

## Randolph County Commissioners Minutes

October 3, 2005

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Holmes, Lanier, Frye, Davis and Kemp were present. Rev. Randy Kelley, Parks Crossroads Christian Church, gave the invocation and everyone recited the Pledge of Allegiance.

### Special Invitation

Seagrove Mayor Mike Walker invited everyone to the open house of the new Seagrove Public Library to be held on October 15, 2005 from 4-6 p.m.

### Public Comment Period

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment.

**Butch Coltrane** of Randleman said that he is still pursuing the closing of Wall Brothers Road because there continue to be problems with illegal dumping of trash and tires, etc. He doesn't understand DOT's refusal to close the road due to its being a thru road. He asked if the County Commissioners could have a public hearing on the possible closing. County Attorney Alan Pugh said that the County Commissioners can choose to have a public hearing on anything. Aimee Scotton, Associate County Attorney, said that she has talked with Jeff Picklesimer, DOT District Engineer, who said that according to North Carolina General Statutes, only DOT could close a state road.

**Phil Wall** said that Wall Brothers Road continues to be more and more of a nuisance because of all the illegal dumping. He said that he would appreciate anything that the Commissioners could do.

**Tammy Harrison**, Cooperative Extension 4H employee, reminded everyone that this is National 4H Week and thanked the Board for their support. She said that they are working on Katrina relief efforts with Victory Junction on October 6 from 4-7.

### Additions to the Agenda

Chairman Holmes announced that Item H. Appoint Ann Hoover to the Aging Service Planning Committee had been added to the Consent Agenda.

### Consent Agenda

*On motion of Frye, seconded by Davis, the Board voted unanimously to approve the Consent Agenda, as follows:*

- *approve regular and 4 sets of closed session minutes from 9/6/05 meeting & 3 sets of minutes from 9/22/05 special meetings and 1 set of closed session minutes from 9/22/05 meeting;*
- *reappoint Ron Fay, David Caughron and Mary Joan Pugh to Tourism Development Authority and designate Mary Joan Pugh as Vice Chair;*
- *reappoint Frank Willis, Alice Dawson and Jane Leonard to Public Facilities Corporation;*
- *approve DOT resolution adding Riveroaks Drive to State Roads System, as follows*

*WHEREAS, the Department of Transportation has investigated Riveroaks Drive in the Riveroaks Subdivision; and*

*WHEREAS, the subject street has been found to meet minimum requirements for addition.*

*NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that Riveroaks Drive in the Riveroaks Subdivision be added to the Division of Highways' Secondary Road System.*

- *appoint Sherri Trotter (replacing Cindy Schroder-Co. Schools) and Lisa Royal (replacing Bill McCaskill-DSS) to Juvenile Crime Prevention Council;*
- *appoint Jim Pell, Tom Frazier—East Side; Benny Beck, Dale Needham—Coleridge; Roger King, Steven Hughes—Farmer; Kyle Dixon, Johnny Hicks—Franklinville; Tony Turner, Mike Bradshaw—Guil-Rand; David Davis, Kenneth Adams—Level Cross; Larry Williams, William Flowe, Jr.—Northeast (Liberty); Darrell Voncannon, Jack McKenzie—Seagrove; Donald Allred, Edwin Beeson—Sophia; Troy Powell, Wiley Hurley—Southwest (New Hope); Yancy King, Terry Williams—Staley; Darrell Owenby, Jesse Wilson—Tabernacle; J. C. Leonard, Melissa Blalock—Tiger Country; Alvin Dorsett, Ted Scott—Ulah; Brian Hedgepeth, Derrick Lyndon—Westside to the Firemen’s Relief Fund Board of Trustees.*
- *adopt 4H proclamation, as follows:*

*WHEREAS, 4-H is a community of young people across America who are learning leadership, citizenship and life skills; and,*

*WHEREAS, 4-H is one of the largest youth organizations in North Carolina, with nearly 6.6 million youth involved in 4-H worldwide; and,*

*WHEREAS, 4-H in North Carolina claims 195,000 youth members and 30,000 adult volunteers, while Randolph County’s 4-H program numbers over 3500 members and over 300 volunteers; and,*

*WHEREAS, 4-H, as part of North Carolina Cooperative Extension, is a program where youth learn together in all kinds of projects, events and activities; and,*

*WHEREAS, 4-H has been helping youth and adults learn, grow and work together for more than one hundred years.*

*NOW, THEREFORE, the Randolph County Board of Commissioners, does hereby proclaim October 2-8, 2005 as National 4-H Week in Randolph County and urges the people of this community to take advantage of the opportunity to become more aware of this special program which gives youth the chance to learn together and on their own as part of Randolph County 4-H and to join us in recognizing the unique partnership between our county and our University System.*

- *appoint Ann Hoover To Aging Services Planning Committee*

### **Sandhills Center Merger Update**

Michael Watson, Chief Executive Officer, Sandhills Center, thanked Commissioners Frye and Holmes for serving on the Consolidated Mental Health Board. He said that Sandhills is in the process of closing out Fiscal Year 04-05 and that they were \$55,000 ahead. He mentioned that there was an increase of \$500,000 for insurance. He reminded the Board that Sandhills had recently taken in Lee and Harnett Counties and the transition is going smoothly. He said that Randolph County Services are going well under the leadership of Bonita Porter, Randolph Director, and Dr. Ann Suggs, Board member.

Mr. Watson stressed that he is deeply concerned with the state’s proposal to cut \$28 million from local area programs. This would equate to about \$1½ - 2 million from the Sandhills program. A significant cut such as this would greatly affect Sandhills’ ability to manage and operate programs and would force local management to aggregate programs. He said that this proposal is a violation of the agreement between the state and local governments and he asked for the Board’s support in fighting the state on this. He asked Board members to contact the governor, legislators and the North Carolina Association of County Commissioners to seek their help.

### **Annual Report from Child Fatality Review/Community Child Protection Team**

Martha Sheriff, County Social Services Dept. Director, gave an annual report of the Combined Child Fatality Prevention Team and Community Child Protection Team in accordance with NCGS 143-576.1(a)(2). The purpose of this team is to review child deaths and make recommendations for systems improvements that may help prevent child fatalities in Randolph County. She stated that the teams

reviewed 19 child deaths during the past year (July, 2004 – June, 2005). The Child Fatality Prevention Team did one intensive review that highlighted ways the review team could improve communication between agencies involved with children. Recommendations were released as part of the results of the intensive review. The Community Child Protection Team reviewed 9 total cases. A number of recommendations were made as a result of these reviews.

### **Request for Increase in Flu Vaccine Fee**

Susan Hayes, Assistant Health Director, said that the first shipment of influenza vaccine has arrived at the Health Department. After adding the cost of shipping and additional supplies (syringes, etc.) they have found that the fee charged from last year is not adequate to cover the costs. She asked that the Board increase the cost for flu vaccine from \$10.00 to \$12.00.

*On motion of Kemp, seconded by Davis, the Board voted unanimously to approve increasing the fee for flu vaccine from \$10.00 to \$12.00.*

### **Amendment of Central Permitting Ordinance for Civil Penalties**

Aimee Scotton, Associate County Attorney, said that many of Randolph County's ordinances have provisions allowing for both criminal and civil enforcement. Currently, our Central Permitting Ordinance does not specify any mechanism for enforcement, making violations enforceable as a misdemeanor or infraction as provided by North Carolina General Statute §14-4. This statute specifically provides that no fine imposed for a violation of the ordinance can exceed \$50 unless the ordinance expressly states that the maximum fine is greater than \$50. Our ordinance currently makes no statement as to a maximum fine amount. While violations are not commonplace, they do occur and are often costly to correct. This means that it is often difficult to bring the offending party into compliance given the current method of enforcement. In order to remedy this problem, she presented a proposal to spell out the criminal provisions and to add civil remedies for enforcement. The following are proposed changes to the existing ordinance:

- Under Definitions, Administrative Officer was added. Since permits are issued by several different departments, this will give each department head the authority to initiate enforcement of this ordinance:

*H. Administrative Officer: The administrative department head charged with managing those departments that issue permits, including but not limited to the Director of Inspections, the Zoning Administrator, the Director of Public Health, and the County Fire Marshal*

- Several Article Headings were added/changed to better reflect the content of the sections that fall under them.
- Under Article F, *Section 2. Enforcement* was added to spell out the criminal penalties set out by state law and to add a civil enforcement remedy. The civil enforcement section mirrors that section contained in the Randolph County Unified Development Ordinance with a few changes particular to central permitting, specifically the inclusion of contractors, etc. as possible defendants. This addition is as follows:

#### **A. Criminal Penalties:**

*Any person, firm or corporation who violates any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$500 dollars per each day of violation. Each day that a violation continues to exist shall be considered a*

*separate offense, provided the violation is not corrected within thirty (30) days after notice of the violation has been given.*

**B. Civil Penalties:**

- 1. The Administrative Officer, upon his determination that a violation of the Ordinance has taken place, shall send a notice of violation to the property owner, and if appropriate, the contractor, builder, and/or installer, at his last known address by certified mail and shall simultaneously post said notice to the property. Said notice of violation shall set forth and shall set out what action the property owner should take to come into compliance within thirty (30) days of certified mailing and posting. If the violation continues or is not corrected within thirty (30) days, the Administrative Officer shall initiate proceedings for enforcement.*
- 2. Violation of this Ordinance is a separate violation each day of its continuance. The Administrative Officer is empowered to assess up to a \$500.00 per day penalty for such violations beginning on the 31<sup>st</sup> day after the mailing and posting and accruing at the rate of up to \$500.00 per day each day thereafter.*
- 3. The County may seek enforcement of this Ordinance and the collection of the assessed penalties in the nature of a debt and may apply for equitable relief through injunction, an order of abatement, or other equitable remedy in a civil action against the property owner, contractor, builder, installer, or any combination of the foregoing before the General Court of Justice on or after the 31<sup>st</sup> day following the mailing or posting of the notice referred to in (1) above, provided however, that if the Administrative Officer finds that a violation of this Ordinance exists and such violation(s) constitute an imminent threat or present danger to the health or safety of the general public and/or adjoining property owners, the County may immediately institute a civil action as referred to in (3) above without the mailing or posting of the notice referred to in (1) above. In such case, the penalty set out in (2) above shall not be assessed until the 31<sup>st</sup> day following service of civil process upon the alleged violator.*
- 4. The County adopts all the authority and remedies available to it as set out and authorized by the State of North Carolina as set out in North Carolina General Statutes 153A-123 and 153A-324 to enforce this and all of its Ordinances.*

*On motion of Frye, seconded by Kemp, the Board voted unanimously to amend the Central Permitting Ordinance, as proposed.*

**Approval of Change to Mileage Reimbursement for County Employees**

Will Massie, Deputy Finance Officer, reminded the Board that at their September 6, 2005 meeting, the Board increased the County's mileage reimbursement rate for employees using their personal vehicle for County business to 45¢ per mile. The Board agreed to review the status of the mileage adjustment at the October meeting. On September 9, 2005, the Internal Revenue Service and Treasury Department announced an increase to the optional standard mileage rates for the final four months of 2005. The rate will increase to 48.5¢ a mile for all business miles driven between Sept. 1 and Dec. 31, 2005. This is an increase of 8¢ from the 40.5¢ rate in effect for the first eight months of 2005, as set forth in Rev. Proc. 2004-64. In recognition of recent gasoline price increases, the IRS made this special adjustment for the final months of 2005. The IRS normally updates the mileage rates once a year in the fall for the next calendar year. Since the IRS has adjusted its standard rate, Mr. Massie recommended that the Board follow the IRS approved mileage reimbursement rate of 48.5¢ per mile for the period October through December 2005.

*On motion of Kemp, seconded by Davis, the Board voted unanimously to amend the County's travel policy to state that the reimbursement rate will be the IRS-approved rate, effective October 1, 2005.*

### **Public Hearings Set**

*On motion of Frye, seconded by Davis, the Board voted unanimously to set the following public hearings for their November 7, 2005 meeting:*

*4:30 p.m. for Scattered Site Housing Grant Closeout*

*5:00 p.m. for a potential economic development project in Randolph County.*

### **Approval of Sale of Hopewell School Property to Guil-Rand Fire Dept.**

Aimee Scotton told the Board that the Guil-Rand Fire Protective Association (Guil-Rand) recently approached the Randolph County Board of Education requesting to purchase 2 acres of the Hopewell School property. That property, however, is currently owned by Randolph County. The County purchased it from the Board of Education in order to secure financing under the 2000 COPS deal. In fact, that property is part of the collateral securing the Deed of Trust in the 2000 COPS. Subsequent conversations with Board of Education Attorney Bob Wilhoit, County Manager Frank Willis, Bond Attorney Ed Lucas, Emergency Services Director Neil Allen, and Guil-Rand Fire Chief Larry Brower have yielded the following results. Guil-Rand wishes to purchase 2 acres of the Hopewell School property from Randolph County for the amount that the County paid for the property when we purchased it from the Board of Education. The County purchased the 72.424 acres Hopewell School property for \$526,121.56. Prorating this amount, the price for 2 acres is \$14,528.93. In addition, bond attorney fees for securing the release of the 2-acre tract from the 2000 COPS Deed of Trust will run approximately \$2,000. Guil-Rand agrees to be responsible for this cost as well, along with accepting responsibility for the cost of surveying the 2 acres for the purposes of generating a deed description and for the closing costs to complete the transaction. North Carolina General Statute 160A-277 allows the County to convey property to a fire department upon such terms and conditions as it deems wise, so there is no legal problem with selling this property. With the Board's approval today, Ms. Scotton said that she would immediately begin pursuing the release of the 2-acre tract from the 2000 COPS Deed of Trust with the bond attorney. In order to fulfill the procedural requirements of 160A-277, she would publish a notice of intent to approve this sale (10 days' public notice) before the next commissioners' meeting. At that meeting, this Board, by resolution, could approve the transaction, and the sale of the property could then take place.

**John Cable**, Vice President of Guil-Rand Board of Directors, answered questions from the Commissioners concerning Guil-Rand's boundary lines and those of Fairgrove Fire District. He also explained why the Hopewell School acreage is the most suitable site on which to build their next fire station.

*On motion of Frye, seconded by Davis, the Board voted unanimously to consider allowing Guil-Rand Fire Department to purchase 2 acres of the Hopewell School property and to publish notice of intent to approve this sale at least 10 days prior to the 11/7/05 County Commissioners meeting.*

The Board recessed until 6:30 p.m., at which time Chairman Holmes opened a duly advertised public hearing on a proposed amendment to the County Zoning Ordinance.

### **Public Hearing on a Proposed Amendment to the County Zoning Ordinance Regarding Birkhead Wilderness/Uwharrie Forest**

Hal Johnson, County Planning Director, reminded the Board that on June 6, 2005, the Board of Commissioners asked that the Planning Department study current County zoning/growth management regulations to determine if these regulations were adequate in the environmentally sensitive area of southern Randolph County that adjoins the Birkhead Wilderness/Uwharrie Forest and placed a 90-day moratorium on development in this area. The Commissioners also requested that a special Community Information Meeting be held to solicit comments from property owners within the study area, which includes those properties that lie within the borders of High Pine Church Road, Lassiter Mill Road, and the Betty McGee Creek. The study area includes approximately 20 square miles and 212 individual property owners. He also reminded the Board that the County had received an application for a residential subdivision located within the Birkhead Wilderness/Uwharrie Forest area that would have included 54 lots on 327 acres. There were numerous concerns regarding this application expressed at the public meetings relative to density and compatibility with the National Forest and Wilderness Area. Therefore, in order to maintain the rural/low-density character of this area, the Planning Department staff drafted a plan that recommends increasing what the County already has in place (minimum of 3 acres) in subdivisions. A new lot size of 10 acres is proposed in 3 new types of subdivisions: Natural Heritage Subdivisions (Overlay District), Natural Heritage Cluster Subdivision (Overlay District) and a Family Subdivision. The new Family Subdivision is designed to provide greater flexibility for long-time property owners to divide land among immediate family members that will help maintain the continuance and heritage of rural family lands. On August 25, 2005 approximately 60 landowners from within the study area (over 200 were invited) attended an informal Community Information Meeting. All were given copies of the draft plan. Most supported the concept of low-density development that would be based on one residence per ten acres within the study area. They understood that, if approved, new developments that met these standards could be expected in this area. Much support was expressed for the new special Family Subdivision rules being proposed for this area. However, several citizens felt these rules needed to be better defined to prevent abuse. The Randolph County Planning Board considered the revisions at a special meeting on 9/20/05. The Planning Board voted to forward the proposed plan to the County Commissioners without any recommendations. They did ask that the County Commissioners

- Carefully consider the designated area for the plan to be applied and why the area warrants these specialized regulations. The area should be thoroughly studied and focused in such a way so that it would not be expanded in the future.
- Carefully consider the density level. The 10-acre lot size may be too much; 6- or 7-acre lots may be more appropriate.
- Establish Family Subdivisions in such a way to prohibit abuse.

Mr. Johnson stated that there are no other wilderness areas in the Piedmont. This area has been designated as a wilderness because of its historical, ecological and environmental aspects. The average tract size in this area is 36.5 acres.

**Jon Megerian**, 649 Redding Rd., Asheboro, attorney, stated that most of the citizens he represents feel that the proposed plan is a compromise they can live with. He urged the Board to accept the recommendation of the Planning staff, stating that wilderness areas should not be surrounded by big subdivisions. He said the only people opposed to the proposed plan are the ones involved with the Terry Tucker subdivision request, which initiated this whole process.

**Bob Edwards**, 3618 High Pines Church Rd., stated that the Birkhead Wilderness is unique; there are no others like it. He said he is from the mountains, but he didn't retire there because of the population density and the cost of land there.

**Keith Crisco**, Asheboro, board member of the Central Piedmont Land Trust and the Uwharrie Lakes Project Board, said we need to focus on the heritage and natural beauty of this area. The Birkhead Wilderness and Uwharrie Forest are part of what makes Randolph County unique and attractive, and we must keep this environment.

**Dr. Bob Scott**, 2897 Fiddler's Creek Rd., said High Pine Church Road is designated as a Scenic Byway, one of a few in the state. He said he had talked with 80% of the property owners along the side of High Pine Church Road that is not included in the protected area, and they would like to be included. He spoke in support of the Family Subdivision, but felt that designated family members should be extended to nieces and nephews. He said the 35-foot buffer is not adequate. He distributed a spreadsheet showing that the proposed standards would enable the developer to make more money than the existing ones would. He said the Planning staff's recommendations are good because they are a compromise between the developer and the concerned citizens.

**Jerry Sykes**, 5500 Strieby Church Rd., supported the 10-acre minimum and urged the Board to consider the proposal.

**Tom Wright**, Greensboro, representative for Terry Tucker, said that the people in attendance were just opposed to the Tucker request. He voiced concerns about the size and boundaries of the proposed protected area. He said that no other county has acreage restrictions as extreme as the proposed 10-acre minimum. Burke County has a low-density conservation district that requires a 3.5-acre minimum. Mr. Wright stated that one 10-acre tract is worth less than two 5-acre tracts, which, in turn, is worth less than three 3-acre tracts. He also had concerns about the Family Subdivision proposal. He said that Mr. Tucker is asking that the Board not accept this proposal, as it is not good public policy.

**James Young**, 4252 High Pine Church Rd., opposed the 10-acre minimum because it would be harder to sell than smaller tracts, especially for the same amount of money. He said that Mr. Tucker had more than met all the County requirements, yet he had been "hung out to dry."

**Ron McKague**, 605 E. Cooksey Dr., said he has a problem with the 10-year ownership restriction for Family Subdivisions.

Chairman Holmes closed the public hearing, and the Board discussed the proposed plan.

Commissioner Lanier made a motion to adopt the plan as presented with the exception of an 8-acre tract minimum rather than 10. The motion died for lack of a second.

*On motion of Kemp, seconded by Frye, the Board voted 3-2, with Davis and Lanier opposing, to adopt the plan as presented with the following exceptions: 1) exclude the proposed Family Subdivision and 2) change minimum acreage from 10 to 6 acres. This plan becomes an amendment to the Randolph County Unified Development Ordinance by adding a new Section 6 to Article VII of Chapter II. Zoning, as follows:*

### **Section 6. Small Area Plans**

**Purpose and Uses Permitted.** *Small Area Plans are designed to identify special growth areas and determine whether appropriate tools are in place for managing future growth and development. A key component of these plans is the active involvement by local citizens in the planning of their communities, creating a sense of ownership in the process. The Small Area Plan, along with the Growth Management Plan acts as a foundation and guide for the Planning Board and Board of Commissioners in matters of*

land use. A Small Area Plan helps provide desired land uses and density in a specifically designated location. The permitted uses within a designated small area shall be the same as allowed within the underlying district unless otherwise permitted or prohibited on the Small Area Plan.

**Supplementary District Requirements.** Small Area Plans may include additional guidelines to the underlying zoning district, such as:

- A. *Development.* The specific development requirements of a particular Small Area Planning overlay district shall apply uniformly to all property within said district, as specified in the officially adopted Small Area Plan.
- B. *Preservation of Community Characteristics.* Unique characteristics, such as but not limited to, natural tree growth, forestry management, active farms, low density and housing types of the designated community in Randolph County will be specified in the Small Area Plan.

**Small Area Plan.** Before a Small Area Plan is established for a designated community, a Small Area Plan shall be prepared by the County Planning Department describing the permitted and prohibited uses, conditions, boundaries, and requirements for each proposed area.

A Small Area Plan from the County Planning Department shall be forwarded, with the recommendations of the Planning Board, to the Board of County Commissioners for approval.

**Adopted Plans.**

A. ***Birkhead Wilderness/Uwharrie Forest Small Area Plan***

**Intent.** The specific intent of the Birkhead Wilderness/Uwharrie Forest Small Area Plan is to establish guidelines for new development and rezoning requests within the designated Rural Growth Area of those properties that lie within the borders of High Pine Church Road, Lassiter Mill Road, and the Betty McGee Creek. This specific area consists of established land use patterns that include agricultural, farm operations, forestry management, and low-density residential development in private ownership that usually exceeds six acres. Development standards will allow residential subdivision development but will maintain the low-density residential land use in a manner that complements the unique character and heritage of the Birkhead Wilderness/Uwharrie Forest area.

Two types of major subdivisions called **Natural Heritage Subdivision** (Overlay District) and **Natural Heritage Cluster Subdivision** (Overlay District) are specifically designed to accomplish this intent.

To accomplish the objectives of the Birkhead Wilderness/Uwharrie Forest Small Area Plan, the following land use issues shall be considered:

1. *Ensure that residential development is consistent with the open character of the rural land uses by requiring either very low density residential development or the clustering of residential development in ways that are harmonious with the rural land uses and that preserve the general rural character of the area.*
2. *Base density of natural heritage residential developments shall not exceed the 6-acres minimum lot size requirements.*

3. *Require major residential subdivisions to have a mixture of lot sizes to avoid monotonous streetscapes in the existing community.*
4. *Provide for the continued practice of agriculture, farm operations, agriculturally related and home-based business, forestry management, low-density residential developments and other uses in a predominantly rural environment.*
5. *Allow for a broad range of rural economy uses, including traditional and new agricultural uses, agricultural services directly associated with ongoing agricultural activities, and low-impact, non-rural uses that can be developed in ways that are consistent with the rural character of the rural economy uses through mitigation or other standards.*
6. *Ensure that rural business uses are compatible with permitted residential development.*
7. *Recognize farms and woodlands as an integral part of the County's open space system.*
8. *Ensure that new development in the Small Area Plan is consistent with scenic byway preservation.*
9. *Preserve scenic views by minimizing major residential subdivision visibility from existing roads.*
10. *Ensure that new residential development is compatible with the rural forestry and farming operations in the area.*

***Residential Development Guidelines.***

<b><i>Minimum Development Standards for the Birkhead Wilderness/Uwharrie Forest Small Area Plan</i></b>	
<i>Minimum Lot Size Requirement</i>	<i>6 acres</i>
<i>Minimum Front Setback Requirement</i>	<i>50 ft.</i>
<i>Minimum Interior Side Setback Requirement</i>	<i>30 ft.</i>
<i>Minimum Rear Setback Requirement</i>	<i>50 ft.</i>
<i>Minimum Lot Width Requirement</i>	<i>200 ft.</i>

***Additional Development Requirements for Residential Overlay Districts within the Birkhead Wilderness/Uwharrie Forest Small Area Plan.***

- A. *Major residential subdivision developments must maintain a 100-ft. natural buffer along all existing state roads.*
- B. *All lots within major residential subdivisions shall be accessed by newly constructed roads meeting standards established by the County (private roads) or N.C.D.O.T. (public roads).*
- C. *Major residential subdivision tracts shall be restricted against further subdivision.*

- D. *Length of single-access driveways shall not be restricted.*
- E. *Two types of major subdivisions called **Natural Heritage Subdivision (Overlay District)** and **Natural Heritage Cluster Subdivision (Overlay District)** are hereby established:*
1. ***Natural Heritage Cluster Subdivision Overlay District.** Natural Heritage Cluster Subdivision Overlay Districts must maintain a base density of 1 residence per 6 acres with 50% open space. Lot sizes may be flexible with a minimum of 3 acres per residence within this district. Natural Heritage Cluster Subdivisions shall meet all other cluster/open space subdivision regulations as referenced in Article VII, Section 3(B) Cluster Subdivision Overlay Districts of this ordinance.*
  2. ***Natural Heritage Subdivision Overlay District.** A special **Natural Heritage Subdivision Overlay Option** is hereby established within this designated area to provide for low-density residential development in the Birkhead Wilderness/Uwharrie Forest Area. Housing characteristics will be designated Exclusive (NHOE), Restricted (NHOR), or Mixed (NHOM) in conformance with other major subdivision zoning districts.*

**Consideration of the Terry Tucker Rezoning Request**

**BOB LUCK**, Asheboro, North Carolina, is requesting that 327.38 acres located on High Pine Church Road, Union Township, be rezoned from RA to RLOE-CU. Rural Growth Area. Tax ID#s 7637653352, 7637553505, 7637642735, 7637350771, 7637233665, 7637536860, and 7637549314. The proposed Conditional Use Zoning District would specifically allow the development of a 54-lot residential rural lot subdivision for site-built homes only with a minimum house size of 2,000 heated sq. ft. Clayton Terry Tucker, R. Mark & Phyllis A. Hunt, and Emma P. Williams Heirs & Others - Property Owners. The Planning Board considered this request at public meeting on May 3, 2005, and recommended, by a vote of 5 to 1, that this request be denied for the following reasons: ● an unresolved issue about the access of the site, ● site plan not accurate (number of lots being asked to consider is not the same as the site plan provided to the Board), ● no buffers being presented, ● incompatible to the nature of area, ● inconsistent with growth plan/ordinance. The County Commissioners considered this request after public hearing on June 6, 2005 and voted to impose a 90-day moratorium on development in any rural growth area adjoining the Uwharrie Forest and directed the Planning staff to study and address the points of concern that had come up during the public hearing, to hold an advertised public meeting, and to bring the request back to the Commissioners for reconsideration.

**Bob Luck**, real estate broker representing Terry Tucker, stated that Mr. Tucker had bought 22 acres with 200 feet of road frontage from Mark Hunt that would provide access to the property. He said they already have a D.O.T. permit for the driveway.

**Jon Megerian** stated that nothing has changed since June regarding legal access.

**Bob Luck** said that Mr. Tucker is offering to make all lots a minimum of six acres.

*On motion of Kemp, seconded by Frye, the Board voted 3-2, with Davis and Lanier opposing, to approve the request of Terry Tucker, contingent on legal access and the site plan being redrawn so that all lots will be a minimum of six acres.*

**Rezoning Public Hearing**

At 8:43 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning & Zoning Director, presented the following requests, and Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on each request.

1. TERRY VUNCANNON, Asheboro, North Carolina, is requesting that 1 acre (out of 224.41 acres) located on Old N.C. Hwy 49 (approximately 300 ft. east of McDaniel Road), Cedar Grove Township, Secondary Growth Area, be rezoned from Residential Agricultural to Rural Business Overlay/Conditional Use. Tax ID# 7639188508. The proposed Conditional Use Zoning District would specifically allow the property to be developed as per site plan with the construction of a 40' x 60' building to operate a restaurant. The Planning Board considered this request at public meeting on September 13, 2005, and unanimously recommended that this request be approved as consistent with the Growth Management Plan for this area.

**Terry Vuncannon**, applicant, said that the area needs a good restaurant. He ran a restaurant in Charlotte for many years.

*On motion of Davis, seconded by Lanier, the Board voted unanimously to approve the request of Terry Vuncannon.*

2. EARNHARDT BUILDERS INC., Asheboro, North Carolina, is requesting that 100.46 (out of 208.20 acres) on the corner of Old Mountain Road/Post Road, Tabernacle Township, be rezoned from RA to CVOE-CU. Secondary Growth Area. Lake Reese Watershed. Tax ID# 6794085766 and 6794281486. The proposed Conditional Use Zoning District would specifically allow the property to be developed as per site plan with a 43-lot residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft. The Planning Board considered this request at public meeting on September 13, 2005, and recommended by a vote of 5 to 2 that this request be denied. Mr. Johnson stated that the applicant has made some changes to his site plan but the Planning Board felt that they were not significant changes in density.

**Tom Terrell**, Greensboro, stated that he was representing Earnhardt Builders and distributed materials on the County's growth management areas. He said that the County Commissioners have already approved a subdivision nearer to a rural growth area with the same density as this request. He said that density is measured by the number of lots on an entire site, not by lot size. He spoke about the site's history regarding sludge application containing metals. He assured the Board that the metals in the domestic sludge deposited on this site were no more than what is in commercial fertilizer and nothing to be scared about. He said that the subdivision's impact on area schools would be 17 students. He also said that 2.1 acres is the average lot size in this subdivision.

**Gary Satterfield**, 2130 Old Mountain Road, Thomasville, adjoining property owner, opposed the request and said there are fourteen farms surrounding this site. He displayed an overhead photograph showing a curve on Old Mountain Road. He said the proposed entrance is just beyond the curve and would be a dangerous entrance. He said there have been many accidents on this road, and this subdivision would increase traffic by 50%. He disagreed with what Mr. Terrell said about the sludge. He said he saw trucks putting out domestic and industrial sludge and that dead deer and fish were found in the streams after the applications. He asked that an environmental impact study be done before this subdivision could be approved. He shared a letter from Price Realtors stating an opinion that information on sludge applications to land should be disclosed to potential buyers.

**Janice Sink**, 1988 Old Mountain Rd., Thomasville, opposed the request, citing safety issues, overcrowding of schools, insufficient buffers, no input from neighbors, and density.

**Scott Moore**, 7220 Kingston Road, Thomasville, said he is moving to Post Road, downhill from the proposed development. He said this is a farming community, and he will be raising cows and horses.

**Eric Black**, 6651 Post Rd., Thomasville, stated that his experience with Mr. Earnhardt had not been pleasant. He said that the Welborne Estates buffers are not good; the entrance is not attractive; and trash is not cleaned up. He said the only increases in lot size for the current request are those along Post Road, and those were enlarged only because they wouldn't perk before. Mr. Black shared information he had requested from Todd Lowe, Finance Officer for the Randolph County Schools, showing that it costs \$5984 per year to educate a child, while tax revenue from one house in this subdivision would be \$1115. For 43 homes, there would be a net loss of \$209,358, he said. Mr. Black also alleged that sludge was applied to all the property, not just the portion that was permitted, and that it did include industrial sludge.

**Alvin Myers**, 247 Springs Grove Lane, Thomasville, said that he owns and rents farmland in this area and he would like to see it remain the way it is.

*On motion of Lanier, seconded by Frye, the Board voted unanimously to approve the request of Earnhardt Builders.*

3. **RONALD COOKE**, Hasbrouck Heights, New Jersey, is requesting that 1.90 acres located at 136 Lawrence Smith Drive (just off US Hwy 220 Bus North), Level Cross Township, Primary Growth Area, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Polecat Creek Watershed. Tax ID# 7767444984. The proposed Conditional Use Zoning District would specifically allow the property to be used as per site plan for the storage and repair of 15 to 25 pieces of amusement equipment. Lawrence C. (Jr.) & Marcelle Smith - Property Owners. The Planning Board considered this request at public meeting on September 13, 2005, and unanimously recommended that this request be approved as consistent with the Growth Management Plan for this area.

**Ronald Cooke**, applicant, spoke in support of his request. He distributed photos that explained how he plans to refurbish amusement equipment. He indicated that he plans to have buffers.

*On motion of Davis, seconded by Kemp, the Board voted unanimously to approve the request of Ronald Cooke.*

4. **TOBY STRIDER**, Randleman, North Carolina, is requesting that 19.33 acres located on Kindley Farm Road, Franklinville Township, Secondary Growth Area, be rezoned from RA to CVOR-CU. Tax ID# 7791340186. The proposed Conditional Use Zoning District would specifically allow the development of a 16-lot residential subdivision (with buffers as per site plan) for site-built homes with a minimum house size of 1,200 sq. ft. This request was postponed at the September Commissioners= Meeting to give the applicant the opportunity to reconsider housing types and density. Since that time, the applicant has reduced his site plan by 2 lots, and he has added a 25-foot no-cut buffer and a condition that only site-built homes be allowed.

**Toby Strider**, applicant, spoke in support of his request, saying that he has changed his request so that no modular or mobile homes would be allowed and that he had reduced the number of lots.

**Carol Hill**, 1485 Filler Rd., asked the Board for protection from this subdivision by requiring larger buffers and fewer homes. She said that a former subdivision approved adjacent to her took her livelihood away. The chicken company she had contracted with said they were downsizing, but she felt that they took away her chicken house contracts because of liability. The fans from the chicken houses blew in the direction of the subdivision and the company didn't want to deal with complaints about smells and feathers from people in the subdivision.

*On motion of Kemp, seconded by Lanier, the Board unanimously approved the amended request of Toby Strider.*

**Adjournment**

There being no further business, the meeting adjourned at 10:20 p.m.

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J. Harold Holmes, Chairman

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Darrell L. Frye

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Phil Kemp

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Robert B. Davis

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Arnold Lanier

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Alice D. Dawson, Clerk to the Board