

Minutes

RANDOLPH COUNTY PLANNING BOARD

May 5, 2015

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, May 5, 2015, in the 2nd 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.

Chairman Pell introduced new alternate member Ralph Modlin and welcomed him to the Board. **Ralph Modlin** thanked Pell and said he is a long-time resident and property owner in the Archdale area. He said he has farmed all his life and now also operates a nursery. He said he is looking forward to serving in this capacity.

2. **Jay Dale**, Planning Director, called roll of the members: **Reid Pell**, Chairman, present; **Wayne Joyce**, Vice Chairman, present; **Chris McLeod**, absent; **Phil Ridge**, present; **Jim Rains**, present; **Kemp Davis**, present; and **Larry Brown**, present. County Attorney **Ben Morgan** was also present.
3. **Rains** made the motion, seconded by **Brown**, to approve the Minutes of the April 7, 2015 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUESTS FOR PROPERTY REZONING:**

- A. **RANDOLPH TELEPHONE**, Asheboro, North Carolina, is requesting that 11.58 acres located at 6469 US Hwy 220 South, Richland Township, be rezoned from LI-CU to LI-CD. Primary Growth Area. Tax ID# 7666353792. The proposed Conditional Zoning District would specifically allow a telephone equipment distribution center as per site plan.

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**.

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

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.

Policy 3.4. Warehousing, storage and distribution facilities should have direct access to appropriate thoroughfares and should be visually buffered according to their location.

Allen Shaw, Plant Manager, Randolph Telephone Membership Corp, was present and explained their intentions to move their operations to this location. Their operating schedule will be from 8 a.m. to 5 p.m., Monday thru Friday. There will be 5 full-time employees on-site. Both buildings will be used for storage and most everything will be stored within the buildings.

There was no one present in opposition.

McLeod made the motion, seconded by **Brown**, to recommend to the Board of Commissioners, that this request be **approved**. The motion passed unanimously.

- B. **RLBB, LLC**, Asheboro, North Carolina, is requesting that 223.95 acres located at 4471 Waynick Meadow Road, Concord Township, be rezoned from RA to RBO-CD. Tax ID# 7617294286. Rural Growth Area. The proposed Conditional Zoning District would specifically allow a Live Bird Hunt and Sporting Clay Shooting Facility as per site plan.

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**.

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

Policy 4.5. Effective buffering and/or landscaping should be provided where commercial development adjoins existing or planned residential uses.

Policy 7.1. Development activities in the 100 year floodplain shall be discouraged. If development must occur, low intensive uses such as open space, recreation, and agricultural activities shall be preferred.

Jon Megerian, Attorney representing the property owner, Dennis Loflin, and explained their intentions to operate a live bird hunting and skeet-shooting facility. This is not a gun club or shooting range. Megerian said they are asking for a conditional use district that would allow the Commissioners to place whatever restrictions the Board chooses on the property. This will be to hunt pheasant and quail, and a skeet-shooting range. His clients have done noise testing at the site (from the firing stand to the property line) that registered the sound at 57 decibels. He described this sound level as the sound of normal conversation (at that distance). The facility will operate during daylight hours and they would be willing to agree to the hours of 8 a.m. to 5 p.m. and afternoon hours on Sunday if this Board so chooses. There will be no high powered rifles allowed. They are asking for a conditional use district to all the Board to restrict the property by conditions. The quail and pheasant will be brought to the property for hunting. The Technical Review Committee has recommended this to be approved and sited a couple of policies. Megerian quoted those policies and a few additional policies from the Growth Management Plan that he felt would support the request:

Policy 4.5. Effective buffering and/or landscaping should be provided where commercial development adjoins existing or planned residential uses.

Policy 7.1. Development activities in the 100 year floodplain shall be discouraged. If development must occur, low intensive uses such as open space, recreation, and agricultural activities shall be preferred.

Policy 6.16 The County should preserve scenic views and elements of the county's rural character by minimizing perceived density by minimizing views of new development from existing roads through use of natural buffers and open space.

Policy 6.17 The County should provide incentives to preserve open land, including those areas that contain unique and sensitive features such as natural areas, wildlife habitats, steep slopes, streams, wetlands and flood plains.

Policy 6.18 The County should minimize site disturbance and erosion through retention of existing vegetation and avoiding development of steep slopes.

Megerian described this proposal as open space and a recreational activity. He said they are not putting in a residential subdivision or commercial retail business, and there will be no construction in the flood area. He said this development does not cut down slopes, no new buildings or pavement would be installed...therefore there would be no increase in run-off. Megerian said this is what the Growth Management Plan calls for, and they are asking this Board to recommend to the Commissioners that this property be moved into a conditional use district. He

said the property will not stay a golf course. It has never been a money maker and this proposal could turn that around for the property owners. Megerian said they would be open to consider any conditions this Board feels should be applied. He then asked for the opportunity to respond to any opposition to this request.

Lex Futrell, Manager of Uwharrie Golf Club, answered that a wobble stand is the throwing contraption used to throw skeet. **Ridge** asked what area of the property would be most used, and **Futrell** answered the 5-stand area and the shooting course. He said there are 50 acres of wooded land in the southern area and most of this area is used. He said 80% of the designed shooting track/course is in these woods and will not disturb the river. **Davis** asked what was planned for the golf course, and **Futrell** asked they are letting it grow naturally. He added that the front top part of the course is where they will release the birds for the hunt. **McLeod** asked if this was their plan for the property when it was purchased. **Futrell** answered no, they planned to operate the golf course, but it is losing money. He described it as a small country golf course with a lot of overhead and it just won't pay for itself. For this reason, they closed the golf course in December. He said with the property in flood plain, it can't be farmed, because when it rains there is standing water. He said he had talked with some of the neighbors and because of their concern of the noise they did a decibel reading from the stand to the property line and the sound registered at a level of 57 decibels. **Rains** asked if there would be further construction on the property. **Futrell** answered no, but they would leave the old buildings. He said he lives in this old building. He said they would only be adding the 5-stand (covered shed) to shoot from. He said the posts in the stands are built-in safety controls. He said they would not be turning a bunch of rednecks loose with shotguns. The guns will not be loaded until time to fire. **Davis** asked what the operating hours would be, and **Futrell** answered from 8 am to 6 pm, and the live bird hunting would be from October to March. **Brown** asked if the policy would be no rifles and no pistols. **Futrell** said only shotguns for sporting clays. **Brown** asked how many hunts per day, and **Futrell** said time would only allow for possibly 2 hunts per day. There would be no hunting after dark. **Davis** asked if there would be kennels on the property. **Futrell** said they had the buildings but no, they would be hiring out for dogs to be brought to the hunts. **Rains** asked if this would be open to the public or would it be a club with memberships. **Futrell** said they would possibly have a membership but it would be open to the public also.

Ann Honer, 4083 Waynick Meadow Road, presented the Board with a petition of 75 names from people in the community. Honer said that this is a rural area and their dogs are not leashed for the most part. Honer said that her dog bolts some times to the golf course. She asked what were they going to do to keep their animals safe if this is permitted. She said her neighbor has a boar that is loose right now in the area. Honer read a letter from her neighbor that also opposes this request. She said they bought property next to a golf course, not a gun range.

Honer presented the Board with pictures of the area. One picture was from a neighbors back porch over-looking the golf course. Another picture of the golf course flooded. Another flooded picture of where life flight helicopter had landed on their property. A picture of her front yard at the intersection of Lassiter Mill Road and Waynick Meadow Road. She said this is the Uwharrie National Forest across the street from her house. She showed the Board an aerial photography of her property. She said they have horses in their pastures. My question to the owner what do we do to keep our animals off the golf course when all the shooting is going on.

Mike Honer, 4083 Waynick Meadow Road, said he didn't think that the Technical Review Committee really looked at this as a sporting clay activity. I want to give them credit for doing their job, but what they are talking about is not what they are planning. Honer said that the course is laid out on a 70 acre plot of land with little arrows pointing inward. When the shooters get to there station they will be confronted by standard skeet. He said he is a gun owner and a member of the NRA. He said every man that goes on the course is carrying 50-100 rounds of 12-gauge shotgun shells and every group will have 504 shots. He said they heard it will be 57 decibels at the wobble stands, but a 12-gauge shotgun is 176 decibels. He said 136 decibels will cause you to curl into a ball and try to hide. He said this is an ancient riverbed on the property and the folks that live down river can hear the people on the diving board at the pool at the golf course and can hear talking from there also. He said sound carries right down river. He said 4 groups could be on the course at any one time, with 8 groups a day coming through the course. He said that is 1000s of 176 decibel shots a day. He said the noise is very loud and it carries. He said this is ridiculous and will lower the property values in the area. He said his place is on tax records for \$275,000 but if this sporting clay activity is added it will lower to \$225,000 or \$250,000. He asked if the County will lower his tax values. He answered his question by saying I'm sure you won't. He presented the Board with a picture of a box of clay targets and said the label says it is poison. He said he was sure they won't pick up the broken targets or lead shots and when the property floods it will wash it clean. He asked if there has been an environmental impact study out there. He told the Board he felt before a decision is made, the County should set-up rules for shooting ranges of any kind. He said these are our homes and property values. He said that on the first day of hunting season, when the first gun goes off, you don't see any more deer until after the last day of hunting season. He said these houses on the road are less than an 1/8 of a mile from this course. He asked how many people will get hurt. He said this is a bad idea.

William Terry, 4234 Lassiter Mill Road, said his main concern is that people come from all over the State to come to the Uwharrie Trails for peace and tranquility. He asked if these people (the applicants) will be reimbursing the people who lose money (at their businesses that serve those tourists) because of

this facility. He said that he has a \$10,000 horse and if it runs through the fence because of the gun shots frightening it, he'll have vet bills.

Cathy Lamb, 4303 Waynick Meadow Road, said that she looks out of her house across the golf course. Lamb said that the idea of shooting going off constantly stresses her. Lamb said that the owners knew when they bought the golf course, it never made any money and they aren't willing to spend the money to make it like Tot Hill, where it could make money. Lamb said the definition of insanity, is to do the same thing over and over again and expect a different result. Lamb said they (the applicants) aren't going to put any money in the property. She said if approved, the shooting range would be at their (the neighbors) expense. She said they haven't managed the golf club or pool very well and she questioned how this would be run. She said people are drinking everyday up at the pool. She described a time when she and her husband had been playing golf on the course and a man was at the pool "mooning" the manager. She said the manager didn't ask the man to leave or anything. She said he just laughed. She described another time when a man at the pool was all over a woman, she said that was the manager. She asked how are they going to guarantee their safety. She said you can't say that lead is not bad for that river. She said they pay more tax money to the County than the golf course and they would appreciate the Board giving them more consideration. She asked the Board to deny this request.

Martin Davis, 4244 Thornburg Farm Trail, Asheboro, expressed his opposition and said he didn't think there was any certainty in their plans, at least from what he has heard from the manager or Megerian

Jeff Davis, 4088 Waynick Meadow Road, said that it might not be semi-automatic weapons, but constant shotguns going off will still be a problem. He said they have the right to close their golf course but they don't have the right to shoot constantly. He said he could hear a conversation from the pool at his house across the road. He said he had environmental concerns, and concerns of what this would do to their property values. He said he sold a house near Hwy 109 and it took him 3 years to sell it because of the highway. He said he lost money. He said there is a noise ordinance for this county and it refers to any unreasonable noise of duration. He said if his neighbor goes out and shoots once in a while he is okay with that, but that isn't constant gunfire. He invited the Board to come to his house and listen to someone firing a shotgun over and over again.

John Paul Harris, 3285 Whale Tail Road, said he has lived here for over 30 years. He told the Board about an artillery range where he was stationed in the Army and the noise they had to live with there. He said that he can also hear cars testing at Caraway Race Track on a clear day at his house. He said they live in the most beautiful part of the county and noise pollution will take this area down.

Bruce Kyles, 4252 Waynick Meadow Road, said he adjoins the golf course. Kyles said noise travels with the wind and he can hear the jukebox at the pool from his house. He has a common line with the golf course (near the proposed wobble stand) and he has trails that run along the property line where he and his family walk. He is concerned about the safety due to the haphazard way clays are fired from this type of stand. He said the proposed stand is approximately 130 ft. from his property line and he doesn't feel his family would be safe due to the randomness of the shots fired. He said a shooter will take a shot from the angle he needs to fire to hit the target. He said they have picked up several golf balls on the property and he is sure the shots will also cross the property line.

Carrie Hampton, 3928 Lassiter Mill Road, said she is a veterinarian and a livestock owner. Hampton said that she moved here for the rural farming community. She said one landowner should not be allowed to so adversely effect all the neighbors. Hampton discussed the science of acoustic noise and explained how it adversely effects wildlife and livestock. Hampton said they hear much more sensitively than humans. Hampton said this type of use will run the wildlife from this area. She sees many patients (animals) with issues because of noise and it will effect the livestock in this area. She also explained how lead shot is outlawed in waterfowl hunting. She said waterfowl hunters are required to use steel shot due to the effect lead shot has to water. She said all the remnants of this shooting will wash (due to the flood zone areas) into the river and this issue should be addressed. She questioned the buffers and possible lead poisoning. She also asked if alcohol will still be allowed at the clubhouse. She said they have young children and safety is their main concern. She said she didn't feel all the safety issues have been considered. She said she would also like the operating hours more defined. She asked the Board to recommend to the Commissioners that the zoning not be changed.

Bill Garner, 4317 Thornburg Farm Trail, said that he lives on the border of the course, and his house is not over 200 ft. from their property line. He said they have a pool outside and grandchildren play in the pool and he is concerned for their safety. He said people that work at night will not be able to sleep during the day. He said that the property was farmed for many years before the golf course was built. He said it's not that it can't be farmed, they don't want to farm.

Joyce Schmack, 4275 Waynick Meadow Road, said she didn't feel this is a good idea in their neighborhood. It will destroy the tranquility of their neighborhood. She told the Board they like to watch the wildlife in the community, but this will run all the wildlife out of the area. She said it will increase the traffic in the area. She expressed concern for where the new parking lot will be built. She told the Board that she can hear conversations from the golf course at her house. She is concerned about the shooting from the stands effecting the houses. She said she would have gunfire on both sides of her house. She said she would have no peace. She said people will be hollering due to the ear protection the shooters will

be wearing. She said she has migraine headaches. She said her neighbors have infants and the gunshots will be bothering these children when they nap. She asked if there would be any noise barriers. She asked who would be monitoring what shot will be used in these guns.

Judy McPherson, 4650 Waynick Meadow Road, told the Board that she lives in the farm that was purchased by her parents in 1953 and before this was a golf course it was a dairy farm. She said her and her husband have placed a conservation easement on their farm so that it will be preserved for future generations. Constant loud noise will stress the cattle on our farm and it will effect their income. She asked how one owner could be allowed to diminish their quality of life and the ability for them to make a living. She read several excerpts from the Growth Management Plan that she felt made this request incompatible to their community.

Kenneth Owen, 4162 Waynick Meadow Road, said that he is the house appears to be bordered on 3 sides by the areas to be used for shooting. He said the wobble stands would be behind his house and he is concerned about the possibility of accidents due to the arrows pointing to his house. He urged the Board to reject the proposal.

Dale Cox, 4692 Lassiter Mill Road, said that he is relatively new to the area, and they love this rural area. He said development like this will fundamentally change the area and would reduce the property values in the area. He said he would questions, if this is successful, how this amount of lead shot will effect our water after 20 or 30 years.

Marshall Akins, 4283 Waynick Meadow Road, expressed his concerns with pollution, noise, children safety, etc. Akins said he is a gun owner, but this type of facility could be unsafe for his small children to be outside next to his home. He said this would be a bad idea.

There were 29 people present in opposition to this request.

Megerian said it is clear this is not an artillery range and will not have the decibel levels they are talking about. He said there is not going to be lead poisoning, etc. Megerian said if this Board would like to discuss conditions such as hours of operation, buffers, etc. they would be glad to consider them. He said they are asking for a conditional zoning and would be required to operate by those conditions. He said he thought what has been designed here would not destroy the wildlife. He said he felt it is strange to oppose that they are not going to change what is there.

Chairman Pell said asked the applicant if they had the results of the test (concerning decibel levels) in writing. **Futrell** said no, but he would be glad to provide this before the Commissioners' meeting.

Ridge asked how far the shot from a shotgun would carry. **Futrell** answered that test have shown that it would carry a maximum of 250 yards and all the stands would be located over 300 yards from any house. He said he would like to do more testing and he understands the concern the neighbors may have. He said they can test for the lead and the lead can be reclaimed by mining the lead and removing it. When asked about the shells that would be shot, Futrell said the shooter will furnish their own shells with a shot no larger than 7 ½ shot. He said they will have some to sell for sale. He said the targets will not be clay, they will be lime targets and they do not harm the environment. **Ridge** asked about the area with concern for the livestock. **Futrell** said there is a clay target shooting facility that is located on a horse farm that borders the Pee Dee River. It's called The Fork. He said they raise horses and there is a lot more shooting at that facility than would be at this facility. He said they have a shooting course and the have hunting of duck, deer, and bird hunting. He said they raise high dollar horses at that facility. **Ridge** asked what size parcel was that horse farm/shooting facility and **Futrell** answered 2500 acres. **Ridge** asked if the shooting area was fenced and **Futrell** answered no.

Ridge said he has concerns with residents located in the middle of the facility and the wobble stand so close to the houses. Ridge said he was raised on the farm and during hunting season shots would occasionally fall on the barn.

Ridge made the motion, seconded by **McLeod**, to recommend to the Commissioners that this request be denied. The motion passed unanimously.

The Board took a 5-minute recess to allow the group to leave. Returned at 8:37 p.m.

- C. **ABD FARM SOLAR, LLC**, Santa Monica, California, is requesting that approximately 75 acres (out of 134.08 acres) located on US Hwy 64 East, Franklinville Township, be rezoned from RA/RR to RIO-CD. Tax ID# 7772627274. The proposed Conditional Zoning District would specifically allow a 5-mega watt Solar Farm as per site plan. Property Owner - ABD Development, Inc.

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**.

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

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.

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.

Gerry Dudzik, representing ABD Farm Solar LLC, was present.

Rains to the Board that he knows Gerry very well. He said Gerry has looked at his property for a potential solar farm. Rains said that his 2 children voted against him (in whether or not to have a solar farm on their property) because the solar farm would not allow them to build a carnival on the property. Rains laughed and said no they would not be building a carnival on their property. He then asked if he should recuse himself. The consensus of the Board was no.

Dudzik described this as a 51-acres parcel on Hwy 64 to be used as a solar farm. He said the plan is to sell to Duke Energy Progress. He said they have received approvals from the state, they have completed wetland studies, and they are currently working with Duke Energy Progress for their approvals. He said once the project is completed it will have enclosed by a 6 ft. locked fence. There will be no employees, no odors, no toxins, and no noise. During the construction phase, it will employ 150 construction workers. They will conduct job fairs to hire locally. The jobs will be temporary, but the skills learned could be used by these employees at other sites. He said there are a number of solar farms being constructed across the state. He said they will provide the erosion control plan to the Planning Department and also a driveway permit. He said they would meet and have sessions to train local police and fire departments. He said once a quarter there will be someone that visits the property for inspection. The remainder of the time, the facility will be monitored by computers from their offices in Durham. If there is any error in conversion they will see it on their computers in Durham and they will have a local responder trained (electrician) to respond.

There were 4 people present in favor of this request.

Sandra Reeves Roscoe, 8708 NC Hwy 902, Pittsboro, was present with her aunt, Mary Cox, who lives on the adjoining property. She asked to speak for her aunt that is 90 years old. She said she is directly to the right of the road frontage property (3223 US Hwy 64E). She wanted to know where they would be entering the facility. Dudzik said they would be entering from Hwy 64. She asked if they plan to maintain a buffer of trees, is there going to be security lights or fencing, are they planning any other access. She said some of her family members were concerned that solar farms could have a negative impact on their aunt's property.

Dudzik said the system will have a 30-year life cycle. After that time, it will be decommissioned and the property will returned to it's original condition. He said the facility will not create any traffic, no lights, and the only entrance will be the existing farm road. He said there will be no trees removed between the residences and the fenced area (from behind the Cox residence). He said the entire facility will be approximately 900 ft. from their property. The landowner, **Bobby Myrick**, ABD Development, said that he has another farm in Montgomery County and the property values were increased after the development of the solar farm.

Dudzik said the employees will be there for a period of 3 months. Dudzik repeated that there would be a 6 ft. fence with barbed-wire on top of the fence and the fence would be locked (after completion). He said the fence will be 85 ft. from the property line and there will be a natural vegetative buffer of at least 75' of existing trees.

Dudzik said they have located farms in 23+ counties and when locating near residential structures, they screen with buffers and the farms have had no affect on property values.

McLeod made the motion, seconded by **Joyce**, to recommend **approval** to the Commissioners. This motion passed unanimously.

- 5. The meeting adjourned at 9:01 p.m. There were 51 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk/Secretary