

# MINUTES

## RANDOLPH COUNTY PLANNING BOARD

**April 9, 2013**

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, April 9, 2013, in the 2<sup>nd</sup> Floor Meeting Room, Randolph County Historic Courthouse, 145 Worth Street, Asheboro, North Carolina.

1. **Chairman Reid Pell** called to Order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, called roll of the Members: Reid Pell, Chairman, present; Wayne Joyce, Vice Chairman, present; Chris McLeod, present; Larry Brown, absent; Phil Ridge, present; Jim Rains, present; and Kemp Davis, present.

**Johnson** said that the March 7 and March 8, 2013, public hearing concerning the proposed Regional Landfill was the longest public hearing at eleven hours ever held by a Randolph County Planning Board. Johnson said, to his knowledge, it was the longest public hearing held by any official or elected body in the history of Randolph County. Johnson said that he wanted to thank the Planning Board members for the time and service they provide on behalf of the citizens of Randolph County. He said that the most impactful citizen appointment a County Commissioner can make is to select and appoint a citizen for membership on the Planning Board. Johnson said that prior to the public hearing on the Regional Landfill he had heard comments from some citizens that the final decision was a “done deal” and a “rubber stamp.” However, he said that citizens who thought this did not know the County Planning Board. Johnson said that he has had the opportunity to work with every Randolph County Planning Board since 1978. He commended the Planning Board on their dedication and thoughtful manner in which they performed their duties in carrying out their public decision make responsibilities. Johnson said that he felt honored to sit with this Planning Board during the lengthy Regional Landfill Special Use Permit process.

**Chairman Reid Pell** said that before he called for the minutes to be approved, he wanted to commend Jill Wood, Clerk to the Planning Board, for the detailed job she did writing the minutes through this lengthy process. He noted that the minutes were 50+ pages, and he knew the work that Jill did, both during the hearing and after, in putting all the data together. **Johnson** agreed and described this set of minutes as some of the most detailed and technically complicated he has read. Johnson said Wood’s minutes had been reviewed for accuracy by the attorney and consultants to insure accuracy. They all commended Jill for the detail and the expedited manner in which she completed the draft

minutes. Johnson said Jill's minutes are not meant to be a verbatim record. A verbatim record will be produced by the court reporter. **Jim Rains** asked if the Planning Board would see a copy of the court reporter's verbatim record. **Johnson** answered that the Planning Board will not be approving the verbatim report provided by the court reporter, who was hired by the County Commissioners, however, the report could be made available when provided to the County. **Ben Morgan** said that the final verbatim report would probably be in excess of 2000 pages and would read like a novel or play.

3. **McLeod** made the motion, seconded by **Kemp**, to approve the Minutes of the March 7, 2013, Randolph County Planning Board meeting. The motion passed unanimously.
4. Approval of the Order Approving the Special Use Permit for the Randolph County Regional Landfill Facility.

**McLeod** made the motion, seconded by **Ridge**, to approve this Order.

**RANDOLPH COUNTY PLANNING BOARD**  
**Application 2013 – 00000216**

**ORDER GRANTING A SPECIAL USE PERMIT**

The Randolph County Planning Board conducted a Public Hearing at the Old County Courthouse at 145 Worth Street in Asheboro beginning on Thursday, March 7, and continuing to Friday, March 8, 2013, to consider the following Special Use Permit application:

Applicant Randolph County, 725 McDowell Rd., Asheboro, N.C. requested a Special Use Permit, as required by County Ordinance, to construct a Sanitary Landfill per the site plan submitted, on approximately 667 acres, Franklinville Township, and more specifically identified on the Special Use Permit Application Number 2013-00000216 filed on February 5, 2013.

**And**

Having heard sworn testimony presented over eleven total hours, and having received into evidence such exhibits as presented by the applicant and opponents, and after affording all who wished to be heard the opportunity to testify, examine, and cross-examine witnesses and to make arguments, the Randolph County Planning Board makes the following Findings of Fact and Conclusions of Law based upon competent, material and substantial evidence appearing in the record.

**I.**  
**FINDINGS OF FACT**

**A. General findings**

1. The applicant applied for a Special Use Permit as required by the zoning regulations contained within the Randolph County Unified Development Ordinance that would allow the construction of a Regional Landfill in an RA Zoning District on approximately 667 acres, Franklinville Township, in Randolph County.

2. The applicant is owner of approximately 800 acres, a substantial portion purchased by Randolph County in 1972 for use as a local county landfill, and it has options to purchase an additional 133 acres which would be included within the Special Use Permit.

3. Prior to the hearing, and in legal notices provided to all citizens residing within ½ mile of the county properties, which exceeded the mandatory adjoining property owner notification standards, the County Planning Director gave notice that the Planning Board sits as a quasi-judicial administrative body in its Special Use Permit review role, and that it is in the applicants' and citizens' interest to provide specific testimony to support or oppose each of the four (4) findings upon which the Planning Board is required to make.

4. Approximately 117 citizens attended this public hearing and 23 citizens spoke in opposition to the request.

5. Based upon the evidence summarized below on each finding (which evidence is found to be sufficient for the Board to adopt conclusions of law but which does not include the total evidence the Planning Board found to be probative), the Planning Board finds that applicant Randolph County presented competent, material and substantial evidence and established a prima facie case on each of the Special Use Permit standards.

**B. The use will not materially endanger the public health if located where proposed and developed according to the plan as submitted and approved;**

1. Mr. Charles Hiner, P.E., Ms. Rachel Kirkman, P.G. and Mr. Ron DiFrancesco with Golder & Associates, a nationally prominent environmental engineering firm, appeared on behalf of Randolph County to present evidence that modern landfills are safe for the environment and to the health of citizens in the area. They expressed the opinion that the proposed landfill, if located where proposed and developed according to the plan as submitted and approved, would not materially endanger public health. Their presentation included the following evidence.

2. Modern landfills must be constructed according to strict standards established by the Environmental Protection Agency in 1991 under Subtitle D of the Resource Conservation and Recovery Act (called “Subtitle D Landfills”). The standards are administered in North Carolina by the Department of Environment and Natural Resources (DENR) under authority from the EPA. The North Carolina rules are even stricter than in some other states as a result of legislation adopted by the state in 2007.
3. In addition to numerous siting requirements, Subtitle D landfills must have composite bottom liners comprised of layers of materials which prevent landfill “leachate” from escaping the facility. Although standard composite liners use one layer of a 60 mil HDPE (High Density Polyethylene) geomembrane, the County offered the binding condition that it would use what is called a “double composite liner” which utilizes three 60 mil HDPE geomembranes whose half-lives are estimated to be 450 years. The engineered containment system is designed to meet strict performance standards for liquids collection and removal. There was also evidence that the engineered systems are designed, constructed, tested, inspected, protected, and maintained over the course of construction, facility operation, closure, and post-closure.
4. Using EPA approved computer modeling called the HELP model, the amount of leachate estimated to seep from the first geomembrane over a ten acre site would be equivalent to 2 cups in an Olympic-sized swimming pool that holds 660,000 gallons, and this two cups of leachate would be expected to be captured by the second geomembrane.
5. The entire liner system is conservatively predicted by the HELP model to capture 99.96% of the leachate, which is equivalent to approximately one fluid ounce of leachate that might potentially seep through the entire liner system per 30 acres per year. Due to strict federal and state requirements, the amount of leachate that can be kept on the liner system at any given time (< 12 inches) will help minimize these impacts even further. Leachate generation is anticipated to cease approximately 30 years after the landfill is capped and closed.
6. Leachate will be removed using a leachate removal system, stored on site, and pumped from an on-site pump station via sanitary sewer connection to a Wastewater Treatment Plant for treatment.
7. Methane gas generated by the landfill will be safely captured for beneficial re-use by the County.
8. Waste brought to the site will be deposited onto what is called a “working face” that is two acres in size or less and which will be covered every night with six inches of soil or other approved cover to prevent odor and eliminate food for rodents or other

animals.

9. Fire suppression is typically handled by extinguishers located on landfill equipment, water from sediment basins, or by use of dirt at the site.

10. All workers are trained to recognize and remove materials not allowed in MSW facilities. Waste loads will be inspected for any unapproved wastes at the scalehouse and at the “working face” per an NCDENR-approved operations plan.

11. As required by NC Solid Waste Management Rule .1622(1)(a), there are no airports within the 5,000 feet from any airport runway used only by piston-powered aircraft and no closer than 10,000 feet from any runway used by turbine-powered aircraft.

12. Surface waters, including the adjoining Deep River, will be protected by sediment basins designed to handle 100 year storms, and surface water testing will be done on a regular basis.

13. Groundwater quality will be protected and monitored through the use of a leak detection system within the liner. Groundwater monitoring wells will surround the facility and will be designed to provide secondary detection of an unlikely release, and will be designed, based on site-specific data, to monitor likely flow paths, as required by NCDENR regulations, to allow adequate response time to address any concerns. The relatively slow groundwater flow rates at this facility should allow for detection of any potential constituents of concern within the facility buffers.

14. When the landfill has reached its final grades, a final cover system similar to the bottom liner will be constructed and placed on top of the facility to limit infiltration of precipitation into the waste mass to minimize creation of leachate and provide a means to collect, contain, and properly treat landfill gas generation. Portions of the facility will also have intermediate closures during the life of the facility, which will include soil and vegetative covers.

15. Some citizens brought research materials to the hearing, most of which was objected to by the applicant as inadmissible hearsay or found upon cross-examination to be inapplicable to MSW facilities under modern regulations in North Carolina.

**C. The use will not materially endanger the public safety if located where proposed and developed according to the plan as submitted and approved**

1. Terry Snow, P.E. and William Letchworth, P.E., transportation engineers with CDMSmith, conducted a Transportation Impact Analysis of the proposed use, including current traffic counts, analyses of traffic capacities of adjoining and access roads, line of

sight analyses for ingress/egress, school bus traffic, roadway geometrics, farming equipment on the roadways, bridge infrastructure, analysis of accident history along area roadways, and the amount of additional traffic to be generated by the landfill.

2. Mr. Letchworth testified that Henley Country Road currently operates at 10% capacity and the addition of approximately 100 trucks would increase its capacity to only 11%. Old Cedar Falls Road currently operates at 26% capacity and the additional trucks would increase capacity only to 28%.

3. The line of sight approaching the proposed entrance is acceptable and meets minimum design standards for the traffic that would be utilizing the facility, although the County should consider constructing a left turn lane into the facility entrance from Old Cedar Falls Road.

4. While the adjacent roads are rolling with horizontal and vertical curves, there are no roadway geometrics which pose material dangers or create unsafe conditions because the horizontal curves have appropriate advance warning signage and appropriate advisory speed limits.

5. According to Randolph County School officials, morning school buses are on the adjoining roads before the facility opens and afternoon bus routes do not use the roads used to access the facility. Regarding buses serving Asheboro City Schools, Mr. Letchworth testified that trucks and buses use the same roads in every county throughout the state and that these trucks posed no danger to the City Schools buses on the road.

6. The two bridges in the area had NCDOT sufficiency ratings of 95.6% and 98%. These ratings indicate that the bridges pose no danger when crossed by additional truck traffic.

7. The County offered binding conditions that it would adopt every recommendation listed in the Transportation Impact Study, including construction of a left turn lane at the entrance with geometrics sufficient to safely handle truck traffic. The County also offered at its expense to move the mailbox from the opposite side of the road to the resident's side of the road for any citizen living on landfill access roads.

8. It was the professional opinion of the CDMSmith traffic engineers that, based upon the facts and their study which used the latest traffic analysis software and methodology, the proposed landfill would not materially endanger public safety if located where proposed and developed according to the conditions and plans as submitted and approved.

9. Some citizens claimed that the roadways were unsafe for themselves and others

now and would be more unsafe with the addition of 100 new trucks. However, no citizen opposing the landfill presented a Traffic Impact Analysis or other information to corroborate their claims.

**D. The use meets all required conditions and specifications**

1. Mr. Hal C. Johnson, Randolph County Planning Director, testified that the application was properly completed and filed with the Randolph County Planning Department with sufficient time to meet the public notice legal requirements.

2. Mr. Johnson further testified that supplemental information has been filed with the application that when followed by the applicant will enable the construction of the landfill to meet all required conditions and specifications of the ordinance. He further stated that no permits to operate a landfill can ever be issued if the project does not comply with all State and Federal laws governing landfill facilities if it moves forward with the North Carolina permitting processes.

3. No citizen presented evidence that the proposed use violated the Unified Development Ordinance or would violate state or federal regulations.

**E. The use will not substantially injure the value of adjoining or abutting properties.**

1. The Planning Board heard testimony from two certified appraisers, Mr. Jim Wright and Mr. John Daniel. Both of them had conducted market analyses or comparative sales research on property and land values at or near other modern landfills in North Carolina and compared it to the broader area. Both of them testified that, using standard methods of research accepted and taught by their professions, they were able to conclude that the proposed use will not injure the value of adjoining properties.

2. Mr. Daniel studied the residential properties adjoining and near the landfill facilities in three North Carolina locations, including the landfill adjoining the Charlotte Motor Speedway in Cabarrus County, the Hanes Mill Road landfill in Forsyth County and the North Wake Landfill, using data from Multiple Listing Service, tax departments, registers of deeds, and interviews with residents. In each case he concluded that the landfill did not create an external obsolescence.

3. At the Cabarrus County landfill he studied three residential subdivisions that adjoined the landfill and that were constructed after the landfill was already in operation. His data reflected that the average annual appreciation in property value was 2.49% and the average number of days on the market was 42. Using market and census data from a broader area he concluded that the appreciation rate and sales were similar to homes

farther away.

4. The average annual appreciation rate of homes near the Forsyth County landfill was 1.59% during the height of recessionary years 2009 – 2011. Using market and census data for the broader area he concluded that these appreciation rates were similar to homes farther away.

5. Homes in the subdivision immediately adjoining the North Wake County landfill appreciated at an annual average of 3.49%, which market and census reflected to be consistent with homes farther away. All of the homes he studied adjoined the perimeter boundary of this landfill. He also interviewed one neighbor at random who told him that the landfill, when in active operation, was not a deterrent for him and his decision to live there.

6. Mr. Wright visited six North Carolina landfills, including facilities in Anson, Cabarrus, Davidson, Montgomery, Sampson and Wake County (South Wake facility). He used data from Multiple Listing Service, tax departments, registers of deeds, and interviewed local brokers and neighbors.

7. Mr. Wright found numerous homes surrounding the Cabarrus County landfill that sold for 90% to 100% of listing price within a reasonable time and during a recessionary economy.

8. The Davidson County landfill had a home adjacent to the facility entrance that recently sold for a higher price per square foot than sales of homes much farther away. A neighbor of the facility and a broker who sold homes in the area both told Mr. Wright that the landfill was not a factor in home sales.

9. Mr. Wright found land near the Sampson County facility that sold at comparable prices to land much farther away when adjusted for the value of existing wells and septic tanks.

10. Mr. Wright interviewed a broker for the Forest Springs subdivision that is immediately adjacent to the landfill. Recent sales were closed within 60 days at 100% of asking price. The broker informed Mr. Wright that brokers in competing subdivisions often use the landfill's presence to discourage their buyers from looking at Forest Springs, but when buyers come to visit, Forest Springs is their choice a majority of the time.

11. The applicant and both appraisers provided photographs of high quality homes adjoining each of the studied landfills. The applicant provided photographs showing that Cabarrus County chose to construct its newest high school immediately adjacent to the

active landfill and a new elementary school approximately one-half mile away. The Charlotte Motor Speedway sits on a portion of that landfill and trucks carrying waste use the same entrance as race attendees.

12. The applicant also provided photographs of closed landfills that have been converted into children's playgrounds and other recreational use.

13. No citizen opposing the special use permit provided an appraisal study or market analysis, nor did any citizen opposing the special use permit demonstrate with competent or substantial data or other evidence that a modern landfill would harm the values of adjoining or abutting properties.

**F. The use is a public necessity**

1. Richard T. Wells, Randolph county manager, testified that the sanitary collection and disposal of waste was a public necessity. If waste was not adequately and safely disposed, the amount of waste generated by Randolph County's 145,000 citizens would very quickly become a hazard to public health.

2. Under North Carolina law G.S. 130A-309.09A, local governments are responsible for and required to provide for solid waste management. The County currently operates a transfer station that receives waste, packs it into trucks, and ships it out of the County to a modern lined landfill.

3. Citizens pay for solid waste disposal through tipping fees, not County property taxes. This is an expensive solution for citizens, and the County is proposing an alternative that will lower citizens' out-of-pocket costs. In addition, by accepting out-of-county waste, host fees will provide additional revenues for the General Fund. County savings from not operating a transfer station and hauling waste out-of-county, couple with anticipated income from host fees, would reasonably generate \$3 million per year, which could be directed towards provisions of other services which are public necessities, such as law enforcement and public schools.

4. No citizens presented competent or material evidence that the collection and disposal of solid waste was not a public necessity.

**G. 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**

1. Mr. Hal C. Johnson, planning director, testified that among professional land use planners the concept of "harmony" was different from the concept of "similarity."

Harmony addresses function and whether one land use would impair an adjoining or nearby land use from reasonably performing its function. Land uses frequently occur that are dissimilar in appearance and use, but these land uses can function harmoniously with each other.

2. In Randolph County, residential and agricultural areas commonly host schools, churches, and other land uses that are completely dissimilar from single family homes and farms. There are numerous other examples, such as small and large subdivisions which have developed adjacent to farms where tractors and other equipment are loud.

3. Randolph County routinely accommodates transition points where the nature of the land use moves from lower to higher intensity, such as farm to residential, rural business/ industry, or residential. In these situations, “transition” areas necessarily have dissimilar uses adjoining each other while functioning harmoniously as part of one community or area.

4. Using guidelines adopted as Randolph County public policy, the County Planning Department considers three concepts to determine if uses are harmonious: function, underlying characteristics, and the Unified Development Ordinance’s Table of Permitted Uses.

5. The underlying characteristic of modern landfills is that the vast majority of landfill area is covered with grass, quite similar to a farm. The “working face” area where waste is actively being disposed is no more than approximately 2 acres. Since the entire facility perimeter encloses 667 acres, the average size working face would represent only three tenths (3/10) of one percent of the total area. Consequently, the predominant characteristics of a modern landfill are similar to a large farm with grassed areas and wooded boundaries and scattered buildings dedicated to farm use.

6. Regarding functionality, there are no characteristics of the proposed land use that would prevent other uses from flourishing. According to decibel level comparisons provided by landfill engineers, a next door neighbor’s lawnmower or garden tractor would sound louder than the equipment used by the proposed landfill which would be located several hundreds of feet away. A tractor plowing or disking a field next door would generate more dust. And poultry farms, common in Residential Agricultural zoning areas would produce more odors. **Randolph County's policy has always been to consider rural residential uses and farms to be harmonious and compatible with each other and a major part of the fabric of the county throughout its history to the present.**

7. Under North Carolina law, when the Randolph County Board of Commissioners adopted the current zoning ordinance and decided that a landfill could be located in a Residential/Agricultural zoning district, that decision by the County Commissioners amounted to a legislative finding that a landfill, if developed according to the plan and findings of the Special Use Permit, is compatible and harmonious with other land uses allowed in the zoning district.

8. Tax Department records show that there are 281 single-family residences located within ½ mile of the proposed landfill. That number is comprised of 190 single family site built residences and 91 manufactured residences.

9. Randolph County Planning Department staff conducted an automobile field survey and identified additional land uses within the ½ mile survey area. They found 14 commercial uses, 8 industrial uses, 4 cultural uses, 8 governmental uses (including the adjacent closed landfill and Law Enforcement Training Center referred to by some as the “shooting range”), 13 institutional uses, and one recreational use. From this information they concluded that the surrounding area was not homogenous but rather a diverse mixture of land uses

10. Tax Department records also reflect forty-two individual parcels adjoining or abutting the total 900 acre Randolph County property, including that portion of the property used as a local county landfill beginning in 1972 and closed in 1997. Tax Department records also indicate that there are 35 different property owners of the 42 parcels and that eleven (11) of the property owners purchased their properties from 1974 to 1997 when the old landfill was in active use.

11. Eighteen residences adjoin or abut Randolph County property boundaries of the proposed 667 acre landfill operation area. The average distance of these homes from county property lines is 274 feet, with the greatest distance being 695 feet and the shortest distance 8 feet. Each of these distances will be supplemented by an additional 300 to 400 foot buffer inside the facility.

12. Several citizens expressed strong opinions that the proposed landfill would be inharmonious with their way of life because of noise, traffic, odors, and threats to groundwater. Most of these statements fell into the category of a “generalized fear.” No citizen addressed the fact that the county’s MSW transfer station is located on property adjoining the proposed site.

**H. The location and character of the use, if developed according to the plan as**

**submitted and approved, will be in general conformity with the Growth Management Plan for Randolph County.**

1. Planning Director Hal C. Johnson testified that the proposed use conformed with the County's Growth Management Plan in numerous ways. He provided both written and verbal summaries of the policy conformities:

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

Consistency Summary: Financial benefit to county is mutually supported by strict environmental standards of Federal and State agencies. Quality of life is supported by buffers imposed beyond the minimum required by state.

**Policy 1.3:** The benefits of economic development should be balanced against the possible detrimental effects such development may have on the quality of life enjoyed by area residents.

Consistency Summary: Job creation and economic development anticipated as a result of the Regional Landfill is balanced with environmental standards and buffers to maintain quality of life.

**Policy 1.6:** Randolph County will support coordination of economic development resources with various local agencies and seek regional coordination and interaction between areas with a shared economic interest.

Consistency Summary: By its very nature, a Regional Landfill requires economic coordination between local agencies and supports the interaction of communities because of the shared economic interest of solid waste disposal.

**Policy 3.1:** Industrial development should be on land that is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land should be encouraged.

Consistency Summary: Randolph County is located in the geographic center of North Carolina and the Regional Landfill will be located on land owned by the county since 1972 as a landfill.

**Policy 3.10:** Site specific development plans shall be required that reduce stormwater impact by designing new development in a manner that minimizes concentrated stormwater flow using vegetated buffer areas or retention ponds.

Consistency Summary: Engineered site plans and stormwater buffers are part of the proposed development and are designed to minimize stormwater flow through facility citing and natural buffers.

**Policy 3.11:** 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.

Consistency Summary: Engineered site specific development plans have been submitted and are a critical component of the proposed Regional Landfill application. Natural buffers in excess of minimum requirements have been proposed. Facility locations have been selected at distance from adjoining property lines in efforts to reduce substantial impacts to adjoining land uses.

**Policy 8.2:** Public involvement is encouraged in decisions on land use and development by making the public aware of proposed developments at the earliest opportunity, and fostering communication between landowners, the development industry, the public, and Randolph County government.

Consistency Summary: The County invited all residents living within 2000 feet of the landfill boundary to attend a special Neighborhood Information Meeting with staff on September 24, 2012. This was in addition to a Public Information Session held before the Board of County Commissioners on October 1, 2012. Background information and offers to transport any citizen to view a comparable landfill have been made available on the county website.

**Page 10, 2009 Randolph County Growth Management Plan:** “Randolph County Zoning and Public Policy recognizes that individual zoning 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”.

Consistency Summary: The anticipated positive economic impacts for all county citizens, along with the stringent state environmental regulations that must be maintained, support this policy.

**Page 14, 2009 Randolph County Growth Management Plan:** “A key principle in the Growth Management Plan for Randolph County is to approach development decisions not as isolated individual issues, but as a part of a larger interconnecting framework of building sustainable growth within the county”.

Consistency Summary: Sustainable growth in 21<sup>st</sup> Century economic climates requires that all development decisions be viewed as interconnecting with other social and economic conditions within the community. A Regional Landfill not only allows the county to economically treat solid waste, but also may generate other support businesses that might insure long term sustainable jobs and growth.

**Page 42, 2009 Randolph County Growth Management Plan: Board of County Commissioner Adoption Resolution, Intent #2:** Recognize that growth management policies should afford flexibility to County boards and agencies that will enable them to adapt to the practical requirements often necessary for rural development.

Consistency Summary: This land was originally purchased by the Randolph County Board of Commissioners in 1972 for the purpose of a landfill and is in excess of the land currently needed for a Regional Landfill. The county has used this availability of land to provide buffers in excess of that required by state environmental regulations. The county has also used the land availability to locate sites and buildings in locations designed to minimize substantial impacts to adjoining properties.

**I. Testimony presented by landfill opponents**

In addition to questions and cross-examination of each witness for the applicant, numerous citizens spoke in opposition. The Planning Board does not find that the information as reflected in the official minutes of the hearing constitutes competent, material and substantial evidence on any standard sufficient to support a finding that the applicant failed to meet its burden of proof on each standard.

**J. Added Conditions**

Pursuant to its authority as established in the Unified Development Ordinance

Section 5.2 and N.C.G.S. § 153A-345, the Planning Board finds that the following requirements, if added as conditions to the Special Use Permit, will enable the Board to further find that the applicant's proposed use will meet the standards required to be found in order to issue a Special Use Permit.

As a condition to issuance of this Special Use Permit, applicant Randolph County shall do the following:

1. Install litter fencing at the working face of a sufficient height that it catches wind blown trash.
2. Require, as part of its Operating Agreement, that the operating company shall implement animal control measures to provide control of birds, pigs, and other vector the facility might attract.
3. Require, as part of its Operating Agreement, that soil shall be banked to direct noise of the "working face" away from residences at such times when the natural 300 to 400 foot wooded buffer is insufficient as a noise buffer.
4. Make all convenience sites free to Randolph County residents.
5. Require, as part of the Operating Agreement, that the methane collection system and methane gas shall be County owned and that the County, rather than the private partner, shall determine how the gas is used and/or sold.
6. Require, as part of the Operating Agreement, that the partner and operator shall pick up litter at the entry and along perimeter roadways on a daily basis.
7. Require, as part of the Operating Agreement, that the partner and operator shall provide a washing station for exiting vehicles and wash the facility entrance and any portion of Old Cedar Falls Road as frequently as necessary to keep it clean.
8. Move any mailbox on Henley Country Road and Old Cedar Falls Road at county expense to the same side of the road as the residence, if requested by property owners.
9. Require, as part of the Operating Agreement, that the landfill liner system shall include three (3) HDPE geomembranes and be an NCDENR-approved double liner system consisting of a primary and secondary liner system separated by a leak detection/"witness zone." The primary liner shall be a synthetic liner on top of a drainage collection layer. The secondary liner shall consist of two overlying synthetic liners in direct contact with underlying soil. The "witness zone," which is between the liner systems, will monitor and collect any seepage from the primary liner and will serve as

part of the monitoring system for the engineered containment system.

10. Accept MSW (municipal solid waste) waste only, as MSW is defined by NCDENR, and require, as part of the Operating Agreement, that the operator shall monitor all incoming waste for unapproved materials at a minimum of two points of inspection, including its arrival and upon disposal at the working face.

11. Require, as a condition of the Operating Agreement, that any additional soil required to operate and close the landfill that is not available on the site or adjacent county-owned property shall be acquired at the expense of the operator.

12. Construct and/or maintain a pump station so that leachate can and will be transported by pipe rather than truck to the City of Asheboro sanitary sewer.

13. Construct a left turn lane at the facility entrance on Old Cedar Falls Road with sufficient depth to accommodate the estimated truck traffic.

14. Erect “cautionary” signage with flashing lights in each direction approaching the landfill entrance on Old Cedar Falls Road.

15. Work with NCDOT to reduce the speed limit on Henley Country Road to 45 mph.

16. Widen the shoulders of Old Cedar Falls Road in appropriate areas to facilitate safety for additional traffic.

17. Strengthen the pavement at the intersection of Old Cedar Falls Road and Henley Country Road to accommodate the heavy truck traffic.

18. Require, as a condition of the Operating Agreement, that hours of operation shall be Monday through Friday 7:30 a.m. to 5:00 p.m., Saturday 7:30 a.m. to noon, and closed on Sunday.

19. Establish an enforceable prescribed route for all landfill truck traffic and establish a “hotline” for traffic issues and concerns.

20. Conduct a sight line distance study to determine if other road improvements are needed.

21. Require, as a condition of the Operating Agreement, that the operator establish, to the fullest extent possible, enhanced recycling opportunities for County residents as a landfill component, such as recycling opportunities for the drop off of electronic wastes,

household hazardous wastes, tires, metals, used petroleum products, batteries, white goods, and yard waste debris.

22. Require, as a condition of the Operating Agreement, that the operator shall work with the Board of Education to use the facility as a learning tool. Establish outreach educational programs and possibly a “green fill” learning center with interactive and other types of educational materials.

## **II. CONCLUSIONS OF LAW**

**BASED ON THE COMPETENT, MATERIAL AND SUBSTANTIAL EVIDENCE APPEARING IN THE WHOLE RECORD AND THE FOREGOING FINDINGS OF FACT, THE RANDOLPH COUNTY PLANNING BOARD MAKES THE FOLLOWING CONCLUSIONS OF LAW:**

1. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted and approved.
2. The proposed use meets all required conditions and specifications as outlined in the county zoning regulations.
3. The proposed use will not substantially injure the value of adjoining or abutting properties and the use is a public necessity.
4. The location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Growth Management Plan for Randolph County.
5. Applicant Randolph County has met all requirements precedent to receiving a Special Use Permit for the operation of a sanitary landfill.

**BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS,** the application is approved by a vote of five to one.

This Special Use Permit is issued this 9<sup>th</sup> day of April, 2013, and will be entered upon the official minutes of the Randolph County Planning Board.

The motion passed unanimously.

Johnson said that on May 6<sup>th</sup> the Commissioners will meet and decide if they are going to

the next stage in the process. At that meeting the Commissioners will hear from the public. At that meeting each citizen will have 3 minutes to address the Board.

5. The meeting adjourned at 6:53 p.m. There were 4 citizens present for this meeting.

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**NORTH CAROLINA  
RANDOLPH COUNTY**

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**Planning Director**

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**Date**

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**Clerk/Secretary**