

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
DECEMBER 3, 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, December 3, 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:
County Manager Richard D. Morris
Clerk to the Board Darlene Bullins
Planning Director David Sudderth
Economic Development Director Alan Wood

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

Commissioner Inman 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 December 3, 2013 Agenda.

Commissioner Jones moved to approve the December 3rd Agenda as presented.

Vice Chairman Booth seconded and the motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

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

Public Hearing

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

There were no public comments.

Chairman Lankford closed the Public Hearing.

Presentation and Discussion by Planning Director David Sudderth

Planning Director David Sudderth presented the following information regarding the proposed Zoning Text Amendments:

ZONING TEXT AMENDMENTS

The Stokes County Planning Department is requesting to amend and add the following zoning text sections in the Stokes County Zoning Ordinance. Most of the proposed text amendments have been discussed at previous meetings and workshops.

PROPOSED ZONING TEXT AMENDMENTS

Add to Article IV, Section 41 (Definitions)

Definition- Agricultural Tourism (Agritourism) - Any activity carried out on a bona fide farm or ranch as defined by NC General Statute 153A-340 (2) (a through e) that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities. These activities include farming, ranching, historic, cultural, harvest your own activities, or natural activities and attractions, or an agricultural use where agricultural products are processed, treated, sorted, blended, made, stored, sold at wholesale or retail for consumption on or off the premises, offers tours to the public, provides samples and or sales of agricultural products or similar uses that will enhance the over-all property for agricultural tourism.

Definition - Crematory – A single furnace or retort for use in the cremation of human remains.

Definition – Crematorium – A room in which a crematory furnace or retort is housed in a funeral home.

Definition - Funeral Home - A building that can be used for the embalming of the deceased prior to burial and for the viewing of the deceased and ceremonies connected therewith before burial or cremation.

Definition - Funeral Home with Crematorium - A building used for the embalming and/or cremation of the deceased prior to burial and for the viewing of the deceased and ceremonies connected therewith before burial or cremation.

Definition – Mortuaries - A place in which dead bodies are kept until burial.

Recycling Processing Center- A facility used for collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipments, or to an end-user's specification, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

Add to Article VIII, Section 80 (Residential Agricultural)

Add section - **Agricultural Tourism (Agritourism)**

Agricultural Tourism (Agritourism) - Any activity carried out on a bona fide farm or ranch as defined by NC General Statute 153A-340 (2) (a through e) that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities. These activities include farming, ranching, historic, cultural, harvest your own activities, or natural activities and attractions, or an agricultural use where agricultural products are processed, treated, sorted, blended, made, stored, sold at wholesale or retail for consumption on or off the premises, offers tours to the public, provides samples and or sales of agricultural products or similar uses that will enhance the over-all property for agricultural tourism.

(A) **Where Allowed:** RA (Residential Agricultural) District.

(B) **Minimum Area:** Five (5) Acres

(C) **Eligibility:** Property must meet eligibility requirements as a bona fide farm as defined in NCGS 153A-340 (2) (a through e) to be considered for an Agricultural Tourism facility or site.

(D) **Site Plan (Minor Agricultural facility):** A development sketch plan is required for all Minor Agricultural Tourism proposals unless otherwise noted.

Minor Facility Development Plan – Sketch plan of property including the following items.

- Proposed activities
- Access and parking
- Sanitation

(E) **Site Plan (Major Agricultural facility):** A development site plan is required for all Conditional Zoning proposals for a Major Agricultural Tourism facility. (See section 80.2- Conditional Zoning Site Development Requirements)

Agricultural Tourism – Minor Facilities

Agricultural Tourism – Minor facility -A minor facility includes the production, sale and display of agricultural products, offers tours or provides an agricultural related activity.

(Activities may include but are not limited to the following activities)

- Agricultural crop mazes
- Barnyard and Fiber animals
- Farm Roadside stands (products produced on site)
- Horse riding & walking trails
- Greenhouse & Nurseries (products produced on site)
- Hayrides
- Historic Farms
- Holiday Farms – (Christmas trees produced on site)
- Orchards
- Organic farming
- Pick Your Own Farms
- Pumpkin patches
- School Field Trips
- Vineyards
- Weddings (Catering from permitted establishment only)
- Wineries

Agricultural Tourism – Major Facilities – (Conditional Zoning approval required)

Agricultural Tourism – Major facility - A major facility includes the uses listed under a minor facility plus a proposal for restaurants, tourist homes, outdoor event or activity/centers or similar uses associated with agricultural tourism activity. These uses should enhance the over-all property in relation to tourism and is subject to the issuance of a conditional zoning permit.

(Activities may include but are not limited to the following activities)

- Permitted uses listed under Minor Agricultural Facility
- Hunting clubs & lodges
 - (10) ten acre minimum
- Zip Lines
 - (10) ten acre minimum

Add to Article VIII, Section 89 (Highway Business) – Permitted Uses

Funeral Home with Crematorium

- Must meet all applicable local, state, and federal regulations.

Add to Article VIII, Section 91 (Light Manufacturing) – Conditional Zone

Recycling Process Center

- Must meet all applicable local, state, and federal regulations.
- Processing center storage yards are required to be fenced by a solid fence not less than six (6) feet and not located in any public right-of-way.

Add to Article XIII Section 132.2 (Public Information Meeting, PIM)

A sign shall be posted at least fourteen (14) days prior to the meeting on the property of the proposed Conditional Zoning request advertising the Public Information Meeting giving notice of the date, time, and place of the meeting.

Planning Board Recommendation: The Planning Board voted 6 to 0 to approve the proposed zoning text amendments with the following recommendations.

1. **Add** North Carolina General Statute references, GS106-581.1 **Agriculture defined**, and GS99E-30 **Definitions**, GS99E-31 **Liability**, GS99E-32 **Warning required** concerning **Agritourism Activity Liability** to proposed definition of Agricultural Tourism (Agritourism) and the proposal of the use in the RA (Residential Agricultural) zoning district.

The Board felt as did County Attorney, Ty Browder that the additional statutory references would enhance the definition of Agricultural Tourism (Agritourism).

2. **Delete** “Process” from proposed definition of Recycling Process Center and proposed use in the M-1 Conditional Zoning district.

The Board suggested removing the word “Process” from the proposed definition and use. They felt the word “Process” would infer activities that might be better suited for other categories and uses found in the M-1 (Light Manufacturing) or M-2 (Heavy Manufacturing) districts. The processing referred to in the definition is related more to preparation of materials for efficient shipments, or to an end-user's specification and is intended to be more of a clearinghouse of recyclable materials than a producer of a specific product. The suggestion was to avoid confusion of what would be allowed. The Board felt “**Recycling Center**” would be sufficient.

Agricultural Tourism

Director Sudderth discussed the following with Board:

- These are the first text amendments since the adoption of Conditional Zoning
- There will be more, I am sure, as we go throughout the coming year
- Request the following definition be added to Article IV, Section 41 (Definitions)
 - Agricultural Tourism (Agritourism)
- Agricultural Tourism (Agritourism)
 - Have been working with Economic Development Director Alan Wood who is in attendance for tonight's meeting

- Agricultural Tourism really came to light with the Economic Development Commission's focus on tourism
- This was also stimulated from requests that have been received from citizens who have ideas to do on their properties
- In my position, when citizens make a request, it must be categorized
- There are a lot of new ideas since the Zoning Ordinance was created thirty (30) years ago
- Citizens are trying to maintain their farms by trying new ideas which can supplement their income
- State of North Carolina has been promoting Agricultural Tourism
- On the State's Agricultural Website, there are 589 different activities listed under Agricultural Tourism
- Generated this with the assumption of trying to be able to allow people to do things without trying to place so many regulations
- General Statutes are clear about regulating agricultural which is not done through zoning
- Have had several discussions regarding Agricultural Tourism
- The best way to move Stokes County forward with Agricultural Tourism is not to have so many regulations
- Less regulations would help promote these activities
- The definition is a combination of General Statutes that define what Agritourism should be for the county
- Looked at surrounding counties which are promoting Agricultural Tourism
- This is a land use that is allowed
- This will allow Director Wood to promote the activity on the Economic Development Tourism Website
- This was discussed by the Planning Board
- Feel this is an opportunity to enhance what we have as land use
- Gives Director Wood another tool to work with
- Gives the County a category that is needed in land use planning to put specific activities in
- This will be allowed in the County's Agricultural/Residential District (RA) which is approximately 98% of the county's zoning
- Most zoning takes place from RA to something else
- Minimum acreage is five (5) acres
- This minimum does not impact someone who raises a garden on a half acre of land and wants to set up a vegetable stand to sell their own products
- Property must meet eligibility requirements as a bona fide farm as defined in NCGS 153A-340 (2) (a-e) to be considered for an Agricultural Tourism facility or site
- Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes: (GS 153A-340 - Grant of power)
 - A farm sales tax exemption certificate issued by the Department of Revenue
 - A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to GS 105-277.3

- A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return
 - A forest management plan
 - A Farm Identification Number issued by the United States Department of Agricultural Farm Services Agency
- One thing to remember is that agricultural is exempt from zoning
- Site Plan (Minor Agricultural Facility) a development sketch plan will be required for all Minor Agricultural Tourism proposals unless otherwise noted
 - Sketch plan of the property will include the following items:
 - Proposed activity/activities
 - Access and parking
 - Sanitation
- Site Plan (Major Agricultural Facility) a development site plan will be required for all Conditional Zoning proposals for a Major Agricultural Tourism facility (see Section 80.2 – Conditional Zoning Site Development Requirements)
- Minor Facility includes the production, sale, and display of agricultural products, offers tours or provides an agricultural related activity
- Minor Facility may include but not limited to the following activities:
 - Agricultural Crop Mazes
 - Barnyard and Fiber animals
 - Farm roadside stands (products produced on site)
 - Horse riding and walking trails
 - Greenhouse and nurseries (products produced on site)
 - Hayrides
 - Historic farms
 - Holiday farms (Christmas trees produced on site)
 - Orchards
 - Organic farming,
 - Pumpkin patches, etc
- Major Facility includes the uses listed under a minor facility plus a proposal for restaurants, tourist homes, outdoor event or activity/centers or similar uses associated with agricultural tourism activity.
 - These uses should enhance the over-all property in relation to tourism and is subject to the issuance of a Conditional Zoning Permit
 - Activities may include but are not limited to the following activities:
 - Permitted uses under Minor Agricultural Facility
 - Hunting clubs & lodges (Ten (10) acre minimum)
 - Zip Lines (Ten (10) acre minimum)
- There are some things that could come into the county that someone considers is agriculture since they do it on their farm, but really isn't such as shooting ranges
- If an activity is not listed, would use common sense or bring back to the Board for direction
- Reiterated that the State of North Carolina is really promoting Agricultural Tourism
- There is no charge

- The main purposes are to have a category, not to regulate, encourage people to do something with their property and help to promote that activity if desired

Chairman Lankford noted this could be very hard to explain to property owners.

Commissioner Jones confirmed with Director Sudderth that this is just another tool for people who have farms who want to diversify and possibly have an event from time to time and can utilize the County to help promote the event at their will, not because they have to with no fee.

Director Sudderth noted this will provide the department with language (definition and category) to make the call and explain to the neighbor who doesn't like what his neighbor is doing on his farm (for example – haunted trails, corn mazes, etc) that it is in the Zoning Ordinance.

The Board discussed the proposed language of minor and major facilities, looking at what could be agricultural activities.

Commissioner Inman confirmed with Director Sudderth that roadside stands for vegetables grown on the farm are allowed.

Commissioner Inman reiterated there is no fee.

Director Sudderth noted that part of his job is to help people think about what is needed.

Director Sudderth commented that he would be satisfied with only having the definition of Agricultural Tourism and allow discussion regarding the minor and major facilities at a later date.

Director Sudderth reiterated the purpose of this text is to provide language for Agricultural Tourism.

Vice Chairman Booth noted that there could be several more activities other than what is listed in the proposed text.

Commissioner Walker commented:

- Covered a lot of information
- Requested Director Sudderth to summarize or identify the main reasons again that this will improve things, be better off having this language in place, etc.

Director Sudderth responded:

- Department is making the assumption that the Board wants to have this type of tourism in the county and wants to encourage agricultural tourism in Stokes County
- The question is “Where is the cut off point for Agricultural Tourism and what is not Agricultural Tourism
- Can propose to add additional language at any time
- Language can be use to explain to neighbors who call complaining what their neighbor is doing such as corn mazes, haunted trails, weddings, etc. is in the Zoning Ordinance
- Will be a good tool for the Planning Department, as well as, for Economic Development-Tourism
- Planning Board had similar questions

The Board discussed the use of the Comprehensive Land Use Plan which is being developed.

Commissioner Inman questioned if the language actually restricts anything or takes away any landowner rights?

Director Sudderth responded that the language does not restrict anything, but it clarifies things and definitely does not take away any landowner rights.

Chairman Lankford noted that he needed a little more time to consider the text amendments.

Commissioner Jones noted that this does not seem to be regulating, but simply defines what Agritourism is; seems it just simplifies things.

Commissioner Walker confirmed with Director Sudderth that Planning Board unanimously voted for the text amendments.

What is Director Wood’s role in how this will help Economic Development?

Director Wood responded:

- A lot of what is on the list is what most people are accustom to
- In the next ten (10) years, we are going to have six (6) to seven (7) million people living within a two (2) hour drive that may have never seen a sheep, never seen a cow, chickens, tobacco, etc.
- It is going to become an economic engine
- Define it, not regulate it, can over a period of time, create additional income and allow the farmland to remain as farmland
- The last thing I want to do is regulate anything
- Do like the opportunity to help promote events in the county

- Not talking about regulation, talking about recognition
- Would be beneficial to have a list that can be given to visitors that details events such as pick your own pumpkin, corn mazes, etc.
- Need to have 40 to 50 events on the web that people can go to in the county, not just one as the site has today

Commissioner Walker noted:

- Planning Board supports the amendment
- Will help Planning Director Sudderth to identify and categorize
- Director Wood supports the concept
- Will help Economic Development Director Wood promote events in the county
- Can support the amendments with both Directors seeing this as an additional tool to enhance and promote Stokes County

Chairman Lankford questioned if there needed to be any information other than the definition.

Director Sudderth responded:

- Where allowed, minimum area, and eligibility were all statutory with the Board deciding what district it is allowed in
- Those items and the definition would be useful in making the determination
- This would give staff something to work with
- This will not impact the farmers in the county

The Board discussed just adding the definition and (A) Where Allowed, (B) Minimum Area, and (C) Eligibility and reevaluate the minor and major facilities later.

Director Sudderth questioned Director Wood if he could work with just adding the definition and A, B, C tonight and discuss the other later?

Director Wood responded:

- Makes more sense to address it all at one time instead of piece milling it

Action

Chairman Lankford entertained a motion.

Commissioner Inman moved to add the following to Article IV, Section 41 (Definitions):

- **Agricultural Tourism (Agritourism)** - Any activity carried out on a bona fide farm or ranch as defined by NC General Statute 153A-340 (2) (a through e) that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities. These activities include farming, ranching, historic, cultural, harvest your own activities, or natural activities and attractions, or

an agricultural use where agricultural products are processed, treated, sorted, blended, made, stored, sold at wholesale or retail for consumption on or off the premises, offers tours to the public, provides samples and or sales of agricultural products or similar uses that will enhance the over-all property for agricultural tourism.

and add the following to Article VIII, Section 80 (Residential Agricultural):

- **Agricultural Tourism (Agritourism)** - Any activity carried out on a bona fide farm or ranch as defined by NC General Statute 153A-340 (2) (a through e) that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities. These activities include farming, ranching, historic, cultural, harvest your own activities, or natural activities and attractions, or an agricultural use where agricultural products are processed, treated, sorted, blended, made, stored, sold at wholesale or retail for consumption on or off the premises, offers tours to the public, provides samples and or sales of agricultural products or similar uses that will enhance the over-all property for agricultural tourism.
- **(A) Where Allowed** – RA (Residential Agricultural) District
- **(B) Minimum Area** – Five (5) acres
- **(C) Eligibility** – Property must meet eligibility requirements as a bona fide farm as defined in NCGS 153A-340(2) (a-e) to be considered for an Agricultural Tourism facility or site

Commissioner Jones seconded and the motion carried unanimously.

Crematory/Crematorium

Director Sudderth discussed the following with Board:

- Director Sudderth discussed the following with Board:
 - Crematory
 - Crematorium
 - Funeral Home
 - Funeral Home with Crematorium
 - Mortuaries
- Request the following definitions be added to Article IV, Section 41 (Definitions)
 - Crematory
 - Crematorium
 - Funeral Home
 - Funeral Home with Crematorium
 - Mortuaries
- Request the following be added to Article VIII, Section 89 (Highway Permitted Uses)
 - Funeral Home with Crematorium
 - Must meet all applicable local, state, and federal regulations
- Currently have two funeral homes in the County's jurisdiction
- Have had a request recently regarding the establishment of a crematory to an existing funeral home

- Need to delete the last two words (or cremation) from the definition of Funeral Home
- Provided the Board with information regarding the modern cremation process
- One thing with crematoriums is air quality standards (burning of a body)
- NC Air Quality Permit is required for crematoriums that processes over 533 bodies a year; will probably not meet that number in Stokes County
- Modern cremator is an industrial furnace that uses propane, natural gas
- A cremator is able to generate temperatures of 870-980C (1600-1800F)

Chairman Lankford opened the floor for discussion.

The Board had no issues with the request.

Recycling Process Center

Director Sudderth discussed the following with Board:

- Recycling Center – a facility used for collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipments, or to an end user’s specification, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning
- Request the following definitions be added to Article IV, Section 41 (Definitions)
 - Recycling Process Center
- Request the following be added to Article VIII, Section 91 (Light Manufacturing) Conditional Zone
 - Recycling Center
 - Must meet all applicable local, state, and federal regulations
- Planning Board approved to delete “Process” from the proposed definition and use
- The Planning Board felt the word “Process” would infer activities that might be better suited for other categories and uses found in the M-1 (Light Manufacturing) or M-2 (Heavy Manufacturing) districts. The processing referred to in the definition is related more to preparation of materials for efficient shipments, or to an end-user's specification and is intended to be more of a clearinghouse of recyclable materials than a producer of a specific product. The suggestion was to avoid confusion of what would be allowed. The Board felt “**Recycling Center**” would be sufficient.

Chairman Lankford opened the floor for discussion.

The Board had no issues with the request.

Public Information Meeting (PIM)

Director Sudderth briefly discussed the following:

- A sign shall be posted at least fourteen (14) days prior to the meeting on the property of the proposed Conditional Zoning request advertising the Public Information Meeting giving notice of the date, time, and place of the meeting.
- Requested the PIM be added to Article XIII, Section 132.2 (Public Information Meeting, PIM)

Chairman Lankford opened the floor for discussion.

The Board had no issues with the request.

Action

Chairman Lankford entertained a motion.

Commissioner Inman moved to add the following to Article IV, Section 41 (Definitions):

- Crematory
- Crematorium
- Funeral Home as amended
- Funeral Home with Crematorium
- Mortuaries

and add Funeral Home with Crematorium (must meet all applicable local, state, and federal regulations) to Article VIII, Section 89 (Highway Business) – Permitted Uses

and add Recycling Center to Article IV, Section 41 (Definitions)

and add Recycling Center (must meet all applicable local, state, and federal regulations and Processing center storage yards are required to be fenced by a solid fence not less than six (6) feet and not located in any public right of way to Article VIII, Section 91 (Light Manufacturing) – Conditional Zone

and add the following to Article XIII, Section 132.2 (Public Information Meeting, PIM):

- A sign shall be posted at least fourteen (14) days prior to the meeting on the property of the proposed Conditional Zoning request advertising the Public Information Meeting giving notice of the date, time, and place of the meeting.

Commissioner Jones seconded and the motion carried unanimously.

Other Information:

Director Suddeth commented:

- Currently have one rezoning for the BOCC's February meeting
- Currently have two (2) communication towers cases
- Land Farming Bioremediation is back in action and may be bigger than the last time with the number of people attending the meetings
- Finding out that the Public Information Meetings are very beneficial with reports being submitted
- Public Information for the Bioremediation is scheduled for December 15th at the Rock House Rurtian Facility on Highway #268 with advertising and notification to adjoining property owners being done
- There has been no formal application submitted for the Bioremediation, but the process has begun with the Public Information Meeting being scheduled
- Under Conditional Zoning, Board members are free to talk to anyone about this issue
- Will need assistance from the County Attorney fitting these categories into the Land Use Plan; must remember that any decision made by the Board has to be based on

the current land use guidelines that the county currently has (must be a reasonable decision and must be consistent with the land use guidelines)

- Dollar General in Sandy Ridge is under construction

Commissioner Walker questioned Director Sudderth if there was any additional information available regarding the Land Farming Bioremediation?

Director Sudderth responded:

- Location is 268 Grassy Knob Road, outside of Pilot Mountain
- There is 18 acres of M-2 property less than a tenth of mile down the road that was grandfathered
- Does meet the acreage and close to a major highway criteria
- Department has not received a formal application
- Have met with the applicant to provide them the requirements regarding the public information meeting
- Board is free to talk to anyone under Conditional Zoning to gather the information needed to make a reasonable decision

Commissioner Walker noted that he relied on staff to provide the Board with as much information as possible regarding any subject.

Adjournment

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

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

Darlene M. Bullins
Clerk to the Board

Ernest Lankford
Chairman