

Warren County, NC County-Wide Zoning

Of the five (5) counties surrounding Lake Gaston, Warren County is the only county that does not have county-wide zoning. Several years ago, there was an attempt to get county-wide zoning passed, but not enough citizens attended the meetings to show support for the zoning. Due to recent events regarding a drag strip for ATV and dirt bikes in the Afton area of the county, there is a new push for county-wide zoning.

Zoning provides protections for residential areas and provides protections/requirements for manufacturing and commercial areas. Without county-wide zoning there is a risk that noisy operations could be set up adjacent to zoned areas. Almost all counties have businesses that fall in a category of "High Impact Land Use." These are necessary businesses - land fill operations, construction and demolition, waste processing, and include businesses such as swine farms and drag strips/race tracks.

The recent issue that has brought up county-wide zoning was the start-up of an ATV / dirt bike drag strip in the southwest part of the county. The problem is that Country Boy's Racing is located in a cluster of residential properties. The property is located in an un-zoned part of Warren County and the adjoining residents cannot prevent the operation of the drag strip. The noise from the drag strip can be heard two (2) miles away. The business is operating under the High Impact Land Use provisions.

High Impact Land Use operations by their nature can produce objectionable levels of noise, odors, vibrations, etc. and can include drag strips, race tracks, swine operations, waste processing facilities, and landfills that can operate with no noise limitation from as early as 8:00 am until 11:00 pm. Without county-wide zoning, these businesses can startup without notice or minimal opportunity for public comment.

The important thing for lake property owners is that although our properties are within a zoned part of Warren County, High Impact Land Use Operations in the un-zoned areas of the county near the lake could significantly decrease the peace and our enjoyment of the lake, and could significantly reduce our property values. See the attached map for two-mile radius overlays that show some of the areas of the lake that would be impacted by HILU operations in the un-zoned part of the county.

The request for county-wide zoning will be brought up in the September 10 meeting of the Warren County Commissioners. We expect that the next step will be for the Commissioners to hold town hall meetings in each of the five (5) Warren County districts.

The purpose of the town hall meetings will be to
determine if citizens want county-wide zoning
and to hear comments, both pro and con.

Then finally the Commissioners will vote to approve or reject county-wide zoning.

There have been front-page articles in *The Warren Record*, August 22, 2018 and in the *Lake Gaston Gazette Observer*, August 29, 2018. Take time to learn about what is a risk by not having county-wide zoning in Warren County.

The Commissioners have asked to see community support whether for or against county-wide zoning. Therefore, it is important that we make our voices heard by attending the district town hall meeting when it is scheduled, and attending the Warren County Board of Commissioners meeting when the subject of county-wide zoning is brought for approval.

High Impact Land Use operations / what is at risk:

The Warren County Noise Pollution Ordinance was adopted January 3, 2011.

The ordinance is titled WARREN COUNTY ORDINANCE FOR THE REGULATON OF SOUND CROSSING REAL PROPERTY BOUNDARIES INCLUDING HIGH IMPACT LAND USES & POLLUTING INDUSTRIES.

This is the link to the Warren County, NC Noise Pollution ordinance.

<https://www.warrencountync.com/DocumentCenter/View/2180/Noise-Ordinance-1-3-2011-PDF>

From the title of the document, one might assume that High Impact Land Uses and Polluting Industries are regulated and controlled by this ordinance. They are not. In fact, they are exempt from noise limitations including “objectionable (and even unsafe) levels of noise, odors,…” during their business hours, due to the nature of their operations. Section 4F states that High Impact Land Use facilities are not subject to decibel reading measurements during HILU Daytime Hours.

The definitions in Section 3, 9 -11 are critically important!

The below screen shot is from the Noise Ordinance Definitions.

- 9) **High Impact Land Use (“HILU”).** Land use that may, by its very nature, produce objectionable (and even unsafe) levels of noise, odors, vibrations, fumes, light, smoke, and/or other impacts upon the lands adjacent to them. Such HILU shall include, but not be limited to the following:
 - a) **Construction and Demolition Landfill.** A disposal site for solid waste resulting from construction, remodeling, repair, or demolition operations on pavement, buildings, other structures, or other structures, including but not limited to such as may be contributed by the County of Warren, the North Carolina Department of Environment and Natural Resources, and/or the North Carolina Department of Transportation.
 - b) **Drag strip and/or Race track.** A facility purposed for the conducting of races of human-operated machines (e.g. automobiles, go-carts, lawnmowers, motorcycles, etc.)
 - c) **Sanitary Landfill.** A disposal facility or part of a facility where waste is placed in or on land and that is not a land treatment facility, surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility; a sanitary landfill facility is for solid waste disposal in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to N.C.G.S. § 130A, Article 9.
 - d) **Swine Farm.** A tract of land devoted to raising 200 or more animals of the porcine species.
 - e) **Waste Processing Facilities.** Includes incinerator, composting facility, household hazardous waste facility, waste-to-energy facility, transfer stations, reclamation facility or any other locations where solid wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being transported to a final disposal site.
- 10) **HI LU Daytime Hours.** 8:00 a.m. until 10:00 p.m. from Monday through Thursday. For the days of Friday HILU daytime hours are defined as 8:00 a.m. until 11:00 p.m. For the days of Saturday, daytime hours are defined as 9:00 a.m. until 11:00 p.m. For the days of Sundays, HILU daytime hours are defined as 10:00 a.m. until 9:00 p.m.
- 11) **HILU Nighttime Hours.** 10:01 p.m. beginning Monday and ending 7:59 a.m. Friday. For Friday nights, nighttime is defined as 11:01 p.m. until 8:59 a.m. Saturday. For Saturday nights, nighttime is defined as 11:01 p.m. until 9:59 a.m. Sunday.

This means that businesses such as drag strips, race tracks, swine operations, waste processing facilities, landfills, and other HILU operations can operate between the hours Monday through Thursday from 8:00 am until 10:00 pm, Fridays from 9:00 am until 11:00 pm, Saturday from 9:00 am until 11:00 pm and Sunday from 10:00 am until 9:00 pm. During that time, they can “produce objectionable (and even unsafe) levels of noise, odors,...” without limitation.

Map showing Lake Residential zoned and un-zoned areas in northern Warren County

The Warren County North Carolina Zoning Ordinance, adopted May 2, 2016 defines what operations are permitted within zoned areas of the county. This document does NOT regulate operations within un-zoned areas of the county.

This is the link to the Zoning Ordinance:

<https://www.warrencountync.com/DocumentCenter/View/2846/ZONING-ORDINANCE-5-2-18>

Noise from High Impact Land Use Operations may have a significant negative impact on the peace and enjoyment of our properties, and negatively impact property values within a two (2) mile radius of the HILU operation. Three areas of un-zoned Warren County property that would definitely impact those of us at the lake are shown in the attached pdf. The non-colored areas in the attached Warren County Zoning map are un-zoned parts of the county. The light blue circles show a two-mile radius from those points.

Although these comments have focused on what has/what can happen with Warren County mostly un-zoned, we know that others have reasons for keeping their areas of the county un-zoned. The town hall meetings will provide a forum for constructive dialogue, both pro and con. The majority of counties in North Carolina have adopted county-wide zoning for a number of reasons:

Those include:

- 1) Zoning is the starting point for economic development. Without county-wide zoning, many investors will not look for opportunities in Warren County. Potential investors do not want to make investments and have a non-compatible business wipe out their investment overnight.
- 2) Electric utilities, natural gas, water and sewer planning need zoning information in order to efficiently build out their systems. County-wide zoning does not require that anyone to use any of these services, but allows for more accurate planning for future needs.