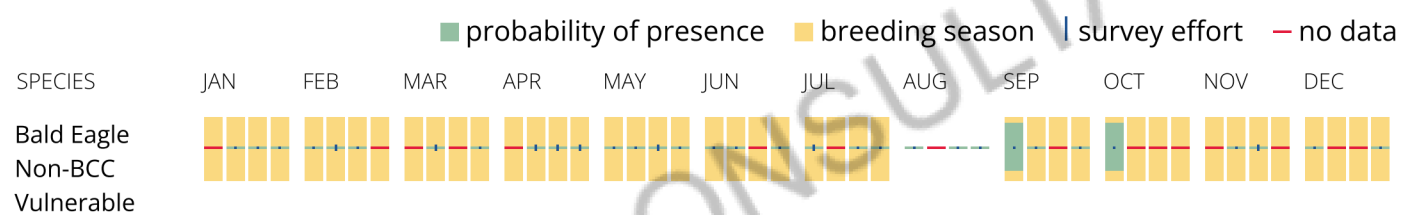
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



### What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

### What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the [Eagle Act](#) should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds  
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC  
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your

list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Sep 1 to Jul 31
<b>Chimney Swift</b> <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
<b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

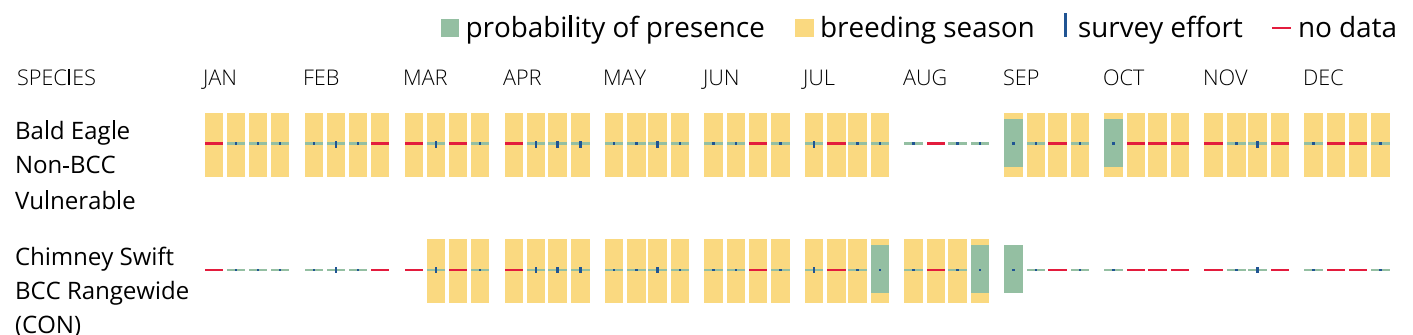
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.

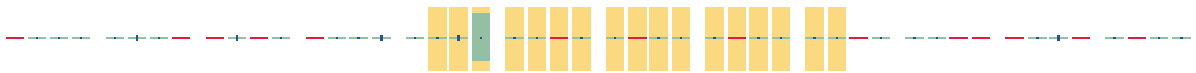
### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Red-headed  
Woodpecker  
BCC Rangewide  
(CON)



## Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

## What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

## What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

## How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird

on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key

component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

## Facilities

### National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

### Fish hatcheries

There are no fish hatcheries at this location.

### Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.



This location overlaps the following wetlands:

RIVERINE

[R4SBC](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

**NOTE:** This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

#### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

#### Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

#### Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



Roy Cooper, Governor

D. Reid Wilson, Secretary

Misty Buchanan  
Deputy Director, Natural Heritage Program

NCNHDE-26796

July 21, 2024

Philip May  
Inver Environmental Consulting, LLC  
102 West 3rd Street  
Winston-Salem, NC 27101  
RE: Little Mtn LCID

Dear Philip May:

The North Carolina Natural Heritage Program (NCNHP) appreciates the opportunity to provide information about natural heritage resources for the project referenced above.

Based on the project area mapped with your request, a query of the NCNHP database indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed. The results of this query should not be substituted for field surveys where suitable habitat exists. In the event that rare species are found within the project area, please contact the NCNHP so that we may update our records.

The attached 'Potential Occurrences' table summarizes rare species and natural communities that have been documented within a one-mile radius of the property boundary. The proximity of these records suggests that these natural heritage elements may potentially be present in the project area if suitable habitat exists. Tables of natural areas and conservation/managed areas within a one-mile radius of the project area, if any, are also included in this report.

If a Federally-listed species is found within the project area or is indicated within a one-mile radius of the project area, the NCNHP recommends contacting the US Fish and Wildlife Service (USFWS) for guidance. Contact information for USFWS offices in North Carolina is found here:

<https://www.fws.gov/offices/Directory/ListOffices.cfm?statecode=37>.

Please note that natural heritage element data are maintained for the purposes of conservation planning, project review, and scientific research, and are not intended for use as the primary criteria for regulatory decisions. Information provided by the NCNHP database may not be published without prior written notification to the NCNHP, and the NCNHP must be credited as an information source in these publications. Maps of NCNHP data may not be redistributed without permission.

The NC Natural Heritage Program may follow this letter with additional correspondence if a Dedicated Nature Preserve, Registered Heritage Area, Land and Water Fund easement, or Federally-listed species are documented near the project area.

If you have questions regarding the information provided in this letter or need additional assistance, please contact the NCNHP at [natural.heritage@dncr.nc.gov](mailto:natural.heritage@dncr.nc.gov).

Sincerely,  
NC Natural Heritage Program

Natural Heritage Element Occurrences, Natural Areas, and Managed Areas Within a One-mile Radius of the Project Area  
 Little Mtn LCID  
 July 21, 2024  
 NCNHDE-26796

Element Occurrences Documented Within a One-mile Radius of the Project Area

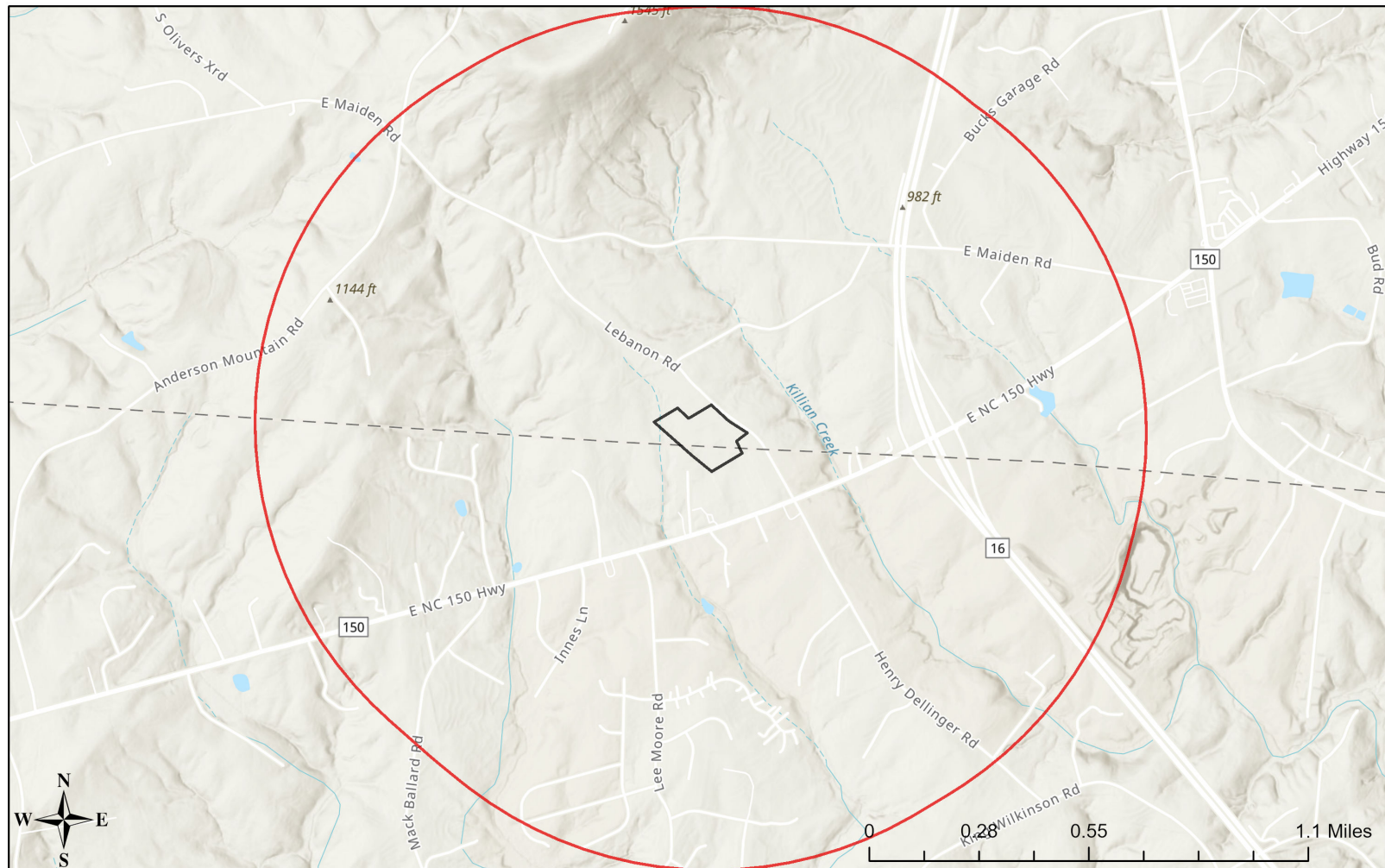
Taxonomic Group	EO ID	Scientific Name	Common Name	Last Observation Date	Element Occurrence Rank	Accuracy	Federal Status	State Status	Global Rank	State Rank
Vascular Plant	41364	Helenium brevifolium	Littleleaf Sneezeweed	1973-05	H	6-Unknown	---	Endangered	G4	S1
Vascular Plant	29086	Hexastylis naniflora	Dwarf-flowered Heartleaf	2010?	E	2-High	Threatened	Threatened	G3	S3
Vascular Plant	12037	Rhus michauxii	Michaux's Sumac	1917-Pre	H	5-Very Low	Endangered	Endangered	G2G3	S2

No Natural Areas are Documented Within a One-mile Radius of the Project Area


No Managed Areas are Documented Within a One-mile Radius of the Project Area

Definitions and an explanation of status designations and codes can be found at <https://ncnhde.natureserve.org/help>. Data query generated on July 21, 2024; source: NCNHP, Summer (July) 2024. Please resubmit your information request if more than one year elapses before project initiation as new information is continually added to the NCNHP database.

## NCNHDE-26796: Little Mtn LCID



July 21, 2024

 Buffered Project Boundary

 Project Boundary

Esri, NASA, NGA, USGS, FEMA  
State of North Carolina DOT, Esri, TomTom, Garmin, SafeGraph,  
GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,  
USDA, USFWS

**EXHIBIT 4**  
**NC DOT CORRESPONDENCE**



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**RE: [External] Re: 5011 Lebanon Rd - Maiden**

Watson, Michael R <[mwatson@ncdot.gov](mailto:mwatson@ncdot.gov)>

Fri 7/19/2024 9:05 AM

To: Spencer Hollomon <[spencer@smithgardnerinc.com](mailto:spencer@smithgardnerinc.com)>

Spencer,

No traffic counts or study would be required for a low trip generator, just a standard driveway permit with paved site entrance to proper dimensions.

Thanks,  
Michael

---

**From:** Spencer Hollomon <[spencer@smithgardnerinc.com](mailto:spencer@smithgardnerinc.com)>

**Sent:** Friday, July 19, 2024 6:28 AM

**To:** Watson, Michael R <[mwatson@ncdot.gov](mailto:mwatson@ncdot.gov)>

**Subject:** [External] Re: 5011 Lebanon Rd - Maiden

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Thank you, I've got one follow up. If it ends up they decide to go public, would you require any traffic counts or a study?

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

---

**From:** Watson, Michael R <[mwatson@ncdot.gov](mailto:mwatson@ncdot.gov)>

**Sent:** Thursday, July 18, 2024 3:49:34 PM

**To:** Spencer Hollomon <[spencer@smithgardnerinc.com](mailto:spencer@smithgardnerinc.com)>

**Subject:** 5011 Lebanon Rd - Maiden

Spencer,

As we discussed on the phone, the proposed use of an existing access at this site for a LCID Landfill will not require a driveway permit if it is to be used mainly by the current business owner. If there are plans for it to be an open for public use LCID Landfill, then a permit would be required with the access being paved at the road connection.

Thanks,

**Michael Watson**

Assistant District Supervisor

Division 12, District 3

NCDOT

704 748 2400 office

[mwatson@ncdot.gov](mailto:mwatson@ncdot.gov)

1031 East Gaston Street

Lincolnton, NC 28092



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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

**EXHIBIT 5**  
**PROPERTY APPRAISAL EVALUATION**



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# Kirkland Appraisals, LLC

Richard C. Kirkland, Jr., MAI  
9408 Northfield Court  
Raleigh, North Carolina 27603  
Phone (919) 414-8142  
[rkirkland2@gmail.com](mailto:rkirkland2@gmail.com)  
[www.kirklandappraisals.com](http://www.kirklandappraisals.com)

July 26, 2024

Mr. Spencer W. Hollomon, P.E.  
Smith Gardner, Inc.  
14 N. Boylan Avenue  
Raleigh, NC 27603

Mr. Hollomon,

I have considered the likely impact of the proposed Land Clearing and Inert Debris (LCID) use to be located at 5011 Lebanon Road, Maiden, Catawba County, North Carolina.

The scope of this assignment is to address the likely impact this may have on adjoining properties. To this end I have reviewed the site and considered other similar nearby uses. I have not been asked to assign any value to any specific property.

This letter is a real property appraisal consulting assignment. My client is Smith Gardner, Inc. The intended use is to assist in the Special Use Permit application. The effective date of this consultation is July 26, 2024.

## **Current Use Description**

The property is currently 13.19 acres of vacant agricultural land located on the south side of Lebanon Road with a single-family residential structure.

## **Proposed Use Description**

The property is proposed to be used as an LCID. The proposed project will maintain a minimum of 50 feet off the property lines.

The property is proposed to be used for landfilling land clearing and inert debris and/or grinding and chipping material into mulch or boiler fuel and/or air curtain burning. No homes will be within 200 feet of the active areas, which is consistent with the data shown later in this analysis for similar LCIDs.

This is a common use in rural areas and numerous similar such uses were identified with similar proximity to adjoining homes and a similar mix of adjoining uses. I have also considered matched pair data sets to look at potential property value impacts as outlined and discussed later in this analysis.

### Adjoining Use Description

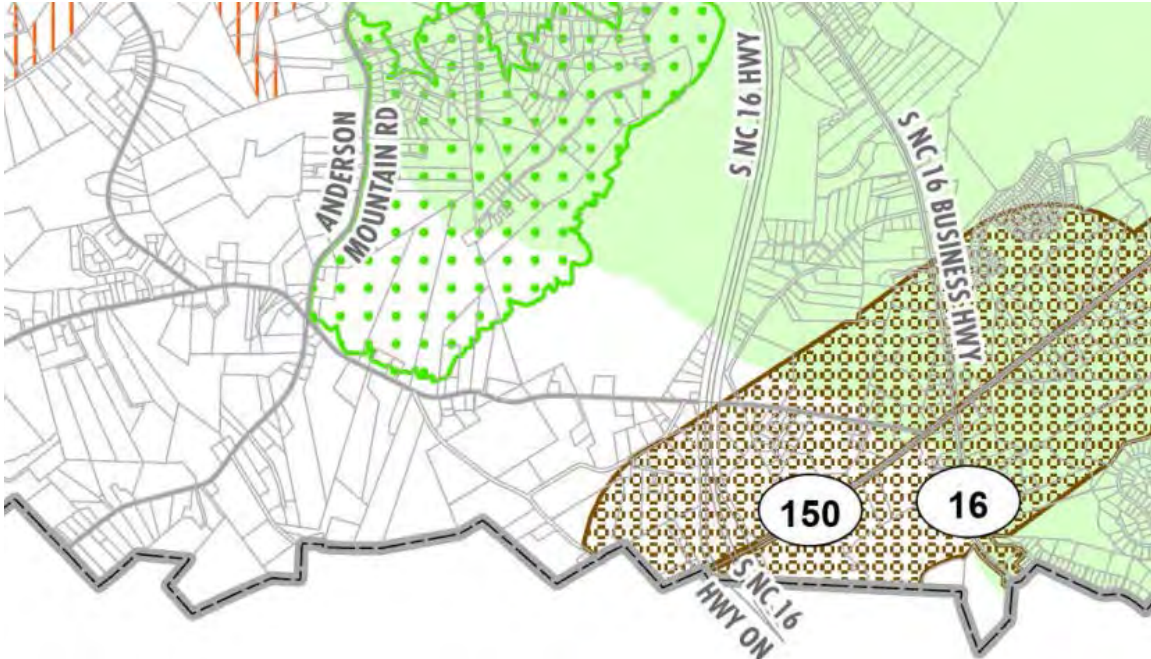
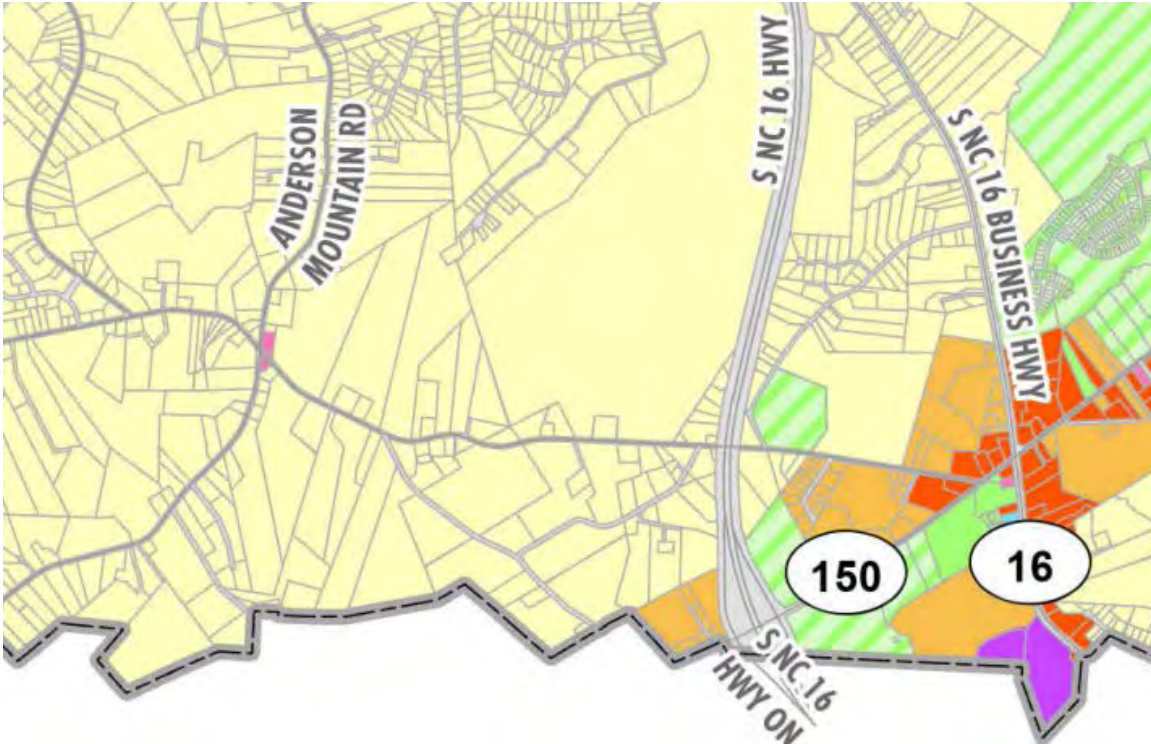


### Surrounding Uses

#	MAP ID	Owner	GIS Data		Adjoin	Adjoin	Distance (ft)
			Acres	Present Use	Acres	Parcels	Home/LCID
1	3676827473	Mathis	7.12	Residential	13.93%	12.50%	N/A
2	367604922707	Caldwell	4.80	Residential	9.39%	12.50%	N/A
3	367604925649	Olson	1.54	Residential	3.01%	12.50%	165
4	368613023998	Lawing	19.03	Agricultural	37.23%	12.50%	N/A
5	368617022139	Lebanon Method.	0.99	Religious	1.94%	12.50%	125
6	3686012726	Ballard	9.79	Agricultural	19.14%	12.50%	N/A
7	3676916768	Mathis	0.90	Residential	1.75%	12.50%	200
8	3676922031	Mathis	6.96	Residential	13.61%	12.50%	160
<b>Total</b>			<b>51.117</b>		<b>100.00%</b>	<b>100.00%</b>	163

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The subject property is on the county line and zoned R-40 and at the edge of the NC 150 Mixed Use Corridor (MUC-O) Zoning Overlay District as shown on the maps below.





## **Harmony Considerations**

I have considered other LCID uses in the area to see where they are generally located to identify typical surrounding uses.

The summary below shows the 10 LCIDs that I looked at, the range of adjoining residential uses and how close the adjoining residential uses are at the closest point and on average.

The closest home to an LCID considered is 70 feet and the closest identified home where I was able to complete a paired sales analysis is 125 feet at Soil Supply in Huntersville. That paired sale is very useful as there are a great many homes adjoining that project and the Soil Supply site is much more active than a typical LCID. Furthermore, the entire adjoining subdivision was developed and every home in it built after the Soil Supply was already in operation, which shows that the developer did not see a negative impact, the home builders did not see a negative impact, and the home buyers in that development did not see a negative impact.

The distances at the subject property are similar to those at Soil Supply which makes for a good comparison.

### **Summary of LCID**

#	Name	City	County	Acres	Adjoin		% Adjoin	Closest Home	Avg. Dist Home
					Adjoin Parcels	Residential Parcels	Residential		
0	Subject	Maiden	Catawba	13	8	5	63%	125	163
1	Mark Ikerd	Hickory	Catawba	10	10	9	90%	150	312
2	Sam Goodson	Denver	Lincoln	92	10	6	60%	515	1,128
3	Lake Norman	Lake Norman	Lincoln	9	10	6	60%	200	314
4	Checkered	Troutman	Iredell	28	8	3	13%	70	138
5	Soil Supply	Huntersville	Mecklenburg	19	16	14	88%	125	N/A
6	Dirt Money	Statesville	Iredell	33	7	5	71%	125	442
7	Amity Hill	Troutman	Iredell	10	8	6	75%	250	310
8	Barham	Mooresville	Iredell	43	6	2	33%	110	383
9	Atwell	Mt Ulla	Iredell	28	13	9	69%	260	643
10	Wallace	Huntersville	Mecklenburg	N/A	N/A	N/A	100%	100	N/A
				29	Average		66%	185	426
				23	Median		69%	125	314
				92	High		100%	515	1128
				9	Low		13%	70	138

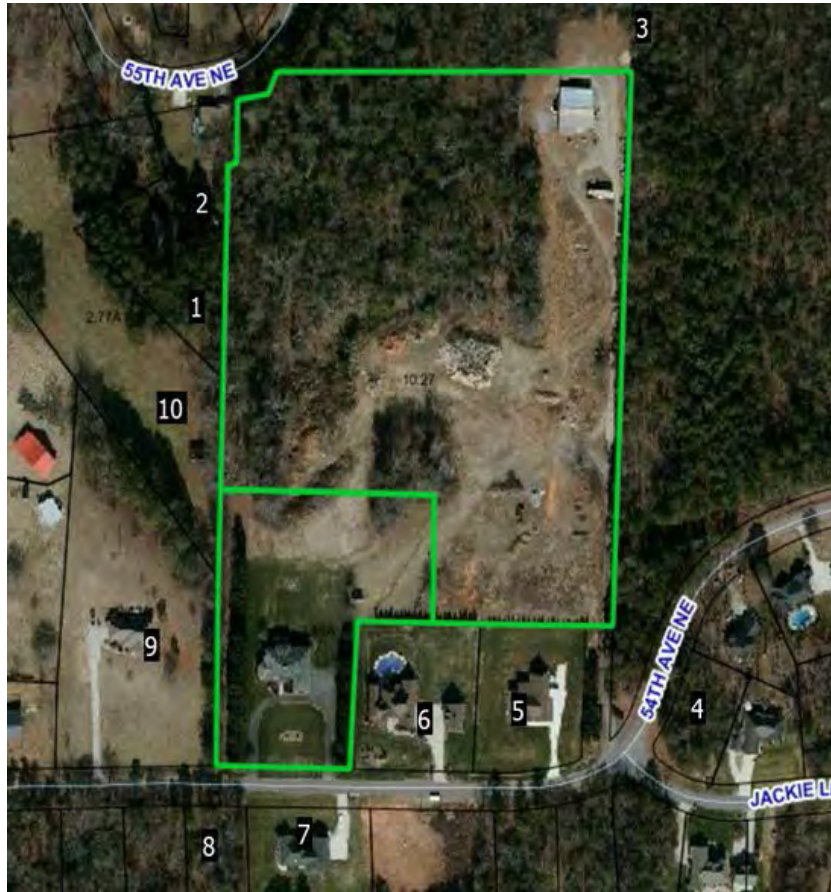
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**Comparable LCID #1 – Mark Ikerd Inc Grading & Hauling**

I considered a LCID at 3830 54<sup>th</sup> Avenue NE, Hickory, which is on a 10.27-acre tract as shown below. The closest adjoining home is 100 feet from active areas and the average distance is 262 feet.

**Adjoining Use Breakdown**

	<b>Acreage</b>	<b>Parcels</b>
Residential	33.89%	90.00%
Agricultural	66.11%	10.00%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



A home located at 3957 54<sup>th</sup> Avenue sold on January 20, 2022 for \$580,000 for a 3,030 s.f. brick ranch with 4 BR, 3 BA with a 3 car garage and a detached 6 car garage and a pool built in 2000 on 1.55 acres. The purchase price works out to \$191.42 per s.f. for this home that is 310 feet from the active area of the LCID. This home is in the map above on the right hand side with the pool shown in the image. The added garage and extra lot on this property makes it difficult to use as a paired sale, but does show a higher price point than most of the sales in this area that do not have waterfrontage.

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### Comparable LCID #2 – Sam Goodson Stump Dump

I considered a LCID at 6790 Kidville Road, Denver, which is on a portion of a 91.95-acre tract as shown below. The closest adjoining home is 515 feet from active areas and the average distance is 1,128 feet.

#### Adjoining Use Breakdown

	Acreage	Parcels
Residential	29.72%	60.00%
Agri/Res	53.60%	20.00%
Commercial	2.05%	10.00%
Cemetary	14.63%	10.00%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>





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**Comparable LCID #3 – Lake Norman Sand & Gravel**

I considered a LCID at 7512 Optimist Club Road, Lake Norman, which is on a 9.18-acre tract as shown below. The closest adjoining home is 200 feet from active areas and the average distance is 314 feet.

**Adjoining Use Breakdown**

	<b>Acreage</b>	<b>Parcels</b>
Residential	2.85%	60.00%
Agricultural	97.15%	40.00%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>





#### Comparable LCID #4 – Checkered Flag Land & Cattle LCID Landfill

I considered and LCID at 149 Buckin Lane in Troutman which is on a 27.81-acre tract as shown below. This use was approved in 2016 with a stated purpose of filling in some deep gullies for eventual creation of pasture. The closest home is 10 feet from the driveway and the closest home to the active area of the LCID is 70 feet. The average distance is 138 feet.

#### Adjoining Use Breakdown

	Acreage	Parcels
Residential	13.82%	12.50%
Agricultural	2.44%	25.00%
Agri/Res	83.74%	62.50%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



There was a sale of Parcel 6 both as a vacant lot to a builder and again as a finished home. The lot sale was for 5.16 acres on December 30, 2015 for \$13,000. The home sale was on April 8, 2016 for a 3,068 s.f. home that sold for \$263,000, or \$85.72 per square foot.

I have compared that to 107 Fesperman Circle that sold as a home with 3,172 square feet in March 2016 for \$272,715, or \$86 per square foot. I consider this to be strong support for the lack of an impact due to the LCID adjoining use.

I have also considered the sale of 513 Weathers Creek Road which is 2 lots north of the entrance to this LCID. It sold on August 5, 2021 for \$75,000 for a 5.00-acre wooded lot with

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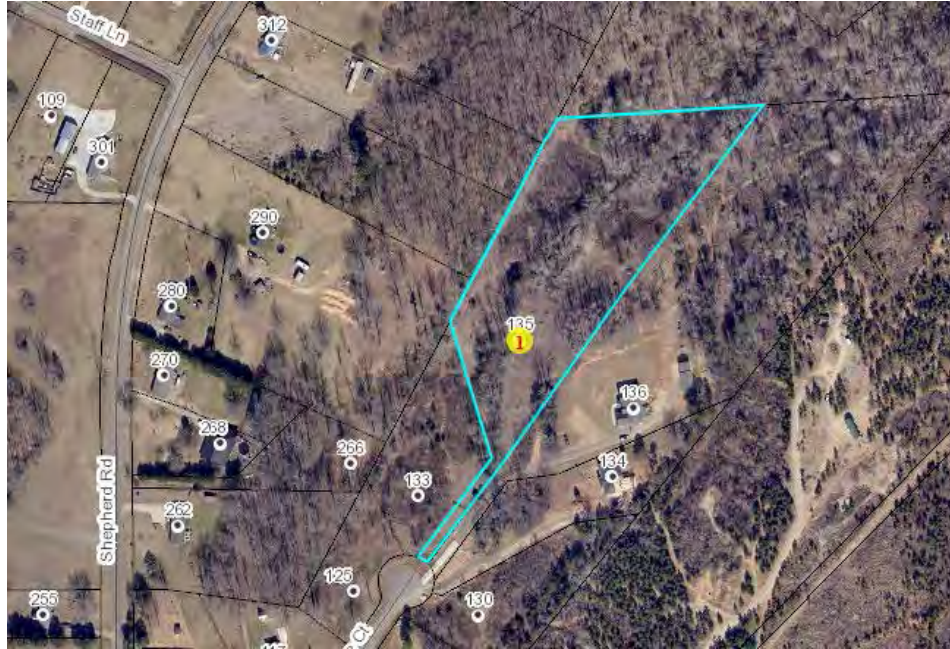
access via easement to Weathers Creek Road. This works out to \$15,000 per acre. A map of this lot is shown below.



A similar 4.35-acre parcel sold at 135 Cottage Court on August 28, 2020 for \$55,000. This parcel has a similar long driveway required and is similarly wooded. The purchase price works out to be \$12,644 per acre. Adjusting this upward by 10% for growth in the market over time this works out to \$13,908 per acre. This is lower than the price per acre for the 5-acre site near the LCID and supports a finding of no impact on property value.

This same lot sold at 513 Weathers Creek Road sold again on May 31, 2022 for \$100,000, or \$20,000 per acre for 5 acres. I have compared that transfer to the purchase of 503 Weathers Creek Road which is the 10 acres adjacent to the north that sold on March 22, 2022 for \$140,000, or \$14,000 per acre. This was a larger tract which would typically sell for less per acre. Adjusting it upward by even 10% for the size difference would only move that to \$15,400 per acre, which strongly supports a finding of no impact on property value for the 513 Weathers Creek Road that is closer to the LCID.





Another similar 4-acre parcel sold on Cottonwood Road on October 15, 2021 for \$65,000. This parcel could be developed with a house near the road or one further back in the trees with a long driveway. The purchase price works out to be \$16,250 per acre. This is slightly higher than the price per acre for the 5-acre site near the LCID, but it is a smaller parcel and could be developed with a house more affordably if the owner chooses to do so. Adjusting this by 10% for the difference in size and the flexibility of this lot, I derive an adjusted indication of size of \$14,625 per acre. I therefore conclude this supports a finding of no impact on property value.



**Comparable LCID #5 – Soil Supply, Inc.**

The third location is at 10219 Hagers Road, Huntersville, Mecklenburg County, which is on a 19.32-acre tract as shown below. This is the Soil Supply site that was in place prior to the construction of the adjoining subdivision to the south and east. The fact that those homes were all built after the location of a much more active outdoor storage use than the proposed LCID shows market acceptance of such as being in harmony with residential uses.

**Adjoining Use Breakdown**

	<b>Acreage</b>	<b>Parcels</b>
Residential	54.29%	87.50%
Agricultural	27.75%	6.25%
Industrial	17.96%	6.25%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>







The map above is a 2022 image from Zillow showing home sales adjoining this use with sales going back to 2018.

I considered an adjacent 0.36-acre parcel that sold on June 26, 2018 for \$435,000 for a home built in 2003 with a gross living area of 3,581 square feet for an indicated price per square foot of \$121.

I have compared that to 12014 Ulsten Lane that sold as a home with 3,595 square feet in June 28, 2017 for \$435,000, or \$121 per square foot. Both of these are located in Northstone Country Club without golf course frontage. I consider this to be strong support for the lack of an impact due to the LCID adjoining use.

I also considered the sale of adjoining 11713 Kinross Court, on October 25, 2019 for \$330,000 for a 0.25-acre lot with a 2,908 square foot two-story brick dwelling built in 2003 with 4 BR and 2.5 BA with a double car garage. This purchase price works out to \$113.48 per square foot.

I have compared that to 15338 Aberfeld Road in the same subdivision not near the landfill which sold on July 1, 2018 for \$349,000 for a 5 BR 3 BA two story brick dwelling with 3,040



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square feet with a two-car garage built in 2001. This works out to \$114.80 per square foot. There are a number of similar sales without golf course frontage at similar price points.

I also considered adjoining 11701 Kinross Court, that sold on October 20, 2019 for \$420,000 for a 3,600 square foot two-story brick dwelling with 5 BR and 5 BA and a two-car garage. This dwelling was built in 2001 and includes a pool. The sales price works out to be \$116.67 per square foot.

I compared this sale to 12422 Kemerton Lane in the same subdivision with no golf frontage or LCID exposure. I chose this one for those characteristics as well as the pool. This sold on June 3, 2019 for \$380,000 for a 6 BR 3 BA two-story brick dwelling with a two-car garage that was built in 2003 with a total gross living area of 3,353 square feet. This work out to \$113.33 per square foot. Again this sale shows no impact to the price per square foot due to the adjacency to the LCID property.

More recently there was a sale at 11721 Kinross Court that sold on November 29, 2021 for \$500,000 for a 4 BR, 3 BA, two-story brick dwelling built in 2003, with a gross living area of 2,582 s.f. This works out to \$193.65 per square foot.

I compared this sale to 12421 Willingdon Road that sold on March 7, 2022 for \$490,900 for a 5 BR, 3 BA, two-story brick dwelling built in 1997 in the same subdivision, with a gross living area of 2,608 s.f. This works out to \$188.23 per s.f. Adjusting this upward by 3% for the difference in year built that becomes \$193.88 per square foot, which is almost identical to the sale adjoining the Soil Supply use. I consider this to be a strong indicator of no impact on adjoining property value due to the outdoor storage use at the Soil Supply that is more intensive than the LCID use.

As can be seen in the map above, there are more examples that could be drawn from this use, but all of the ones that I tested showed no impact on property value. Additional data drawn from this example is expected to continue to show that same trend.

I have pulled the most recent adjoining sale which is 11713 Kinross Court that sold on May 16, 2023 for \$675,000, for this 2,939 s.f. home with 5 Br, 2.5 BA, 2 car garage built in 2003, or \$229.67. This sale was noted above as having sold in 2019 for \$330,000. The significant increase is partly due to the rapid increases in the market over that time period, but also due to including stainless steel appliances and granite counters. The listing indicated it was a quiet neighborhood backing up to a wooded area with lots of privacy. This home is 135 feet from the active areas of Soil Supply.

I have compared this home to 11711 Kennon Ridge Lane that sold on September 7, 2023 for \$675,000 for this 2,846 s.f. home with 5 BR, 2.5 BA, 2 car garage built in 1999, or \$237.18 per s.f. This is a good comparable as it is also noted as having recent renovations including a chef's kitchen with quartz counters. Adjusting the property downward by 3.3% based on the most recent data trend for the area to account for the appreciation over this additional quarter due to data from the FHFA HPI, the adjusted price is \$652,725, or \$229.35 per s.f. which is almost identical to the sale adjoining the Soil Supply. This strongly supports a finding of no impact adjoining the Soil Supply at 135 feet.

### Comparable LCID #6 – Dirt Money, LLC

The fourth location is at 207 Wooten Farm Road, Statesville, which is on a 33-acre tract as shown below and approved in 2019. This property is owned by Dirt Money, LLC and includes both an LCID and a sawmill, which makes it similar to the proposed project. The closest adjoining home is 125 feet and the average distance is 442 feet.

#### Adjoining Use Breakdown

	Acreage	Parcels
Residential	16.40%	71.43%
Agri/Res	83.60%	28.57%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



The home identified across the street sold along with two adjoining vacant parcels on February 26, 2021 for \$400,000. The three lots together comprise 8.57 acres. The home is a 5 BR, 5 BA, dwelling built in 1981 with 4,024 square feet of living area in a ranch with a partial basement. It includes a detached garage and a pool. The purchase price works out to be \$99.40 per square foot.

I have compared this to 147 Hunters Ridge Lane that sold on September 9, 2020 for \$432,000 for a 4 BR, 3 BA dwelling built in 2000 with a gross living area of 4,292 square feet in a ranch on 4.12 acres. Adjusting the purchase price upward by \$30,000 per lot for the two smaller lots that came with the subject property parcel, the adjusted purchase price is \$482,000 for this home. The adjusted purchase price works out to be \$112.30 per square

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foot. Adjusting this price downward by 9% for difference in year built, I derive an adjusted indication of value of \$102.19 per square foot. This is similar to the property across from the LCID.

This is something of a weak comparison as it is difficult to assign a good paired sales analysis on such a unique property where it includes additional lots, a pool, and is significantly larger than most of the comparables. I consider this supporting of the other paired sales, but not a strong paired sale in and of itself.

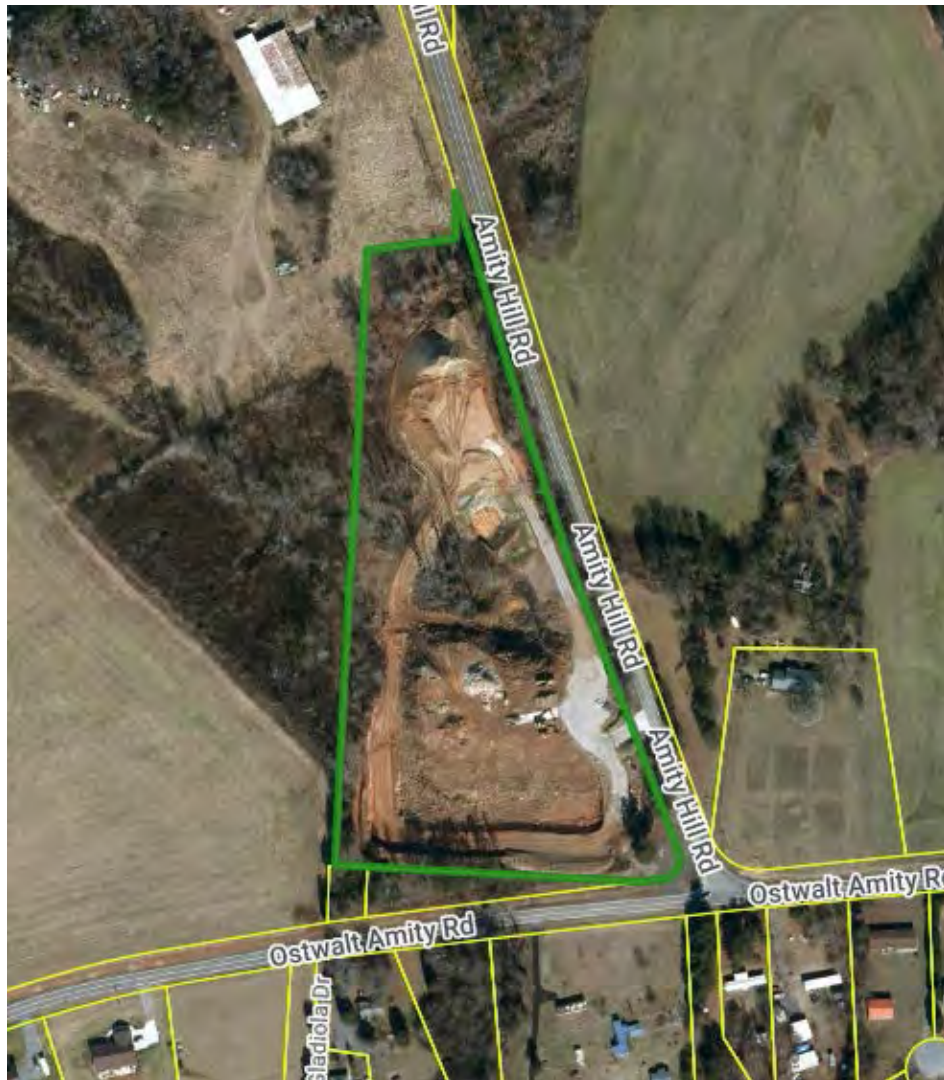
### Comparable LCID #7 – Amity Hill Landfill

I also considered an LCID located on Oswalt Amity Hill Road that is also owned by an LLC owned by Dr. Mills. This is a 9.83-acre tract with 2.76 acres permitted as an LCID along the southern boundary and it also was approved for a trench air curtain burner.

The closest home is 250 feet away and located on Parcel 7 shown below. The other adjoining homes are 305 to 350 feet from the active area.

#### Adjoining Use Breakdown

	Acreage	Parcels
Residential	3.00%	75.00%
Agri/Res	97.00%	25.00%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



I did not identify any recent adjoining home sales, but this shows a similar proximity to housing as what is proposed for the subject property.



### Comparable LCID #8 – Mills Landfill

The next location is at 327 Barfield Road, Mooresville, which is on a 43-acre tract as shown below. This property is owned by Dr. Bradley Mills and includes both an LCID and a sawmill, which makes it the most similar to the proposed project.

I did not identify any adjoining sales, but the following breakdown of uses shows consistency with nearby residential uses.

#### Adjoining Use Breakdown

	Acreage	Parcels
Residential	3.65%	33.33%
Agricultural	56.76%	33.33%
Agri/Res	39.59%	33.33%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>



The closest home is 110 feet with the average distance being 383 feet.

The home located at 180 Barfield Road sold on June 10, 2022 for \$900,000 for a 4,953 s.f. partial brick ranch home built in 1998 and remodelled in 2008 with 3 BR/4.5 BA with an



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attached 2-car garage and detached 3-car garage along with an above ground pool on 5.47 acres. Of the total living area 1,871 s.f. of that area is in a finished basement. The purchase price works out to \$182 per square foot.

This home has a great many unique features which makes it a poor candidate for paired sales analysis, but it does show a high end home that is located in proximity to the LCID. I measured 2,080 feet from the home to the closest point at the landfill.

I also identified a sale to the south at 215 Sparta Drive that sold on September 18, 2023 for \$599,000 for a 3,276 s.f. home with 4 BR, 3.5 BA, 3 car garage built in 2005 on 4.41 acres. This home is about 900 feet to the south of the LCID. I did not attempt a paired sales analysis given the distance though other homes along Sparta Drive are selling at prices ranging from \$410,000 to \$685,000. The second closest sold home is at 207 Sparta Drive and it sold in June 14, 2021 for \$608,500 for a 4,182 s.f. 5 BR, 4 BA, 2 Half Bath, 2 car garage, and pool built in 2005 on 4.86-acre lot. This home is about 950 feet from the LCID.

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**Comparable LCID #9 – Atwell LCID**

The next location is off Winthrow Creek Road at Triplett Road in Mooresville which is on a 27.65-acre tract as shown below. The closest adjoining home is 260 feet from the active LCID and the average distance is 643 feet.



Adjoining uses include a mix of residential and agricultural uses. There were no recent sales around this LCID for me to consider for analysis.

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**Comparable LCID #10 – Wallace Farm LCID**

The next location is 14410 Eastfield Road, Huntersville, NC in Mecklenburg County. This farm location includes soil, compost and mulch products and receives yard waste including wood and yard debris.



Adjoining uses are primarily residential uses that were developed adjoining this LCID. The Wallace Farm has been in this location since 1863. It was a dairy and poultry operation in the 1940s. The property has been selling compost over 50 years ago according to their website and has been expanded over the last 20 years. Since that time there are a number of residential subdivisions that have been developed around this LCID.

I've identified each subdivision by number in the map and below I site the name and date that the subdivision was started. In each case the subdivision was developed after the farm was established as a location selling compost. Home prices show a similar trend to the Soils Supply comparable where many homes back up to the active area and actually show higher priced homes backing up to this use in many cases.



#	Subdivision	Recorded	Recent Home \$		Closest Home to Active Area
			Low	High	
1	Eastfield Farm	6/4/2021	\$475,000	\$640,000	380
2	Skybrook	9/21/2005	\$475,000	\$950,000	510
3	Northridge Village	12/4/2000	\$325,000	\$480,000	575
4	Hidden Meadow Village	9/8/2000	\$320,000	\$400,000	155
5	Meadowmont	2/20/2001	\$250,000	\$375,000	100
6	Parkway Oaks	2/17/2006	\$400,000	\$500,000	100
7	Highland Meadows	2/21/2002	\$280,000	\$350,000	120

I have focused on the closest most recent sales in Parkway Oaks as there are a number of examples there and those homes are directly adjoining and close. While there are other recent sales in these subdivisions, there are 3 home sales in 2023 in Parkway Oaks that directly adjoin the LCID active areas and 1 home sale in in 2023 in Highland Meadows. I have focused on these four sales. A map from the GIS showing 2023 sales in the area is shown below.



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First I looked at 14027 Acorn Creek Lane that sold on July 11, 2023 for \$427,000 for this 2,259 s.f. home with 3 BR, 2 BA, 2 car garage built in 2006, or \$189.02 per s.f. This home is 100 feet from the active area of the LCID as can be seen in the map below.

I have compared this home sale to 14020 Acorn Creek Lane in the same subdivision that sold on June 14, 2023 for \$435,900 for this 2,314 s.f. home with 3 BR, 2 BA, 2 car garage built in 2006, or \$188.38 per s.f. This home is located across the street as shown in the map below and sold for essentially the same price per square foot (slightly less) than the home that backed up to the active LCID area.



Next I looked at 14019 Acorn Creek Lane that sold on October 25, 2023 for \$500,000 for this 3,398 s.f. home with 5 BR, 3 BA, 2 car garage built in 2006, or \$147.15 per s.f. This home is 100 feet from the active area of the LCID as can be seen in the map below.

I have compared this home sale to 4409 Squirrel Trail Lane in the same subdivision that sold on October 20, 2023 for \$457,000 for this 3,318 s.f. home with 3 BR, 2 BA, 2 car garage built in 2006, or \$137.73 per s.f. This home is located closer to Highland Creek Parkway and sold for 6% less than the property backing up to the LCID. This may be related to closer proximity to Highland Creek Parkway, but certainly does not show a negative impact for adjacency to the LCID.



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Next I looked at 13927 Acorn Creek Lane that sold on August 21, 2023 for \$530,000 for this 3,537 s.f. home with 5 BR, 3 BA, 2 car garage, built in 2007, or \$149.84 per s.f. This home is 100 feet from the active area of the LCID as can be seen in the map above.

I have compared this home sale to 4409 Squirrel Trail Lane in the same subdivision that sold on October 20, 2023 for \$457,000 for this 3,318 s.f. home with 3 BR, 2 BA, 2 car garage built in 2006, or \$137.73 per s.f. This home is located closer to Highland Creek Parkway and sold for 6% less than the property backing up to the LCID. This may be related to closer proximity to Highland Creek Parkway, but certainly does not show a negative impact for adjacency to the LCID.

Finally, I looked at 14116 Bernardy Lane that sold on May 4, 2023 for \$355,000 for this 1,475 s.f. home with 3 BR, 2.5 BA, single car garage built in 2004, or \$240.68 per s.f. This home is 140 feet from the active areas of the LCID. The map showing this home and the comparable on Sobeck Lane follows below.

I have compared this home sale to 14017 Sobeck Lane in the same subdivision that sold on August 18, 2021 for \$282,000 for this 1,494 s.f. home with 3 BR, 2.5 BA, single car garage built in 2003, or \$188.76 per s.f. This sale occurred during the rapid runups in 2021/2022 and requires significant adjustment for time. I have relied on the Federal Housing Finance Agency House Price Index for the Charlotte area over that time period as shown in the chart below. It supports adjusting this sale up to \$343,000, or 1,494 s.f., or \$229.59 per s.f. This supports a finding of no impact on property value due to adjacency to the LCID.



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## **Specific Factors on Harmony of Use**

I have completed a number of Impact Studies and I have found that the most common areas for impact on adjoining values typically follow the following hierarchy with descending levels of potential impact. I will discuss each of these categories and how they relate to the subject property.

1. Hazardous material
2. Odor
3. Noise
4. Traffic
5. Stigma
6. Appearance

### **1. Hazardous material**

The proposed LCID presents no potential hazardous waste byproduct to the environment as part of normal operation. I consider this to be a non-factor for the impact analysis.

### **2. Odor**

The project as presented has no specific concerns related to odor and is therefore a non-factor in this impact analysis.

### **3. Noise**

The subject property is located in a rural location with significant distance between the active site and adjoining residential uses. The activity on site will be limited to daylight hours and the noise will be consistent with other agricultural uses. The LCID is being placed between an existing LCID and outdoor storage. I therefore see no basis for an impact due to noise.

### **4. Traffic**

The traffic generation on the site by these uses will be low and not a likely impact on adjoining uses.

### **5. Stigma**

There is no stigma associated with the proposed use.

### **6. Appearance**

The project will be in harmony with the surrounding area in terms of appearance and is consistent with the adjoining uses.

### **7. Conclusion**

On the basis of the factors described above, it is my professional opinion that the proposed project will be in harmony with the area in which it is to be developed and have no negative impact on adjoining property values.



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## **Conclusion**

The proposed use is a typical use for this type of location as shown by the other LCID uses and by the existing use at the subject property.

More active uses such as at Soil Supply are showing no impact on property value and no deterrence to development adjoining them.

I conclude that the proposed use is in harmony and will not have a negative impact on the adjoining property values.

If you have any further questions please call me any time.

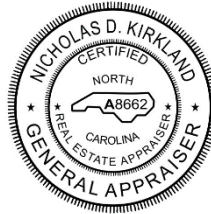
Sincerely,



Richard C. Kirkland, Jr., MAI  
State Certified General Appraiser



Nicholas D. Kirkland  
State Certified General Appraiser



### **Certification**

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct;
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved;
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results;
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal;
7. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute;
8. The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
10. Richard C. Kirkland Jr. has not made a personal inspection of the property that is the subject of this report.
11. No one provided significant real property appraisal assistance to the person signing this certification.
12. As of the date of this report I have completed the requirements of the continuing education program of the Appraisal Institute;
13. I have not appraised or completed any appraisal related work related to this property within the three years prior to engagement of this assignment. I provided earlier analysis on related properties for the LCID permits to the south.

Disclosure of the contents of this appraisal report is governed by the bylaws and regulations of the Appraisal Institute and the National Association of Realtors. Neither all nor any part of the contents of this appraisal report shall be disseminated to the public through advertising media, public relations media, news media, or any other public means of communications without the prior written consent and approval of the undersigned.



Richard C. Kirkland, Jr., MAI  
State Certified General Appraiser



Mr. Hollomon  
July 26, 2024

### ***Certification***

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct;
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved;
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results;
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal;
7. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute;
8. The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
10. Nicholas D. Kirkland has not made a personal inspection of the property that is the subject of this report;
11. No one provided significant real property appraisal assistance to the person signing this certification.
12. As of the date of this report I have completed the requirements of the continuing education program of the Appraisal Institute;
13. I have not appraised or completed any appraisal related work related to this property within the three years prior to engagement of this assignment. I provided earlier analysis on related properties for the LCID permits to the south.

Disclosure of the contents of this appraisal report is governed by the bylaws and regulations of the Appraisal Institute and the National Association of Realtors. Neither all nor any part of the contents of this appraisal report shall be disseminated to the public through advertising media, public relations media, news media, or any other public means of communications without the prior written consent and approval of the undersigned.

*Nicholas D. Kirkland*

Nicholas D. Kirkland  
State Certified General Appraiser

