

MINUTES

RANDOLPH COUNTY PLANNING BOARD

March 6, 2007

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, March 6, 2007, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Lynden Craven** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Lynden Craven, Chairman, present; Jim Rains, Vice Chairman, present; Larry Brown, absent; Phil Ridge, present; Chris McLeod, present; Reid Pell, present; Wayne Joyce, present; and Danny Shaw, Alternate, present (representing regular member Brown). **Aimee Scotton**, staff attorney, was present for this meeting.

Rains asked to be excused to this hearing due to a conflict of interest. The Board excused him from the hearing.

3. **Ridge** made the motion, seconded by **Pell**, to approve the minutes of the February 6, 2007 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUESTS FOR A SPECIAL USE PERMIT:**

Johnson reviewed Special Use Permit procedures. Johnson explained a "Special Use Permit" request refers to a situation in which a particular kind of land use is permitted in a zoning district only when the Planning Board issues the permit after making specific "findings" required by the Zoning Ordinance. The Planning Board may affix appropriate conditions to the Special Use Permit for the protection of and compatibility with neighboring properties and the public interest.

Johnson explained that much like the judge in a courtroom setting, the Planning Board sits as a "quasi-judicial" administrative body in its Special Use Permit review role. The main focus and role of the Board is gathering relevant evidence and protecting the rights of citizens appearing before the Board. As a result, North Carolina laws require that the Planning Board follow special rules of testimony and evidence in order to make a required decision to issue or deny a Special Use Permit. All citizens providing information or testimony to the Board must do so under sworn oath. In granting the permit, the Planning Board must find:

- A. That the use will not materially endanger the public health or safety if located

where proposed and developed according to the plan as submitted and approved;

- B. That the use meets all required conditions and specifications;
- C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- D. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Land Development Plan for Randolph County.

Johnson said that as part of the presentation at this hearing it is in the applicants or citizens interest to present specific testimony to support or oppose each of the findings upon which the Board is required to make.

The Chairman administered the oath.

Swearing in of the Witnesses - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

Eight (8) citizens took this oath.

- A. **RANDOLPH COUNTY BOARD OF EDUCATION**, Asheboro, North Carolina, is requesting a Special Use Permit for a new high school facility as per site plan located on Finch Farm Road, on 125.00 acres (out of 565.51 acres), Secondary Growth Area, Trinity Township, Zoning District RA, Lake Reese Watershed, Tax ID #7705196659. Property Owner - Cranford Jones.

Tom Wright, Attorney for the Randolph County Schools, explained that the schools regular attorney Robert Wilhoit would not be representing the schools because his law partner is the County's attorney. Wright explained that they will present evidence to address the four (4) tests that must be met. **Chris Hilt**, site designer, **Don Andrews**, Superintendent of Schools, **John Stewart**, professional geologist, **Vance Roberts**, Appraiser, **Katherine Peele**, site designer, and also the **traffic study engineer** will be available to provide any information requested by the Board. Wright presented the Board with a copy of the power point presentation.

Don Andrews, Superintendent of Schools, addressed the need for a new high school. The growth in the past 10 years has been steady at a rate of 2-3% per year and from 95-96 to 06-07 the total system growth was 3,550 students. Andrews said that currently Randolph County is 2,049 students over capacity at the high school level. Andrews explained that currently there are 18 mobile units at Trinity

High School due to the fact that the attendance is 725 students over the actual capacity of the facility. Andrews explained that the severe overcrowding of core areas in the facility, such as the cafeteria, has resulted in long lines at lunch and has required extended lunch periods. Andrews said that the High School Task Force created in 2001, spent 12 months studying the issue of high school overcrowding. The Task Force members included: Board of Education Members, 2 County Commissioners, parent representatives from each of the four high school districts and school staff. The Task Force recommendation was to construct 3 additional high schools to keep enrollment sizes at a maximum of 1000 students per high school. Andrews said that smaller high schools provide a safe, well controlled environment and keeps students relatively close to home.

Christine Hilt, CLH Design, said that she has worked on over 150 school projects in the past 12 years. Hilt said that a large portion of this site is open and there are good site distances along for potential driveway entrances. Hilt said the site has over 1100 linear feet of road frontage. Hilt said they take standard procedures necessary to assure suitability of the site prior to the property being purchased. Those procedures include: soils suitable for building construction; good road connectivity and site driveway entrances; ability to address water and sewer; and possibility of larger site to accommodate future expansion. Hilt said that they have done geotechnical studies to determine suitability of soils for building construction. Hilt said that the wetlands and stream buffers will not be impacted for this site. Hilt said Ramey Kemp & Associates, Inc. has completed a traffic study for this site. Hilt said they have also concluded that if a middle school is constructed at the site they will still have enough access for the added traffic. Hilt said there will be less than a 1 minute delay at peak travel times along Finch Farm Road. Hilt said a Phase I Environmental Study was completed due to the previous use as a land application site for sludge by the City of High Point (permitted by NCDENR in 1994). The School System had additional soil testing completed on the site in areas of previous sludge disposal (phase II investigation).

John Stewart, Senior Registered Geologist, Trigon Engineering Consultants, said that he has a master's from the University of Columbia, and has worked in engineering for the past 20 years, with his primary role of site studies. Stewart took soil samples to follow up Phase I study. Stewart said that he determined where the samples would be collected (not the schools). Stewart said that sludge is human waste and is treated at a waste treatment plant. Stewart said after treatment the sludge is taken and land applied to fields. Stewart said it is generally not a problem but the City of High Point's waste also included industrial waste. Stewart said due to this fact there was some concern. Stewart said they were specifically concerned about heavy metals (arsenic, selenium, silver, lead, mercury, etc.) Stewart said organics and pesticides cause less problems. Stewart said that the sludge was possibly applied from 94 to 97. Stewart said they are not sure if sludge

was applied prior to this time. Stewart said there were four fields with possible application. Stewart said they took 2 samples from each field at different elevations. Stewart said they took two samples from each boring location (one 0-6 inches and one 18-24 inches). Stewart showed the Board where on the map these samples were taken. Stewart said they didn't find any arsenic, cadmium, selenium, silver, or mercury in any sample above laboratory method detection. They did find barium in all samples. Two borings were above background concentration but they were below the residential risk based goal. They found low lead in 75% of the samples but they were below background residential risk based goal. They detected chromium in all the samples but it is below the residential risk based goal. Additional testing determined that this is not a "leachable" form of chromium. Stewart described barium, lead, and chromium as common metal in the geologic area. Stewart said barium, lead and chromium levels were slightly elevated. Stewart said they looked at 2 standards. One proposed residential risk base and one NCDENR health base soil remediation goals. Stewart said that he took the most conservative number of the two standards. Stewart said that he concluded that based on the data collected from the fields where sampled, the concentrations of metals detected at the site are not above health based levels established for either unrestricted or residential use. Therefore, this site should be suitable for development as a school or residential subdivision. Stewart said chromium, lead, and barium was well below the standards. **Wright** entered the report as part of the record.

Wright said the School Board discussed the result with the Black's on Friday. **Stewart** said they did additional sampling after that meeting on Friday afternoon. Stewart said he collected from the lowest of the low areas due to concerns raised by Mr. Black. Stewart said he collected 8 more samples from 4 additional borings. Stewart presented these results and explained that they are fairly similar. Stewart said that the barium was fairly consistent. Stewart said there were a couple of areas higher but still well below the standard levels. Stewart said that cadmium was detected at a level of .2 and the standard allowed for 7+, well below risk based number. Stewart said no arsenic was detected from these samples. Stewart said the barium was still well below risk numbers. **Wright** provided these additional results as evidence. **Stewart** said that he felt this study was a fair representation of the site. Stewart said that he would not recommend any additional samplings. Stewart said he did not do any ground water sampling or any surface water samples. Stewart said he didn't recommend this be done. Stewart said they "lock up" in the soil. Stewart said there is not a strong likelihood that the metals have moved. Stewart said that there is not a strong likelihood that metals get into groundwater.

Christine Hilt, CLH Design, reviewed the school site plan with the Board. Hilt said the drive for parents are south of the buildings. Hilt said that they have approximately 2900 feet for "stacking" of cars. Hilt reviewed the academic

facilities and sports fields. Hilt said the nice thing about this site is the sports facilities are approximately 2000 ft. off Finch Farm Road. Hilt said that the high activities are held up on the ridge (north side of the property) approximately 1300-1400 ft. from the housing development to the south of the site. Hilt said there is a 50' no-cut buffer along the southern property line and streams also. Hilt said that the majority of the parking is behind the school building. Hilt said the sewer extensions will be from City of Trinity.

Katherine Peele, CLH Design, said that the proposed high school is 185,000 sq. ft. and also like the proposed high school on Mack Lineberry Road. Peele reviewed each section of the floor plan. Peele presented pictures of the design.

Vance Roberts, Certified Appraiser, said he is a life-long resident of Randolph County and has 31 years experience as appraiser. Roberts said that he performed a study on the effect this school might have on the neighborhood property values. Roberts said that he visited the school sites in the County to see what effect they had had on adjoining properties. Roberts said that he went to Davidson County also to include in this study. Roberts said he found 3 schools where housing developments were built after the school and there was no effect on housing prices. Roberts said that schools have a positive effect on property values. Roberts said that land values also increase. Roberts said people like convenience to schools. Roberts said that a lot of the growth that comes around school is due to public water and sewer availability. Roberts said in conclusion he found that the new Trinity Area High School will not hurt surrounding property values. Roberts said that he felt the plan presented would afford maximum protection for the adjoining housing development. Roberts said that a school would enhance the property values in the area and there would be no damage to property values.

Johnson asked Peele about a “green building” design. Peele said that a green building is constructed with recycle contents when possible and also requiring contractors to recycle building material waste from the site. Peele said there are some areas in this proposed facility that is a “green building,” but not all.

Darrell Frye asked if the Davidson Water line has been checked to see if it would be able to provide a fire sprinkle system for a facility of this size. **Peele** answered that it has been checked and will be increased for this facility.

Eric Black, 6651 Post Road, said he felt like he was stepping in front of a freight train by speaking at this meeting. Black submitted a paper entitled “Facts Concerning Sewage Sludge Application on the Proposed High School/Middle School Land on Finch Farm Road, a newspaper (News & Record) article dated July 20, 2006, newspaper (High Point Enterprise) articles dated December 31, 2006, January 14, 2007 and January 28, 2007, a letter from Pyramid

Environmental & Engineering dated November 1, 2006, and a handout defining sludge. Black said the sludge application started in 1993 without knowing how much was applied on the site at that time. Black said that the sludge was not applied evenly. Black said that municipal sludge includes industrial waste. Black said lead, mercury, and other dangerous materials are in this sludge. Black said that these metals don't go away. Black said if they were there in 1993 they are still there today. Black said that even low levels of arsenic have negative effects and are dangerous. Black said arsenic, lead, and mercury are the most feared metals. Black said that the records in 2003 show that 13 million gallons were applied at this location. Black said that the information has shown that these metals were not applied evenly. Black said the metals do not degrade and the public deserves to know. Black said 8 borings represents 4 holes. Black said lime was applied to the fields to bind the metals to the soils. Black said the site will be turned upside down when developed and the metals will be turned up to the surface. Black said down the road the same sludge was applied and the arsenic levels exceed an inactive hazardous waste site. Black said a background check should be made in this area and not in Kernersville. Black said they found many of these metals. Black said there is no acceptable increase in heavy metals. Black said there is work going on to look at standards. Black said he didn't know if high density development was considered when the standards were established. Black said if you put a building here and the metals are found later we will have a real problem. Black said he respects the School Board and their engineers but if the metals were applied, they are still here. Black said the health and safety of the County should be considered. Black said the schools should have to let the public and construction workers know that these metals are here. Black said that the current system doesn't adequately show these risks. Black said that the County should require that information on sludge application sites should be placed on deeds prior to land transfers. Black said the County is permitting residential communities on these sites and the information should be disclosed to future residents of these developments. Black said why should we consider a site that could risk the health of our children. Black said no risk should be taken when you talk about the health and welfare of people. **McLeod** asked when he built his home. **Black** said his home was built in 1980 and he purchased the home in 1995. **McLeod** asked if he knew about the sludge application near his home prior to his purchase. **Black** answered yes but he didn't know the dangers until subdivisions started moving in around him.

There was no one else present in opposition to this request.

Wright explained that the School Board is concerned about the safety of all the children of Randolph County. Wright said that they have found there is a level of heavy metals at this site that you would find anywhere in Randolph County. Wright said none of the 8 metals of concern were not found. Wright said that if

you can't find the metals in different levels of the soils the School Board has to pay attention to their soil specialists. Wright said that if the School Board had found anything they would not consider the site. Wright said that the School Board must rely on those government agencies (NCDENR, etc.) that specialize in this area of study and are knowledgeable about the site. Wright said that they haven't found anything about this site that has rendered the site unsafe. Wright said that the history of the site was of concern and the engineers haven't found the site to be unsafe. Wright said the site appears to be clean and not significantly different than anywhere else in the County.

Wright asked for a summation. Wright reviewed his opinion of the Findings of Fact based on evidence presented.

1. ***“That the use will not materially endanger the public health or safety where proposed and developed according to the plan as submitted and approved.”***

The proposed site development respects the 24% impervious surface threshold, leaving a large undisturbed natural buffer, protecting water quality in the Lake Reese Watershed. Buffers are proposed to remain around the perimeter of the site to insure the high school is a good neighbor. There is no on-site sewer system proposed thus protecting the groundwater quality of the site. Soil studies performed indicate that the site is acceptable for development of a school.

The traffic study concludes that with the addition of the proposed high school and with recommended roadway improvements, intersections and approaches are expected to operate at acceptable levels of operation.

2. ***“That the use meets all required conditions and specifications;”***

The new high school will meet all regulatory requirements from the required review agencies including: North Carolina Department of Environment and Natural Resources, North Carolina Department of Insurance, North Carolina Department of Public Instruction, Randolph County Department of Planning & Zoning, Randolph County Department of Building Inspections, Randolph County Fire Marshal's Office, North Carolina Division of Water Quality, U.S. Corps of Engineers, and the North Carolina Department of Transportation.

3. ***“That the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.”***

According to the report by the certified appraiser, the building of the new high school will not hurt surrounding property values.

A new high school to accommodate growth is clearly a public necessity.

4. ***“That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is located and in general conformity with the Land Development Plan for Randolph County.***

Construction of a new high school is a public infrastructure investment which is responsive to growth which has already occurred, and which will occur in the future. The site is in harmony with the Growth Management Plan.

Craven said we have heard the sludge materials that have been placed on this property. Craven asked if some of these same materials would be found on his farm 30 miles away where no sludge has been applied. **Wright** said yes that all these metals are found in the County at some degree, but maybe not arsenic.

Ridge asked how far out from the school site is the traffic studied. **Jay Clapp**, Traffic Engineer, Ramey Kemp & Associates, Inc. said that they meet with NCDOT to setup the study area. Clapp said they looked at roads miles from the site, but it was coordinated through NCDOT. **Ridge** said his concern was the curvedness of Finch Farm Road. **Clapp** said that the traffic is already in this area going to Trinity High School, but if this site is approved, a portion of this traffic will be relocated to the new south site. Clapp said it will not create additional traffic to the area.

Ridge said that he felt the presentation was very good and covered all the issues.

Craven said we realize our growing population and the over-crowding in our high schools.

McLeod said he felt there had been sufficient information to conclude that the permit should be approved. **McLeod** made the motion, seconded by **Joyce**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

Johnson explained that the Order would be presented at the next Planning Board meeting for approval.

Rains returned to the Board.

- B. TERESA CANOY**, Ramseur, North Carolina, is requesting a Special Use Permit for a rural family occupation to operate a catering business in existing 26' x 36' building as per site plan located behind 6282 Old Siler City Road, on 138.66 acres, Secondary Growth Area, Coleridge Township, Zoning District RA, Tax ID #8711706844.

Teresa Canoy was present. Canoy said that she currently operates her business from a commercial kitchen in Siler City. Canoy said she needed a kitchen closer to home. Canoy said that she plans to use the existing building on the site. **Craven** asked if she operates her business everyday of the week or by reservation. **Canoy** answered mainly by reservation. Canoy said she mainly caters weddings. Canoy said the existing home on the property is listed as an Agri-Tourism Business. Canoy said that there is an existing farming operating on the property. Canoy said they use the home place for weddings, class reunions, and a special place for the community. Canoy said the Harvest House is the name of the facility. **Johnson** asked Canoy where she got the idea for this business. **Canoy** said she has been making wedding cakes since 1984 and her ultimate goal is to get out of the tobacco fields. Canoy said she has some background from working in these type facilities while catering.

There was no one present in opposition to this request.

Rains made the motion, seconded by **Pell**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

5. The meeting adjourned at 8:43 p.m. There were 40 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary