

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
OCTOBER 1, 2013

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, October 1, 2013 at 7:00 pm with the following members present:

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

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

Chairman Ernest Lankford called the meeting to order and welcomed those in attendance.

Commissioner Walker delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman Lankford opened the meeting by inviting everyone 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 October 1, 2013 Agenda.

Commissioner Inman moved to approve the October 1st Agenda as presented.

Commissioner Jones seconded and the motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING/PRESENTATION/DISCUSSION/ACTION AGENDAS **Zoning Text Amendments – Conditional Zoning**

Public Hearing

Chairman Lankford opened the Public Hearing for the Zoning Text Amendments - Conditional Zoning.

The following spoke during the Public Hearing:

Jessie H. Moore

1473 Ellis Lawson Road
Danbury, NC 27016

Mr. Moore presented the following comments:

- When first heard about Conditional Zoning, thought this was just another quasi-judicial process that someone was trying to get a gold star on their forehead
- Was able to get into the Conditional Zoning class in Dallas, NC
- Been there about 20 minutes and realized that someone had found a way to rezone property that doesn't get people angry at each other and makes good sense
- Want to encourage the Board to approve the Zoning Text Amendments for Conditional Zoning on your Agenda tonight
- Conditional Zoning changes the process from an adversarial procedure to a collaborative, cooperative procedure
- Changes it from a process in which a platoon of lawyers could be involved to a way that the property owner can do it on his own
- It is simple and easy
- The one thing that I really like about it is that from the beginning to the end, everything is on the table, everything is open, and nothing is covered up
- The property owner and his neighbors all know what is going on, county knows what is going on and it doesn't restrict anyone from commenting or visiting the property site
- It makes incredible good sense
- Delighted to see that Director David Sudderth has taken the best of the Conditional Zoning Text Amendments from all over the state and put them together in a packet for the citizens of Stokes County
- These Text Amendments beat anything that I have read yet
- It is fabulous
- Whether you had stuck with the quasi process, which was a hodgepodge of garbage, or whether you use Conditional Zoning, to me the bottom line at the end is that you are able to

say to anyone concerned that we made the decision not because we like the way you comb your hair, but because it goes along with our land use plan

- David, the star of the meeting, was able to get the dollars needed for a comprehensive land use plan
- Believe the comprehensive land use plan will shield the Board from ligation
- Hope you vote for the amendments tonight, they are great

Chairman Lankford closed the Public Hearing.

Presentation by Planning Director David Sudderth

Planning Director David Sudderth presented and discussed the following information regarding the proposed Zoning Text Amendments – Conditional Zoning with the Board of Commissioners:

- First, would like to thank Jessie Moore, who has participated during the entire process, along with some other citizens
- These citizens brought up some good points
- There could be some typos or number errors which will be corrected with the updating of the Zoning Ordinance
- Provided the Board with some last minute updates from County Attorney Browder
- Would like speak on a few areas
- **Page 5- Dedicated Soil Treatment Facility**
 - At the August 6th meeting, question was asked about putting parameters of locating a facility within so many miles of a major highway
 - Planning Board recommended the following:
 - Located within (5) five miles of an Interstate or US Highway access point, specifically I-74/US 52 or US 311
 - Spoke with Dave Owens, School of Government, who verified that parameters could be placed regarding a Dedicated Soil Treatment Facility
 - Board of Commissioners had no issues with the Planning Board recommendations
- Lot of changes were made
- There is a new appendix for telecommunications based on the new laws
- County Attorney Browder and the County's communication consultation both reviewed the final changes made to the appendix with no issues – this is a major change
- Would like to make sure that the Board understands there is probably some things that were missed that need to be changed which can be brought back to the BOCC for review and/or amendments
- Agree with the Mr. Moore's comments that it will be good for the citizens with everything being out on the table as well as being good for the County
- The Public Information Meeting will allow anyone interested to find out what is going on in their neighborhood and have input in their community if so desired

- Citizens will have to have things in order to make sure the requirements are met before it is placed on a Planning Board Agenda

Commissioner Walker confirmed with Director Sudderth that the proposed Conditional Zoning is more citizen friendly which allows talking to the people and responding to the citizens.

Chairman Lankford commented:

- This process has taken a while which was understood up front that the Boards wanted to make sure this was done right
- Feel good about the proposed text changes

Vice Chairman Booth commented:

- Felt the joint meeting with the Planning Board was very beneficial

Director Sudderth continued:

- Appendix B - Telecommunication Tower – Item #E
 - Minimum acreage requirements and the subdivision of a separate lot shall not be required for the telecommunication facility as long as all required dimensional setbacks and fall zone requirements (approximately 219 ft) are being met
 - Most tower owners lease a tract or portion of property from a landowner that is only large enough to construct the tower and an associated equipment compound
 - The size of the sites can vary, but typically below minimum acreage requirements for the zoning district they are located in
 - This statement clarifies that the leased area does not need to meet the minimum lot size or need to be subdivided to accommodate the new tower and equipment compound
 - The conditional zone will be the leased area if Conditional Zoning approval is granted
 - All required dimensional setbacks and fall zone requirements still have to be met
 - Discussed with Dave Owens, School of Governments, who felt this would clear up any confusion concerning the development of a new telecommunication facility
- Section 52 – Procedures for Conditional Zoning Districts
 - A conditional zoning development plan is required for all conditional zoning requests
 - This statement will eliminate any question that a development (site) plan is required for all conditional zoning proposals
 - This was a request from the Planning Department which was not discussed at the Planning Board due to placing the statement in the proposed changes after the Planning Board met

- Other recommendations (underlined) that came from County Attorney Browder
 - *Page 7*

111.2 Board of Adjustment - Voting

The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite supermajority majority if there are no qualified alternates available to take the place of such members. A member of the board or any other body exercising quasi-judicial functions pursuant to this section shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

- *Page 12*
 3. Revisions to existing Conditional Zoning Districts and existing Conditional or Special Use Permits shall not require a public information meeting if the physical boundaries of the district or permit are not proposed to be expanded.
- *Page 26 & 27*
 1. ~~Requiring A~~ Conditional Zoning approval/permit for any new Complex, Facility or any Substantial Modification of a Facility or Complex or for a Co-located Facility;
 2. ~~Requiring An~~ Administrative approval and a properly issued Building Permit for any co-location or Modification of a Facility or Complex that is not a Substantial Modification or Co-location.
 3. ~~Implementing~~ The implementation of an Application process and requirements;
 4. ~~Establishing~~ The establishment of procedures for examining an Application and issuing a Conditional Zoning permit or Administrative approval that is both fair and consistent;

5. ~~Promoting, and requiring~~ **The ability to promote and require** wherever possible, the sharing and/or co-location of support structures among service providers;
6. ~~Requiring, promoting and encouraging,~~ **The ability to require, promote and encourage** wherever possible, the placement, height and quantity of a Facility or Complex in such a manner as to minimize the physical and visual impact on the community, including but not limited to the use of stealth technology.
7. ~~Requiring~~ **The ability to require** that ~~the a~~ Facility and Complex shall be the least visually intrusive among those options available in the County given the facts and circumstances.

o ***Page 39***

g. Compliance: Other than to remediate non-compliant situations related to matters of safety or the conditions of a permit, no permits for work at a Facility or Complex shall be issued for any work related to an Eligible Facility where the Facility and Complex are not in full compliance with all applicable local, State and federal laws, rules, regulations and orders. A Facility and Complex not in full compliance shall be required to be brought into full compliance before a Building Permit will be issued for work related to an Eligible Facility request or application. **To enable the County to comply with the required timeframes under applicable law, at all times and under all circumstances it shall be the responsibility of the Applicant to provide the required information, correctly and accurately, in a timely manner. Any information provided later than one (1) week prior to the deadline(s) for County action under applicable law shall automatically toll the time for the County to Act for thirty (30) days.**

- Will be holding a meeting with the Board of Adjustments to review the new laws
- Page 54 – Addition to Article IV – Definitions – Private Outdoor Kennels
 - o A location where dogs or other domesticated animals are kept, groomed, bred, boarded, trained, or sold
 - o The outdoor containment of animals shall be at least 100 feet from any abutting property line
 - o Any outside containment areas shall be screened with a solid fence that is at a height of no less than six (6) feet
 - o Review and inspection by Stokes County Animal Control
 - o Minimum lot area (3) three acres shall be required and the use shall be considered an accessory use on a lot containing a principal single family dwelling and shall be located in the rear of the property
- Have some more amendments that will be coming before the Planning Board and the BOCC in the months to come

Comments from the Board of Commissioners

Commissioner Jones:

- Looks good

Chairman Lankford:

- Would like to discuss the three acres for a private outdoor kennel later

Commissioner Walker:

- Questioned Director Sudderth what his “comfort level” (as zoning director) is with the new conditional zoning?
- Questioned Director Sudderth if this is moving the County in the right direction?

Director Sudderth responded:

- Moving the Board where they wanted to be as requested
- In my opinion, gives the Board, who wants to serve the public, the flexibility to listen to the public
- Decisions must be based on land use plan
- Appreciate the Health Department securing the grant for the comprehensive land use plan
- Can make a decision based on logical reason and land use plan; the decision will be documented
- Feels it will move the county in the right direction
- As Mr. Moore stated, one lawsuit will cost the county more than the cost of a comprehensive land use plan
- Discussed the current (last approved in 2006) land use plan, per Dave Owens, will serve the county until the new comprehensive land use plan is done
- Feels Conditional Zoning, along with a new comprehensive land use plan, will be much easier to work with
- Will have defined procedures that will have to be followed
- Appreciate Glenda Pruitt for her help in the process

Commissioner Inman:

- Appreciate Mr. Moore’s presence at tonight’s meeting
- Feels this is a process that makes sense
- Seems that sometimes things are over analyzed
- Glad common sense can come into the picture with following a comprehensive land use plan which has been needed
- Strong advocate of property owners’ rights, but have to have a land use plan in place to secure what is being placed in the county
- Great move
- Appreciate the work done by Director Sudderth and staff

Vice Chairman Booth:

- Appreciate Mr. Moore taking his time to participate in this process

- Appreciate the work done by Director Sudderth, Planning Board, and staff
- Agree with Commissioner Inman – regarding making common sense decisions
- Conditional Zoning will allow someone to talk to their neighbor about what is happening in their community

Chairman Lankford:

- Appreciate all the hard work from everyone involved
- One thing to remember is that changes can be made if necessary
- Always want to be consistent, fair, and make good informed decisions

Commissioner Inman:

- Page 32 (c) – misspelling of devices
- Page 39 – timeframe should be two words

Action

Chairman Lankford entertained a motion.

Commissioner Inman moved to approve the Zoning Text Amendments – Conditional Zoning with the additional recommendations. Vice Chairman Booth seconded and the motion carried unanimously.

Adjournment

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

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

Darlene M. Bullins
Clerk to the Board

Ernest Lankford
Chairman