

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
JUNE 5, 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, June 5, 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
Code/Zoning Enforcement Officer Gary Williams
County Attorney Edward Powell

Chairman Ernest Lankford called the meeting to order.

Chairman Lankford noted due to the large number of citizens attending tonight's Planning Meeting, the meeting will be moved to Courtroom "A" located in the Government Center in order for everyone to have a seat.

Chairman Lankford recessed the meeting.

The meeting moved to Courtroom "A" in the Government Center.

Chairman Lankford called the recessed meeting back to order.

Chairman Lankford welcomed those in attendance.

Vice Chairman Inman 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 June 5, 2012 Agenda.

Vice Chairman Inman moved to approve the June 5, 2012 Agenda as submitted.

Commissioner Jones seconded and the motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS

Special Use Permit #232 – Kent William Fulp

Dedicated Soil Treatment Facility – Land Farming/Bioremediation

Public Hearing

Chairman Lankford opened the Public Hearing for the Special Use Permit - Kent William Fulp - #232 for Dedicated Soil Treatment Facility – Land Farming/Bioremediation

Chairman Lankford noted that each speaker will have three minutes.

The following spoke during the Public Hearing:

Chris Mickey
2538 NC HWY 66 S
Westfield, NC 27053

Mr. Mickey noted the following regarding Special Use Permit #232- William Kent Fulp:

- Have been asked by the Fulps to read the following statements regarding water contamination
- The Board has already received the summary of the site visit, a copy of the non-discharge permit application for the soil remediation project from Michael Rogers, Hydrogeologist, North Carolina Department of Environment and Natural Resources, NCDENR
- This land (farm site) can only take non-hazardous petroleum based contamination soil
- The Board is already aware of the requirements that this proposed site has met and the requirements that still have to be met to protect the water table, community, and the environment in Stokes County

- The Fulps state that they will be above the following requirements that were stated in the site visit summary:
 - Big Creek that runs along the property line will require an 100 ft buffer to the application area; the site met that requirement
 - Any habitable residence or place of public assembly under separate ownership; the site has met 100 ft buffer requirements
 - Any well with the exception of a Division approved groundwater monitoring well; the site has met the 100 ft buffer requirement
 - The list goes on of the requirements that the site has already met, which are listed on the site visit summary from EPA and DENR
 - The Fulps ask everyone to keep in mind that the EPA and DENR develops and enforces the regulations that have been presented to them from these governmental agencies
 - If you have never been to one of these sites, I have been to one and have hauled dirt to one, you need to know that they are very regulated
 - I have never heard or read about anything that has happened around one of those sites
 - Visit a site
 - Thank you for your time

Gil Brown
 1065 Melody Drive
 Germanton, NC 27019

Mr. Brown noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for the opportunity to speak
- Have been asked by the Fulps to read the following excerpts from “A Citizen’s Guide to Bioremediation”
- The Fulps are hopeful this will help calm concerns and educate their friends and neighbors
 - EPA uses many methods to clean up pollution at Superfund and other sites
 - What is bioremediation?
 - Bioremediation allows natural processes to clean up harmful chemicals in the environment
 - Microscopic “bugs” or microbes that live in the soil and ground water like to eat certain harmful chemicals, such as those found in gasoline and oil spills
 - When microbes completely digest these chemicals, they change them into water and harmless gases such as carbon dioxide
 - How does it work?
 - In order for microbes to clean up harmful chemicals, the right temperature, nutrients (fertilizers), and amount of oxygen must be present in the soil and groundwater
 - These conditions allow the microbes to grow and multiply and eat more chemicals
 - If conditions are not right at a site, EPA works to improve them
 - With the right temperature and amount of oxygen and nutrients, microbes can do their work to “bioremediate” the harmful chemicals
 - Microbes can help clean polluted groundwater as well as soil

- Is bioremediation safe?
 - Bioremediation is very safe because it relies on microbes that naturally occur in soil
 - These microbes are helpful and pose no threat to people at the site or in the community
 - No dangerous chemicals are used in bioremediation
 - The nutrients added to make microbes grow are fertilizers commonly used on lawn and gardens
 - To ensure that bioremediation is working, EPA tests samples of soil and groundwater
 - The time it takes to bioremediate a site depends on several factors:
 - Types and amounts of harmful chemicals present
 - Size and depth of the polluted area
 - Type of soil and the conditions present
 - Whether the cleanup occurs above ground or underground
 - These factors vary from site to site
- EPA uses bioremediation because it takes advantage of natural processes
- Polluted soil and groundwater can be cleaned at the site without having to move them somewhere else
- If the right conditions exist or can be created underground, soil and groundwater can be cleaned without having to dig or pump it up at all
- Because microbes change the harmful chemicals into water and harmless gases, few if any wastes are created
- Often bioremediation does not require as much equipment or labor as most other methods; therefore, it is usually cheaper
- Bioremediation has successfully cleaned up many polluted sites and is being used at 50 Superfund sites across the country

Oakley Mabe
 3733 HWY 89 West
 Westfield, NC 27053

Mr. Mabe noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for the opportunity to speak tonight
- Own six tracts of land that join Big Creek, run south of where the proposed site is located
- My folks, who are all buried in Stokes County, have been here every since the dirt floor cabin era
- I have more than just a passing interest in what happens in this particular area
- Have looked at the plan, have read the plan, have visited the proposed site, have talked to Kent Fulp, and don't have a problem with what Kent is proposing to do; I have reasons for my decision
- The proposed site is close to his house, he is not about to try to poison himself or his children
- It is his land and he ought to be able to do what he needs to do with it as long as he is not adversely affecting other people

- The regulations on this will be strict enough that he will certainly have to take care of whatever happens on it
- I have a small amount of personal experience with this natural process of disposing of petroleum products
- My father ran a garage in this area for 45 years
- On the site where his garage was located, there was a 1,000 gallon iron tank that stored gasoline
- Some of you probably remember there was a grease rack that people pulled their vehicles on that had a 5 gallon bucket under the rack that overflowed most of the time; it was never deliberately poured out, but it did leak
- Sometimes when it rained, it wasn't emptied in time and the oil came to the top and spilled onto the ground
- When NCDOT came thru to construct the bridge, I wanted them to move the bridge location across the road instead of taking my yard
- I pointed out every spot that I thought they might find oil
- NCDOT drilled 13 wells looking for oil in every spot that I had pointed out and found nothing
- The bridge location was not changed and the road took out my yard
- I have a well that we have been drinking water out of for sixty (60) years and it is across the yard where all the oil was spilled and drained
- There has never been a problem

Stan Barrett

1019 George Road
Westfield, NC 27053

Mr. Barrett noted the following regarding Special Use Permit #232- William Kent Fulp:

- We the citizens of Big Creek Community and surrounding areas are pleased and grateful for the opportunity to express our concerns regarding the rezoning of property on Frye Road from Residential Agricultural to Special Use for establishing a toxic waste facility
- We believe that this project has a potential to affect our way of life as we have come to know it and that truth is what brings us here this evening
- At a recent Planning Board Meeting that most of us learned about it at the last minute, we were asked to submit specific questions regarding our concerns of such a business entity in our community
- As you may now notice from our gathering, we are part of a diversified community and our questions would be a reflection of our concerns
- Big Creek representatives who follow me will be speaking about the following:
 - Big Creek and the Dan River
 - The proposed site location
 - Road maintenance
 - The citizens' charge to the Board of Commissioners
 - Streams
 - Springs
 - Wells and farms
 - Recreation
 - Tourism and state parks

- Pedestrians and child safety
- Land values and real estate industry impact
- School buses and dump trucks
- Simmons Chapel Church and the African American community
- The question of jobs
- Focus on the needs of the community
- Constitutional rights of the democratic process
- Thank you for listening to us in advance

Dale Swanson

1457 Dan River Shores
Danbury, NC 27016

Mr. Swanson noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for the opportunity, have a few remarks
- It breaks my heart to stand against a neighbor who just wants to make a living in a way that seems fit to them
- I have been on the other side of trying and failing to get a Special Use Permit, it is very, very frustrating
- When the neighbors speak, the neighbors speak and I have got to respect that even if I don't always like that
- I pray that an alternative appears that achieves everyone's objectives while giving a wide berth around Big Creek; fish counts have been down up there in recent years and it would be best, I think, to keep as many additional stressors off its banks as possible
- I also have a personal and perhaps selfish affection for Big Creek
- I have never been there on a typical summer day, when like many here have splashed in the swimming hole at the old mill site
- When the creek is running at a good clip and after a good rain usually in the spring, I have had the good fortune to paddle that stream in a canoe
- I have to express my thanks and appreciation to Kent Fulp and his family for tolerating me and a few local boaters who access the creek across his property on Forrest Road; I know that has been a problem and not everyone behaves appropriately when trying to access Big Creek
- It is a very special section of white water to me
- I have paddled there with my daughter
- I have paddled there with friends and it is an amazing challenge to anyone who is ready for it
- I also like that it is not easy to access; it keeps it mysterious and it should be because it is also quite dangerous
- Of special concern is the fact that Big Creek is really only floatable after at least ½ inch of rain within 12 hours making it even more rare experience to challenge that creek with clear water in it
- Big Creek Basin is terribly afflicted by muddy runoff, much like many of our creeks
- How much runoff will there be from concentrated, contaminated soil on a land farm?
- Will it be safe to paddle Big Creek at whitewater levels?
- Will they be able to keep that water and those chemicals on that field, that is my concern
- Hope someday to hear about that

Johannah Stern
1215 Singletree Road
Westfield, NC 27053

Ms. Stern noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for allowing me to speak to this issue
- Commissioners, I am here representing the Stern Family and our considerable investments here in the recreational corridor of Stokes County
- I am also speaking for many neighbors and friends, who for whatever reason, are afraid to speak out
- We are all deeply concerned
- Spot zoning flies in the face of the very purpose for which zoning was designed
- Spot zoning like this discourages current and potential investors for obvious reasons
- This proposal poses a clear and present danger to the investments we have made here, as well as, the land itself, the river, the wildlife, and the people who live and play on the beautiful Dan River
- The Stern Family now owns some 950 acres in Stokes County
- We have built here a Bed and Breakfast, a wedding and corporate retreat venue, a hunting and fishing operation and rental cabins
- We maintain 800 acres along our five miles of riverfront as a Wilderness Preserve and we have plans to invest more in this county
- I keep the blueprints Stevie Cole did for a 20-room inn in Danbury on my office wall for incentive
- Many years ago, I used to meet with Ron Morgan about developing the tourism industry in this recreational corridor
- In conjunction with, but outside of the Park, Alan Wood has captured that vision beautifully with the Pure Play Campaign
- Last Saturday, there were two bicycles races at Moores Spring Trails, two separate events at the Dan River Company, crowds at Danbury General, Hillside Tubing, Jane Priddy's Store, Carolina Ziplines and Singletree was full; this is all outside the Park
- Many people working very hard over many years, investing lots of money are beginning to see it happen
- We are becoming a tourist destination and we encourage all the citizens to take advantage of this tourism boom that many of us have worked on for so long
- We can't do this with a toxic waste dump in our mix
- I know that the tobacco industry is dying, it has been for years, so has all of North Carolina industry - the furniture industry, the textile industry, the building industry, the print media industry, it is all going or gone
- All of us are hurting financially; these are challenging times, but you know what you have here in Stokes County that no one else does – these mountains and this river
- Take advantage of this unique asset
- Putting a contaminated soil dump adjacent to a river, makes no common sense
- Putting it in an area designated for tourism seems schizophrenic
- We certainly never considered or suspected that in this recreational corridor spot zoning would have ever been thought of

- Consider this: hiking, hunting, rock climbing, mountain biking, road biking, tubing, kayaking, canoeing, fishing, ziplining, camping, toxic waste – which one of these is not like the other?
- Thank you, commissioners

Shaughn Hicks-Jackson

2419 Frye Road

Westfield, NC 27053

Ms. Hicks-Jackson noted the following regarding Special Use Permit #232- William Kent Fulp:

- My concern tonight is the effect of heavy trucks on the rural roads in our community
- These roads were built for residential traffic
- The average car weighs one ton
- The average dump truck weigh 17 tons empty and up to 30 tons fully loaded
- Do you know how many trucks will be going up and down our roads on any given day?
- Do you know the weight restrictions on Frye and Horseshoe Roads?
- A study was done on the impact of heavy trucks on low volume roads
- There were 3 factors that exacerbated the degradation of the pavement:
 - Exceeding 10 ton single axle weight limit
 - Having wide spacing tires, which place heavy loads on the pavement edges
 - Moving slowly which increases load duration which causes rutting
- In Lebanon, New York, heavy trucks did a half million dollars worth of damage in just three years
- Do you know if the NCDOT Stokes County Maintenance budget is prepared to handle that kind of drain on limited resources?
- I do not want you to make a rash decision based on who you know
- I want you to make an educated decision on what you know
- Has anyone contacted David Spainhour, Division 9 Maintenance Engineer, to ask about a driveway permit?
- Has anyone requested a core test on the roads to see if the roads themselves can handle the weight of these trucks?
- Are you or the Fulps aware that if Frye Road, Horseshoe Road or any other secondary road fails to meet the weight requirements; the Fulps are responsible for bringing it up to minimal standards
- By this, I mean having an extra 3 inches of pavement added to any secondary road they plan to access
- If our roads are damaged, who is responsible for the repairs?
- Or are we to suffer the consequences of their business?
- One of my personal concerns is the noise and smell of big diesel trucks constantly running, day or night, weekday or weekend, holiday or snow day
- Toxic spills don't just happen Monday through Friday, 8 am to 5 pm
- This will be a continuous interruption of the peace and quiet we sought out when we bought our property
- As you can see, we are very concerned about the implications this proposed business has on our community

- We are worried about possible toxic pollution, noise pollution, traffic and the effects on our roads
- We are doing our homework to learn more about this type of business and all aspects surrounding it
- We hope you are as well
- We are asking you to make an informed decision
- Just based on the criteria presented to you tonight, we can only ask that you deny their request or at least postpone your decision until every scrap of information is seriously considered
- Thank you

Al Engler

1984 Horseshoe Road
Westfield, NC 27053

Mr. Engler noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for this opportunity
- Regarding the Special Use Zoning issue, I would like to read the following from Section 136.8 of the Stokes County Zoning Ordinance for the record:
 - Section 136 addresses the procedures for obtaining a special use approval
 - Section 136.8 refers to action by the responsible body (in this case the County Commissioners)
 - The responsible body shall approve, modify, or deny the application for a special use following the public hearing.
 - In granting a special use, the responsible body shall insure:
 - (a) The requested use is listed among the special uses in the district for which application is made.
 - (b) The requested use is essential or desirable to the public, convenience or welfare.
 - (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals or welfare.
 - (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playground, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land.
 - (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.
 - (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public road.
- Thank you
- Mr. Engler presented a letter from his son, Hal Engler, which will be presented to the Board of Commissioners

Ed Byers
2240 Frye Road
Westfield, NC 27053

Mr. Byers noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for the opportunity to speak
- I have before you a map outlining the proposed site with specific details
- My property is directly adjoining the proposed waste treatment site
- Surface water is present on 3 sides of the Fulp property
- Big Creek is on the north and east
- To the south, two creeks and a fish pond are located along the property line
- Three springs are also on the 2240 Frye property, which are not called out in the permit, only Big Creek is called out in the permit application
- Big Creek is not the only surface water in this area
- The Fulp property working site limits are along the south Fulp property line
- This area contains the sharpest grade within the working limits of the planned site
 - (a) From the topographical map of the site, the slope along the 1395' boundary of Fulp land to Byers Pond is approximately 15 percent grade; this is greater than the 8 percent limit in the permit, and would be a runoff risk for the materials that are going to be stored there
 - (b) Along the 686' southeast Fulp/Byers boundary, working limits are less than 100 feet from a small creek, per the site limits map which is not in the permit limits
 - (c) With this permit, only up to six test wells are planned for the site, per progress environmental report; this would provide data collection boundaries of approximately 2500 feet
 - Is 500 feet distance between wells appropriate?
 - What is the well test methodology?
 - Many site specific questions remain to be answered
- Why am I worried about test wells and effectiveness?
- I am worried because MTBE will be in the waste stream
- MTBE is methyl tertiary-butyl ether which is a gasoline anti-knock additive
- A lot of people have heard of it and it is known to follow ground water quicker than benzene and other constituents of petroleum fuels
- Will the test wells at 500 foot spacing be able to pick this up?
- Also MTBE separates from petroleum products and can't be remediated by land farming
- Reiterated that MTBE can't be remediated by land farming
- The threshold for water quality is 5 ppb
- Natural attenuation (degradation) of hydrocarbons can leave products behind which can still pose a high risk in the immediate vicinity of the area in which they remain
- Clean up cost nationally for MTBE estimated at 29 billion dollars for public water systems only

Edward Byers
2240 Frye Road
Westfield, NC 27053

Mr. Byers noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for the opportunity to speak
- I am the son of Ed Byers who is the current landowner of the property adjacent and downhill from the proposed land farm
- Contacted Hanging Rock State Park
- Have an email response from the superintendent which states the following:
 - As a representative of NC State Parks, it would inappropriate for me to make a comment until our agency has had time to investigate and develop a position
 - I have spoken to and received information from David Sudderth, Stokes County Planning, and have notified our appropriate officials
 - Will be closely studying the potential impact on Park, including the Dan River which flows $\frac{3}{4}$ mile through the Park
 - Please pass on the appropriate information as to the progress of the zoning request and any data that may assist in developing our official position
 - Thank you, Dave Cook, Superintendent, Hanging Rock State Park
- This could have a disastrous effect on Stokes County's economy
- Would like to cover two economic stimulators: recreation and hunting
 - Hunting
 - Many people come to Stokes County for hunting trips
 - Vast numbers of deer draw lots of people to Stokes County (30-34 deer per sq mile)
 - Increased truck traffic will drive off animals as well as the contaminated water and hydrocarbon emissions
 - Lower animal population will not help our suffering economy
 - Less people will come to Stokes County to purchase hunting equipment and to hunt
 - Recreation
 - This facility has the potential to be harmful to Stokes County's natural environment such as the Dan River which many people come on to tube, canoe, and kayak
 - Effecting the Dan River could seriously damage Stokes County's environment and economy
 - Large numbers of cyclists come to northern Stokes County to enjoy the scenery and riding with large, heavy trucks is not going to make them want to come back
 - Cyclists purchase things in our store and help our economy
- Thank you

Donna Beeson

2485 Horseshoe Road
Westfield, NC 27053

Ms. Beeson noted the following regarding Special Use Permit #232- William Kent Fulp:

- Reside with my husband on Horseshoe Road which is in close proximity to the proposed facility on Frye Road
- Also own a tract of land that borders Big Creek
- Not only do I live in the area, I make my living in Stokes County as a licensed real estate broker
- This proposed facility would impose an extremely negative impact on the property values of neighboring property owners and would jeopardize future development
- As a realtor, I am obligated to disclose and I quote directly from the NC Realtors Association:
 - “Any environmental hazards or toxic material, whether buried or covered, any contaminated soil or water or any other environmental contamination”
- Allowing this facility would also open the door for future expansion of industrial sites in our area
- This is not the appropriate setting for this type of facility
- It would definitely diminish the desirability of our area
- It would threaten the economic prosperity of a thriving community, its vital waterways, its parks and recreation, local farms, and our unspoiled local way of life
- If we collectively don’t preserve this area, who will?

William Roughton

2224 Horseshoe Road
Westfield, NC 27053

Mr. Roughton noted the following regarding Special Use Permit #232- William Kent Fulp:

- I am a teacher at North Stokes High School
- My wife and I live near the intersection of Horseshoe and Frye Roads
- Here tonight to talk to you about a combination of large dump trucks on the roads of Horseshoe, Frye, and Lynchburg/268 that combine with school buses on these roads
- There are currently seven (7) buses that travel these particular roads:
 - Two (2) for Francisco Elementary School
 - Four (4) for North Stokes High School /Piney Grove Middle School
 - One (1) for Nancy Reynolds Elementary School
- Total average number of passengers in the morning on these seven buses in the last school year was 239 per day
- Total average number of passengers in the afternoon on these seven buses in the last school year was 251 per day
- The number of stops for the seven buses that travel on Frye Road, Horseshoe Road, and Lynchburg/HWY 268 is 25 stop locations in the morning and 25 stop locations in the afternoon just to pick up children
- Of course, there are other stop locations on roads other than those mentioned

- The safety record for the Stokes County School System for school bus transportation for the past five years is 100% days without injury due to a school bus accident –that is a baseline
- Our concern is that if we place large dump trucks and school buses (an empty dump truck will outweigh a school bus full of children) on the road at the same time, we are running the risk of creating a drop from that 100% injury free period
- In addition to the school buses, we also have high school age drivers (I have personally met them on the road) who commute to and from school, to and from school activities,
- Parents are carrying children to and from school, to and from school activities
- We also have sporting events that bring children from other schools in and out of Stokes County
- We need to be sure that everyone we put on the roads is safe
- You know that when you meet a large truck crossing the center line on these roads in rural Stokes County, it is dangerous
- If you look at both side by side, someone has their tires on the edge of the road, you can't pass easily on these narrow, rural roads
- We have blind curves and hills
- We have school bus stops just around blind curves or at the top and/or bottom of hills
- Hope you look at the safety of our children as you consider what you want to put on those roads

Travis Gammons

1170 Sterling Point Drive
Westfield, NC 27053

Mr. Gammons noted the following regarding Special Use Permit #232- William Kent Fulp:

- I am here tonight with questions and concerns
- I am concerned about the road conditions on Frye Road with the addition of routine trailer traffic
- For those who have never been on Frye Road:
 - Frye Road is 3.7 miles long
 - It has 16 curves with many of them blind
 - It has 12 drastic elevation changes
 - It resembles more of a roller coaster than it does a road
 - There are very few straight or flat spots
 - Even the entrance of the proposed site is at the top of a hill in a curve
 - Trucks will have to come to a slow crawl pulling in and backing out in a curve
 - Don't think anyone wants to meet that in a curve
- With my job, I get a chance to drive an activity bus
- Have driven an activity bus over half of these roads in Stokes County, many similar to Frye Road
- I can tell you by personal experience, just like Frye Road, it is impossible to stay in one lane
- With the added length of a tractor trailer, it is impossible
- What happens when you go into one of those blind curves and half of your lane is being borrowed by the backend of a tractor trailer?

- You either get run off the road, only guardrails on the road are attached to the bridge, or you go into a hole
- This road is not conducive to larger vehicles, especially multiple ones; the road simply isn't big enough
- With them routinely on this road, it is inevitable that they will meet, either two trucks or a truck and a school bus
- We know buses travel this road daily, what will happen when these two meet in a blind curve?
- If we are fortunate to see each other and have time to stop, who is backing out of the curve?
- Will we ask a school bus driver with children to back up or will we ask a truck driver carrying potential hazardous waste?
- Bad scenario, but that is a real possibility
- What about the elderly couples and small children that live on Frye Road?
- Are we considering how this will impact their safety?
- Nothing about this road plus routine tractor trailer traffic equals a good idea
- I did not even mention how inclement weather would increase the danger effect
- In any decision making process, don't you think it is important to consider the what ifs and their possible outcomes before you make the critical decision

Jerry Lucia

1119 Brown Mountain Road
Westfield, NC 27053

Mr. Lucia noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for the opportunity to speak
- Currently serve on the Board of Trustees at the Vineyard Camp
- The impact to the Vineyard Camp of this proposed toxic waste dump on Big Creek is unknown at this time; therefore, the Vineyard Camp has retained counsel and refuses to comment

Katie Martin

1488 Laurel Lake Road
Westfield, NC 27053

Ms. Martin noted the following regarding Special Use Permit #232- William Kent Fulp:

- Many others and I are very concerned about the potential land farm and bioremediation site on Frye Road
- This is the wrong place for this business
- Have you researched the potential in lost money in the reduction of land values and the lost recreational dollars?
- No one wants to be near such a site
- What about the increase in road maintenance costs?
- The site is too far from Highway 52 and other major arteries
- Have you researched the size and number of big trucks that will be on these roads?

- Have you visited the Frye Road site?
- As you have heard, part of the 50 acre tract in which the 19 acre site sits, is in the floodplain.
- Have you viewed the maps?
- Have you walked the property?
- Have you visited other sites in North Carolina such as Vargrave Street in Winston Salem or Bear Creek in Chatham County?
- Have you researched whether there have been any problems or contaminates in the wells and rivers?
- Are they closed or open systems?
- If you don't have the answers to these questions, such an impactful decision to the public and to Stokes County's future should not be made
- What is the hurry?
- We need to find out all the information
- There are many, many of us assembled here tonight who do not want this business here
- We don't want it here
- It goes against the vision for Stokes County and its potential

Patrick Simmons

5153 NC HWY 89 West
Westfield, NC 27053

Mr. Simmons noted the following regarding Special Use Permit #232- William Kent Fulp:

- Would like to politely ask you have you considered how many jobs will this create?
- Will they be minimum wage?
- To whom will they be available?
- It is my fear, the jobs will only be available to his family and the other jobs created will be an emergency clean up for this site for a hazardous contamination spill
- I don't know if any of you have lived, grown up or known anyone from Simmons Chapel Church, King Mountainview or Brown Mountain Community
- Would like to tell you a little about them and what they have contributed to this community and to this county
 - Numerous state champions
 - Too numerous to name college graduates
 - No less than 40 all conference student athletes in my lifetime
 - Scores of military service members
- I would politely ask that our commissioners ensure that any development that goes into this community is equal or greater to the value of what they have already contributed
- Thank you for this time

Bettye Barrett
1019 George Road
Westfield, NC 27053

Ms. Barrett noted the following regarding Special Use Permit #232- William Kent Fulp:

- I am here to talk about the respect for the democratic process
- As members of the Frye Road, Big Creek/Horseshoe Community, we feel that the Special Use Permit on Frye Road is being fast tracked thru the approval process
- In reading minutes from the Planning Board and Board of Commissioner meetings, it appears the recommendation from the Planning Board was overridden and disregarded by the Board of Commissioners
- At the May 24th Planning Board meeting, over 100 concerned citizens were present to express concern and opposition to the proposed Special Use Zoning for toxic waste
- The citizens learned of the rezoning amendment seven (7) days prior to the May 24th Planning Board meeting and are yet learning the facts and processes of local government
- To us citizens, it appears we are not being informed of what is going on in our county and would like that a good faith effort be made to keep us more informed
- We ask that all facts be assessed and weighed and hastily decisions not be made that would be detrimental to our community
- We hope that you, the Board of Commissioners, would not choose to favor one family's welfare over all the others
- Please take the original recommendation from the Planning Board and vote against this rezoning amendment

Chrystal Pippin
2719 Frye Road
Westfield, NC 27053

Ms. Pippin noted the following regarding Special Use Permit #232- William Kent Fulp:

- As our commissioners, our elected officials, we look to you as our first line of defense, the defenders of Stokes County
- We, the citizens of Stokes County, have come before you tonight and ask you to defend our rights:
 - To have a community that continues to grow
 - A safe, healthy environment
 - Roads that are safe
 - Un-effected property values
 - Clean air to breathe
 - Clean water
- My neighbors have shared a great deal of information with you, as well as, bringing up many questions that need to be answered
- Although, we have not had a considerable amount of time, information we have gathered has shown that this is not the area to put a bioremediation facility and some of the reasons why this is a very bad idea

- If you feel you don't have enough information to just say "no" to this Special Use Permit, then at least postpone making decision on this matter
- Thank you

Carolyn Whitt

1120 Whitehouse Lane
Westfield, NC 27053

Ms. Whitt noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank the Board for allowing me to speak
- I have been asked by the Fulps to read a statement regarding the appearance and smell of a land farm
- The Fulps said that the Board of Commissioners have heard Planning Director David Sudderth's eyewitness account of the Bear Creek site in Chatham County
- The Fulps said that they have not visited the Bear Creek site yet, but do have plans to drive there and view it themselves in order to have their own eyewitness account of the appearance and smell
- The Fulps would like to encourage everyone else to do the same

John Christy

1035 Junior Shelton Road
Westfield, NC 27053

Mr. Christy noted the following regarding Special Use Permit #232- William Kent Fulp:

- Appreciate the time to speak, but would request to pass his time to Mr. Ed Byers who has a lot more information than I do

The Board allowed Mr. Christy to pass his time to Mr. Ed Byers

Mr. Byers noted the following:

- Thanked Mr. Christy and the Board of Commissioners for allowing him to continue to speak
- The natural attenuation (degradation) of hydrocarbons can leave products behind which can still pose a high risk in the immediate vicinity of the area in which they remain taken from the US EPA who is also over bioremediation processes
- Clean up cost for MTBE is estimated in the US at 29 billion dollars for public water systems; systems that have a water quality of more than 5 ppb
- Private water supplies are not in this estimate
- Stokes County does not want to be part of this MTBE cleanup; at least, I don't want it to be in the area around Frye Road
- I would ask that you consider this very carefully
- The upward estimate for MTBE cleanup cost given by EPA is 85 billion dollars
- Thank you for your time

Steve Thomas
1513 N Elam Ave
Greensboro, NC

Mr. Thomas noted the following regarding Special Use Permit #232- William Kent Fulp:

- Three years ago, I bought 16 acres of land right below where the proposed site is supposed to be, less than a ¼ of a mile
- Have worked that land on my days off
- Really love it
- I own 1,000 ft on Big Creek
- I hope I didn't make a bad decision when I bought the land
- Against this for all the reasons mentioned

Mevlita Thomas
1513 N Elam Avenue
Greensboro, NC

Ms. Thomas declined to speak.

Frances Sandlin
1255 Luna Trail
Sandy Ridge, NC 27046

Ms. Sandlin had to leave.

Ginger Martin
1137 Horseshoe Road
Westfield, NC 27053

Ms. Martin noted the following regarding Special Use Permit #232- William Kent Fulp:

- The Fulps wanted to recognize some property owners who are here tonight in support of them:
 - Oakley Mabe
 - Jack Simmons
 - Fred Vaden and family
 - Terry and Tammy Lawrence
 - Tim and Ginger Martin
 - Billy Ray and Vicki Bullins
 - Carolyn Whitt
- Thank you

Luke Fulp

1533 Forrest Road
Westfield, NC 27053

Mr. Fulp noted the following regarding Special Use Permit #232- William Kent Fulp:

- My brothers and I would like to invite the Board of Commissioners to visit the proposed site
- Thank you

Norman Scott

3364 Moir Farm Road
Sandy Ridge, NC 27046

Mr. Scott noted the following regarding Special Use Permit #232- William Kent Fulp:

- Would like to thank the Commissioners for the opportunity to speak
- The Fulps have asked me to read their statement, in regards to their findings, on how this proposed site could affect the property values in Stokes County
- The Fulps said that according to the report that has already been submitted to you from the Stokes County Tax Administrator, it states the following:
 - To the best of our knowledge, no negative adjustments are incorporated into the appraisal data and accordingly, the tax office plans to make no adjustment in value at this time
- The Fulps have asked me to present copies to the Board of their research regarding home and properties that are for sale in Chatham county and the community that is in close proximity (10 mile radius) to the "Earthtec Soil Remediation" site in Chatham County
- It is their hope by providing you with some realtor listings from Chatham County, you will be able to compare those listings with listings from Stokes County and satisfy any concern you may have of real estate sales in Stokes County
- Thank you again for your time

Shawn Wilson

1064 James Ridge Road
Danbury, NC 27016

Mr. Wilson noted the following regarding Special Use Permit #232- William Kent Fulp:

- The Fulps have asked me to read their statement to you in regards to traffic concerns, hours of operation and truck routes
- The hours of operation will be normal business hours 8:00 am to 5:00 pm (Monday thru Friday)
- The question has been asked: How many trucks are expected to travel to this site daily on Stokes County highways and the route that these trucks will travel to and from this Land Farm site?

- The Fulps replied that their ideal goal, that they hope to achieve in the future, would be 3 to 4 trucks a day; logically thinking, they know that some days that there will be none at all
- Anyone who knows anything about driving trucks should already know that those truck drivers are going to choose their routes of travel wisely and will take the safest route possible
- The Fulps believe that is the most logical answer
- The Fulps have researched driving directions from different starting locations to intended destination
- The most suggested route of travel from online sites for driving directions is Lynchburg Road/HWY 268 to Frye Road
- Thank you for allowing me an opportunity to read the Fulps' statements

Roy R. Simmons

1652 HWY 66 North
Westfield, NC 27053

Mr. Simmons noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for allowing me to speak
- My concern is that this past winter was a mild winter
- Understand that trucks will be running from 8:00 am to 5:00 pm (Monday thru Friday)
- We have bad winters, too
- Just one accident, one fatality, is too many
- If it is my kids, my mother, my sister, it is too many in Stokes County
- Heard someone say that there had never been any accidents in those sites
- If it is just one fatality, it is one too many
- I know that Stokes County has billions to clean up and would not impose it on the citizens to help clean up if there was a contamination issue
- Stokes County wouldn't have to have bonds, they already have the money
- If they did have to pay for some type of contamination cleanup, I feel the County would impose higher taxes to where the citizens would have to help support the clean ups
- I am against the rezoning
- I hunt, fish, and ride bicycles
- Several people ride bicycles
- Those big trucks may have good drivers, but an accident can happen to anyone, no one is perfect
- Thank for letting me present my comments

Kent Fulp

1533 Forrest Road
Westfield, NC 27053

Mr. Fulp noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for allowing me to speak to you
- I hope you support my zoning permit

- Most everyone knows that I would never do anything that would harm my family, friends or neighbors
- If you have a fuel leak on your land today, that dirt has to be dug up and cleaned
- That dirt will come to our farm and we will clean it naturally
- You have to prove what is in that dirt, if you can't prove it, we don't take it
- We only take non-hazardous soil
- We spread that dirt on our field and we plow the dirt
- Then we sow a cover crop like grass on top
- Then we cut the grass and turn it again
- We test the dirt to make sure it is clean
- This is a natural process
- That is why the EPA supports bioremediation
- The EPA has very strict guidelines
- I have to follow them

David Little

Friends of Horseshoe

Mr. Little declined to speak.

Pam Fulp

1533 Forrest Road

Westfield, NC 27053

Ms. Fulp noted the following regarding Special Use Permit #232- William Kent Fulp:

- Just want to touch on a few key points
- First of all, we have to start taking care of our own waste here in Stokes County
- We have an obligation to our environment, to provide earth friendly ways to dispose of our waste
- This will benefit our community and our future generations
- It is time to do that now, naturally
- We can't put it off any more
- The cost to open a site like this is not cheap; we have taken on that cost to develop that site and will continue to do that
- Taxpaying citizens will not have to pay to develop this site; we will
- The EPA government agency is here for all of us – me and Kent and you guys
- They are the ones that develop ways to protect our environment and develop safe ways to dispose of our waste
- We are confident that this Land Farm will benefit this area because one of the most expensive cost for cleaning up a spill is transporting that contaminated soil to a facility to be cleaned
- If there is a spill here, we will have a Land Farm in our area, so money is saved on transportation costs
- We do anticipate that we will be offering jobs and hiring jobs
- We are going to need help to develop this site and to operate our Land Farm

- So it will create jobs in this community
- We care about our environment just like everyone else does
- There is an increasing need in our area for a facility that can remediate soil like this in a naturally, environmentally safe manner
- It is earth friendly and I think everyone here loves everything about being earth friendly
- We hope we can gain your support by presenting you honest, logical and factual information
- Thank you for letting me speak

James Frazier

1603 Horseshoe Road
Westfield, NC 27053

Mr. Frazier noted the following regarding Special Use Permit #232- William Kent Fulp:

- My brothers and I own land on Horseshoe Road
- I am well affiliated with big trucks
- I understand when they move on the highway, they are tearing up the highways and the taxpayers do not have the money to fix these roads
- Roads are so thin that these heavy trucks will tear them up
- When one of these big trucks meets a school bus, the truck driver is not going to leave the road because if the truck leaves the road, it will kill himself
- The school bus is liable to hit the big truck and someone is going to get killed
- I need to know what these big trucks going to be hauling
- Are they going to be hauling diesel fuel?
- Are they going to be hauling gas with dirt mixed in?
- If they are hauling gas with dirt mixed in, they need to send it to a special place
- I have been down there where they handle the dirt, EPA checks the dirt, it has to stay in place for several weeks
- You can't put diesel fuel, gasoline or milk on the soil, if you do, it is going down in the ground and get in the water
- You can't haul diesel fuel and put it on the land and think if you turn it under, it is going away
- It will not go away, the fuel will still be there
- It has to be put in a building, contained, and treated with chemicals
- I am going to call David Spainhour, NCDOT, about these highways; he will tell you what it cost to fix the roads
- I am going to call the Governor
- We are all against this
- I urge the people here to form a petition and get this resolved
- These trucks hauling diesel fuel or gasoline, they don't need to be in Stokes County

Mary Lou Garris
3569 Horseshoe Road
Westfield, NC 27053

Ms. Garris noted the following regarding Special Use Permit #232- William Kent Fulp:

- I am not a public speaker
- Thank you for letting me come
- I have six (6) questions that I don't think have been addressed for either sides
- Question: Where will contaminants be coming from?
 - Crude oil spills, refinery oil spills or industrial oil spills
 - Each of these three different products would contain different minute elements that would not be destructible in micro reduction
 - A microorganism can't reduce some of these chemicals, especially to the BTXs
 - BTXs are a mix of benzene, toluene, xylene and ethyl benzene
 - There are 15% BTXs that are aromatic in crude oil
 - The BTX are carcinogenic
 - Microorganisms do not break down these 3 chemicals
- Question: Will any additives be added upon the arrival at the site?
 - This would be extremely important
 - Any additives that might be added to this dump, would make it a different clean up problem
 - This would be important
- Question: Why was this not processed at the site?
 - Was it so contaminated that the state kicked it out and sent it to us?
 - Have to consider that too
- Question: How much analysis work will be done by a lab on each load that will be brought to the site?
 - Analytic work by a reliable lab, they would know how much of the carcinogenic or other elements would be in the contaminate
 - If it is a crude oil dump, you can have lead from one area and you can have copper from another area; these will not be taken care of by microorganisms or remedial farming
- Question: Who owns the material before it was brought to us?
 - Company or a contractor?
 - Why would they not treat it in their own facility?
- Question: What process will be taken in case of a flooding rain like we had two weeks ago?
 - That would bring any oil left to the top of the soil which then can be floated down the river
- Thank you very much

Carol Hepler
112 Fair Oaks Drive
King, NC 27021

Ms. Hepler noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for staying late and for carrying everything that you have on your plate
- I am not from this immediate area
- I drove up here from King
- I live near several really pricey housing developments
- People in King are already worried about this as far as real estate
- I am thinking of moving out of King if this comes into Stokes County
- I don't want to be close to it
- It would harm the real estate, I don't care what study you got and from where
- It could harm the children on the school bus, what would happen if the dump truck hit a bus and the contaminated soil went into the bus where the children were on
- My husband is a 37.5 year retired Winston Salem firefighter
- He now drives an oil truck on these roads
- He says that it is a huge possibility for a school bus and dump truck wreck
- Anyone ever seen the poster with the tear rolling down his face? That is really appropriate since we are here near the Saura Mountains
- I am doing some research on a book, it is very appropriate
- I babysit one of my grandchildren every day
- I would not want to put her little feet in the lake at Hanging Rock or any of these streams or be in the immediate area if this comes to Stokes County
- I am very, very against hazardous waste dump, that says it all
- Anyone looking to develop real estate, buy a house, vacation here, live here, go to school here, drive their car here, would not want this around them
- I would ask you, would you take this dirt and put your hands in it?
- I would not
- I would not want it in my yard
- I would not want it around my food
- I would not want it around my animals
- There is your answer, no one wants this
- They will not come
- I am a retired teacher from Stokes County and Winston Salem/Forsyth County Schools, I can tell you Stokes County without this little bit of recreational areas in outlying areas like Walnut Cove and Danbury would die
- That would not be helpful for those areas
- I skipped supper, I drove up here, I am worried about it

Wavell France
1120 France Road
Westfield, NC 27053

Ms. France noted the following regarding Special Use Permit #232- William Kent Fulp:

- Thank you for allowing me to speak
- My concern is the safety of the kids
- I am speaking on behalf of the France family and the community
- I have lived at 1120 France Road for 50 years and never had any reason of being feared for my family or for nieces/nephews
- We don't know what is coming in and what is going out
- The kids walk this road every evening
- School buses travel this road
- I have asked a number of different people in the medical field and they stated that it could be very hazardous to our health
- I go to church every Sunday and we have elderly members who might meet one of these big trucks
- Could be a traffic accident
- I am concerned about the kids getting on and off the bus
- We have to be concerned of what our kids are breathing
- Most of the people are single and old
- They are concerned that they don't know what will be coming into the county and going out of the county

Chairman Lankford noted the following:

- On behalf of the Board of Commissioners:
 - Would like to thank each person who came out tonight and for spending your time and being patient to listen
 - This Board is very open, fair and listens to the community
 - This Board will tell you without any doubt, that an informed decision will be made
 - Our process is that the Planning Board first reviews and studies each request and then makes a recommendation to the Board of Commissioners
 - It has been advised to us that the Board will not take any action on this request until the Planning Board makes a recommendation to the Board of Commissioners
 - We will take our time and when we get to that point, we will make an informed decision
 - We will notify the public when it will be on the Commissioners' Agenda thru the media, on the county's website and advertised in the paper
 - The next time the Planning Board and the Board of Commissioners meet on this issue, you will know it

Chairman Lankford questioned the Board on how they wished to handle the request tonight?

Chairman Lankford entertained a motion.

Vice Chairman Inman moved to table this action until further notice based on the Chairman's previous statement. Commissioner Jones seconded and the motion carried unanimously.

PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS

Change of Conditional Use Request - #233 – Harlie Easter

Amend Conditional Use Permit #217 – Adding one (1) additional subdivision lot

Public Hearing

Chairman Lankford opened the Public Hearing.

No one spoke during the Public Hearing.

Chairman Lankford closed the Public Hearing.

Presentation by Planning Director David Sudderth

Planning Director David Sudderth presented the following information regarding the Change of Conditional Use Request #233 – Harlie Easter (amend Conditional Use Permit #217) to add one (1) additional subdivision lot:

REQUEST: Amend Conditional Use permit #217 zoned RE-CU to add (1) one additional lot to the existing (3)-lot residential subdivision.

SITE OWNER: Harlie Nelson Easter

APPLICANT: Harlie Nelson Easter

SITE LOCATION: The property is located on Buena Vista Dr. (private rd. # 16609) off of Hauser Rd. (SR#1983).

Map: 5986

Parcel: 0024

PIN #: 5986-00-96-0024

Deed Book: 611

Page: 1149

Township: Quaker Gap

SITE INFORMATION:

PARCEL SIZE: Total tract 12.205 acres

PROPOSED TRACT: 1.993 acres

ZONING DISTRICT: RE-CU (Residential Exclusive Conditional Use)

PROPOSED DISTRICT: RE-CU (Residential Exclusive Conditional Use) to add (1) one additional subdivision lot to existing 3-lot subdivision.

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 3710598600J

FIRM MAP ZONE: Zone X - Area outside 500-year floodplain.

WATERSHED DISTRICT: WS-IV

SEPTIC/WATER APPROVAL: The site has been evaluated and was found to be suitable for septic disposal systems by Brandon Joyce EHS. The proposed property will be served by a well.

SCHOOL DISTRICTS: Pinnacle, Chestnut Grove Middle, West Stokes High

EMERGENCY SERVICES: Double Creek VFD, EMS – Pinnacle Station # 103 & 104

EROSION CONTROL: Plan submittal will only be required if more than one acre of land is disturbed during the construction process.

ACCESS: Access for the proposed lot would be off of Buena Vista Dr. (private rd. # 16609).

SURROUNDING LAND USE: The surrounding property is zoned RE-CU (Residential Exclusive Conditional use). This district allows for the placement of modular housing, and stick-built homes. The request is consistent with the housing types within the immediate vicinity of the proposed site.

ISSUES TO CONSIDER:

- Consistency with surrounding housing types.

STAFF COMMENTS: This rezoning request comes to the Board as a request for a Conditional Use rezoning for a 1-lot residential subdivision to allow an additional subdivision lot in the development. This district would allow only stick built and modular homes. The request is necessary because the proposed 1-lot subdivision would exceed the number of subdivision cuts that was approved in the original rezoning request on February 2, 2012. The addition of one lot in this area should not pose a substantial burden on the community infrastructure. The proposed tract is located on a parcel that has an existing stick built home located on it thus requiring a separate parcel for a new home. The Planning staff has no problem with this request.

The following conditions are a staff recommendation for the proposed 1-lot subdivision. These are the same conditions that were attached to the original subdivision proposal. The Board may add or delete conditions as they deem necessary for the proper development of the proposal.

**Proposed Conditions for amending Conditional Use Permit for Harlie Nelson Easter –
RE-CU #233 (Same conditions as original proposal)**

1. The proposed use shall be for a “1-lot residential subdivision” consisting of a stick built or modular home in the RE-CU zoning district.
2. Adequate storm water facilities shall be provided for each lot, including the placement of NCDOT approved drain tile under each driveway if needed.
3. All improvements shall be completed before final subdivision approval is granted by the (SRC) Subdivision Review Committee.
4. 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.
5. Each dwelling unit shall also have a visible lot number in a numbering scheme approved by the County to facilitate rapid emergency response (E- 911).
6. 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.
7. 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.
8. 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.

9. The Rules and Regulations of the Developer, as modified by the developer at the prior hearing (s) on this request, shall not be inconsistent with these conditions. Any conflict between said Rules and Regulations shall be resolved in favor of these conditions.
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.

Director Sudderth noted that he had received no comments from the public.

Director Sudderth noted the following Planning Board recommendation:

- The Planning Board voted 6 to 0 to recommend approval of the Change of Conditional Use Request #233 for the addition of (1) lot. The Board recommended that the conditions attached to the original request be attached to this request.

Discussion

Chairman Lankford opened the floor for discussion.

The Board had no issues with the request presented by Director Sudderth.

Action

Director Sudderth read the following conditional use requirements with a request to the Board to vote:

132.5 Action by the Responsible Body

The responsible body shall approve, modify, or deny the application for conditional use following the public hearing. In granting a conditional use, the responsible body shall insure:

- (a) The requested use is listed among the conditional uses in the district for which application is made. Yes (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. Yes (5-0)
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. Yes (5-0)
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the

proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land. Yes (5-0)

- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (5-0)
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Yes (5-0)

Chairman Lankford entertained a motion.

Vice Chairman Inman moved to approve the Change of Conditional Use Request #233 –

Harlie Easter (amendment to Conditional Use Permit #217 to add one (1) additional subdivision lot).

Commissioner Jones seconded and the motion carried unanimously.

PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS

Rezoning Request #234 – RA(Residential Agricultural) to RA-CU (Residential Agricultural Conditional Use) for one (1) lot subdivision – Robert Keith Fowler Estate

Public Hearing

Chairman Lankford opened the Public Hearing.

No one spoke during the Public Hearing.

Chairman Lankford closed the Public Hearing.

Presentation by Planning Director David Sudderth

Planning Director David Sudderth presented the following information regarding the Rezoning Request #234 – RA(Residential Agricultural) to RA-CU (Residential Agricultural Conditional Use) for one (1) lot subdivision – Robert Keith Fowler Estate:

REQUEST: Rezone approximately 4.72 acres from RA (Residential Agricultural) to RA (Residential Agricultural – Conditional Use) for a 1-lot residential subdivision.

SITE OWNER: Robert Keith Fowler Estate

APPLICANT: Robert Keith Fowler Estate (Mary Daniels, executor)

SITE LOCATION: The property is located on the west side of NC Hwy 66 approximately 1500 feet south of Cromer Rd. (SR# 1218) between Cromer Rd. and Jones Rd. (SR# 2002).

Map: 690404 **Parcel:** 7845

PIN #: 6904-04-74-7845

Deed Book: 329

Page: 179

Township: Yadkin

SITE INFORMATION:

PARCEL SIZE: Total tract 4.72 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: RA (Residential Agricultural-Conditional Use)
for a 1-lot subdivision.

FLOOD HAZARD AREA: Not located in flood hazard area.

FIRM MAP #: 3710690400 J

FIRM MAP ZONE: Zone X - Area outside 500-year floodplain.

WATERSHED DISTRICT: N/A

SEPTIC/WATER APPROVAL: The site has been evaluated and was found to be suitable for septic disposal by Richard Farris, RS, LSS

SCHOOL DISTRICTS: Mt. Olive Elementary, Chestnut Grove Middle, West Stokes High

EMERGENCY SERVICES: Sauratown VFD, EMS - Station # 103, 104 – Pinnacle

EROSION CONTROL: Plan submittal will only be required if more than one acre of land is disturbed during the construction process.

ACCESS: Access for the proposed lot would be off of NC Hwy 66. The developer if necessary would be required to submit information to NCDOT to obtain the necessary driveway approval.

SURROUNDING LAND USE: The subject property is currently vacant. The surrounding property is zoned RA (Residential Agricultural) and is used primarily for residential and agricultural purposes.

ISSUES TO CONSIDER:

- Consistency with surrounding housing types.

STAFF COMMENTS: This rezoning request comes to the Board as a request for a conditional use rezoning for a 1-lot residential subdivision to be rezoned to RA (Residential Agricultural-Conditional Use) for a 1-lot subdivision. This district would allow conventional stick built, modular homes and multi-sectional manufactured housing. The applicant is requesting this one lot division as a result of settling an estate. The request is necessary because the proposed lot would exceed the number of subdivision cuts that can be allowed on the parent parcel by the Stokes County Subdivision Regulations. The addition of one subdivision lot in this area should not pose a substantial burden on the community infrastructure. The Planning staff has no problem with this request.

Discussion

Chairman Lankford opened the floor for discussion.

Chairman Lankford confirmed with Director Sudderth that the County is consistent with the subdivision regulations.

Director Sudderth reiterated that the request is necessary because the proposed lot would exceed the number of subdivision cuts that can be allowed on the parent parcel by the Stokes County Subdivision Regulations; this was the best solution for settling of the property.

The Board had no issues with the request presented by Director Sudderth.

Director Sudderth presented the following Planning Board Recommendation:

- The Planning Board voted 6 to 0 to recommend approval of the Conditional Use Rezoning request #234 RA to RA-CU by the Robert Keith Fowler Estate for the addition of (1) lot.

Action

Chairman Lankford entertained a motion.

Vice Chairman Inman moved to approve the Rezoning Request #234 RA (Residential Agricultural to RA- CU (Residential Agricultural Conditional Use). Commissioner Walker seconded and the motion carried unanimously.

Discussion – Conditional Use Permit

Proposed Conditions for Robert Keith Fowler Estate -RA-CU #234

Director David Sudderth presented the following proposed conditions for Robert Keith Fowler Estate (RA-CU) #234:

1. The proposed use shall be for a “1-lot residential subdivision” in the RA-CU zoning district.
2. Adequate storm water facilities shall be provided for each lot, including the placement of NCDOT approved drain tile under each driveway if needed.
3. All improvements shall be completed before final subdivision approval is granted by the (SRC) Subdivision Review Committee.
4. 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.
5. Each dwelling unit shall also have a visible lot number in a numbering scheme approved by the County to facilitate rapid emergency response (E- 911).
6. 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.
7. 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.
8. 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.
9. The Rules and Regulations of the Developer, as modified by the developer at the prior hearing (s) on this request, shall not be inconsistent with these conditions. Any conflict between said Rules and Regulations shall be resolved in favor of these conditions.

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.

Director Sudderth presented the following Planning Board Recommendation:

- The Planning Board also recommended the Conditional Use Permit by a vote of 6 to 0.

The Board had no issues with the request presented by Director Sudderth.

Action

Director Sudderth read the following conditional use requirements with a request to the Board to vote:

132.5 Action by the Responsible Body

The responsible body shall approve, modify, or deny the application for conditional use following the public hearing. In granting a conditional use, the responsible body shall insure:

- (a) The requested use is listed among the conditional uses in the district for which application is made. Yes (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. Yes (5-0)
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. Yes (5-0)
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land. Yes (5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (5-0)
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Yes (5-0)

Chairman Lankford entertained a motion.

Vice Chairman Inman moved to approve the Conditional Use Permit for Robert Keith

Fowler Estate #234. Commissioner Jones seconded and the motion carried unanimously.

Clarification of Site Plan Requirements

Allen Michael Brown – RA to M-2-CU (#230 approved on April 3, 2012)

Director David Sudderth noted the following information regarding clarification of site plan requirements:

- Have been working with Mr. Brown since the approval of his Conditional Use Permit
- There are two questions that came up regarding the following:
 - Fencing
 - Tree buffer
- Felt clarification needed to be settled by the Board of Commissioners
- Mr. Brown has mowed the property
- Mr. Brown has staked out his building and put the driveway access in
- Mr. Brown has not gotten to his drain tile yet, but has limited any potential runoff
- Mr. Brown is doing a slow process, hopefully selling his other business, then finishing up this property

Fencing

Director Sudderth noted:

- Mr. Brown would like to eliminate one section of the fencing because he took the fence farther toward the property line
- Mr. Brown understands that he is only zoned to utilize the property in his 2.1078 acre tract which will be marked by the surveyor
- This rezoned area of the property will easily be able to be enforced by Code Enforcement Officer Williams and myself
- Mr. Brown's concerns were security of the property, giving it a more open look from the highway
- Mr. Brown is requesting not to have to double fence a certain area which was pointed out on the site map by Director Sudderth
- Had no issues with the request, seems logical, but felt the Board should make the final decision

The Board discussed the request.

Vice Chairman Inman and Commissioner Jones stated that they had no issues with the request regarding the placement of fencing.

Commissioner Booth stated that he thought the Board agreed at the April 3rd meeting that the 2+ zoned acres would be fenced in order to make sure Mr. Brown did not store logs anywhere on the site except the 2 acre rezoned area.

Director Sudderth reiterated that the Planning Department could enforce the requirements of the conditions and had no issue with Mr. Brown's request.

Chairman Lankford polled the Board regarding the request by Mr. Brown to eliminate double fencing one section of the 2+ acre rezoned area, since Mr. Brown actually fenced in more than the 2+ acre rezoned area:

Commissioner Booth: Keep the same conditions as approved – no changes

Vice Chairman Inman: No issues making the change

Commissioner Jones: No issues making the change

Commissioner Walker: No issues making the change

Chairman Lankford: No issues making the change

Tree Buffer:

Director Sudderth noted the following:

- Explained the tree buffer on site plan as approved at the April 3rd meeting
- Leyland Cypress were to be at least 5 ft tall, but when he went to purchase the trees, they are sold in 5 gallon buckets, not by height
- The nursery's planting recommendation is also somewhat different than what the BOCC approved at the April 3rd meeting

Mr. Brown noted the following:

- Recommendation from the nursery is to plan the Cypress 12 ft apart instead of 6 ft due to the tree being larger in the 5 gallon bucket
- Can still have triangular pattern
- Biggest concern is when I put the tree buffers around the building, I have pretty much enclosed the whole area where my building will be placed
- I am worried about people messing with equipment and theft, since the area will be completely blocked by trees
- I would like to suppose the following:
 - Put the Leylands on the side of the building at the back
 - Put the Leylands on the other sides and buffer anything in the rear of the property

- Leave the front open so that I can monitor the site in passing without having to stop
- Trucks and logs will be stored only in the rear of building
- Area has been identified as a high risk area for crime
- Would have the fence on the west side facing HWY 66, just leave the tree buffer off

The Board discussed the request from Mr. Brown, a possible different type of tree buffer, and the area designated on the site plan that Mr. Brown wants to eliminate the tree buffer.

Commissioner Walker questioned if this change would affect what the neighbors wanted as far as the appearance of the lot.

Director Sudderth noted that none of the neighbors stayed for the meeting when the tree buffer was discussed.

Commissioner Walker questioned if there was any middle ground that could keep the spirit of what the neighbors wanted, but also accommodate some of Michael's request to be able to see the facility from HWY 66?

Commissioner Booth confirmed with Director Sudderth that this tree buffer and the fencing was discussed in detail at the February and April meetings and approved at the April meeting.

Commissioner Walker stated that he would be willing to reconsider if he had issues with theft after he has relocated his business.

Chairman Lankford confirmed with Mr. Brown that he was still planning on putting up a security system, which should help the situation.

Mr. Brown noted that a security system would not help if someone was messing with his trucks or equipment.

Commissioner Booth expressed concerns with changing the requirements that were approved at the April meeting due to this being approved to hopefully help ease some of the neighbors' concerns.

Chairman Lankford polled the Board regarding the request by Mr. Brown to eliminate the tree buffer on the west side of the building facing HWY 66:

Commissioner Walker: Keep the same conditions except allow Mr. Brown to plant the tree buffer according to the nursery's recommendation

Vice Chairman Inman: Keep the same conditions except allow Mr. Brown to plant the tree buffer according to the nursery's recommendation

Commissioner Jones: Keep the same conditions except allow Mr. Brown to plant the tree buffer according to the nursery's recommendation

Commissioner Booth: Keep the same conditions except allow Mr. Brown to plant the tree buffer according to the nursery's recommendation

Chairman Lankford: Keep the same conditions except allow Mr. Brown to plant the tree buffer according to the nursery's recommendation

Mr. Brown thanked the Board for allowing him to discuss his concerns at tonight's meeting.

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 Jones seconded and the motion carried unanimously.

Darlene M. Bullins
Clerk to the Board

Ernest Lankford
Chairman