

**PRESS RELEASE
FOR IMMEDIATE RELEASE**

August 28, 2026



Village of Clemmons Explains Review Process and Legal Authority for Proposed Industrial Development

CLEMMONS, NC —The Village of Clemmons has received numerous inquiries from residents regarding a proposed hot mix asphalt plant at 6010 Gun Club Road (the “Subject Property”) and is issuing this statement to explain its legal authority and responsibilities regarding the proposed use. In addition, on August 25, 2026, counsel for Maymead Materials submitted a letter to Mayor Rogers and the Village Council regarding the public’s comments to the Village Council opposing the proposed use.¹ The Village wishes to clarify certain matters referenced in that letter and to ensure the public understands the Village’s legal obligations and the limits on the Village’s regulatory authority. Village leadership is committed to providing the public with accurate information about the zoning history of the Subject Property, the applicable legal framework, and the limits on the Village’s authority to prohibit uses that comply with existing ordinances.

Summary

This statement is intended to provide residents with transparent information about a proposed hot mix asphalt and concrete plant at the Subject Property and to clarify the Village’s legal authority and responsibilities under North Carolina law.

Key Points:

- **Proposed Use:** Maymead Materials has identified the Subject Property as a potential site for an asphalt and concrete plant.
- **Zoning History:** The Subject Property has been zoned for industrial use since at least 1995, first under Forsyth County’s General Industrial (I-3) district and later under the Village’s General Industrial zoning district following annexation in 1997.
- **Current Zoning Status:** Under the Village’s current Unified Development Ordinance (the “UDO”), asphalt and concrete plants are classified as a “by-right” use in the General Industrial zoning district, meaning that if an applicant complies with all applicable development standards and regulations, the Village is required to issue the necessary permits.

¹ A copy of the referenced letter is attached as Attachment A.

- **Legal Constraints:** North Carolina law significantly limits the Village’s authority to prohibit by-right uses or to amend zoning regulations to reduce permitted uses without written consent of affected property owners. The Village cannot legally “block” a project that complies with all applicable ordinance requirements. Due to the by-right nature of the use, the Village Council will not have an opportunity to either approve or deny the project.
- **Village’s Role:** The Village’s responsibility is to apply its ordinances and state law evenhandedly, review submitted materials impartially and enforce all applicable development standards designed to minimize adverse impacts on surrounding properties. The Village neither supports nor opposes the proposed project.
- **Community Input:** The Village acknowledges residents’ concerns about potential impacts on traffic, air quality, noise, dust, environmental conditions, and property values, and encourages interested parties to participate in any public hearing or review process required for the development application. However, it should be noted that, due to the proposed use’s by-right status, there will be no public hearings before the Village Council; but the public is welcome to continue to use the public comment periods to express their concerns.

Zoning History of 6010 Gun Club Road

The Subject Property is located within an area that was annexed into the Village of Clemmons in 1997. The Subject Property has been zoned for industrial use since at least 1995. At that time, the Subject Property was located within Forsyth County’s jurisdiction and was classified in the County’s General Industrial (I-3) zoning district. Under the I-3 district regulations in effect at that time, “manufacturing or processing” uses—including the fabrication or manufacture of products or materials from various substances—were permitted principal uses. Many nearby properties were zoned for residential use as of 1995 as well. The Forsyth County Historical Imagery Viewer² reflects that some industrial uses were already in place by the 1970s, including on the parcel directly to the south.

When the Village of Clemmons incorporated in 1986 and adopted its own zoning regulations, the Subject Property retained its industrial zoning classification and was incorporated into the Village’s industrial zoning district classification. Under the UDO, the Subject Property is zoned General Industrial, and Asphalt and Concrete Plant use is classified as a “by-right” use in the General Industrial zoning district. As explained below, this means that if an applicant complies with all applicable development standards and regulations, the Village is required to issue the necessary permits.

Maymead’s August 25, 2026, letter referenced decisions made by prior Village Councils regarding the zoning of the Subject Property and the allowance of asphalt plants in industrial districts as a use permitted by-right. While the current Village Council is not bound by policy preferences expressed by prior Councils, it is generally bound by the ordinances those Councils enacted.

The Village’s Authority Under North Carolina Law

² The referenced aerial imagery can be viewed at this [Link](#).

The Village wishes to emphasize that it understands and acknowledges the concerns raised by neighboring and nearby property owners and residents regarding the proposed use. Residents have expressed concerns about potential impacts on traffic, air quality, noise, dust, environmental conditions, and property values. The Village takes these concerns seriously.

However, the Village's authority to deny or prohibit a proposed use is constrained by North Carolina law. The following legal principles, among others, govern the Village's decision-making authority:

Limitations on Prohibiting By-Right Uses

Under North Carolina law, local governments establish zoning districts and identify permitted uses through their zoning and development ordinances. The Village's UDO identifies asphalt and concrete plants as a by-right use in the General Industrial zoning district. A by-right designation does not exempt a project from review or applicable standards. It means that if the proposal satisfies all requirements imposed by the UDO and other applicable regulations, the Village generally may not deny the use based solely on opposition to the project.

The North Carolina General Statutes authorize local governments to adopt zoning regulations that control the use of buildings, structures, and land within their jurisdictions. These regulations may specify permitted uses, special uses, and prohibited uses for each zoning district. Once a local government has designated a particular use as permitted by-right in a zoning district, applicants who fully comply with all specified ordinance standards are generally entitled to proceed with that use.

In this case, Asphalt and Concrete Plant uses are permitted by-right in the General Industrial zoning district under the Village's UDO. That classification does not predetermine whether the specific proposal complies with every applicable requirement. The Village and other agencies must review the submitted materials and apply the governing standards impartially. If the applicant demonstrates compliance with all applicable development standards and requirements, North Carolina law constrains the Village's authority to prohibit the use. In other words, Village Council will not have an opportunity to either approve or deny the project.

Limitations on Down-Zoning and UDO Amendments

The Village acknowledges that community members have asked whether the Village Council can "block" the proposed asphalt and concrete plant. The Village's role is not to favor or oppose the proposed project, but to apply the law and its ordinances evenhandedly. North Carolina law authorizes local governments to amend zoning regulations and development ordinances through a

legislative process, but recent statutory changes significantly restrict a local government's ability to amend its ordinances in ways that reduce permitted uses on specific properties.

N.C. Gen. Stat. 160D-601(d) prohibits any amendment to zoning regulations or a zoning map that "down-zones" property without the written consent of all affected property owners. Under this statute, "down-zoning" is defined to include a reduction in the permitted uses of land specified in a zoning ordinance or land development regulation to fewer uses than were allowed under the previous regulations.

Accordingly, the Village may not amend its UDO to remove asphalt and concrete plants from the list of permitted uses allowed in the General Industrial zoning district, or otherwise reduce the uses permitted on the Subject Property, unless the requirements of N.C. Gen. Stat. 160D-601(d), including written consent by the property owner, are satisfied. This statutory limitation applies independently of public opposition and does not reflect a policy judgment by the Village for or against the proposed project.

The Village's Commitment to the Community

The Village of Clemmons recognizes the concerns of residents and neighboring and nearby property owners regarding the potential impacts of industrial development. Acknowledging and considering those concerns does not mean that the Village supports or opposes the proposed project. The Village remains committed to reviewing the proposal impartially and enforcing all applicable standards in the UDO and other regulations designed to minimize adverse impacts on surrounding properties. While there will be no public hearings before the Village Council as part of this review process, the Village encourages interested parties to participate in any public meetings held by the County. Community input can help identify relevant facts and issues and remains an important aspect of the broader land use planning and development review process.

The Village will continue to provide updates as the application process proceeds and will ensure that all applicable legal requirements and procedural protections are followed. Throughout this review process, the Village will apply its standards and regulations fairly, consistently, and without favoring or opposing the proposed project.



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August 25, 2026

The Honorable Michael Rogers
Mayor, Village of Clemmons
3715 Clemmons Road
Clemmons, NC 27012
By US Mail and Email: mrogers@clemmons.org

Re: Proposed Asphalt Plant Air Quality Permit

Dear Mayor Rogers,

We have become aware of significant public interest in and misunderstandings about the air quality permit Maymead Materials has requested from Forsyth County. We write to provide accurate information and relevant history for you, the Village Council, and Village staff so that you can adequately inform citizens who inquire or comment about the legal processes that this potential facility has already been through.

As relevant history, citizens seem not to be aware that the Village Council, with the input of its professional staff and citizens, decided that the property at 6010 Gun Club Road is best suited for industrial use.

Further, when the Village Council adopted its current Unified Development Ordinance with substantial staff and community involvement and input, it determined that asphalt plants should be allowed by right in general industrial districts. In making this decision, the Village Council also adopted an ordinance finding that the UDO and its contents were consistent with the Village's comprehensive plan. Some of the emails Maymead has received suggest the senders believe you have not yet made these decisions.

It also appears that some citizens do not appear to realize that Maymead is not seeking an air quality permit in opposition to the Village's policies and ordinances. Rather, its air quality permit is fully consistent with decisions, ordinances, and policies the Village Council adopted after public hearings.

A Pennsylvania Limited Liability Partnership

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Asphalt plants are both common land uses and necessary to a community's growth. The Village itself has purchased asphalt from local plants each time it has repaired a road or built a parking lot. Ninety-five percent of asphalt is comprised of rock from local quarries.

The EPA and NCDEQ have adopted stringent air quality standards for a variety of uses, including the cars that we drive. These standards are based on and affirmed by numerous scientific studies. With respect to asphalt plants, applications for air quality permits are reviewed by engineers and trained professionals to ensure all scientifically established regulatory standards will be met.

An air quality permit issued by NCDEQ represents a determination that the plant will operate according to standards established by the State of North Carolina. This determination creates a legal presumption that the plant will operate at levels acceptable to public health.

If you or the Village Council wish to have more information, please let us know.

Fox Rothschild LLP

A handwritten signature in black ink, appearing to read "L Matthews".

La-Deidre D. Matthews

A handwritten signature in black ink, appearing to read "E. Terrell".

Thomas E. Terrell, Jr.

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