

MINUTES

RANDOLPH COUNTY PLANNING BOARD

April 3, 2007

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, April 3, 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, present; Phil Ridge, present; Chris McLeod, present; Reid Pell, present; Wayne Joyce, present; and Danny Shaw, Alternate, present. **Alan Pugh**, County Attorney, was present for this meeting.

Danny Shaw represented Rains for the vote of the Order Approving the Special Use Permit for the new Trinity area high school for the Board of Education.

3. **Joyce** made the motion, seconded by **McLeod**, to approve the minutes of the March 6, 2007 Randolph County Planning Board meeting. The motion passed unanimously.

4. **ORDER APPROVING SPECIAL USE PERMIT:**

RANDOLPH COUNTY PLANNING BOARD
Order Approving Special Use Permit

The Randolph County Planning Board having conducted a Public Hearing on Tuesday, March 6, 2007, to consider the following Special Use Permit application:

***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.*

and

Having heard sworn evidence presented, and having received into evidence such exhibits as presented by the applicant and opponents to the applicant, and after affording all who wished to be heard the opportunity to testify, examine, and cross-examine witnesses and to

make arguments, now based on substantial, relevant, and credible evidence received, said Randolph County Planning Board makes the following:

FINDINGS OF FACT

- 1: The applicant applied for a Special Use Permit as required by the zoning regulations contained within the Randolph County Unified Development Ordinance to allow construction of a new high school on 125.00 acres, Finch Farm Road, Trinity Township in Randolph County.*
- 2: The applicant has options to purchase the property for which the Special Use Permit is requested.*
- 3: The Superintendent of Public Schools testified and provided growth data that the new school was needed to serve the over-crowded conditions in the northwest area of Randolph County.*
- 4: A Randolph County high school task force that was created in 2001 spent 12 months studying the issue of high school overcrowding, and recommended the construction of 3 additional high schools to keep maximum enrollment size at 1000 students per school.*
- 5: The Task Force included members of the Board of Education, 2 members of the Board of County Commissioners, parent representatives from each of the four high school districts and county school staff.*
- 6: Testimony was provided that the new high school site would require at least 100 acres with sufficient usable acres for development and the ability to address water and sewer needs.*
- 7: Testimony was provided that the site selection criteria included a requirement that the property be located to serve students in the northwest area of Randolph County in the Trinity School Tax District, and would provide a central location for parents and community involvement.*
- 8: A property search was conducted with the assistance of the county's tax map system to identify properties in the size-range and needed location of the new high school.*
- 9: School-employed architects and civil/site engineers were utilized for determination of the suitability of potential sites.*
- 10: The site selected was determined as the most viable site for construction of a new high school of properties that were available for purchase.*

11: Christine Hilt, CLH Design, presented testimony that a standard due diligence procedure was conducted to assure the suitability of the proposed site prior to requesting the Special Use Permit.

12: Testimony was provided that the land was used as an application site for sludge by the City of High Point and was permitted and regulated by NCDEHNR in 1994.

13: A Phase I Environmental Study was completed in addition to a Phase II Environmental Study that included soil-testing completed on the site in areas of previous sludge disposal.

14: The environmental testing was supervised by John Stewart, a Senior Registered Geologist with Trigon Engineering Consultants, who testified that he met with the property owner to determine areas where land application occurred. Two areas per application field, both high and low elevations, were tested. One additional area per field was also sampled from the bottom of said field or near the drainage area.

15: Testimony was provided that, based on the data collected from the land sample s part of a due diligence environmental assessment, the concentrations of metals detected at the site are not above the health-based levels established for either unrestricted or residential use.

16: Testimony was given that a traffic study commissioned by the county school system determined that the addition of the proposed high school along with recommended roadway improvements would allow the studied intersections and approaches to function at acceptable levels of operation.

17: Testimony was provided by Vance Roberts, a Certified Real Estate Appraiser, that the location of the school would not injure the value of adjoining properties and would, in some instances, increase property values.

18: Testimony was provided that public water would be provided by Davidson Water Inc., and that agreements were being developed to insure that public sewer would be available from the Town of Trinity.

19: The County Planning Director indicated that the application and site plan meet all conditions and specifications of Randolph County ordinances, and further testimony was provided that the proposed school meets all additional state and federal standards.

20: The proposed site development respects the 24% impervious surface threshold required by the county and the state, leaving a large undisturbed natural buffer protecting the water quality in the Lake Reese Watershed.

21: Testimony was provided that the need for this high school is a public investment responsive to growth which has already occurred, and which is expected to occur in the future.

22: Approximately 35 citizens attended the public hearing and 1 citizen spoke in opposition to the location of the school.

23: Eric Black, a private citizen and local resident, prepared and presented a paper handout in opposition to the location of the proposed school entitled "Facts Concerning Sewage Sludge Application on the Proposed High School/Middle School Land on Finch Farm Road." The handout stated that millions of gallons of Industrial/Residential sewage sludge were disposed of on the proposed site by the City of High Point Waste Treatment Plants from 1993-1997. Included in the handout was 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.

24: Eric Black further stated that it is his opinion that there is no safe level of exposure to the known carcinogens related to industrial sludge applications and requested that full disclosure of test results should be made available to the public after proper testing.

25: Mr. Black opined that, because of the undulation of the land, there may be elevated levels or "hot spots" of accumulated heavy metals and other toxins due to the increase in build-up of sludge at time of disposal, creating the potential of lead exposure to children if the site is developed as a school as proposed.

BASED ON THE GREATER WEIGHT OF THE EVIDENCE AND THE FOREGOING FINDINGS OF FACT, AND AS REFLECTED IN THE OFFICIAL MINUTES OF THE PUBLIC HEARING, THE RANDOLPH COUNTY PLANNING BOARD MAKES THE FOLLOWING CONCLUSIONS:

1: The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. (F.F. No. 9, 11, 12, 13, 14, 15, 16, 18, 19, 20)

2: The proposed use meets all required conditions and specifications as outlined in the County Zoning regulations. (F.F. No. 1, 2, 6, 7, 8, 10, 19)

3: The proposed use will not substantially injure the value of adjoining or abutting properties **and that** the use is a public necessity. (F.F. No. 3, 4, 5, 17, 21)

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 to be located and in general conformity with the Land Development Plan for Randolph County. (F.F. No. 7, 8, 9, 10, 17, 19, 21, 22)

BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS, the application for a Special Use Permit is approved by a vote of 7 to 0.

This Special Use Permit is issued this 3 day of April 2007, and will be entered upon the Official Minutes of the Randolph County Planning Board on 3 April , 2007.

Director, Planning & Zoning

Clerk to the Board

Date

Date

McLeod made the motion, seconded by **Pell**, to **approve** the Order approving the Special Use Permit. The motion passed unanimously.

5. **REQUESTS FOR A SPECIAL USE PERMIT:**

***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.”*

Eleven people took this Oath.

STEPHEN WRIGHT, Asheboro, North Carolina, is requesting a Special Use Permit to allow a landscaping business behind residence as per site plan located at 3706 Buffalo Ford Road, on 2.00 acres, Secondary Growth Area, Grant Township, Zoning District RA, Tax ID #7780918491.

Wright was present and explained that he wants to use the back portion of his property for a nursery and storage of landscaping equipment. Wright said he operates his landscaping business from a shop on Buffalo Ford Road, but he doesn't have enough room to store all of his equipment. Wright said his employees have to park on the side of the road and he wants to move some of his equipment storage so that he can expand their parking area. Wright said the equipment that would be stored at this location is very seldom used. Wright said he would be willing to buffer his property on the east side by a 6' privacy fence and/or landscape plantings. Wright said that he has started building a driveway on the east side of the property. Wright said this is the only access he has to the back portion of his property. Wright said the nursery would not be open to the public. Wright said his office for his business is on South Fayetteville Street. Wright said he does not operate his office/business from his residence. Wright said the only people that would come to the property would be himself and his two sons. Occasionally there may be another employee. Wright said he has a large car shelter, old trailer, and an accessory building with workout equipment for his sons located on this property. Wright said the house is under major remodeling at this time due to a leak in his

bathroom that went undetected. Wright said he has completely gutting the house. Wright said this has made his property look bad, but it will be fixed after all the remodeling is completed. Wright presented pictures of his residence before this major remodeling began in September. Wright said the bathtub had been leaking for some time and they were unaware of this problem. Wright said the water leak created black mold and everything had to be ripped out.

Curtis Wright, 3694 Buffalo Ford Road, said that he is Steve's father and lives on the left side of this site. Wright said that the back section of his property was to be sold to his son before he had health problems. Wright said that his son is in business with his sons. Wright said that does plan to allow his son to put greenhouses on his land in the future. Wright said someday his son and grandsons will own all of this property. Wright said he operated a tool and die shop on this property for 20+ years. Wright said he gave his son this property when he graduated from high school. **Craven** asked if the buildings would be used for equipment storage; and **Wright** answered yes.

Sgt, Richard L. Townsend, US Marine Corp. Retired, 3740 Buffalo Ford Road, said that he lives two doors down from Steve Wright. Townsend said that Wright did ease much of his concerns tonight. Townsend presented pictures of Wright's existing business as an example of how Wright takes care of his property. Townsend said that the business property is a mess. Townsend said that he is concerned about the leaching of fluids from the equipment to his property. Townsend said he was concerned about his well water and the dust and noise that would be created by the truck/equipment using the new driveway. Townsend said that his major concern would be the effect on the well water. Townsend said that he fought and bled many times to give people in this Country the right to do what a man wants to do with his land.

Richard Williams, 3736 Buffalo Ford Road, said that he is worried about the truck traffic and the buffer zone that should be established. Williams said that Wright has a lot of equipment.

Jerry and Sarah Auman, 3720 Buffalo Ford Road, said that they have lived here for 30 years. Auman said that Wright has several trucks and trailers. Auman said that he is concerned about all these trucks coming up and down a driveway so close to their home. Auman said there are all kinds of chemicals used in landscaping and their well is only 30' from his property line. Auman said that they felt he should use the driveway they currently use on his father's property. Auman said that the new driveway is only 2' off their property line. Auman said a tree fall on their building from the Wright property. Auman said that Wright didn't apologize or even offer to help remove the tree. Auman said that they are worried about the chemicals effecting their garden and well water. Auman said that Wright didn't even keep up the greenhouse located at his business. Auman said that they did a fund raiser for his father during his illness. Auman said they didn't come up here for a mud slinging deal. Auman said he did two tours of duty in Vietnam and he wanted to be a good neighbor. Auman said that Wright's father was even concerned about the junk that he had on his property. Auman said if you approve this request it is not right for all these trucks and chemicals to be here.

Steve Wright said that he is not looking to move his business to this property. Wright said that all of his equipment would not fit on this property. Wright said he is only looking for storage for his straw blowers, etc. Wright said that he did try to take care of the tree situation. Wright presented a letter to the Board where he turned it in to his insurance company.

McLeod said that if Wright stays 10 ft. of his property he can do whatever he wants with a driveway.

Brown said the property is not in compliance with County Zoning regulations at this time.

Johnson explained that the Board can limit the use of the property.

Rains said that the sheds are existing and there are 9 pieces of equipment, 4 trucks, and 3 equipment trailers being proposed on the site plan. **Rains** asked if any of his employees would be parking at this location. **Wright** said no employees will be parking at this location. Johnson asked how many employees worked for the business and Wright answered 9.

Brown said that he would be for this type operation normally, but the photos are overwhelming.

Craven asked how long he has operated at his existing shop; and **Wright** answered 3 years.

Johnson said he could see the concern for traffic on this new driveway so close to the Auman property line. **Wright** said there will not be much traffic because there won't be any employees using this driveway and the equipment that will be stored at this site is very seldom used.

Pell said there may be some problems with dust from this new driveway. Pell said if he could move the driveway over and put some buffers in to protect the neighbors.

Brown said this is a close call because it's on such a small lot. **McLeod** said he could move the drive over 15' and put a buffer up.

The Board asked Wright to take into consideration the concerns that have been raised tonight. **Johnson** advised Wright to bring back a specific site plan to answer these concerns.

Pell made the motion, seconded by **Rains**, to continue this case at the May meeting to allow Wright time to create a plan to answer the concerns raised by his neighbors. The motion passed unanimously.

6. **Pugh** updated the Board on the Earnhardt/Black appeal in Superior Court. Pugh said that the Judge ruled in favor of the County on every decision. **Johnson** said this decision reaffirmed the process at the County level on the how we handle rezoning requests. Johnson said this was a significant case.

7. Update on **Randolph County Water Master Plan & Strategies** - David Townsend, County Public Works Director.

Townsend said there are 9 towns in Randolph County and 8 of them are already in the water business. Townsend said that there are also two private water suppliers in the County. Townsend said that we don't need to be in competition with the existing water suppliers. Townsend said we need to partner with these agencies and determine where the water is most needed. Townsend said there needs to be 18 homes per mile of water line in order to make a system break even. Townsend said that Randolph County has a plan to run 10 lines in the future. Townsend said the first line will run along Hwy 22 north of Franklinville (to the new high school). Construction on this project will begin in June 2007. Townsend said the plans have been approved and the bid for construction will be awarded April 24th of this year. Franklinville will award the contracts and construction will begin in 60 days. Townsend said that we are partnering with Franklinville for this water line. Townsend said the County will pay for the line to be installed and Franklinville will pay the County back over time. Townsend said the water will be in place in May of 2008. Townsend said there will be sewer facilities to the new school and to Grays Chapel School from Liberty. The existing pump station for Grays Chapel School will be upgraded to handle the new school. No other customers will be able to hook to this sewer line. The design process will begin around July 1st for a water line that will run along Hwy 64 east of Asheboro to the Loflin Pond Road area. At a later date, this line will be extended to Franklinville or Ramseur. Eventually there will be a line designed from Asheboro to Randleman to the Archdale area. The design for a water line to run along Hwy 49 west of Asheboro to the Tot Hill Road area will begin soon also. These four lines will be constructed within the next 4 years. Townsend said the County is willing to install the lines up front and be reimbursed by the towns. Townsend said that we want to require a major subdivision developed within a mile of these lines to tie to these new lines at the developer's expense. Townsend presented a map showing the designated areas for partnership. Townsend said this is the ultimate plan. The required subdivision water lines would provide the opportunity for more customers. This would allow the towns to pay the County back for the County installed water lines at a faster rate. Townsend said the developers may not like this requirement but it would take care of the well water problems. Townsend also said the County will need to be determined what size of development would be required to tie into the water line system. **McLeod** said that if you reduce the lot sizes for developers it can help off-set some of their cost. **Johnson** said the County will need to rethink the way growth is managed. This would require changes in the current Growth Management Plan. **McLeod** answered yes because now the County will need to allow more building lots to generate water customers. **Johnson** said when the water lines are installed along Hwy 22 it will be necessary to make changes to our Growth Management Plan. **Johnson** said there are also going to be many changes in the Seagrove area soon. **Townsend** said Seagrove is going to begin construction on the lagoons for the Seagrove sewer system soon. Townsend said Seagrove has a grant to expand their sewer system. Townsend said the intent is to connect the new Welcome Centers to public sewer lines and the first new major sewer line will run from the centers to the Little River Road area. Townsend said that sewer facilities cost at least 5

times that of water and that makes them almost cost prohibited. Townsend said that the County will look at proposed sewer lines on a case by case bases. Townsend said in 1987 the County approved building a plant at the Randleman Dam location. Townsend said that Asheboro and Ramseur have plants already paid for that have the capacity to create millions of gallons more than what they currently sell. Townsend said this is why the County needs to partner with these agencies. These agencies have already paid for their infrastructure and they are not being used to their capacity. Townsend said that he didn't feel there would be a need to require any existing developments to hook on to the system. Townsend said he felt these developments would come to the County wanting to hook up. **Rains** asked if there are any plans to speak to citizens at public forums. **Townsend** said that he is speaking at the Rotary Club tomorrow and will speak at any group that wants him to come. Townsend said he has 66 customers paid in-full for the new Franklinville water line at this time. Townsend said the connection rate for customers at this time is \$500; but if the property owners wait until after the water line is constructed the connection rate will be \$1750. Townsend said the rate was determined by Franklinville. The rates will be established by the town that the lines extend from.

Johnson thanked Townsend for coming and updating the Planning Board.

8. The meeting adjourned at 8:19 p.m. There were 24 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary