

MINUTES

RANDOLPH COUNTY PLANNING BOARD

February 2, 2010

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, February 2, 2010, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Chris McLeod** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Chris McLeod, Chairman, present; Reid Pell, Vice Chairman, present; Larry Brown, present; Phil Ridge, present; Jim Rains, absent; Wayne Joyce, present; and Danny Shaw, present. Darren Allen, County Attorney, was present for this meeting.
3. **Joyce** made the motion, seconded by **Pell**, to approve the Minutes of the January 5, 2010 Randolph County Planning Board meeting. The motion passed unanimously.
4. **SPECIAL USE PERMIT REQUEST:**

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."

One person took this Oath.

Board member Danny Shaw entered the meeting.

JOHNATHAN SCARLETT, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to operator a veterinarian office in a 40' x 28' building at his residence located at 3207 Doris Acres Street, on 22.30 acres, Grant Township, Secondary Growth Area, Zoning District RA, Tax ID# 7689429185.

Scarlett was present for the hearing. Scarlett explained that he operates a mobile veterinarian office. Scarlett said that he has 5 employees, including his wife, in the business. Scarlett said that he doesn't operate on-site. Scarlett said his driveway is approximately 2/10 mile.

There was no one present in opposition to this request.

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

5. **REQUEST FOR PROPERTY REZONING:**

THOMAS SHEEN, Trinity, North Carolina, is requesting that 33.49 acres located on Jerico Road, Back Creek Township, be rezoned from RA to CVOE-CD. Tax ID# 7723361181. Secondary Growth Area. The proposed Conditional Zoning District would specifically allow the a 19-lot residential subdivision for site built homes only with a minimum house size of 1,200 sq. ft.

- **Neighborhood Information Meeting Summary**

Approximately 60 citizens attended the Neighborhood Information Meeting held on Thursday, January 7, 2010. Many concerns were expressed, including the proposed development not compatible with rural community where typical homes are on large tracts accommodating livestock, etc. Concerns were also expressed about safety due to increased driveway connections onto Jerico Road, erosion control issues, and water supply. The land was clear cut and never pastured or reforested. This has lead to silt and red clay in adjoining creek that is part of Little Caraway Creek. Letters and written comments submitted at the Neighborhood Information Meeting are included with this agenda package.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the 2009 Growth Management Plan adopted by the Board of County Commissioners. The Technical Review Committee recommends to the County Planning Board that this request be **approved** as consistent with the Growth Management Plan.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long term quality of life in Randolph County.

Policy 6.13 Conventional residential subdivisions are anticipated of similar housing characteristics to the community.

Johnson described the Growth Management Plan and the type of development normally

found in each area. Johnson described each growth area, Municipal, Primary, Secondary, and Rural Growth. Johnson explained that the Growth Management Plan is used to establish the type of housing within major subdivisions in each growth area. Johnson described conventional residential subdivisions that are normally found in Secondary Growth Areas. Johnson explained that Rural Growth Areas are unique to Randolph County. Johnson said that these areas are not to establish “no growth” but they are different to the other growth areas. The County recognized the need to control the density within Rural Growth Areas. Johnson explained that lots fronting on a State Road within Rural Growth Areas are required to meet a minimum size of 3 acres. Johnson said a Rural Growth Area controls density and how a major subdivision is designed and developed. Johnson said that this site being considered is located within the middle of a Secondary Growth Area surrounded by Rural Growth Areas. Johnson said that these Rural Growth Areas are camps established in the area. Johnson said the County realized the high residential growth along Earnhardt Road and at the beginning of Jerico Road and the Growth Management Plan reflects this growth. Johnson said the request being considered is a 33-acre parcel and the developer is proposing 19 building lots. Johnson said the Planning Staff first considered the impact this development would have along Jerico Road. Johnson said the DOT District Engineer answered these concerns and explained that they would approve these driveway connections as they are proposed if the development is approved by the County. Johnson said DOT explained the low traffic along this road.

Bobby Earnhardt, Earnhardt Builders, 1825 Mountain Meadow Drive, Asheboro, said that Shean approached him about developing this property. Earnhardt said that Shean is ready to retire and would like to sell the property. The houses will be 1,200 - 1,500 sq. ft. at a cost of \$110,000 - \$150,000. Earnhardt said that he would release Shean from their agreement if any of the neighbors would be willing to buy the property. Earnhardt said that he respected and liked his neighbors and would work with them if they chose to purchase the property from Shean. **Johnson** asked Earnhardt if he had any preliminary soil evaluation work done on the property. **Earnhardt** said he has had a soil scientist evaluation the property and the property will perk for the plan as it is proposed. **Johnson** asked Earnhardt if there were any soil erosion control laws that would effect him if he used the property for residential development. **Earnhardt** answered that DENR would not get involved unless more than 1 acre is disturbed at the same time, but DENR will get involved if all the lots are cleared at the same time. Earnhardt said that he would not build on the 5 acre tracts, but he does plan to sell them. Earnhardt said that on a 1-acre lot he will only clear approximately half the site. **McLeod** asked if these homes would be the same type as those he built on Hoover Hill Road. **Earnhardt** answered yes. Earnhardt said that he has 2 homes at that location that have still not sold. Earnhardt said that NCDOT says there is no issue with the driveway connections. **Brown** asked Earnhardt if there were any problems with Jerico Road. **Earnhardt** said that the road is what it is, but its not perfect.

Shean was present and explained that he is 67 years old and wants to retire. Shean said he is in a bad financial situation due to his son. Shean said that he co-signed loans for his son and he is now going to lose everything. Shean said he has worked all his life and is now in bad financial trouble. Shean said he is at the mercy of the Board. **Johnson** asked Shean if he had clear-cut the property. **Shean** answered he clear-cut the property approximately 15 years ago. Shean said that he has had someone approach him about developing the property for mobile homes, but he would rather see the property developed by Earnhardt.

Johnson said that the Board has copies of all the comments that have been submitted, a copy of the petition, and the outline of the presentation.

There were 37 people present in opposition to this request.

Charlie Game, 1616 Savannah Drive, (backing up to this site and he also owns 89 acres on Jerico Road south of the site), asked the Board to reject this proposal. Game presented the Board with a petition with 98 signatures in opposition to this request. Game said 81 of these signatures own property in the Jerico Road area. Game said that they would request that the County Growth Management Plan be amended to show the area as Rural Growth Area with a minimum lot size of 12 acres. Game said that he is aware that Rural Growth Areas require a minimum lot size of 3 acres. Game said that he felt the change to require 12-acre minimum lot sizes would better reflect the current development of their community.

Jeremy Whelan, 1960 Jerico Road, said that this type of development is not typical for this area. Jeremy said this proposal would cluster homes and leave no room for buffers. Whelan described the area with homes on large tracts, pasture land, riding stables, and crop lands.

Ken Shull, 1566 Jerico Road, said they were attracted to the rural setting of the area when they purchased in the community. Shull said they have built a log home with recycled logs and invested much in the area. Shull said that 1200 sq. ft. homes would not be compatible to the homes in the area. Shull said there are currently 818 homes in Randolph County for sale at this house size. Shull said the market is already flooded and 19 additional homes are not needed. Shull said that they were attracted to the area with the many church camps in the area.

Harry Safrit, 1813 Jerico Road, said they have been here for 13 years. Safrit said they own horses and they have privacy with the large tract sizes currently on Jerico Road. Safrit described all the wildlife that is commonly found in their community. Safrit said that this proposal would have a negative impact on their investment in the community.

Safrit said this will only add to the loss of their property values they currently have with the economic problems in America. Safrit said their community is for responsible growth. Safrit said this type of development would detract from the beauty of the community and change the growth within the area. Safrit said they love their community which is full of beauty and is a treasure. Safrit provided statistical data of the properties along Jerico Road.

Emily Johnson, 1919 Jerico Road said this type of development is not characteristic of this area. Johnson said this land is not suited for development. Johnson said as a mother she worries about the safety of her child due to the many wild animals in the area.

Charlie Game said Earnhardt developed a subdivision on Hoover Hill Road with this size houses and it became a development for Section 8 Housing. Game said this would open their community up for Section 8 housing. Game said that this type housing should be in a more urban area, not here. Game said that the development would increase the traffic in the community and will substantially increase along Flint Hill Road, Jerico Road, and Earnhardt Road. Game presented a picture of Earnhardt Road and the poor road maintenance they currently have.

Jeremy Whelan described how bad the road is along Jerico Road. Pictures were presented to show the bad curve and steep bank at a bus stop on Jerico Road.

Charlie Game said two different buses making three stops along this road twice a day.

Sandra Tysinger, 2098 Jerico Road, said she boards and cares for 14 horses at her farm (Sunshine Farms). Tysinger said that the proposed development would create additional driveways and traffic and would be hazardous to horseback riders along their road. Tysinger said that this will harm their business and the wildlife in the area. Tysinger expressed concern for the well water due to the septic tanks that will be added in the community. Tysinger said there are eight more families that have farm animals on Jerico Road and new families may not understand the smells, hours, etc. of farm life.

Terry Tysinger, 2098 Jerico Road, said he is the fourth generation to live on their property. Tysinger discussed the history of the area. Tysinger expressed his concern for the loss of farmland. Tysinger said that he realized people need places to live, but subdivisions being developed in a farming community causes problems. Tysinger said he has grain farmed in this area late at night with no complaints, but this type of lifestyle is not known by the people that move into these subdivisions. Tysinger said this Country was built on farming. Tysinger said we need to keep the rural agricultural setting. **Game** showed the Board a picture of a historic sign marker and asked Tysinger to explain the history to the Board. Tysinger said the sign described a man who lived in this community and bought his freedom from slavery and this is who the road is named after.

Tysinger said he has lived here 30 years.

Darren York, 1851 Jerico Road, said their home was built on a 20-acre tract. York expressed concern for the road traffic and Scenic Byways in the area. York said this road is used by cyclist for organized bike rides. York said this area has many species of wildlife. York said they have a rattlesnake trail and crossing on Jerico Road. York said the Wildlife Commission have released turkeys here in the past. York said they have documented 37 species of wildlife in the area. York said the current state of the property is poor. York said the house on the site burned 2 years ago and the owner has done nothing to secure the property. York said the neighbors had to cover the open well on the property. York said the current owner shows no interest in protecting the property or the area.

Melinda Lamb, 2192 Jerico Road, said that she boards her horse with Sunshine Farms owned by the Tysingers. Lamb said that this type of recreation draws visitors to the County. Lamb said there is a subdivision less than 1/4 mile from this farm. Lamb said due to the development within the area the Tysingers have lost riding trails. Lamb said the cost of boarding a horse cost more than one-year of study at community college. Lamb said that horse lovers commit their wallets to boarding their horses. Lamb said she is deeply concerned for the heritage this Board should protect. Lamb said Sunshine Farms is a 4th generation owned farm and is the heritage that should be protected in Randolph County. Lamb said this development would harm the livelihood of the Tysinger's farm.

Christopher Sturgis, 1919 Jerico Road, discussed his concerns for the water quality in the community. Sturgis said his well is 375 ft. deep and went dry during the last drought. Sturgis said his neighbor's well, two houses down from his, went dry also. Sturgis said his home adjoins the proposed development. Sturgis said that the soil is so dense due to the rock in this area. Sturgis said that in order to develop the property Earnhardt will have to disturb more than 1/2 of it. Sturgis said that due to the clear-cutting of the property 4 years ago the creek was extremely disturbed. Sturgis said he didn't think the land could sustain 19 more homes. Sturgis said that this development would reduce the water table.

Charlie Game said that the property was cleared 4 years ago, not 19 years ago as Shean had said. Game said that Shean told him at that time that he would pasture the land or plant it back in trees. Game said Shean didn't do either. Game said that when he stands on his back porch he sees extremely eroded land. Game said that silt sits in the creek due to the clear-cutting of the property. Game said it has damaged the creek tremendously. Game said he owns 16 acres adjoining this site and he owns 90 acres near the Caraway Creek Bridge on Jerico Road.

Gary Cecil, 1612 Knight Hawk Road, said he has lived here for 27 years. Cecil said that

this property drains back to his property. Cecil said he is concerned for the run-off from the septic tanks and the roofs of the houses. Cecil said this run-off ultimately ends up in Uwharrie River. Cecil said his children use to play in this creek. Cecil said because of the drainage from the Shean property the creek has been damaged. Cecil said the creek was 8 ft - 15 ft wide and now its about 40 ft wide with its over-flow. Cecil said he is concerned about the quality of the creek, because his cows drink from this water supply. Cecil discussed problems with his well and his concern for the water table. Cecil said he felt there should be a study of how this will effect the water table and the creek. Cecil said he adjoins this proposed site.

Paul Dalton, 1614 Knight Hawk Road, said the place is overly developed. Dalton said he has lived here since 1970. Dalton talked about the blue heron bird that nests at one of his ponds. Dalton said his property has flood zone on it. Dalton said he has several small ponds on his property. Dalton said he has two full stocked ponds here. Dalton said when the property was clear-cut a few years ago it doubled the amount of water that comes from the creek. Dalton said he has worked on the property since 1977 and he is just now going to get his first dollar from the property. Dalton said this blue heron that nests at his pond has a wing span of over 8 ft. and hatches out birds. Dalton also said owls mate here. Dalton discussed the danger of accidents at the intersection of Earnhardt Road and Jerico Road.

Juden Arsenault, 2363 Jerico Road, brought a sample of water from his neighbors well to show the Board how poor the water is in this area. Aresenault said there is no County water along Jerico Road.

Charlie Game said that if 19 driveways are installed in 3/10 of a mile it would create a traffic hazard. Game said due to the topography of the property this would create many problems. Game discussed problems with perking disturbed land.

Karen Petty, 1813 Jerico Road, expressed concern with school over-crowding. Petty said that the County currently spends approximately \$1000 per student per year. Petty said the tax base being created would not cover the cost for educating the children the subdivision would bring into the system.

Melinda Lamb, said she was speaking for her brother-in-law, **Joe Rawley**, 2252 Jerico Road, who was unable to attend because of the poor road conditions due to the bad weather. Lamb said this area has attracted many camps and meeting centers and described the region as a good place to reflect on God's creation. Lamb said much of the road is sheltered by unique topography and has beauty that once lost could not be restored. Lamb said this is an area that should be protected for its rural character. Lamb said this area is worth saving and should be considered rural growth.

Charlie Game said it is obvious the community is concerned and united in its opposition.

Game said that they realize that their current status as a Secondary Growth Area means this type of request could possibly come up again in the future. Game said therefore they would ask respectfully for the area to be changed to Rural Growth.

Bobby Earnhardt said he opposes the request to change the area to Rural Growth. Earnhardt said he owns a large portion of property on Jerico Road. Earnhardt said he owns 740+ acres on Jerico Road and doesn't want to be required to have a 12-acre minimum lot size requirement for development. Earnhardt said that he respects all of these good people and he would allow them out of their agreement if anyone else would like to purchase the property.

Charlie Game asked if the back lots were not developed would they be left. **Earnhardt** said he will sell the lots. **Game** said DENR can't do anything as long as the property owner claims agricultural uses.

Johnson commended the community on their presentation. Johnson said they have discussed real land use issues and not just emotional issues. Johnson said this is a perfect example of how a public meeting should be handled.

Ridge said he knew the Board was aware of his opinion that lot width requirements should be larger than 100 ft. for those lots being developed along an existing State Road. Ridge said he felt this was another case of where the lot width requirement should be increased.

Brown expressed concerns of 19 new driveways along an existing state road. Brown said he understands that Shean needs to develop the land, but he didn't feel the house sizes nor the lots sizes are compatible to the area.

Pell said that this request meets all the standards and requirements for development. **Brown** said that if this was the case, we could just stick a request in a computer and there would be no need for this Board.

Allen said that there are concerns with basing a decision on just the house square footage allowance.

Pell said that whether land perks or not is an issue for the Health Department and not this Board.

Joyce said the days of big houses are over, because the banks are through with issuing easy to get mortgages. Joyce said that 1,200 - 1,400 sq. ft. homes will be all anyone can afford. Joyce said in order to get the economy going this is how it must begin.

Ridge said that when this many driveway connections are permitted on an existing road,

there are problems.

Brown made the motion to recommend the request be denied. The motion died for a lack of a second.

Joyce made the motion to recommend to the Commissioners that this request be **approved** based on the recommendation of the Technical Review Committee and that the request will meet all the County requirements. Pell seconded this motion. The motion passed by a vote of 4 to 2, Brown and Ridge voted against the motion.

6. The meeting adjourned at 8:42 pm. There were 42 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary