

MINUTES

RANDOLPH COUNTY PLANNING BOARD

August 3, 2010

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, August 3, 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, absent; Phil Ridge, absent;** Jim Rains, present; **Wayne Joyce, absent;** and Danny Shaw, present. Darren Allen, County Attorney, was present for this meeting.
3. **Rains** made the motion, seconded by **Pell**, to **approve** the Minutes of the July 13, 2010 Randolph County Planning Board meeting. The motion passed unanimously.

4.

REQUEST FOR PROPERTY REZONING:

- A. **TONY MCDOWELL**, Asheboro, North Carolina, is requesting that 136.90 acres (out of 195.66 acres) located at 2473 Falling Oak Road, Concord Township, be rezoned from RA to RIO-CD. Tax ID# 7619762602 and 7619852293. Rural Growth Area. The proposed Conditional Zoning District would specifically allow the processing and manufacturing of forest related products.

- **Technical Review Committee Recommendation**

*The Technical Review Committee (TRC) has reviewed the application and site plans submitted by McDowell Lumber Company. The TRC recommends **approval** of the request for rezoning and notes the following statements and policies contained in the Randolph County Growth Management Plan, adopted by the Board of County Commissioners on April 6, 2009, and by additional Resolutions of the Board of County Commissioners, dated July 6, 2009 and September 1, 2009, support a Determination of Consistency for approval of the rezoning request submitted by McDowell Lumber Company:*

- 1: *Land use policies are designed to recognize that sustainable economic growth, environmental protection, and rural quality of life, can be pursued together as mutually supporting public policy goals. One goal does not necessarily exclude the other. (Page 1, GMP)*
- 2: *The 2009 Randolph County Growth Management Plan focuses on the physical growth necessary to sustain and support future rural economic*

development of Randolph County. (Page 1, GMP)

- 3: *As our economy continues to change with the loss of jobs, and global competition, the characteristics of rural industry and commerce are also evolving. With proactive county Growth Management Policies, there could be opportunities for rural industry to be located within Rural Growth Areas without causing unacceptable disturbance to the rural community. (Page 2, GMP)*
- 4: *The unique economic challenges faced by large counties in the 21st Century include the necessity to enhance rural economic development, rural employment opportunities, and the County's tax base, by accommodating industrial/commercial activities that require proximity to rural resources. (Page 2, GMP)*
- 5: *To provide additional public policy support for Randolph County's critical needs in job development and diversification, the 2009 Randolph County Growth Management Plan provides greater flexibility in enhancing rural economic development and rural employment opportunities by seeking to accommodate industrial/commercial activities requiring proximity to rural resources. (Page 3, GMP)*
- 6: *The Randolph County Growth Management Plan outlines growth management corridors and policies that build sustainable development principles by reshaping residential and rural industrial development patterns with the intent to strengthen our local economy, create and sustain jobs, while protecting our environment and rural resources. (Page 8, GMP)*
- 7: *Individual rezoning decisions are dependent upon the scale of the proposed development as it relates to the specific site and location. Sustainable rural economic growth, environmental protection, and rural quality of life, shall be pursued together as mutually supporting growth management goals. With appropriate site conditions, one goal does not necessarily exclude the other. (Page 10, GMP)*
- 8: *The characteristics of rural industry and commerce are constantly evolving, and there are opportunities for rural businesses and industry to be located in Rural Growth Areas without causing unacceptable disturbance or substantial adverse impacts to the rural community. (Page 12, GMP)*
- 9: *Policies of the Growth Management Plan are designed to recognize that it is not always appropriate to separate rural industry and commerce from communities for whom they are a source of employment. (Page 12,*

GMP)

- 10: In Rural Growth Areas, rezoning requests necessary to sustain the rural economy shall be weighed with the need to protect the rural area through the use of site specific and conditional zoning. (Page 13, GMP)*
- 11: Enhance rural development and rural employment opportunities by providing zoning districts where appropriate industrial/commercial uses requiring proximity to rural resources can be located. (Page 16, GMP)*
- 12: Site specific development plans and the use of building location, natural buffers, and landscaping will be utilized with the goal of lessening adverse impacts. (Page 25, GMP)*
- 13: Rural Industrial Districts are anticipated to accommodate industrial and commercial activity requiring proximity to rural resources. (Page 25, GMP)*

The following Policy Guidelines of the 2009 Randolph County Growth Management Plan support a Determination of Consistency recommending approval of the McDowell Lumber Company rezoning request:

Policy 1.1. Sustainable economic development, environmental protection, and quality of life, shall be pursued together as mutually supporting public policy goals.

Policy 1.7. Planning and development decisions should be based on the principle of promoting investment in Randolph County to expand employment opportunities while preserving and improving the quality of life for all Randolph County residents.

Policy 3.6. Randolph County should encourage the use of performance based rural industrial overlay zoning when the use of large acreage, natural buffer, and extensive landscaping would not have substantial adverse impact upon the general area growth characteristics, and the location of such a site would substantially increase economic activity, job creation, and the tax base of Randolph County.

Policy 3.7. Sustainable economic growth, environmental protection, and quality of life shall be pursued together as mutually supporting growth management goals.

Policy 3.8. Provide for sites in Rural Growth Areas where industrial activity requiring proximity to rural resources could locate; with the goal of increasing economic activity, job creation, and the tax base of Randolph County

Policy 3.9. Individual rezoning decisions with Rural Growth Areas will depend upon the scale of the development, and the specific nature of the site and its location.

Policy 3.11. New rural industrial development shall be located in areas of the site that would lesson impact to adjoining residential and agricultural lands.

Policy 3.12. New rural industrial development should provide site specific development plans along with vegetated buffers or other landscaping designed to reduce substantial impacts to adjoining land uses.

Policy 7.6. Stormwater impact should be minimized by designing new development in a manner that minimizes concentrated stormwater flow through maximizing the length of stormwater sheet flow through vegetated buffer areas.

Policy 8.4. Randolph County should approach land use and economic development decisions, not as isolated individual issues, but as part of a larger interconnecting framework of building sustainable growth with the county.

The following policies contained in the Board of County Commissioner Resolution Adopting the 2009 Randolph County Growth Management Plan, dated July 6, 2009, support a Determination of Consistency with rezoning approval for the McDowell Lumber Company request:

- 1: Recognize that sustainable economic growth, environmental protection, and rural quality of life can be pursued together as mutually supporting public policy goals*
- 2: Recognize that growth management policies should afford flexibility to Randolph County boards and agencies that will enable them to adapt to the practical requirements often necessary for rural development;*
- 3: Ensure the opportunity for landowners to achieve the highest and best uses of their land that are consistent with growth management policies in order to protect the economic viability of the County's citizens and tax base.*

On September 1, 2009, the Randolph County Board of Commissioners unanimously adopted a "Resolution Designating Randolph County As A Recovery Zone Pursuant To The American Recovery and Reinvestment Act of 2009". The following elements of that Resolution support the Determination of Consistency that approval of the McDowell Lumber Co. rezoning requests meets the intent of Rural Industrial Overlay Zoning Districts: (the following is a summary of the September 1, 2009, Board of Commissioner Resolution designating Randolph County as a recovery zone):

WHEREAS, the June 2009 unemployment rate in Randolph County was 12.3% as compared to North Carolina's rate of 11.2% and the National rate of 9.5%; and

WHEREAS, business closings and layoffs in Randolph County during 2008 affected 743 citizens countywide, and 716 citizens so far in 2009; and

WHEREAS, Randolph County's rate for families below poverty level is 13.6% as compared to North Carolina's rate of 9.8%; and

WHEREAS, the manufacturing sector sustained its highest US job loss over the last 10 years; and

WHEREAS, manufacturing comprised 34.87 % of Randolph County's workforce in 2008; and

NOW THEREFORE, BE IT RESOLVED, by the Randolph County Board of Commissioners that after a thorough review of County maps and data detailing high poverty levels, foreclosure risk, historically underutilized business zones, unemployment above the state and national average for two years, and United States Department of Housing and Urban Development low or moderate income census tracts, and after consideration of other relevant factors, the Board of Commissioners hereby designates Randolph County as a Recovery Zone pursuant to the Notice and the Code. The County hereby declares that such designation has been made in good faith and in a reasonable manner.

Johnson reviewed the request and stated that the application is consistent with goals and policies established by the 2009 Growth Management Plan. Johnson said that the 2009 Growth Management Plan focuses on policies and guidelines that can increase rural economic activity, job creation, and the tax base of Randolph County in a declining economy. Johnson said a unique requirement of the Rural Industrial Overlay Zoning District is that 30% of the designated site be maintained in open space. Johnson said the proposed conceptual site plan provides for open space of approximately 48 acres with new development located to the rear of the property.

Ben Morgan, attorney representing McDowell Lumber Company, was present and stated for the record that the TRC has recommended approval of this request. Morgan said the Rural Industrial Overlay application is the first before this Board. This type of zoning district was created for this type of business. Morgan said there is an existing lumber mill and pallet shop currently on the property. Morgan said that McDowell Lumber has done everything within their power to minimize impact on the neighbors. Morgan said that this new zoning classification is an appropriate classification for this type of business. Morgan said this zoning

district allows for this type of business in a rural area. Morgan said that every step has been taken to provide the adjoining properties protection with screening the operation. Morgan said the majority of the expansion will be to the back of the property as the site plan shows. Morgan said that this plan meets all the requirements adopted by the Board. Morgan said that the applicant is present and would welcome the opportunity to answer any questions. **Allen** said for clarification, this is the second rezoning application of this type. **Johnson** described the first application as a solar power operation. **Allen** asked Morgan to touch on the benefits and detriments of the operation to the surrounding community. **Morgan** answered that the largest benefit would be the economic benefit to the County. Morgan said the operation current employs 69 people. Morgan said given the nature of the business, additional benefits are that the rural setting allows the business to be less intrusive to the Community due to the low number of residences in the area. Morgan said he would encourage the Board to recognize the many things McDowell has done to protect the adjoining neighbors and the fact that they plan to expand to the south (away from neighboring residences).

Allen asked if there are any plans to relocate any of the more offending processes on the site. **Morgan** said that at this time, it would not be feasible to move the pallet making process, it would cost in excess of 3 million dollars.

Chairman McLeod asked for a show of hands of those present in favor of this request. **There were 36 people present in favor of this request.** **Johnson** stated that counting the numbers of people in favor or opposed to a zoning issue was not a vote for or against approval. The purpose was to show the numbers of people in attendance at this meeting.

Bob Hornik, attorney representing the adjoining residences, said that the County is persevering in their efforts to approve this request. Hornik said that he would like to know how we are going to define what is going to be allowed on the property. Hornik said some type of definition of what the Conditional Use is, is required. Hornik said there has been no definition given. Hornik said the definition described by Johnson would allow the building of furniture on the property. Hornik asked that in respect to the open space, would it forever remain undisturbed. Hornik asked if it would be allowed to be logged. Hornik said that the truck traffic is not suitable for the road at this time. Hornik said if the truck traffic is to be expanded, you need to know about this. Hornik said that the record really needs to be developed before a worthwhile recommendation could be made to the Board of Commissioners. Hornik said that his clients would oppose any expansion for further use of the property. Hornik said they fully expect that this Board plans to have a positive recommendaiton to the Board of Commissioners.

Trisha Crawford, 5166 Old NC Hwy 49, said that she is a neighbor to the site. Crawford said that she only wants to know if the business is going to expand and

what is going on. **Johnson** said that there are no immediate plans to expand, but this zoning would allow expansion to the south of the existing facility in the years to come. **Morgan** said he would provide Crawford with a site plan of his client's intentions.

Maxton McDowell, 5354 Old NC Hwy 49, said there are a lot of unanswered questions about this request. McDowell said that there are things that need to be considered. McDowell said that this particular zoning would allow a lot of things. McDowell said that the road was built in 1929 and it was not built for trucks like this. McDowell said there are 75-80 trucks going in and out each day now. McDowell expressed concern for traffic, noise, dust, etc. McDowell said that this is not a green or clean business like the solar business discussed earlier. McDowell said that this type of business should not be allowed in a rural area. McDowell said he sat on this Board a long time and he understands the Board's place. McDowell said he is opposed to this request.

Chairman McLeod asked for a show of hands of how many people were present in opposition to this request. **There were 6 people present in opposition to this request.** **Johnson** again said that this is not a vote of whether this request should be approved or not.

Hornik said that legally the number of people present for or against a request doesn't matter. Hornik said who cares how many are present for or against this request. **Johnson** said that he had said this (this is not a vote) twice.

County Attorney Allen advised the Board that they must weigh the benefits and the detriments of the proposed rezoning and use. Allen said the Board should consider whether the proposed use was compatible with the existing use and surrounding rural community. Allen said it was important to consider the size of the proposed rezoning which in this case is over 136 acres. Allen said he has been unable to find any case where a court has found that a rezoning for any tract greater than 50 acres could be considered spot zoning.

Rains said he would make a motion to recommend that this request be **approved** so the Board could get to discussion of the issue. **Pell** seconded this motion.

Rains said he thought if this went to the Board, that the requesting party should explain more specificity before the Board of Commissioners the following:

- **Does the traffic increase
- **what is permitted in the open space
- **will they maintain the trees in the open space

Johnson said that the open space cannot be used for the business, but it could be used for farming/agricultural uses. **Rains** said that answers that question.

The motion passed unanimously.

5. The meeting adjourned at 6:59 pm. There were 44 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary