

MINUTES

RANDOLPH COUNTY PLANNING BOARD

October 2, 2007

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, October 2, 2007, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Vice Chairman Jim Rains** 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, absent; **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 (substituting for regular member Craven). **Alan Pugh**, County Attorney, was present for this meeting.
3. **Pell** made the motion, seconded by **Shaw**, to **approve** the minutes of the September 11, 2007 Randolph County Planning Board meeting. The motion passed unanimously.
4. Request from the **City of Trinity** to allow **extension of Zoning Jurisdiction**.

Johnson explained that this is a public meeting to consider the request of the City of Trinity that the County approve Trinity Extra Territorial Zoning Jurisdiction within areas currently zoning by the County. Johnson explained that the North Carolina General Statutes govern the exercise of extra-territorial jurisdiction by a municipality. Any city in the state may exercise ETJ after receiving approval from the Board of County Commissioners. Approval of the Board of County Commissioners is required if the County is enforcing zoning, building inspections, and subdivision regulations. Once the Board of County Commissioners approval is secured, the city must notify the owners if all parcels of land proposed for addition, and the city must hold a public hearing on the matter.

Johnson said that it is important to note that North Carolina law prescribes no guidelines or standards for the County to follow in determining whether to grant approval for extensions of municipal ETJ. The County is not required to hold a public hearing, although the Board of County Commissioners can do so if they wish. The decision of whether or not to grant this authority to the city is entirely within the discretion of the County Commissioners.

Johnson reviewed maps of the areas in which Trinity is requesting extension of their zoning jurisdiction. Johnson said the County Growth Management Plan reflects that area in which Trinity desires to extend zoning as a Primary Growth Area.

This is a Growth Management Area in which the County anticipates higher density/urban growth, which may include both residential and commercial. Johnson also gave a history of zoning in this area and stated that the first zoning of Trinity Township was enacted by Randolph County in 1979. This was as a result of the County Commissioners being petitioned by citizens of Trinity Township requesting that the County zone this area. Johnson said that citizens in this area were concerned that if the County did not establish zoning in this area the City of High Point would be able to extend their ETJ within areas of Trinity Township. The issue in 1979 was that citizens did not want to be regulated by officials that they could not vote for.

Johnson announced that the City Manager, City Planner, and the Mayor of Trinity were present at this meeting to answer any questions the Board may have.

County Attorney Alan Pugh said that North Carolina passed one of the best annexation laws in the 1950's. Pugh said that the law has kept cities protected. Pugh said that the theory behind extra-territorial jurisdictions (ETJ) are to establish protection in those areas where the city anticipates growth in the future. Pugh said this is a preliminary way to establish patterns for long range development. Pugh said that there are limitations of how far a city can extend their jurisdiction and this is determined by their population. Pugh said that the General Assembly recognized that if the County did have jurisdiction and established zoning regulations a municipality must have permission from the Board of Commissioners to extend their jurisdiction beyond their city limits.

Ann Bailey, City Manager of Trinity, said that two of the reasons the city is seeking this ETJ are:

1. Protection of our residents of their city. Bailey said the City is not looking to annex any properties.
2. Annexation requested by a citizen. Bailey said that when a city considers annexation of property within an ETJ, the zoning consideration can be made prior to annexation of a property.

Bailey said the city has no plans to annex any property at this time. **Larry Brown** asked the size of the city and **Bailey** answered approximately 17 sq. miles with approximately 7,000 citizens. **Brown** asked about Trinity's growth rate. **Bailey** said their growth has been slower than Archdale, but this is because Archdale has more public facility services at this time. **Brown** asked about law enforcement services in Trinity. **Bailey** answered that the City contracts with Randolph County Sheriff Department and they have one dedicated officer. **Brown** asked if this position offers 24 hours service and **Bailey**

answered no. **Brown** asked how many residences within Trinity City limits have sewer services and **Bailey** said the City is putting in sewer lines as fast as they can. **Brown** asked how many sewer customers does the City have and **Bailey** answered 450 customers. **Brown** said your office said 375 customers out of approximately 2,700 homes. **Bailey** said that is probably accurate. **Brown** asked when the entire city would have sewer services and **Bailey** answered that is a complicated issue. **Brown** asked if it could be 20 or 30 years, and **Bailey** said it could be. **Brown** asked if the City has the money to install all the phases being proposed, and **Bailey** said it depends on what the Council wants to do.

Johnson said the County does not regulate agricultural use of land and asked Bailey if Trinity would regulate agricultural. **Bailey** said that most of the zoning would be RA. **Johnson** asked if it would preclude any agricultural operations, and **Bailey** said not at all. **Johnson** asked if Trinity has a junk vehicle ordinance, and **Bailey** said they have one in place and aggressively enforce it.

Pugh asked if Archdale had a 1 or 2 mile ETJ, and **Johnson** answered there are some areas within Archdale's ETJ that exceed 1 mile. **Pugh** asked about the small area north of the proposed ETJ plan that would remain in the County's jurisdiction and why it was not included. **Bailey** answered that they felt Business I-85 would be a good boundary to stop the ETJ. **Pugh** said that it would appear that they could request this small area be included.

Pugh asked if there had been any zoning decisions by the County that caused "heartburn" with the City, and **Bailey** said not that she was aware of.

Brown asked how long the City has been incorporated, and **Bailey** said they have been incorporated for 10 years. **Brown** asked about the City's water system and **Bailey** said the City currently has water available throughout the city limits contracted through Davidson Water. **Brown** asked about the sewer facilities and **Bailey** said they are putting the sewer lines in as quickly as they can. **Brown** asked where the sewer is processed and **Bailey** answered they have contracted with Thomasville. **Bailey** said that they are currently expanding eastward with their sewer lines. **Bailey** said that the sewer lines will be extended by developers also. **Brown** asked about the Fire Department Services and **Bailey** said fire services are handled by Guil-Rand and Fairgrove Fire Departments. **Brown** asked about parks and recreation services and **Bailey** answered they have partnered with the YMCA. **Brown** asked about public works (street maintenance) services and **Bailey** said these services are contracted out. **Bailey** said there are 6 or 7 miles of City streets. **Brown** asked about sewer line maintenance and **Bailey** answered that this maintenance is contracted out. **Brown** asked about garbage pick-up services, and **Bailey** answered that sanitation needs are contracted out with private haulers. **Bailey** said that dumpsters are provided twice a year. **Brown** asked about the zoning staff and enforcement staff, and **Bailey** answered they have 2 full-time paid zoning staff positions and these 2 positions are also responsible for zoning code

enforcement.

Brown asked how much commercial growth the City has had since its incorporation, and **Bailey** answered it has been limited because of infrastructure. **Brown** said the only commercial growth has been Subway and one small vacant office. **Brown** asked how much residential growth the City has experienced, and **Adam Stumb**, Trinity Planner answered there have been 2 subdivisions. **Brown** asked how many homes have been built in these 2 developments, and **Stumb** answered 10 or 12 homes. **Brown** said there really hasn't been any growth in the 10 years Trinity has been a city.

Ken Brinkley, 3541 Meadowbrook, said that they have been paying taxes for 10 years and they have been told they will never see sewer. Brinkley said that Trinity's population is only 25% of the population of Asheboro, but yet they are larger in land mass than Asheboro. Brinkley said he didn't believe that Trinity needed more territory. Brinkley said that Trinity is 17 square miles and Archdale is only 7.8 square miles. **Brown** asked Brinkley what services he receives from Trinity, and Brinkley said Trinity hasn't provided him with any additional services that he didn't already have before the incorporation. Brinkley said he had sewage disposal from a private package treatment plant, Davidson Water provided water to this area prior to the city being incorporated, and the County provided law enforcement protection. Brinkley said the city hasn't provided him with any additional services, only his taxes has increased. Brinkley said he lives in Trinity and owns more land in this proposed area.

Mike Lewallen, 6536 Trinity Road, said that the piece of property that Trinity wants to have zoning control over is a 211-acres tract. Lewallen said the developers want to be able to build 510 homes on this parcel. Lewallen said that the City has had a long discussion with the developers to help pay for Trinity's sewer. Lewallen said that his father is the chief of police in Archdale and he lives in Trinity and has been told he will never see sewer services. Lewallen said he does not receive garbage pickup and there is very little law enforcement. Lewallen said he doesn't want to have Trinity's services and he doesn't want to live in the city of Trinity. Lewallen said that an ETJ is the first step before annexation. Lewallen said that Trinity didn't let anyone in this area know that they were asking the County for this meeting. **Pugh** explained to Lewallen that this is a Primary Growth Area and would expect high density residential development. Pugh also explained that a city is not required to notify the public concerning this meeting. Pugh asked Lewallen if he would be comfortable with the north ETJ request, and **Lewallen** said he would understand this because of protection from High Point. Lewallen said that is if Trinity would take it all. Lewallen said he would not be opposed to that request because Trinity could provide services to that area.

Brenda Robbins, Marie Drive, said that she grew up in the city and moved to the country. Robbins said they want to keep their land farmland. Robbins said they don't need the city services. Robbins said they already have County law enforcement and fire protection and this is all they need. Robbins said that most of this area is farmland.

Robbins said they don't want a bunch of houses here. **Pugh** asked Robbins about the proposed northern ETJ area. **Robbins** said she didn't know a lot about that area, but it comes down to if the city can provide services to the area they are trying to take in.

Ridge asked if there was anyone here that had problems with those areas to the north of the city limits.

Rains asked if there was a separation of the request is there anyone here that would oppose. **No one was opposed.**

There were 13 people present in opposition to this request as proposed.

Johnson announced that the Trinity Planning Board would meet for public comment on Oct 23rd, and the City Council would hold a public hearing on Nov 20th.

Bob Scoffield, 6253 Kennedy Road, asked how they would be notified. **Adam Stumb** said that they would be notified by mail.

Johnson also announced that the Board of County Commissioners will meet on Nov 5th at 4:00 p.m. to consider the Planning Board's recommendation.

Scoffield said that the city has gotten the cart before the horse in other cases. Scoffield discussed the one developer that would benefit from this proposal being approved.

Brown asked if the city had enough money to finish phase 5 of the sewer (1/2 the households in the city). **Bailey** said this is not an easy question to answer. Bailey said that the city has lots of money but it is up to the council to determine how it is spent. **Brown** asked what the projected date would be for the completion of phase 5, and **Bailey** said 2014. **Brown** asked if the bond money would cover the completion, and **Bailey** said the bond money will run-out during the course of phase 5. Bailey said the focus of phase 5 may be changed. **Brown** asked what the options would be when the money runs out, and **Bailey** said it could be paid for by local funds. **Brown** asked how many households would the city need in order for the sewer system to pay for itself, and **Bailey** answered the city needs 1,100 customers to support sewer services without the general fund.

Pugh asked Johnson the minimum residential lot size is for this area, and **Johnson** answered 40,000 sq. ft. **Rains** said that instead of the 500 homes it could be 200 homes.

Lewallen said that the people in the area didn't completely oppose the development but they are opposed to this level of density as currently proposed. Lewallen said that they understand that the County is going to grow. Lewallen said that they are just concerned about the scoop of development. Lewallen asked if there was any stipulation requiring that the people in this area be notified of this meeting to consider release of County zoning to Trinity. **Johnson** said no.

Scofield said that he is concerned about the new roads that would be built if the development is approved. Scofield described possible traffic hazards that would be created. Scofield asked what the city will do to help stop these problems.

Rains closed the public meeting.

Ridge asked if the city could annex the property. **Pugh** said that an ETJ requires County approval but annexation does not require County approval.

Brown said if it is a forced annexation the city must provide services in a limited period of time.

Johnson said one of the issues the County is hearing is not necessarily the specific regulations but the fact that citizens are being regulated by officials that they can't vote for.

McLeod said he didn't see that the north section of the request was being contested.

Johnson said that a city must appoint a resident of the ETJ as a member to the Planning Board. Johnson said the difference is that you don't make the final decision. The council does.

Brown said that he felt the city does great with what they have to work with, but they can't provide services throughout the city limits and now they want to control more territory. Brown said that 57% of the city is agricultural and primarily all the property within this proposed ETJ is agricultural. Brown said he doesn't understand why they need to regulate this area.

McLeod asked if this could be a split recommendation. **Pugh** said that the Board could recommend the proposal be approved as is, recommend denial, or the Board can recommend that the north portion of the proposal be approved and the southern section of the proposal be denied.

Pell said he can't see leaving that small area north of Trinity being left in County jurisdiction.

McLeod made the motion to recommend to the Commissioners that the City of Trinity be authorized an ETJ located in that area north of the current City limits as reflected on the maps and recommended approval for other areas to the north of the Trinity City limits that are currently zoned by Randolph County. McLeod stated that this area appeared to be more compatible with natural growth expansion expected of a municipality. McLeod also moved that the area south of the current city limits, and reflected on the maps, be recommended to be denied. McLeod stated that this southern area was large tracts and

predominately rural agricultural. While higher density growth can be expected in the future, the area was more compatible with existing land use policies enforced by the County. **Reid Pell** seconded this motion. The motion passed unanimously.

5. The meeting adjourned at 7:58 p.m. There were 16 people present for this meeting.
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**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary