

Minutes

RANDOLPH COUNTY PLANNING BOARD

February 16, 2016

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, February 16, 2016, 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.
2. **Jay Dale**, Planning Director, called roll of the members: **Reid Pell**, Chairman, present; **Wayne Joyce**, Vice Chairman, present; **Chris McLeod**, present; **Phil Ridge**, absent; **Jim Rains**, present; **Kemp Davis**, absent; **Larry Brown**, present, and **Ralph Modlin**, Alternate, present (substituting for Phil Ridge). County Attorney **Ben Morgan** was also present.

3. **REQUEST FOR PROPERTY REZONING:**

- A. **CLIMAX SOLAR PROJECT, LLC.**, Carrboro, North Carolina, is requesting that 48.07 acres located on NC Hwy 22 North (approximately 500 ft. north of Old Red Cross Road), Providence Township, be rezoned from RA to RIO-CD. Tax ID# 7797590264. Secondary/Rural Growth Area. Sandy Creek Watershed. The proposed Conditional Zoning District would specifically allow the development of a 5 mega-watt PV solar farm as per site plan. Property Owner - David R. Hinshaw.

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 2.11 The County should continue to encourage & promote “clean” industry within Randolph County.

Policy 3.6 The County should encourage the use of performance-based rural industrial overlay zoning when the use of large acreage, natural buffers, 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.

April Montgomery, 151 Chatham Street, Sanford, North Carolina, represented Solar and reviewed the setbacks, and explained that the property will be fenced. **Rains** asked if they would be disturbing the wetlands on-site. She said they will be working with Army Corp of Engineers concerning the wetlands located on the property. **Brown** asked how much power the site would produce, and Montgomery answered the facility would be a 5 mega-watt site.

Kim Gunter, 8267 NC Hwy 22 North, Climax, told the Board that she lives directly across the street from this site. She asked how far the facility would be setback from the highway, and she was answered it that it would at least 100 ft. from the street. Gunter said that she was concerned of how this would look and asked if there would be any type of buffer. She said these things are not very attractive and asked the Board to deny the request.

Montgomery said that the application and site plan were prepared in accordance with the County zoning requirements. She said there would be landscaping within the setback area, and the foliage would be fence height. She said that the property owner plans to clear-cut the property in the near future. When asked, she could not answer how much road frontage the property had. She said that the panels would face due south and they would be installed in rows with some separation between each row. **Dale** asked what type of buffering would be proposed. He discussed a level 3 buffer and she was agreeable to that buffer. **Dale** advised that if the Board chose to recommend that this request be approved the Planning Staff could work with the applicant to determine appropriate buffers for the Commissioners to consider at their hearing.

Kevin Gunter said that his concern is if the solar panels are damaged there could be some damage to the environment. He questioned if silicon or other types of chemicals could possibly leak into the environment if the panels were damaged. He said these things cause a lot of dead birds and he was concerned how possible contamination could effect the water table and local wildlife. He said his research had also said that these solar farms create heat in the area they are located and he was concerned how this would effect the temperature in the air. He said he thought one had been denied. **Dale** said he could not recall any that had been denied. He said he may have gotten some bad information.

Montgomery said that they don't use hazardous material that would run out of their panels. She said all materials are baked into the panels and are not in liquid form. She said they have some inverters that use oil, but no more than any other normal residential usage. Montgomery said that the issue of birds is normally at those solar farms built out west. They are much larger farms and they appear to

be a pond to birds from high altitudes. She said they have not had these problems on solar farms installed in the Southeast.

McLeod said he thought there should be buffers at the entrance of the property. **Dale** said we could work on the buffers with the applicants prior to the Commissioners meeting.

Joyce made the motion, seconded by **McLeod**, to recommend **approval** to the Board of Commissioners with the condition of buffers along Hwy 22, to be worked out with the Planning Staff. The motion passed unanimously.

- B. **JULIAN BUTLER**, Greensboro, North Carolina, is requesting that 5.00 acres (out of 24.18 acres) located at 3079 Pike Farm Road, Liberty Township, be rezoned from RA to RBO-CD. Primary Growth Area. Rock River Watershed. Tax ID# 873567280. The proposed Conditional Zoning District would specifically allow an event center in a proposed 69 ft. x 49 ft. structure 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 4.1 Provide for sites in Randolph County jurisdiction where rural commercial activity can locate; with the goal of increasing economic activity; job creation, and the provision of services to the rural community.

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

Resolution Adopting the 2009 Randolph County Management Plan, Resolution #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.

Julian Butler was present and explained that his property is a tobacco farm where he grew up. He is asking the Board to allow him to use the structure on-site as a multi-purpose building for things such as weddings. He said it would be primarily used as a wedding venue on the weekends. He said there would be no

outdoor concerts.

There was no one present in opposition to this request.

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

- C. **BKM RANDOLPH, LLC.**, Asheboro, North Carolina, is requesting to amend the Conditional Zoning District located at 279 Joe Farlow Road, on 25.02 acres, Richland Township, Primary Growth Area, Zoning District HI-CD. Tax ID# 7666058421. The proposed Conditional Zoning District would specifically allow the property to be used as a motor sports facility and outdoor physical fitness events 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 1.3** The benefits of economic development should be balanced against the possible detrimental effect such development may have on the quality of life enjoyed by area residents.*

***Policy 1.4** The continued growth of Randolph County's tourism industry will be encouraged.*

Dale reviewed the request and explained there would be events such as racing track and trails for ATVs, motorcycles, UTVs, go-carts, etc.; tractor pulls, truck pulls, and demolition derbies; foot races and other physical events; bmx bicycle races; and special events (such as haunted trails, July 4th fireworks, Christmas and Thanksgiving events) on the property.

David Puryear, Attorney, 5501-Unit E Adams Farm Lane, Greensboro, represented Barry Maness. He said that this matter came before this Board in February 2008 and this Board recommended approval for this property to specifically allow a motorcycle course and training facility as per site plan. He said that the primary issue of concern at that time was noise. He said concerned neighbors spoke at that time to the Commissioners and the Commissioners approved Maness' request despite those objections. He said this property is currently in a primary growth area and a HI zoning district. He described this

facility as an important nexus to bring in tourists to the County. He said if the issue is noise, all the new uses being requested are less intensive or no more intensive than what is all ready permitted under the current zoning. He said Maness is now asking to be allowed for things such as tractor pulls, demolition derby events, physical fitness events, etc. He said that the fact is these type events would not create any additional noise. He said they are asking for events that could bring in income to allow the property to support itself financially. He said if this request is not approved Zoo City will probably have to close.

Modlin asked if they would be increasing the size of facility or just the uses. **Puryear** answered that they aren't increasing that size of the property but they are asking for additional buildings on the property. He said these new buildings would be used in operation with the additional uses and to add on-site permanent toilet facilities. He said there may be events with temporary food vendors. This is meant to be an off-road type vehicle facility, not car racing or oval track racing.

Barry Maness, Zoo City Sports Park, said he would answer any questions the Board may have. **Rains** asked if there are any existing buildings. **Dale** said there is a mobile office unit, but any other existing buildings would be replaced. **Maness** said that 5 years ago a man asked him to sponsor a Rugged Maniac Race. Maness said that the event has grown to 15,000 people that participate/attend and it is the largest Rugged Maniac event in the US. **Dale** said that Maness has been approached by the US Army to have a physical fitness competition (no firearms are used). **Maness** said that the UTVs are becoming popular and bicycle events also. Maness said they've also hosted a yearly truck and tractor pull for the last 5 years. He said all the proceeds from that event are donated Fayetteville Street Christian School.

There were 13 citizens present in favor of this request.

There were 45 citizens present in opposition to this request.

Ruben Blakely, P.O. Box 543, Randleman, North Carolina, said that his son is 8 years old and he has raced at Zoo City for 2 years. He said at first they went to watch and they've been racing ever since. He described the facility as family-friendly and all the participants are very supportive of each other. He said the Maness' make you feel apart of the motorcross family. He said they have raced at other tracks, but none display the sportsmanship that you find at this track. He said this activity has helped him teach his son many life lessons including that if you help others and treat them with respect, you'll get help and respect back. He said he would really hate if there was no Zoo City for families to enjoy.

Brent Trotter, 753 Moore Road, Asheboro, said that he works at the Cycle Center, and the big issue in their business is answering where people can go to ride off-road vehicles. He said Zoo City has provided a place that is safe with a friendly environment. He said his family has enjoyed the Saturday night events. He said many of their friends drive more than 2 hours to come to this facility. He

said there is a need for this type of event and now the County is trying to close them. Trotter said if the kids are riding at Zoo City we know where they are and what they are doing.

Tammy O'Kelley, Director of Randolph Tourism Development Authority, 145 Worth Street, Asheboro, said that she was asked by the TDA Board to represent them in support for Zoo City. She said Zoo City is one of their best tourism partners. She said the TDA has provided some matching funds for the Rugged Maniac Events. She said that during that event all the hotel rooms in Randolph County were sold out. She said Zoo City is ranked 8th in the County's Tourist Venues. She said the tourist industry brings 1.28 million dollars in local revenues and 1056 jobs to Randolph County. She said for the County to lose one of its top-ten tourist attractions would be a big deal.

Jacob Trotter told the Board he is 12 years old and he loves to go to zoo city and ride with his friends. He said everyone there is great. He said if you close this track, they will not be able to race as much because of how far the other tracks are located.

Lisa Pulliman, 121 Bollings Lane, (next to Joe Farlow Drive), said that she hardly ever hears anything from this track. She said she didn't think tractor pulls would create any more noise than the motorcycles. She said 90% of her time is spent outside from Spring until December, and she hardly hears anything from this tract, no noise, fighting, etc.

The Board took a 5 minute break.

Mark Myers, Pastor of Grace Temple Church, said that they have been there for 38 years and they don't have a problem with the current activities. He said that he did feel the tractor pulls and demolition derbies would be a lot louder though. He asked if they plan to expand their parking. Myers said during the Rugged Maniac Events they've used the church parking lot. He said he was concerned with operating hours and how far these new events could go. He said they are concerned with the possible disruption these new events could have on the Church's worship activities.

Michael Poindexter, Pastor of Lighthouse Baptist Church, said he didn't think the purpose of the meeting was to shut down the track. He said they have offered their church parking lot for the Rugged Maniac Events. He said they are not opposed to Zoo City and it's current events. He said but if you upgrade to the size motors of mudbog vehicles and tractors used for tractor pulls, they would be loud enough to disrupt the Church. He said they can hear the bikes for their parking lot now and he was sure that they would be able to hear the tractor pulls and mudbog events inside their sanctuary. He said they are very concerned how these changes would effect the Church on Sundays.

Scott Etheridge, 176 East Salisbury Street, Asheboro, said that he has his bike worked on by Dave and Brent at Cycle Center and he is concerned that after this meeting they may not be his friends. He said that he concurs with the pastors. He said he would not be here on his 15th wedding anniversary if everything was copacetic. He said he solutes anyone that works hard to make a living, but his issue is they have invested their lives, family and homes here. He said now on some evenings their quality of life is being challenged. He said no one is trying to shut them down, but there is a big difference in a motorcycle engine and a truck engine. He said it was originally zoned for a motorcycle training facility, but there are races being held now, sometimes until 11 at night. He said they hear them because of the PA system Zoo City uses. He told the Board that teaching kids lessons or good times is not what they should consider. Etheridge said Darrell Frye once said Randolph County is so different because Randolph County families make up the backbone of this County. He said but when you have to go inside because you can't hear each other talk, you've lost something. He said what do I do with my home if this gets bigger. He said he knows that these racers say that they will have to drive 2 hours (if Zoo City closes), but where do the neighbors go to enjoy their peaceful life. He said his neighbors have been here for more than 100 years and now we have to trade our way of life for a mudbog. Etheridge told the Board that when you do the balancing test, the way to know what is right is to use the *Hood Test*. He said that is when you can read your verdict and it doesn't matter whose there (under the hood) when you remove the hood from their head. He asked the Board to please look out for them so they don't have to sell their homes, and leave this peaceful community.

Anthony Cople, 6524 US Hwy 220 South, said that he lives northeast of this track and he can hear it. He said its bearable but sometimes it gets loud. He said he realizes that these motorcycle events are going to happen, but if they are allowed to have tractor pulls the noise could become unbearable. He said some of these tractors are very loud. He said now they are a nuisance, but it is not unbearable, but if these things are allowed it will be unbearable. He said he wanted the Board to consider some possible conditions. He said he was afraid that this would turn into a monster down the road.

Tom Wright, 301 N Elm, Greensboro, said that he is a lawyer representing Scott Etheridge. He said the issue has always been noise. He said no one opposes the seasonal events at the 4th of July or the Rugged Maniac events. The noise ordinance doesn't adequately control the noise in the County. He said the noise issue was not adequately addressed at the time the Board approved Maness' first request. He said that this HI-CD site is surrounded by residential properties. He said the neighbors and churches are bothered by the noise. He advised that the property was originally zoned HI for an asphalt plant with the condition that the property revert back to RA once the highway project was completed. Then a truck terminal was permitted on the site, and now the Maness' are approved for a motorcycle trail course and training facility. He said the races were not requested when the Board approved the training facility. There was a 30 ft. buffer added at

this Board's meeting (when his request was originally considered) and at the Commissioners meeting, they placed a 10:00 p.m. time limit. He said we've already heard testimony that races are now the primary use and now a PA system is needed (for racing) and the operation hours exceed the deadline. Now the applicant is asking for permission for what they have already done to grow beyond what was approved in 98. He said no one denies that it is a good tourist attraction, but the community was told that Maness was going to build his home here and that should be of some assurance to the neighborhood. He said the Maness' haven't built their home here but they have increased the facility. He said they were told by Hal Johnson that in 2010 they would be permitted 2 races a year and now it has grow well beyond that. He said it was his understanding that there have been several incidents with the applicant not complying. He said people in the community are having a hard time with the noise and this is an issue that needs to be addressed. He said if you add a tractor pull with no restrictions there is no guarantee that the level of noise will be acceptable. This would also be the case with demolition derbies and mudbog events. He said some reasonable accommodations should be made between this facility and the people who live in the community. He asked the Board to consider the following conditions:

1. Change the hours for operations to cease - weekdays 7:30 pm, Saturday 9 pm, and Sunday only operate from 12 pm to 7:30 pm (*these hours would be set for only those events that create excessive noise - not to include the physical fitness events*)
2. The PA system should be restricted (*especially no concerts*)
3. There should not be simultaneous motor events on different tracks or areas (*only one race at a time*)
4. Maintain existing vegetation in place as required under existing conditions and the Board should require a Level 2 or 3 buffer to be put back in place along the highway
5. The Board should consider hard-noise abatement devices along the highway

Wright said they are not asking for the track to be closed down, but they are asking for this Board to address the noise. He said they are not opposed to other events, but they are concerned with the racing and noise events that are already taking place on the site.

Rains asked Wright what he thought a would be a reasonable noise level.

Wright said he's not proposing a decibel level be measured but more the time the noise is being created. Wright said they didn't have a problem with the asphalt plant or trucking terminal, but operating hours were different. He said they felt the noise problems should be addressed in time restrictions.

Jerry Gillispie, 4302 New Hope Road, said that he would like them to consider his family on Sunday afternoons and the warm evenings during the week. He said he doesn't need any more noise to go with what they've got. He said he'd been

here all his life.

Johnny Dorsett, adjoining property owner, said not only can he not sit outside, he has to turn his tv up inside. He said you can forget about sleeping.

Barry Cole, Copple Road Extension, said he is the 4th generation that has lived on their property on Copple Road Extension. He said he's not trying to shut the track down, but if you are from Liberty Randleman, or Adams Farm, you won't hear it. He said he didn't have a problem with what they are doing now, but he doesn't want anymore. He said he would like the Board to considered all this and determine if they would like it in their neighborhood.

Bo Redman, Lighthouse Baptist Church member, said that mud-drags are part of mudbogging. He said that the type of noise that this creates is a nuisance. He said he is thrilled that these children are learning life lessons out at the track, but if his children are trying to sit in church and learn values, they can't get those values with all that noise. He said he was glad these children learn lessons about sportsmanship, but what about his child. He said he loves these types of events, but he asked the Board to limit it.

James Langley, member of Lighthouse Baptist Church, said he builds these type of motors for a living. He said they are more horsepower and they make a lot more noise than dirt bikes. He said they love the track and its good for the community, but they are concerned about the noise these massive machines make.

Puryear thanked the people for coming out tonight. He said that his clients didn't know the issues in the community. He said it has been suggested that there have been several citations issued. There was one letter of notice in 2013 of violation. He said they have not been able to find out who complained. He said the proposal for restrictions and changes to their request are fundamentally difficult, because it is the first time hearing them. He said one thing is they don't want to stop what is going on there. Puryear said that training is racing and racing is training in motorsports. He said the tractor pull was an old timey tractor pull and not these large machines being described. He said the Maness' are planning to build their home here in the long term. He said there have not been enforcement issues, only a single notice of violation. He said so far as they know there has never been a noise complaint from the Sheriff's Department or the neighbors. He said they feel the restrictions they included on the original application are reasonable and asked for it to be approved.

Morgan asked if the applicant was clear in what was approved in 2008. **Puryear** said it was to allow a motorcycle course and training facility as per site plan, which included maintaining vegetation east of the old drag strip and 30 ft. buffer along the north property line. Puryear said it's not like racing hasn't ever been done on this property.

Etheridge said that the drag strip operated illegally back several years ago and someone was killed and it was shut down. He said he felt Puryear's remark was disingenuous.

McLeod said that there was an hour of operation, that the facility be closed by 10 pm.

Rains asked if the new application opened the original approval up for possible additional conditions. **Morgan** answered yes. Morgan advised Puryear that the Board has heard lots of information and concerns tonight and the applicant could withdraw this request, consider the issues, and resubmit a more detailed plan.

Rains asked where the Maness' plan to construct their residence. **Dale** answered on adjoining property owned by the Maness' (to the east of this property). **Rains** asked if the applicant would have any response to withdraw the applicant.

Puryear said they would not withdraw at this time. **Morgan** said he would point out that this type of rezoning is a two-step process and advise the applicant that if the Board votes on this request, he has 5-days after this vote to withdraw this request. If it is not withdrawn in 5-days, this request will be heard and voted on by the Commissioners. If the Commissioners deny this request, the applicant would have to wait one year prior to resubmitting the request. **Puryear** said they are not withdrawing at this time.

Rains made the motion to recommend approval with the following conditions:

1. operation hours Monday through Friday from 9 am to 7:30 pm, Saturday 9 am to 10 pm , and Sunday from 12 to 7:30 pm
2. 1 single event per day - motorcycle, bicycle or physical event
3. disallow tractor pulls, truck pulls, mudbogs, demolition derby or any activity that is not a 2-wheel or 4-wheel motorcycle or bicycle event
4. authorize Rugged Maniac, foot races, or physical events (with no firearms allowed of any kind)
5. 4 special events per year to include July 4th fireworks, haunted trails, Christmas, and one other event
6. Accept on-site food preparation concession and sales, and on-site toilet facilities
7. all parking would be on-site for all events or a pre-arranged satellite facility with bus services
8. a level 3 buffer to be installed in areas that appear to have lost its original natural foliage (re-install buffers where they have been removed) ultimately at the discretion of the Planning Staff

***Rains** asked for the Commissioners to address some sound limitation to be determined. He said he personally believe this should be a decibel level.*

***Morgan** said it is difficult to create a decibel level or a horsepower level. He told Rains to either restrict it or not, but provide the Board with something to respond*

to. Rains asked for this condition to be stricken from the motion.

Morgan reviewed the motion for the Board. **McLeod** seconded the motion.

Morgan asked the applicant if these conditions were acceptable. The applicant would not agree to these conditions. The motion died.

Rains made the motion to recommend to the Commissioners that this request be **denied**. **Modlin** asked Dale to review the application again. Jay Dale reviewed the request. **Modlin** seconded the motion and the motion passed by a vote of 4 to 2 . Pell and McLeod voted against the motion.

Examples of Growth Management Policies that support this recommendation:

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

Policy 3.2 Heavy industrial sites should be separated from nonindustrial areas by natural features, green belts and/or other suitable means.

4. The meeting adjourned at 8:45 p.m. There were 78 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk to the Board