

STATE OF NORTH CAROLINA )  
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COUNTY OF STOKES )  
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OFFICE OF THE COMMISSIONERS  
STOKES COUNTY GOVERNMENT  
DANBURY, NORTH CAROLINA  
FEBRUARY 7, 2012

The Board of Commissioners of the County of Stokes, State of North Carolina, met for regular session (Planning) in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administration Building) located in Danbury, North Carolina on Tuesday, February 7, 2012 at 7:00 pm with the following members present:

Chairman Ernest Lankford  
Vice-Chairman J. Leon Inman  
Commissioner Jimmy Walker  
Commissioner Ronda Jones  
Commissioner James D. Booth

County Personnel in Attendance:  
County Manager Richard D. Morris  
Clerk to the Board Darlene Bullins  
Planning Director David Sudderth

Chairman Ernest Lankford called the meeting to order.

Chairman Booth delivered the invocation.

#### **GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE**

Chairman Lankford opened the meeting by inviting the citizens in attendance to join the Board in the Pledge of Allegiance.

#### **GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA**

Chairman Lankford entertained a motion to approve or amend the February 7, 2012 Agenda.

Commissioner Jones moved to approve the February 7, 2012 Agenda as submitted.

Commissioner Booth seconded and the motion carried unanimously.

## **PUBLIC COMMENTS**

There were no public comments.

## **PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS**

### **Allen Michael Brown – RA to M-2-CU # 23028**

#### **Presentation Agenda**

Director Sudderth presented the following information regarding the rezoning request:

### **Allen Michael Brown Jr. - RA to M-2-CU #230**

**REQUEST:** Request by applicant Allen Michael Brown Jr. to rezone approximately 2.107 acres of property currently owned by the Bobby Joe Harris Estate from RA (Residential Agricultural) to M-2-CU (Heavy Manufacturing Conditional Use) for a Sawmill/wood cutting, splitting for firewood, building materials storage and sales yard.

**SITE OWNER:** Bobby Joe Harris Estate

**APPLICANT:** Allen Michael Brown Jr.

**SITE LOCATION:** The property is located on the north side of Forsyth Line Rd. (SR#1963) approximately 200 ft. east of the intersection of NC Hwy 66 and Forsyth Line Rd. (SR# 1963).

**Map:** 691101 **Parcel:** portion of 6781 **PIN #:** 6911-01-46-6781

**Deed Book:** 393 **Page:** 2500 **Township:** Yadkin

#### **SITE INFORMATION:**

**TOTAL PARCEL SIZE:** Approximately 18.08 acres

**REZONING PARCEL SIZE:** Total tract 2.107 acres, approximately 91,780 sq. ft.

**ZONING DISTRICT:** RA (Residential Agricultural)

**PROPOSED DISTRICT:** M-2-CU (Heavy Manufacturing Conditional Use)

**FLOOD HAZARD AREA:** N/A.

**FIRM MAP #:** 3710691100 J

**FIRM MAP ZONE:** Property is located in Zone X, area determined to be outside the 500-year floodplain.

**WATERSHED DISTRICT:** N/A

**SEPTIC/WATER APPROVAL:** Public water (City of King) is available, septic approval has tentatively been approved for a business with a total of (6) six employees. The applicant is waiting for zoning approval before proceeding with the septic permit for the site.

**SCHOOL DISTRICTS:** N/A

**EMERGENCY SERVICES:** Rural Hall VFD, EMS - Station # 103 & 104 -Pinnacle.

**EROSION CONTROL:** When construction begins, if necessary. Plan required if more than one (1) acre being disturbed.

**ACCESS:** Access is proposed to be located off of Forsyth Line Rd., (SR# 1963). NCDOT must approve a commercial driveway access. The applicant has made contact with NCDOT concerning this.

**SURROUNDING LAND USE:** The subject property is located near the intersection of Forsyth Line Rd. (SR#1963) and NC Hwy 66. The property is currently zoned RA (Residential Agricultural). The property has a couple of farm structures located on it. The tract is surrounded in all directions by property zoned RA (Residential Agricultural). There are about (17) residential structures located on Forsyth Line Rd. Some of these are located in Forsyth County as the road goes in and out of Stokes and Forsyth County. The proposed site is located less than a .1 of a mile from the Stokes/Forsyth County line. Forsyth Line Rd (SR#1963) is a secondary state road and is approximately .7 mile long with .6 of the road being paved. Most all of the parcels within a ½ mile of the proposed site are zoned RA (Residential Agricultural) with single family residential development being the primary use.

**ISSUES TO CONSIDER:**

- Impact on surrounding development, community concerns.
- Impact on community infrastructure, public services etc.
- Increased traffic on Forsyth Line Rd. (SR#1963)
- Increased traffic accessing NC Hwy 66 from Forsyth Line Rd.
- Location of proposed commercial access located on Forsyth Line Rd.
- Consistency with surrounding development.
- Potential noise generation.
- Potential tax base increase due to commercial development of property.
- Support of business friendly objective.

Director Sudderth also noted the following:

- This comes to the Board as a conditional use rezoning request
- With a conditional use rezoning request, you have a site specific site plan
- You can discuss this in detail with the applicant
- You can ask all questions pertaining to the request
- It is only for the proposed use that was stated initially, that is the only potential use that can go on the property without coming back to the Board to request changes to the plan
- The Board approved the same basic project on the corner of Denny Road and Highway 66 in December 2009
- Mr. Brown has outgrown his current location and is hoping to relocate to a larger tract of land
- Economic Development Director Alan Wood submitted a letter of support for the project that Mr. Brown is undertaking
- Septic approval has been tentatively approved for a business with 6 employees
- Mr. Brown currently has 3 employees
- Only category in the Zoning Ordinance that has this type of operation that processes wood – uses hydraulic equipment (seasonal operation)
- Mr. Brown also has a waterproofing company, he would only store chemicals on the property – work is done offsite
- Highway 66 has mixed development

**STAFF COMMENTS:** The rezoning request comes to the Board as a conditional use rezoning request in the M-2 (Heavy Manufacturing) zoning district; you may discuss the site plan and

commercial use of the property in specific terms. The entire tract is approximately (18) eighteen acres. The applicant has proposed to rezone 2.107 acres in the interior of the tract for commercial use. The applicant is proposing to move his existing business, (rezoned 12/01/09) located at the corner of NC Hwy 66 and Denny Rd. (SR# 2000) to the proposed site approximately (5) five miles south of its current location. Mr. Brown has outgrown his current location and is hoping to find a larger tract of land more suited for his business needs.

The adjacent parcels to the proposed rezoning tract are all zoned RA (Residential Agricultural) as are all the parcels along the entire length of Forsyth Line Rd. (SR# 1963). The closest commercial property is located approximately .2 mile north of the proposed rezoning site on Gunnell Rd. (SR# 1964) and is owned by Elijah and Jane Epperson. The Eppersons had a small business located on the same parcel with their residence and is zoned H-B (Highway Business). The parcel appears to have been zoned during the original zoning phase in the county in 1983. The business does not appear to be active. The closest active commercial district is the Friends Mart located on the corner of NC Hwy 66 and Payne Rd. (SR# 1961). This site is located approximately .5 mile north and is zoned H-B (Highway Business). There is no M-1 (Light Manufacturing) or M-2 (Heavy Manufacturing) districts in the near vicinity of the site.

The M-2 (Heavy Manufacturing) zoning district is the zoning district in which saw milling, wood cutting and splitting would be allowed as a conditional use. Building materials storage and sales lots are a permitted use in the M-1 (Light Manufacturing District). The M-2 (Heavy Manufacturing) district allows all uses in the M-1 (Light Manufacturing) district to be included. Mr. Brown is also a waterproofing contractor, (Affordable Waterproofing). He proposes to include this activity at the site and it would be permitted use based on the zoning regulations. The property has access to public water but will be served by a septic system. Although the requested use of the property is listed in the M-2 (Heavy Manufacturing Conditional Use) zoning district there are limitations to the potential uses that can be allowed on the property due to the existing infrastructure. If the property is rezoned to a conditional use district, then any change of use of the property proposed thereafter would require the proposed change to be sent back through the Planning Board and Board of Commissioners for approval.

The requested change of the property to M-2 (Heavy Manufacturing Conditional Use) does not necessarily fit in with the immediate surrounding properties due to the residential nature of the area. However, there are general use H-B (Highway Business) districts located within a ½ mile of the site and there is a consistent pattern of mixed residential, agricultural, business and manufacturing districts along the entire length of NC Hwy 66 and down intersecting secondary roads. The Board must first consider if this is a suitable location for a manufacturing district. The particular concerns of surrounding property owners that may be related to the requested commercial use of the property might be able to be addressed in the conditional use aspect of the rezoning request. The Board can propose to add reasonable conditions that might assist in making the project proposal acceptable. If this is an option, then careful consideration should be given to the practicality, reasonableness and enforceability of the proposed conditions.

**PLANNING BOARD RECOMMENDATION:** The Planning Board voted 7 to 2 to recommend approval of rezoning petition # 230 (RA to M-2-CU, for a Sawmill/wood cutting, splitting for firewood, building materials storage and sales yard). The Board felt the conditional use aspect of the request and the recommended conditions would make the request acceptable at the proposed location.

The Board then voted 8 to 1 to recommend approval of the Conditional Use permit attached to the rezoning request. The Board recommended the following conditions be attached to the request.

**Proposed Conditions for Michael Brown - Conditional Use -#230**

1. NCDOT must approve location of a commercial driveway access. Follow NCDOT recommendation for location of driveway, either on Forsyth Line Rd. or NC Hwy 66 S.
2. The use allowed under the Conditional Use Permit shall be for "Sawmill/wood cutting, splitting for firewood, building materials storage and sales yard, (Waterproofing business).
3. Applicant shall adhere to all applicable Federal, State, and local laws.
4. If any of these conditions are not met or complied with or the permit has not been exercised in or before one (1) year from the granting of the permit, the permit shall become void and of no effect.
5. All required permits must be obtained from the County Inspections Department prior to placing structures on the property, as well as any signage that may accompany the project.
6. Any structure shall post a visible lot number in a numbering scheme approved by the County to facilitate rapid emergency response (E- 911).
7. If conflict arises between any conditions or the developer's proposed site plan or written text, the most stringent conditions or requirements shall be considered the governing requirement.
8. All costs and expenses associated with complying with these conditions shall be borne by the landowner/developer, with no expense being borne by the County.
9. Upon written request by the County, evidence of compliance with any of these conditions shall be provided to the County within ten (10) days after each request.
10. If any of the conditions shall be found to be unreasonable, invalid or otherwise impermissible by a court of competent jurisdiction then the County may impose such alternative reasonable conditions as it finds to be necessary and appropriate.
11. If any of these conditions once met are not continuously maintained, the permit may be revoked by the County upon the failure of the owner/developer to cure the deficiency in any specific condition within thirty (30) days after written notice to the owner/developer of the specific failed condition.
12. Existing tree buffer along the south side of the property shall be left intact as much as is feasibly possible. A tree buffer, (Leyland cypress) shall be planted along the northern and western property lines of the commercial property.
13. Security fencing shall enclose the proposed site.

14. Security lighting shall be located in a manner not to illuminate adjacent residential property.
15. At driveway access point, construct a concrete apron to help reduce mud and debris on state road.
16. Hydraulic wood splitting equipment should be used to process the wood as to avoid excess noise in the community. Substantial changes in equipment used in the processing of the wood must be approved. (Example, sawing logs with a band saw, or circular saw mill).
17. All signs shall require a permit and meet applicable zoning standards for the zoning district it is located in.
18. Or any other condition that the Boards may deem necessary at the time the project is approved.

Director Sudderth noted that he received six anonymous telephone calls with the following concerns:

- The six anonymous calls pertained to traffic along Forsyth Line Road and access location
- Jane Epperson called with concerns about the mixture of the development (residential and business) and noise
- Luke Lawson called with concerns about traffic and if this was the right location for the rezoning request

Director Sudderth noted that NCDOT recommended that the site be approved off of Forsyth Line Road; if approved off of Highway 66, there would have to be a turning lane installed at the expense of the applicant.

Director Sudderth presented a video of the property location.

Commissioner Booth confirmed with Director Sudderth that there is a tree buffer along Forsyth Line Road which will be a conditional use that it remains if the rezoning is approved.

Director Sudderth noted that Mr. Brown intends to purchase the entire 18 acre tract.

Commissioner Walker questioned what type of hydraulic equipment will be used.

Director Sudderth responded:

- Will be the same type of wood process operation as on Denny Road
- Mr. Brown purchases logs from a sawmill and uses a hydraulic wood splitter which uses diesel fuel and sounds like a diesel tractor running
- Have not had any noise complaints since his operation started on Denny Road in 2009

Director Sudderth reiterated that most of the calls received expressed concerns relating to increased traffic and the impact to the community.

Commissioner Walker questioned what kind of change in the volume or type of traffic might these create.

Director Sudderth responded:

- Mr. Brown has two vehicles that he transports logs (not heavy logging trucks)
- Mr. Brown does offsite waterproofing, only supplies will be stored at the proposed site
- Mr. Brown only produces firewood which is seasonal
- Limited increase, it would be no different than a residential truck coming in and out of a piece of property

Commissioner Walker noted since the operation has been located on Denny Road, there is history as to the amount of daily traffic the operation has. Commissioner Walker also noted that he would like to have a better understanding about the amount of traffic that might occur except for his service truck coming and leaving.

Director Sudderth noted that if there were eight (8) homes located on the same site, it would probably produce more traffic than Mr. Brown's business. With Mr. Brown working offsite with his waterproofing company, there could be days that there is no traffic in and out of the property.

Commissioner Walker noted that he would like to have some statistical data if possible regarding the traffic since so many people have concerns about the traffic.

Director Sudderth noted that predicting the amount of traffic is very difficult since Mr. Brown would not have daily traffic like a café.

Chairman Lankford questioned how many individuals spoke at the Planning Board's meeting in opposition/favor.

Director Sudderth responded:

- Applicant spoke in favor of the rezoning
- Eight individuals spoke in opposition expressing concerns about noise, the type of business, increases traffic, and the appearance of the business in a residential area

- Another couple who is in attendance at tonight's meeting had concerns about what was being put on the location; couple was unaware of the Planning meeting and the process of rezoning; they plan to build a house at the end of Forsyth Line Road

Chairman Lankford questioned why the applicant did not want to rezone the entire property.

Director Sudderth responded:

- Applicant did not need that amount of property for his business

Vice Chairman Inman questioned Director Sudderth as to what were the reasons why two of the Planning Board members voted against the rezoning.

Director Sudderth responded:

- Unsure about one member
- One member expressed concerns with traffic issues and thought there might be other property more suitable for this type of business within the county

Commissioner Jones noted that she would like to have a win/win situation and wondered what would be the cost of putting in a turning lane to have the driveway off HWY 66 instead of Forsyth Line Road.

Director Sudderth responded that approximately 10 years ago, a subdivision had to put in a turning lane and not exactly sure of the exact cost, but remember it being somewhere in the neighborhood of \$54,000.

### **Public Hearing**

Chairman Lankford opened the Public Hearing for the Rezoning Request – Allen Michael Brown (RA to M-2-CU);

The following spoke during the Public Hearing:

#### **Mr. Allen Brown**

PO Box 2674  
King, NC 27021

Mr. Brown expressed the following comments in favor of the rezoning:

- Lived in Stokes County all my life
- Started my business in Stokes County and would like to remain in the County
- Would like to be able to expand my business in the County



- Will create three new jobs with hopes to create more jobs later on

Commissioner Booth questioned Mr. Brown about the number of vehicles that would be coming in and out of the property and the wood splitting operation.

Mr. Brown responded:

- There would be two trucks coming to the business around 7:00 am and leaving out on two vehicles around 7:30 am and returning around 5:00 pm
- Mr. Brown noted the wood splitting is normally 3-4 months a year depending on the weather
- Personally bring logs into the site with a dump truck in June and July
- May bring 3-4 loads a day two to three days a week for a couple of weeks depending upon what the waterproofing business is doing
- This past year, hauled approximately 25-30 loads of logs
- The hydraulic wood splitter (83 horsepower diesel motor) is basically no louder than a diesel tractor running
- Have only used the wood splitter 25 hours since July 2011
- Deliver all the firewood to customers with a truck and trailer, no customers come onsite to purchase firewood

Commissioner Walker questioned Mr. Brown what his intentions were for the remaining 16 acres.

Mr. Brown responded:

- Plans are to build a new home in the center of property which would be beside of the business

**Mr. Kent Hunter**

Century 21 Reality  
King, NC 27021

Mr. Hunter expressed the following comments:

- Century 21 Reality has the property listed with the seller
- During this process, if the rezoning is approved, Mr. Brown is planning to put his property on Denny Road up for sale which could allow a new business to move in on Denny Road
- Mr. Brown will be selling his property before moving to the new location

**Annette McCleary**

1365 Forsyth Line Road  
Rural Hall, NC 27045

Ms. McCleary expressed the following comments in opposition of the rezoning:

- Purchased 22 acres with my husband in 2001 at the end of Forsyth Line Road to build a house
- Not a current resident of Stokes County, came up last Friday to find an industrial business wanting to come into the neighborhood
- There was no signage up about the rezoning the previous weekend
- Talked to Mr. Sudderth about the rezoning last Friday
- Forsyth Line Road has no lines or marking and two cars can barely pass each other

- There has been no desire to get the residents in favor of the rezoning, there has been no information posted, nothing to diffuse the concerns
- If there is so much concern to get the neighbors behind the project, then why hasn't something been done to get the neighbors on board with the project
- Oppose the rezoning request
- Visited Mr. Brown's site on Denny Road to give Mr. Brown a fair chance; it is an eyesore
- This is not what we want to see on Forsyth Line Road every day - piles of logs and debris
- Understands that he doesn't have enough property on Denny Road, but that type of business doesn't fit on Forsyth Line Road

**Shaun McCleary**

1365 Forsyth Line Road  
Rural Hall, NC 27045

Mr. McCleary expressed the following comments in opposition of the rezoning:

- No mention has been made during this meeting about the chemicals that would be stored on location
- Do not know what the MSDS is on it and what the EPA says about it
- Have an organic orchard on our property that is watered from a creek on our property, the orchard is our livelihood
- The water runoff from the property requested to be rezoned flows into the creek on our property
- Very concerned about water runoff

**Hazel Martin**

1286 Forsyth Line Road  
Rural Hall, NC 27045

Ms. Martin expressed the following comments in opposition of the rezoning:

- Lived on Forsyth Line Road for 60+ years
- There has been so many wrecks in the curves on HWY 66 with 6 people killed at one time at the curve where the property is
- When a wreck occurs, the road is blocked
- Believe Mr. Brown stated in the Planning Meeting that his employees come out of Winston, that is not bringing jobs to Stokes
- There are four school buses on Forsyth Line Road, they can't pass each other, one has to pull off the road if they meet
- The buses try to come at different times so that they don't have to meet
- There are several older people, some are handicapped, that live on the road
- Elderly people don't need to hear that noise
- Don't need that type of business in the neighborhood
- It is going to be an eyesore

**Vicki Warren**  
7584 HWY 66 S  
King, NC 27021

Ms. Warren expressed the following comments in opposition of the rezoning:

- Would like to present a petition that bears 59 signatures
- Tried to present the petition to the Chairman at the Planning meeting; he did not request to see it
- Some of the signatures are from individuals who travel Highway 66 that don't desire to see this type of business
- This is not the right place for the type of business that Mr. Brown has
- Personally agree with everyone else who has spoken
- There has got to be a better place in King or Stokes County that Mr. Brown can move his business to rather than our community
- Really don't want this eyesore in our community
- Mr. Brown already has two eyesores, one being his backyard on Moser Road and the other on Denny Road
- Believe the Planning Board has tried to get him to clean it up with no results
- States he only has a service truck and his personal truck, believes he has two dump trucks, a service truck, at least one trailer that carries a backhoe up and down HWY 66
- Several things have been told tonight that aren't really being brought out to light
- As for traffic, where he wants to pull out on Forsyth Line Road, it is extremely dangerous between those two curves especially with dump trucks or with his service truck with a trailer
- As for the noise, can't understand how a machine that saws and splits firewood can be quiet
- My son, who lives directly across from where the business is proposed, works third shift and sleeps during the day
- How are they suppose to sleep when Mr. Brown is working with the firewood
- Working with firewood is noisy and dirty
- Concerned if a fire were to break out, there are several homes in the area
- Don't know what would be stored on the property
- Hope the Board listens to the concerns of citizens in Stokes County regarding their homes, their families, and the people going up and down HWY 66 each day
- I know we need new businesses in Stokes County; Mr. Brown's business is already in Stokes County
- This would not be a new business in Stokes County

**Michael Warren**  
1032 Forsyth Line Road  
Rural Hall, NC 27045

Mr. Warren expressed the following comments in opposition of the rezoning:

- Everything has already been covered
- Sleep during the day, work third shift
- Have a new 7 week old baby
- Don't want to hear the banging of the trucks coming in and out each day

- Don't want to see that type of business in the community
- Community doesn't want this type of business

**Chuck Allen**

1153 Forsyth Line Road  
Rural Hall, NC 27045

Mr. Allen expressed the following comments in opposition of the rezoning:

- Bought the property approximately 4 years ago because it was rural and was zoned agricultural
- Would like to point out several things after visiting Mr. Brown's current operation following the Planning Meeting:
  - There is double access to the current property – one off of Denny Road and one off of HWY 66
  - With the double entrances, you can pull in on a dump truck and go out the other access
  - With only one entrance off Forsyth Line Road, you have to enter and exit the same access, which will put extra wear and tear on Forsyth Line Road
- Very good point about the MSDS brought up by Mr. McCleary
- There would be the potential for customers to pick up wood at the site which would increase traffic, may not happen now, but could in the future
- Very concerned about the water runoff which would come directly on my property
- Moved from Forsyth County to be in a more rural area
- Not the kind of stuff that we would like to see on the corner of Forsyth Line Road

Chairman Lankford closed the Public Hearing.

**Discussion Agenda**

Chairman Lankford opened the floor for discussion.

Commissioner Booth noted that he needed to weigh out the hardships of the citizens living on Forsyth Line Road versus the expansion of a business.

Commissioner Walker noted the following:

- First elected to public office in 1989 and have seen many rezoning cases since that time
- Consistently each time, tried to look at the various aspects involved, new business, jobs, impacts of the neighborhood, etc.
- Real challenge is balancing everything and trying to look for a way to make something work if possible without having an overly adverse impact on the community or neighborhood
- Tonight, we have business potential on one hand and concerned neighbors on the other hand that like things the way they are
- Would have liked to had the opportunity to hear the wood splitting piece of equipment run to see how much noise there would really be

Commissioner Walker questioned Director Sudderth where the tree buffers would be located.

Director Sudderth noted that the tree buffer along the south side of the property shall be left intact as much as is feasibly possible and that a tree buffer (Leyland Cypress- 6 ft a part) would be planted along the northern and western property lines of the commercial property.

Commissioner Walker questioned if there was any information regarding the chemicals that would be stored on the property and the other issue mentioned about the roads.

Director Sudderth responded:

- There is no law that a tractor trailer can't go down HWY 66, it happens daily, there would be normal wear and tear on the road
- Roads are the responsibility of the State
- State would be involved with a drainage plan
- Mr. Brown's business is inspected by the Fire Marshal and must have data sheets if chemicals are stored on the property
- Not familiar with the chemicals Mr. Brown uses
- Most waterproofing products are in buckets which shouldn't be opened until ready to use at the jobsite

Vice Chairman Inman noted the following:

- Most of my questions have been answered
- Understand the concerns expressed by the citizens – increased traffic, access from Forsyth Line Road to HWY 66, impact on the community, etc.
- Would like to try to find a win/win situation

Commissioner Jones noted the following:

- Agree with Vice Chairman Inman, would like a win/win situation
- Also like to hear the comments from the community to see what people are thinking
- Understand the concerns of people, but need to consider that someone could buy the property and put 8-10 houses (possibly more) on the property which could create anywhere from 8-16 cars or more
- If the rezoning isn't approved, feel the property will eventually be sold for some type of development or business
- Trying to look at all aspects of the situation
- Mr. Brown desires to make a living, but everyone also desires to look out their window and be happy with what they see
- Reiterated - Want a win/win situation

Chairman Lankford noted the following:

- Large volume of traffic on HWY 66 each day – estimated 10,000 cars a day
- This area primarily is residential

- Citizens tonight have spoken in reference to their community
- Totally pro business, need all the business we can get in Stokes County
- Must listen to what the community wants
- Confirmed with Mr. Brown that the increased employees would work full time in the waterproofing business, but could be used to process the firewood when the waterproofing business is slow
- Must consider the noise issue and the dangerous curve on HWY 66 toward the Forsyth County line where several accidents have been and several people killed
- Must consider all aspects of the situation

Commissioner Walker confirmed with Director Sudderth that the recent rezoning on HWY 65 and Redbank Road was not similar to this rezoning with that business not processing any firewood on site.

Commissioner Walker suggested putting this request off until the next meeting for further research; would definitely like to listen to the equipment run and revisit the site.

Commissioner Booth confirmed with Mr. Brown that the machine would only be running a few hours a day and not every day. Commissioner Booth stated that he had heard the equipment run and it sounded like a diesel tractor running.

Commissioner Walker questioned if there could be some type of enclosure built around the equipment in order to cut down on the noise.

Mr. Brown responded that he had no issues with trying to build some type of enclosure.

Director Sudderth noted that there would be no issue putting off the rezoning.

Commissioner Jones reiterated that something is eventually going to happen with this property even if Mr. Brown's rezoning request is not approved, wonder if there is any middle ground that could be reached.

Ms. Annette McCleary stated that no one had provided the citizens with information, material, specifications, and that no one has tried to get the citizens on board with the rezoning. Ms. McCleary stated that there would be no impact to the neighborhood with residential/agricultural growth; we already have buses and children and those are not an issue.

Director Sudderth noted the following:

- Site plan is drawn
- Mr. Brown is on hand to explain the business
- Public Hearing is held to hear comments from the public
- Have invited people to visit Mr. Brown's location

Mr. Michael Warren stated that Mr. Brown had stated that he wanted to expand his business further which would make it a bigger eyesore for the community and would rather see 18 homes put on the property instead of all those logs. Mr. Warren also stated that he was afraid the entire property might be rezoned for the business and be filled with logs.

Chairman Lankford stated that only 2.09 acres is being requested to be rezoned and any further rezoning would have to come back before the Board of Commissioners.

Mr. Chuck Allen request to speak and noted the following comments:

- Take great opposition to the statement previously made that there is not enough land at this current location to keep it clean
- You can keep any business clean
- The property can be kept clean if there is a desire to keep it clean
- You have to be able to maintain and move the inventory – supplies in and supplies out
- Not sure where the entrance/exit is going to be on the Forsyth Line Road and if there is enough turn radius for the type of vehicles that Mr. Brown has

Chairman Lankford entertained a motion to the action to be taken by the Board.

Commissioner Walker questioned if Mr. Brown if there was any issue to tabling the item until the Board's next planning meeting in April. Mr. Brown responded that he had no issues with tabling the item until the April 3<sup>rd</sup> meeting.

Commissioner Walker moved to table the item until the April 3<sup>rd</sup> meeting in order to get more information. Commissioner Booth seconded the motion.

Commissioner Walker stated that he would like to revisit the property, actually hear the equipment, look at the entrance to the property, and see if Mr. Brown could build some type of enclosure as previously discussed.

Chairman Lankford questioned the citizens in attendance if they would be willing to get with Mr. Brown to make arrangements to see his operation and learn more about the operation between now and April.

Mr. Brown stated that he would be happy arrange a time to demonstrate the equipment and talk about the operation.

The citizens in attendance had no issues with making arrangements with Mr. Brown to discuss the issues.

Vice Chairman Inman requested Director Sudderth to repost the property.

Commissioner Jones requested Mr. Brown to share the information about the chemicals in question.

Commissioner Walker suggested the site be clearly marked where the business is going to be located.

The motion to table the Agenda item to the April 3<sup>rd</sup> meeting carried unanimously.

Chairman Lankford expressed appreciation to those who attended the meeting tonight.

### **Zoning Text Amendment #231**

#### **Presentation**

Director Sudderth presented the following Zoning Text Amendment #231:

#### **ZONING TEXT AMENDMENT #231**

Request for Zoning Text amendment: Amend Article VIII, Section 80.4 (Planned Recreational Resort), conditions. Add the phrase "unless otherwise determined by the board" to the end of the sentence, "The minimal tract shall be ten (10) acres".

The new condition would read "The minimal tract shall be ten (10) acres unless otherwise determined by the board".

The proposed change is being requested to give more flexibility in the ability for citizens to make proposals for a Planned Recreational Resort. Ten (10) acres will still remain as a benchmark for a development request. The proposed text amendment will give the Boards the flexibility to evaluate a project proposal without automatically eliminating it due to its acreage.



Director Sudderth noted that this text amendment came from a request from Economic Development that could be advantageous for recreational purposes and will give the Board flexibility to look at each project separately.

**PLANNING BOARD RECOMMENDATION:** The Planning Board recommended approval of the zoning text request by a vote of 9 to 0. The Board agreed that flexibility would allow projects to be based on their own merit and not simply by the acreage of the tract.

### **Public Hearing**

Chairman Lankford opened the Public Hearing.

No one spoke during the Public Hearing.

Chairman Lankford closed the Public Hearing.

### **Discussion**

The Board discussed the proposed text amendment with Director Sudderth.

The Board had no issues with the proposed text amendment.

### **Action**

Chairman Lankford entertained a motion.

Vice Chairman Inman moved to approve the Text Amendment #231. Commissioner Jones seconded the motion.

Commissioner Walker confirmed with Director Sudderth that he recommended the text amendment.

The motion carried unanimously.

### **Text Amendment**

Director Sudderth noted that the information provided in the Agenda package was the same information provided at the last meeting and that have legal requirements have already been met.

## **Dedicated Soil Treatment Facility – Land Farming/Bioremediation #227**

### **ZONING TEXT AMENDMENT #227**

(Public hearing on this request was held 12-6-11)

Request for Zoning Text amendment: Amend Article VIII (Residential Agricultural), Section 80.3 (Special Uses). Add "Dedicated Soil Treatment Facility" - Land Farming/Bioremediation.

#### **Dedicated Soil Treatment Facility - Land Farming/Bioremediation**

1. Located on tracts of land 10 acres or greater.
2. Subject to regulations as stated in (NCDENR) North Carolina Department of Environment and Natural Resources, Division of Waste Management (DWM) UST 70 Non-Discharge Permit Application for Soil Remediation Projects as they now exist and as amended in the future
3. Subject to all Federal Regulations
4. Vegetated or other buffers as deemed necessary to adjacent properties.

Add to Article IV, Section 41(Definitions of Specific Terms and Words)

**Bioremediation;** The natural process in which microorganisms (bacteria) break down petroleum products in the soil.

**Enhanced Bioremediation:** The addition of microorganisms or chemicals to speed up the natural rate of breakdown of petroleum products in the soil.

**Dedicated Soil Treatment Facility:** Land properly permitted to be used for the treatment of petroleum contaminated soils.

**Land Farming:** A method of removing petroleum compounds from soils. Contaminated soils are removed from the ground, spread over a given area, and periodically tilled to speed up the release of volatile organic compounds and breakdown of the contaminants.

**Remediation:** The process of cleaning up contamination.

A Dedicated Soil Treatment Facility is utilizing the processes of Land Farming and Bioremediation to remove petroleum contaminated compounds from soil by spreading the soil over a given acreage and tilling the soil periodically to allow microorganisms (bacteria) to speed up the natural process of breaking down the contaminants and releasing the volatile organic compounds. Volatile organic compounds (VOC) are defined as carbon containing compounds that readily vaporize, changing from liquid to a gas at normal temperatures and pressures. The process defined as "Land Farming" is aptly named because it mimics traditional farming practices of preparing land for crops. The soil can be tilled or a cover crop can be grown on it to assist in the remediation process. Once the soil has gone through the treatment process, it is tested and can be used again or sold as clean soil. The Soil Treatment facility and the process of Land Farming and Bioremediation is regulated by the State of North Carolina under (NCDENR) North Carolina Department of Environment and Natural Resources, Division of Waste Management (DWM) specifically in UST (Underground Storage Tank) 70 Non-Discharge Permit Application for Soil Remediation Projects. The State of North Carolina

will oversee the development and permitting of a site as well as monitoring the site to make sure it is in compliance with the applicable state rules. From a local level, in this case the Stokes County Zoning Ordinance there would be acreage requirements and buffers to the site if needed.

The state requirements for setbacks for a facility are shown below.

The soil remediation facility must conform to the following buffers:

Any habitable residence or place of public assembly under separate ownership or not to be maintained as part of the project site	100
Any well with the exception of a Division approved groundwater monitoring well	100
Surface waters - (streams – intermittent and perennial, perennial water bodies, and wetlands)	100
Surface water diversions (ephemeral streams, waterways, ditches)	25
Groundwater lowering ditches (where the bottom of the ditch intersects the SHWT)	25
Subsurface groundwater lowering drainage systems	25
Any building foundation except treatment facilities	15
Any basement	15
Any property line	50
Any water line	10
Any swimming pool	100
Rock outcrops	25
Public right-of-ways	50

The reason for this text amendment proposal is due to a request from a citizen to add this use to the list of Special Uses in the RA (Residential Agricultural) zoning district. The Special Use requirements in the RA (Residential Agricultural) district require the development of a site plan that goes in front of the Stokes County Planning Board and requires approval from the Stokes County Board of Commissioners. Other similar uses permitted under the Special Use section in the RA (Residential Agricultural) zoning district are Land Clearing/Inert Debris Landfills, Minor and Major.

At the end of the September 22, 2011 the Planning Board requested that more information be provided to them concerning a “Dedicated Land Treatment Facility”. The Board stated that they would not vote on the proposed amendment and would move this request to the November Planning Board meeting after more information was available.

During a called work session meeting on October 27, 2011 the Planning Board was able to ask questions to Mr. Michael Rogers with the NCDENR, UST Division and Mr. Steve Flinchum with A&D Environmental located in High Point, NC. Below is an excerpt of the minutes of that meeting.

Mr. Flinchum works for a company that is involved with the clean up and disposal of contaminated soils. His employer is based in High Point, NC and cleans up contaminated soils in the area. He stated that the company disposes of most of its petroleum contaminated soils at a facility, Earth Tech in Bear Creek, NC. The other nearest facility is located in Haw River, and that there was a facility in Winston-Salem off of Vargrave St. Mr. Flinchum stated the main cost of the disposal of contaminated soils for the company were the transportation costs. In a good year for the company, they would

move up to one (1) million tons of soil. He also stated that each facility charged a different amount for accepting the petroleum contaminated soils. The Board asked Mr. Flinchum various other questions concerning the clean up and disposal of these type soils. Mr. Rogers, with NCDENR stated that there are various methods and ways to remediate the soil. He stated there are "one time applications" that usually take place at the site of the spill. These are usually one acre or less and remediate about 50 cubic yards of soil. These petroleum contaminated soils are basically remediated on site, "in situ". A dedicated soil treatment facility is operated as a business and will move contaminated soils in and out of the facility. Mr. Rogers stated that the only soil that either of these remediation processes can take is that of petroleum contaminated soils, no hazardous waste materials. He explained that petroleum based products; gas, diesel, and fuel oil are not considered hazardous materials. Mr. Rogers also explained that the remediation process was a natural process of microorganisms in the soil that essentially eat the petroleum. Catalysts such as fertilizer may be added to speed up the remediation process. A dedicated facility requires a completed application, site plan, and evaluation of the proposed site by a licensed soil scientist. Specific topographic requirements, monitoring wells, and local government approval are also required. The Board asked how long it usually took to remediate the soils to below detectable levels of contamination. Mr. Rogers and Mr. Flinchum agreed that it could take anywhere from six (6) months to a year to get contaminated soils ready to be moved off the site. The Board asked about the depth of coverage and the maximum slope of the land used in the application process. Mr. Rogers stated that the soil layer was six (6) inches or less with a minimum application rate of three (3) inches. The slope should be no greater than 8% and the site should have good drainage. He stated that a cover crop on the contaminated soil was preferred over actually tilling the soil. The Board then asked about how often the sites were visited to check for compliance with the regulations. Mr. Rogers stated that he was the only person in this district tasked with the job of monitoring the facilities and that the visits were performed on a random basis. The Planning Board discussed the possibility of increasing the setbacks to residential structures. Mr. Rogers stated that the jurisdiction could increase the setback distance required. The state rules to not allow for a reduction in the setbacks.

PLANNING BOARD RECOMMENDATION: After a lengthy discussion, the Planning Board voted 5 to 2 against recommending the zoning text amendment "Dedicated Soil Treatment Facility" - Land Farming/Bioremediation. The Board expressed concerns about the environmental impacts that this type of land use might have as well as if a facility of this type would have any economic benefit for the county. The majority of the Board finally concluded the disadvantages outweighed the advantages of allowing this type of activity in the county.

Director Sudderth noted the following information that was requested at the last meeting when the text amendment was originally discussed:

- No visit for the Board could be arranged to a similar site
- Was able to attend a similar site with another colleague in Chatham County
- Provided the Board with pictures taken at the site in Chatham County
- Provided the Board with information about the process that is done at EarthTec
- The property is located in an area in Chatham County that is not zoned
- This text amendment is for the remediation of petroleum contamination soils only

- Briefly discussed the pictures taken at the Chatham County site
- Variation of ways that the remediation of the contaminated soils can be done
- Owner of Earth Tech stated the biggest concern that he had heard about was the amount of traffic
- Sites are heavily regulated by the state
- Every site that would be brought to this Board for rezoning would be site specific and the Board would have to address each request on the merits it holds and whether it does meet the state guidelines
- After reviewing the site, don't have any issues with the zoning text amendment

Chairman Lankford entertained a motion.

Commissioner Booth moved to approve the Zoning Text Amendment #227. Commissioner Jones seconded the motion.

Commissioner Walker questioned how many other sites are in the state and if there had been any issues with the site in Chatham County.

Director Sudderth responded that he only knew of two other sites in the state and he knew of no issues with the site in the Chatham County

The motion carried unanimously.

### **Information**

Director Sudderth informed the Board that inspections/permits have increased with his Department issuing more permits in January than in July.

### **Adjournment**

There being no further business to come before the Board, Chairman Lankford entertained a motion to adjourn the meeting.

Vice Chairman Inman moved to adjourn the meeting. Commissioner Booth seconded and the motion carried unanimously.

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**Darlene M. Bullins**  
**Clerk to the Board**

February 7, 2012 - Planning

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**Ernest Lankford**  
**Chairman**