ORANGE COUNTY
BOARD OF ADJUSTMENT
PUBLIC HEARING
AGENDA ITEM ABSTRACT CASE A-2-15
Meeting Date: November 9, 2015

Agenda Item No. A-2-15

SUBJECT: CASE A-2-15: Class B Special Use Permit Proposing Development of a 21.98 acre parcel for a Camp/Retreat Center between Morrow Mill Road (SR 1958) and Millikan Road (SR 1959).

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** Yes

ATTACHMENTS:

1. Property Vicinity Map (page 10)
2. Application Package (pages 11-36)
3. Notification Materials (pages 37-66)
4. Staff Comments (pages 67-79)
5. Special Use Permit Findings of Fact (pages 80-86)

UNDER SEPARATE COVER

a. NCGS 153A-340 (b) (pages 87-90)
b. NCGS 106-581.1 (page 91)
c. NC Department of Agriculture Brochure on Agritourism Activities. (pages 92-116)
d. 11 x 17 copy of site plan.

INFORMATION CONTACT:

Patrick R. Mallett, Planner II (919) 245-2577
Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2575

PURPOSE: To hold a quasi-judicial public hearing, receive sworn testimony and evidence, and take action on a Class B Special Use Permit (hereafter 'SUP') application proposing the development of a camp/retreat center in accordance with the provisions of:

- 2.7 *Special* Uses,
- 5.2.2 *Table of Permitted Uses,*
- 5.3.2 *Application of Use Standards – Special Uses*, and
- 5.7.4 *Camp/Retreat Center*

of the Unified Development Ordinance (hereafter 'UDO').

BACKGROUND: The basic facts concerning the current application are as follows:

Applicant(s)/Owner(s): Kara and Chris Brewer
Southeast Property Group, LLC
82 Jordan Hills Drive
Chapel Hill, NC 27517

Consultants(s):

Tim Smith, PE
Phil Post & Associates
401 Providence Road, Suite 200
Raleigh, NC 27514

Location:

Southeast of the intersection of Morrow Mill Road (SR 1958) and Millikan Road (SR 1959) in the Bingham Township of Orange County. Please refer to Attachment 1 for a map of the parcel.

Parcel Information:

a. **PIN**: 9729-50-7168.

b. **Size of parcel**: 21.987 acres.

c. **Zoning of parcel**: Agricultural Residential (AR).

d. **Township**: Bingham.

e. **Future Land Use Map Designation**: Agricultural Residential.

f. **Growth Management System Designation**: Rural Designated.

g. **Existing Conditions/Physical Features**: The property is largely wooded with a mix of native hardwood and evergreen trees.

The property has relatively slight topography throughout. There is a portion of an off-site connected water body (pond) in the south east corner of the property next to the properties Millikan Road frontage.

There are no existing structures on the property.

The owner has obtained a USDA Farm number and has indicated that the property will also serve as a flower farm.

h. **Roads**: Public access for proposed development would be via a private drive off of Morrow Mill Road (SR 1958).

A second service access drive (for staff and emergency services) is proposed via Millikan Road (SR 1959).

i. **Water and Sewer Service:** The property is not located within a primary utility service area. Any development on the property would be served via private septic and well systems.

Surrounding Land Uses:

a. **NORTH**: Morrow Mill Road (SR 1958); Single-family residences, undeveloped property, and agricultural operation(s) on lots greater than 10 acres in area zoned AR.

b. **SOUTH**: Millikan Road (SR 1959); Single-family residences, undeveloped property, and agricultural operation(s) on lots ranging from 2 acres to greater than 10 acres in area, all zoned AR.

c. **EAST**: The intersection of Morrow Mill and Millikan Road(s); Single-family residences, undeveloped property, and agricultural operation(s) on lots ranging from 2 acres to greater than 10 acres in area zoned AR.

d. **WEST**: Single-family residences on lots greater than 10 acres zoned AR.

Proposal: As detailed within Attachment 2, the applicant proposes to develop/operate a camp/retreat center, specifically The Barn of Chapel Hill Event Center, on a 21.9 acre parcel of property, further identified utilizing Orange County parcel Identification Number (PIN) 9729-50-7168, within the Bingham Township.

The applicant wishes provide a special events center supporting the holding of weddings, corporate retreats, and other similar activities. Events will be held within a 4,200 square foot 19th century barn, being relocated from Marcey New York, with accommodations for approximately 250 seats. The project will include parking and other related infrastructure to support the anticipated events.

Primary access to the proposed facility shall be through a driveway with direct access onto Morrow Mill Road. The applicant is also proposing a secondary driveway off of Millikan Road intended for use in support of delivery/vendor vehicles and emergency vehicular ingress/egress.

ORDINANCE REQUIREMENTS:

A "Retreat Center" is defined within Article 10 *Definitions* of the UDO as:

> *A new or existing facility operated by a corporation or association of persons or churches for social and recreational purposes. A retreat center may be owned by a profit or not-for-profit corporation.*

A "Camp" is defined within Article 10 *Definitions* of the UDO as:

> *A recreation use which may include locations for tents, cabins, or other recreational sleeping structures, but would not include mobile homes or recreation vehicles. A camp may be owned by a profit or not-for profit corporation.*

Section 5.1.2 *Table of Permitted Uses* of the UDO combines a camp and retreat center into the same land use category, which is a permitted use of property within the AR general use zoning districts subject to the issuance of a SUP.

Standards governing the development of a camp/retreat, as detailed in Section 5.7.4 of the UDO, are as follows:

> *Standards for Class B Special Use Permit:*
>
> *(1) Submittal Requirements In addition to the information required by Section 2.7, the following shall be submitted as part of the application:*
>
> *(a) A site plan prepared in accordance with Section 2.5, also showing the following (existing or proposed):*
>
> *(i) Buildings,*

(ii) Campsites,
(iii) Storage areas,
(iv) Fencing and gates,
(v) Outdoor recreation areas
(vi) Access road(s) to the site, as well as on site roads, with an indication of type of proposed surface.

STAFF COMMENT: A site plan has been submitted providing required detail.

Please note the applicant has also included a detailed narrative within Attachment 2 providing additional information on the nature of the operation.

(b) A description of the type of facility planned, the size, capacity, and use of proposed buildings; a signed statement from the owners or operators that there shall be no activity allowed that will have adverse effects on adjacent property. The statement shall also include a complete list of all recreational activities that will take place on the site.

STAFF COMMENT: Provided within Attachment 2 as well as on the submitted site plan.

(c) A phasing plan, when necessary, indicating the area to be developed in each phase with time periods for construction of each phase. This may be indicated on the site plan.

STAFF COMMENT: Required information provided on the site plan with additional detail contained within Attachment 2.

(2) Standards of Evaluation

(a) Unless public sewer is proposed to be extended, the adequacy for the method of sewage disposal will be determined by the lot size and soil suitability. Appropriate letters from the Orange County Environmental Health Department, local jurisdictions and/or the State Division of Environmental Management shall be submitted to indicate preliminary approval.

STAFF COMMENT: Required information provided within Attachment 2 and Attachment 4.

(b) The site plan shall show the distances to the nearest residential structures.

STAFF COMMENT: Please refer to the attached site plan.

(c) The landscape plan shall show how the facilities will be screened from the adjacent properties. A minimum 30 foot Type B buffer, as indicated in Section 6.8 shall be observed around the perimeter of the property.

STAFF COMMENT: Required information provided on submitted site plan.

(d) If private recreational facilities are proposed, the improvements must meet the site improvement requirements in Section 7.11 of this Ordinance. The site plan for recreational facilities shall be reviewed by the Orange County Recreation and Parks Director.

STAFF COMMENT: According to the submitted application and site plan private recreational facilities are not proposed.

This requirement is not applicable.

(e) *Off street parking requirements shall be provided in accordance with Section 6.9 of this Ordinance.*

STAFF COMMENT: The site plan contains required information.

STAFF COMMENT(S):

1. There has been a heightened level of concern focused on the property being considered a farm.

   Staff has informed several local residents the property meets the provisions of North Carolina General Statutes (NCGS) 153A-340 (b) for being classified as a farm. This section of the NCGS reads as follows:

   (b) (1) *These regulations may affect property used for bona fide farm purposes only as provided in subdivision (3) of this subsection. This subsection does not limit regulation under this Part with respect to the use of farm property for nonfarm purposes.*

   (2) Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. For purposes of this subdivision, "when performed on the farm" in G.S. 106-581.1(6) shall include the farm within the jurisdiction of the county and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this subdivision, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

   a. A farm sales tax exemption certificate issued by the Department of Revenue.

   b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.

   c. 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.

   d. A forest management plan.

e. *A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.*

(3) The definitions set out in G.S. 106-802 apply to this subdivision. A county may adopt zoning regulations governing swine farms served by animal waste management systems having a design capacity of 600,000 pounds steady state live weight (SSLW) or greater provided that the zoning regulations may not have the effect of excluding swine farms served by an animal waste management system having a design capacity of 600,000 pounds SSLW or greater from the entire zoning jurisdiction.

The terms 'agriculture', 'agricultural', and 'farming' are currently defined within NCGS 106-581.1 as follows:

(1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
(2) The planting and production of trees and timber.
(3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
(4) Aquaculture as defined in G.S. 106-758.
(5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
(6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm. (1991, c. 81, s. 1; 2005-390, s.18; 2006-255, s. 6.)

State law prohibits local land use regulation of farming activities, including what is referred to as 'agritourism'.

Staff has informed several local residents the applicant can, indeed, make an argument the proposal represents the establishment of an agritourism activity consistent with recognized practices established by the NC Department of Agriculture in accordance with State law. Wedding venues, in fact, are specifically listed as a recognized agritourism activity by the State.

It should be noted when staff first met with the applicant we determined the project would require the issuance of a SUP. It was during this meeting the applicant informed staff the property was in farm status but she believed it was prudent to go through the permit review process in order to ensure local concerns could be addressed.

It is true, however, the applicant has the legal ability to develop an agritourist activity, including but not limited to a wedding/retreat venue, on the property as it is recognized as a farm in accordance with State law. This 'fact' has frustrated several local residents.

STAFF COMMENT: According to Section 5.2.1 *Table of Permitted Uses* of the UDO a camp/retreat center is a permitted use of property in the AR zoning district subject to the issuance of the SUP.

The farm 'status' of the property is completely separate and irrelevant and has no bearing on this permit process or on the applicant being allowed to pursue a SUP proposing the development of the land use.

b. The use was out of character for the area in question,

c. The use would negatively impact property values,

d. The permit process is irrelevant given the farm status of the property and local property owners are bring 'forced' to spend money to fight the permit.

STAFF COMMENT: Staff understands the frustration.

From our standpoint we required the applicant, who consented, to go through the SUP process as no agricultural activity currently exists on the property.

Unfortunately, our previous comments still apply, namely there is an argument to be made this can be an agritourist activity on a flower farm exempt from local permitting requirements.

Staff has taken the liberty of attaching, under separate cover, a brochure produced by the NC Department of Agriculture outlining acceptable agritourism activities.

e. The proposed use will generate significant noise disrupting local residents use/enjoyment of their property and impact the operation of nearby agricultural operations,

f. Concern was expressed over the potential for event attendees leaving the property in an inebriated state thereby creating a traffic/safety hazard,

g. Local residents expressed concern over the glare that would be produced from proposed outdoor parking lot lights as denoted on the site plan.

Several adjacent property owners further indicated glare created by vehicle headlights entering and leaving the facility would impact them as well,

h. The development of the proposed retreat center would impact their wells either from a pollution/runoff standpoint or that the land use would draw too much ground water to serve attendees impacting the viability of their existing wells,

i. Local residents expressed concern over the lack of sufficient infrastructure (i.e. water sources) in the area to address an emergency on the property (i.e. a structural fire),

j. Residents expressed frustration over the property being classified as a 'farm',

k. Several residents expressed concern that the SUP process placed an undue financial burden on them, specifically requiring they secure expert testimony to 'fight' the proposed event center.

l. One adjacent owner expressed concern regarding the impact of the potential septic system to contaminate her pond water, which is used to water her farm animals.

Staff should hasten to add this is not a County regulation or initiative and is not something we have the legal authority to change, interpret, or modify. Any action to do so will need to occur with the NC General Assembly and concerns need to be directed to the appropriate State elected officials.

2. Attachment 4 contains staff's evaluation of the proposals compliance with the various standards detailed within these sections.

   While no major concerns have been expressed, staff is recommending the imposition specific conditions of approval to ensure the project's compliance with the provisions of the UDO in the event the Board determines the application can be approved.

3. As detailed within Attachment 5 staff has determined the application is consistent with established submittal requirements and there is sufficient documentation demonstrating compliance with established development standards.

   As you are aware staff does not make a formal recommendation on the approval of the application or on the applicant's compliance with the general standards detailed within Section 5.3.2 (a) (2), specifically:

   (1) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;

   (2) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and

   (3) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners;

4. There are several goals/policies detailed within the adopted 2030 Comprehensive Plan addressing the development of camp/retreat centers in the County including:

   a. Land Use Goal 1: Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.

   b. Land Use Goal 2: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.

   c. Land Use Goal 3: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.

5. Staff has received numerous comments from local property owners expressing concerns over the project including:

   a. Several local residents have challenged the validity of the property being a farm and have expressed concern that due to its status as same the applicant is being allowed to go through the SUP process.

6. Local residents were notified of the required neighborhood information meeting and the public hearing consistent with the requirements of the UDO. Please refer to Attachment 3 for additional information.
7. Review of SUP applications are carried out in a *quasi-judicial* format meaning that decisions relating to the approval or denial of an application are based solely on the sworn testimony of all parties involved with the case, both those for and against an application, as well as the review of the competent material and substantial evidence submitted into evidence during the public hearing.
8. The applicant has the burden of establishing, by the submission of competent material and substantial evidence, the existence of facts and conditions that demonstrate the projects compliance with the various requirements and standards detailed within the UDO.

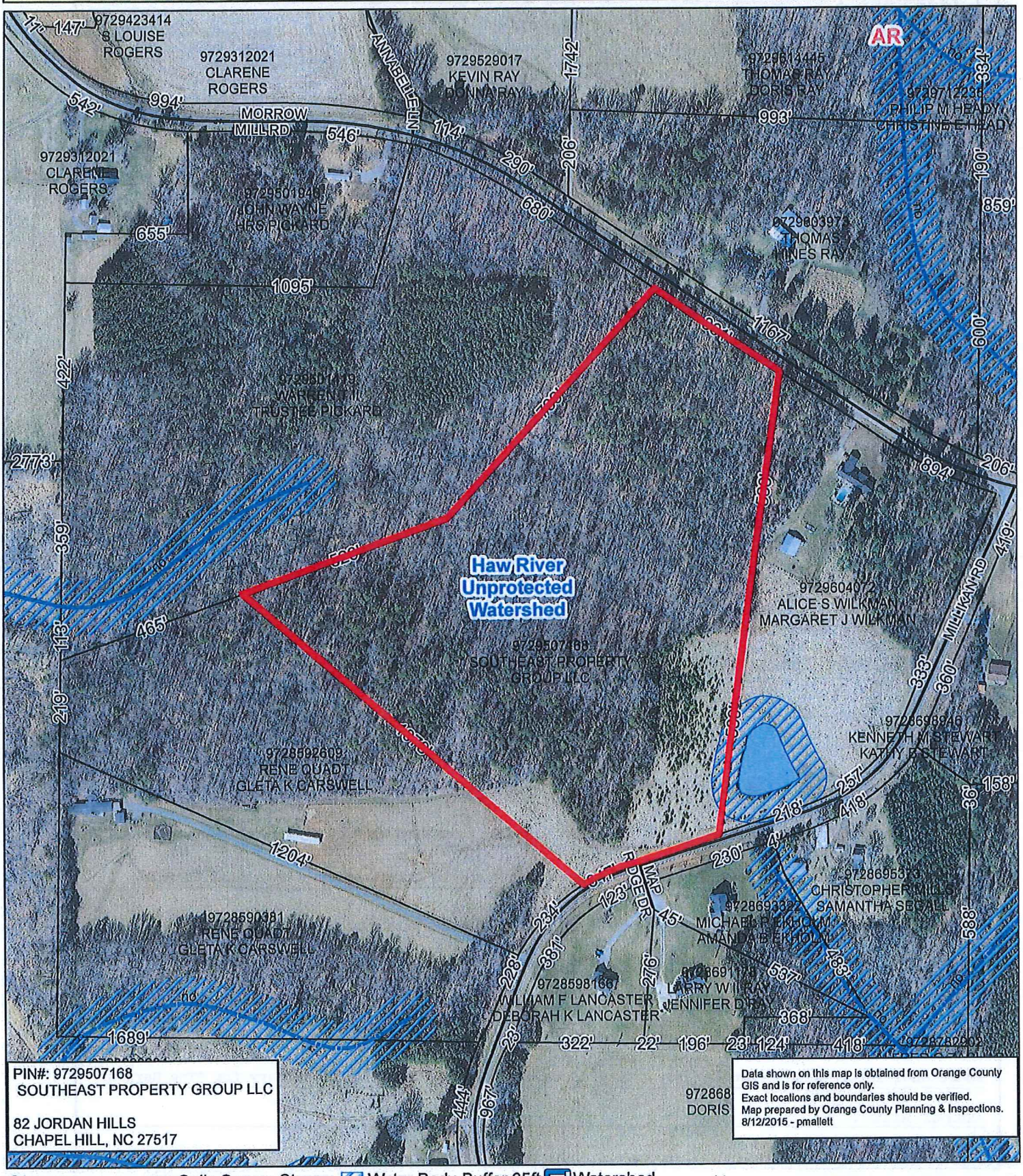
   Those opposing approval of the application shall have the burden of establishing, also through the submission of competent material and substantial evidence, the specific manner in which the proposal does not satisfy the requirements for approval of the application.
9. As previously indicated the Board of Adjustment shall render a decision only on the sworn testimony of all parties and on the competent material and substantial evidence submitted during the hearing relating to the approval or denial of the application.
10. Per Section 2.25.4 of the UDO every decision of the Board of Adjustment shall be subject to review at the request of any aggrieved party by the Superior Court by proceedings in the nature of certiorari. Appeals have to be submitted with the Superior Court within 30 days of the availability of notice of decision as detailed within 2.12.5 of the UDO.
11. If approved, staff is recommending the imposition of several conditions as detailed within Attachment 5.
12. Please note if this project is approved by the Board, this approval does not exempt the applicant from securing all applicable permits authorizing land disturbing activities to commence including, but not limited to:

    - An Erosion Control/Stormwater permit,
    - A permit from the Orange County Health Department approving a proposed septic system/well for the project,
    - A Building permit including review and approval of the plans by the County Fire Marshal,
    - A Solid Waste Management permit,
    - A Zoning Compliance Permit,
    - Etc.

    All the approval of the SUP does is indicate the proposed land use is permitted to be developed. If the applicant cannot secure required permits authorizing the physical development of the project, as detailed herein, the SUP may expire.

Attachment 1

Vicinity Map
Barn of Chapel Hill
Class B SUP



PIN#: 9729507168
SOUTHEAST PROPERTY GROUP LLC

82 JORDAN HILLS
CHAPEL HILL, NC 27517

Data shown on this map is obtained from Orange County GIS and is for reference only.
Exact locations and boundaries should be verified.
Map prepared by Orange County Planning & Inspections.
8/12/2015 - pmallett

Streams
TYPE
USGS Stream

Soils Survey Stream
USGS Stream
Soils Survey Stream
Stream Buffer 65ft

Water Body Buffer 65ft
Parcels
Zoning
Water Body

Watershed

N

1 inch = 300 feet
0 75 150 Feet

Attachment 2

Orange County Planning and Inspections Department

APPLICATION FOR CLASS B SPECIAL USE PERMIT

APPLICANT INFORMATION:

Date: 5/18/15

Applicant: Kara Brewer
Phone:

Address: 82 Jordan Hills Drive
Chapel Hill, NC 27517
Cell Phone: 919-357-2118
E-mail: kmbrewer@gmail.com

Agent: Philip Post & Assoc. Inc.
Phone: 919-929-1173

Address: 401 Providence Rd. #200
Chapel Hill, NC 27514
Cell Phone: 919-616-6491
E-mail: tsmith@ppaengineering.com

Address of subject property: None Assigned

Parcel Identification Number (PIN): 9729507168
Lot Size: 21.987 acres

Zoning Designation: AR
Watershed Overlay: Haw River Unprotected

Other Overlay Zoning Districts: None

Request (include detailed description of proposed land use): This Class "B" Special Use Permit request is for the construction of an event center barn and associated parking that would accommodate up to 250 people. The barn structure is a 19th century barn that is being relocated from Marcy, New York and will be transformed for use on this site with additional square footage added for bathrooms, a loft and veranda. The proposed facility will be 4,200 square feet and will also include the required parking (150 spaces), lighting, landscaping and a main entrance access drive from Morrow Mill Road. A second service drive will be located into the property from Millikan Road. For additional information regarding the proposed use see the attached project summary for "The Barn of Chapel Hill".

SUBMITTAL INFORMATION Per Section 2.7.3 of the Unified Development Ordinance (UDO), all Class A Special Use Permit applications are required to submit the following:

1) 10 copies of a site plan prepared by a registered North Carolina land surveyor, landscape architect, architect, or engineer containing all required information detailed within Section 2.5 of the UDO. This site plan will also need to contain all relevant information demonstrating that the proposed special use compliance with all general and specific standards governing the proposed special use as detailed within Article(s) 5 and 6 of the UDO.
2) A detailed narrative outlining the proposed land use including operational requirements, the location of facility, appearance, etc.,
3) Documentation establishing compliance with Section 5.3.2 inclusive of the UDO.
4) The names and addresses of the owners involved with the project,
5) A list of property owners within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records,
6) Elevations of all structures proposed to be used in the development,
7) 10 copies of the Environmental Assessment and/or Environmental Impact Statement if required by Section 6.16 of the UDO,
8) Statement outlining the anticipated development schedule for the completion of the project,

**** NOTE: It should be remembered that the review of all special use permit applications/modifications are carried out in a *quasi-judicial* format meaning that decisions relating to the approval or denial of an application are based solely on the sworn testimony of all parties involved with the case, both those for and against an application, as well as the review of competent material and substantial evidence submitted during the public hearing.**

Further the applicant has the burden of establishing, by the submission of competent material and substantial evidence, the existence of facts and conditions that demonstrate the projects compliance with the various requirements and standards detailed within the Unified Development Ordinance. **

I (we), the undersigned, have been made aware of the process for the review and action associated with a Class B Special Use Permit application and understand that only completed applications, containing all information required by the Orange County UDO shall be reviewed and acted upon by the County.

I (we) understand that it shall be my (our) responsibility to present evidence to the County in the form of sworn testimony, exhibits, documents, models, plans, and the like support the request for approval of the Class B Special Use Permit.

Further I (we) understand that any assistance I (we) may receive from County staff in preparing this application in no way guarantees a favorable recommendation by staff on the merits of this proposal nor does it guarantee an approval of the request by the County.

Kara Brewer — 5/18/2015

Applicant — Date:

Applicant — Date:

APPLICATION FOR ENVIRONMENTAL ASSESSMENT

Project Name THE BARN OF CHAPEL HILL

Applicant PHILIP POST & ASSOCIATES, INC.

Address 401 PROVIDENCE ROAD, SUITE 200

CHAPEL HILL, NC 27514

Phone 919-929-1173

Owner KARA and CHRIS BREWER

Address 82 JORDAN HILLS DRIVE

CHAPEL HILL, NC 27517

Phone

Location of Property MORROW MILL ROAD JUST WEST OF THE MILLIKAN ROAD INTERSECTION

Acreage 21.987 ACRES Township BINGHAM

Tax Map Reference — PIN(s) 9729-50-7168

Zoning District AR Land Use Plan Category

FOR DEPARTMENT USE ONLY

Date received Reviewed by

Date accepted/rejected

Summary Comments:

I. GENERAL SITE INFORMATION

TO BE COMPLETED BY APPLICANT, WITH ASSISTANCE FROM PLANNING DEPARTMENT AS NEEDED

A. Zoning and use of adjacent property.

North AR South AR

East AR West AR

B. Topography:

highest elevation 550

lowest elevation 510

general direction of slope WEST

Estimate % of property with

0 - 5% slope	30%
5 - 15% slope	55%
15 - 25% slope	15%
more than 25% slope	

(Required only for the portion of the site associated with or impacted by the proposed activity)

C. Drainage

Are there any streams or drainage easements located on the property? NO

Is any of the site located within a:

Watersupply Watershed	NO
Water Quality Critical Area	NO
Floodplain	NO

Describe

D. Does the property contain any of the following Inventory Natural or Cultural Resources? (As identified in the "Inventory of Sites of Cultural, Historical, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or the "Inventory of Natural Areas and Wildlife Habitats of Orange County, North Carolina".)

		yes	no
a.	cemeteries	____	X
b.	archaeological sites	____	X
c.	historic sites	____	X
d.	areas of geological significance	____	X
e.	designated natural areas	____	X
f.	designated habitat	____	X
g.	other	____	X

For each "yes" answer above, please indicate location on site plan and complete the following, with the assistance of the Orange County Environmental Planner. Also complete Attachment A.

(1) Type of resource _____

Inventory reference no. or page _____

Description of Resource _____

_____

_____

_____

(2) Type of resource _____

Inventory reference no. or page _____

Description of resource _____

_____

_____

_____

(Attach additional sheets if needed)

II. TO BE COMPLETED BY APPLICANT

A. PROJECT DESCRIPTION

1. Describe proposed use of property
EVENT CENTER (WEDDINGS, ETC.)

2. Number of lots 1

3. Number of structures 1

4. Estimated square footage of area to be graded for development of attached residential units (excluding roads, but including parking areas)
—

5. Estimated square footage of area to be graded for non-residential use (excluding roads) 85,000

6. Estimated area to be graded for roads 30,000

7. Road Type: Public _____ Private
Class A _____
Class B X
Class C _____

Total road length 1050 LF

8. Hours of operation for commercial or industrial use
VARIES PER EVENT

B. STATE PERMITS REQUIRED

1. Does the project involve the mining of earth products?
NO

If so, how many cubic feet of material are expected to be excavated? _____

Has an application for a Mining Permit been submitted to NCDRCD? _____

Please attach map indicating expected extent of proposed activity.

2. Does the project involve generation or storage of hazardous or toxic wastes, as identified by the Environmental Protection Agency? (A listing of all hazardous materials is available from the Planning Department) NO

Describe the wastes to be generated. _____

How much material is expected to be generated per month? _____

Will any material be treated onsite? _____

Volume? _____

Will any material be stored onsite? _____

Volume? _____

Where will disposal of the material take place? _____

How will materials be transported to the disposal site? _____

What measures are proposed to protect water quality and air quality in case of spills? _____

3. Will the project involve a land application system for treatment of wastewater? NO

If yes, describe _____

Has an application for a non-discharge permit been submitted to the NC Department of Environmental Management or Orange County Department of Environmental Health? _____

4. Is a septic tank system proposed which has a design capacity of more than 3000 gallons per day? NO

If yes, describe _____

Has an application for a non-discharge permit been submitted to the NC Department of Environmental Management or Orange County Department of Environmental Health? _____

5. Does the activity involve sludge disposal? NO

If yes, where is the source of the sludge? _____

Describe where and how the sludge is being disposed.

Has a NPDES permit from the NC Division of Environmental Management been issued? _____

6. Water Usage *SEE BELOW

a. Estimated no. of employees ___ x 25 gpd = ___ gpd

b. Estimated water use for climate control 0 gpd

c. Process water ___ gpd

___ % consumed
___ % discharged to septic system
___ % discharged to surface (including storm sewers)
(describe: _____)
___ % evaporated
___ % reclaimed/reused
___ % other
100 %

* EQUATING THE 'EVENT CENTER' USE WITH 'CHURCH WITHOUT KITCHEN' USE FROM THE NC "WASTEWATER DESIGN FLOW RATES":
250 SEAT CAPACITY x 3 GALLONS PER DAY = 750 GALLONS PER DAY.

____ gpd

d. Water used for cooling, heating, etc., in association with production or manufacturing

___ % reused
___ % consumed
___ % discharged
(describe: _____)
___ % other
100 %

_____ gpd
Total Water Usage

e. Describe source of water
WELL ON SITE

ATTACHMENT A

TO BE COMPLETED ONLY IF INVENTORY SITE(S) IS/ARE IDENTIFIED IN I.E.

(ATTACH ADDITIONAL SHEETS IF NECESSARY)

(1) a. Impact on Resource from Proposed Development

b. Proposed Mitigation

(2) a. Impact on Resource from Proposed Development

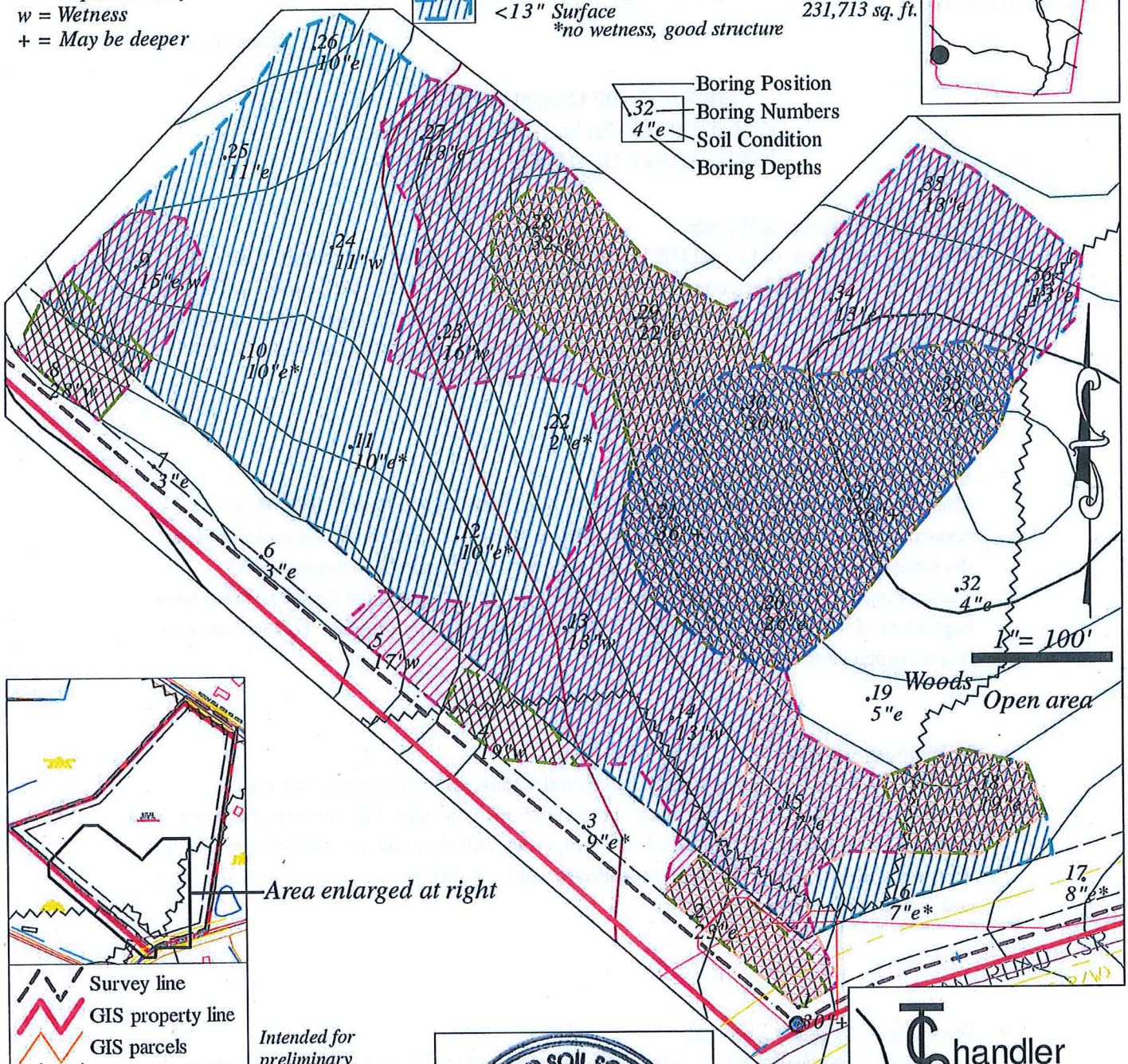
b. Proposed Mitigation

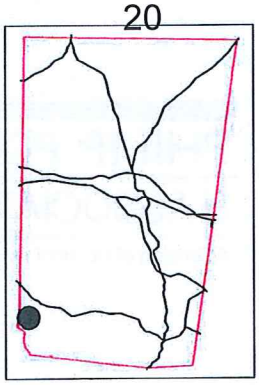
General Soils Evaluation for On-site Sewage Treatment & Disposal
Pin 9729507168, 7372 Morrow Mill Road, Bingham Township, Orange County, NC
April 22, 2015

Symbol	Depth	Description	Total area
	>26"	Conventional	40,249 sq. ft.
	24-26"	LPP	76,979 sq. ft.
	18-24"	Pretreat LPP, Anaerobic drip	82,428 sq. ft.
	13-18"	Aerobic pretreat drip	170,443 sq. ft.
	<13"	Surface	231,713 sq. ft.

**no wetness, good structure*

Soil Conditions
e = Expansive clay
w = Wetness
+ = May be deeper





Survey line
GIS property line
GIS parcels
Setbacks
2 ft contour
10 ft contour
20 ft contour
100 ft contour
Tree line
Found corner
Pond

Intended for preliminary planning only. Areas will require government approval. Some adjustments may be necessary at that time due to soil variability and topographic irregularities. Not survey accurate.

LICENSED SOIL SCIENTIST
DOLORES M. CHANDLER
1187
STATE OF NORTH CAROLINA
4/27/2015

Chandler Soil Corporation
2818 Old NC Hwy 10
Chapel Hill, NC, 27514
919-932-8514
chandlersoil@earthlink.net

PHILIP POST
& ASSOCIATES
A Division of Pennoni

June 16, 2015

THE BARN OF CHAPEL HILL
CLASS-"B" SPECIAL USE PERMIT
STATEMENT OF JUSTIFICATION

- Public Health, Safety & Welfare:
  The proposed "Barn of Chapel Hill" event center, is proposed to be established on a ±22 acre piece of property located off of Morrow Mill Road in the southwest corner of Orange County. This facility, located in the center of the property will have no negative impacts on the health, safety or welfare of the public, and as described in the detailed narrative for the facility, will promote an enhanced vision for the surrounding community.

- Impact on Property Values:
  The proposed facility (a restored 19th century barn from Marcy, New York) will be reassembled and constructed by Heritage Restorations. Their craftsmanship and work is of the highest quality and the structure on this property will be an enhancement to the surrounding neighborhood and property values. The site design of the facility will also leave large areas of wooded open space adjacent to the surrounding properties. This will serve to further protect and enhance property values.

- In Harmony with Area:
  The location of the proposed facility is in a rural setting, and the construction and restoration of a barn will be very much in harmony with the area. The surrounding area is interspersed with farmland and residential properties, and the addition this facility will fit in very well with that character. The access drives will be gravel, just as most others in the area, and will support that rural character.

- Water, Sewer & Waste Disposal:
  The event center facility will be served with water by a typical drilled well and with sewer disposal by means of a conventional gravity septic system and tank. These facilities will be permitted through Orange County Environmental Health just as any other residential construction. The solid waste disposal and recycling will be by private collection. While

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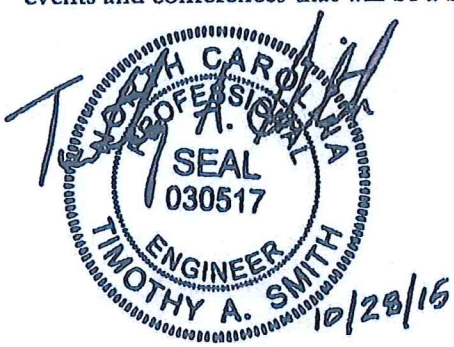
recycling pickup is available from Orange County Solid Waste, the distance from the facility to the pickup at Morrow Mill Road will be hard to manage for this type of use.

- Adequacy of Emergency Services:
  The location of the site is in the jurisdiction of Orange County Fire and Rescue and the Orange County Sheriff's department. The adequacy of these services is more than sufficient for this site and use, and one of the fire stations is located just four (4) miles away.

- Vehicular Access:
  The main vehicular access to the facility is from an entrance drive off Morrow Mill Road, with a second service access from Millikan Road. Both of the access drives connect to the parking area of the facility and provide connectivity through the site for alternate ingress/egress in the event of an emergency. There will always be a safe way to enter or exit the property should one of the drives become inaccessible.

- Other:
  As stated in the vision and business description for the project, it is the intent of the facility to not only be used for retreats and wedding type events, but also for other educational events and conferences that will be a benefit to the community and it's residents.



- Owner's Statement:
  "There shall be no activity allowed that will have adverse effects on adjacent property."

Kara Brewer
Owner: Kara Brewer

10/28/2015
Date

501302EX02

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& ASSOCIATES
A Division of Pennoni

THE BARN OF CHAPEL HILL
CLASS-"B" SPECIAL USE PERMIT
PROPOSED CONDITIONS OFFERRED BY THE APPLICANT

1. Events will be required to end at 11 p.m., with all food and drink service and music ending at that time. The building will remain open following that time as needed for cleanup and break down of equipment and furnishings.

2. No amplified outdoor music except for wedding ceremonies and no outdoor amplified music at all after 8 p.m.

3. Proper liquor/alcohol licenses shall be in place for all events if alcohol is being served. The Barn of Chapel Hill will work with clients to appropriately plan for the use of free and/or discounted shuttle/car service during events.

4. Pursuant to North Carolina law, there shall be no firecrackers, fireworks that spin on the ground, roman candles, bottle rockets, or any aerial fireworks allowed on the property.

Kara Brewer
Owner: Kara Brewer

10/28/2015
Date:

401 Providence Rd., Suite 200 • Chapel Hill, NC 27514 • Phone: 919.929.1173 • Fax: 919.493.6548
www.pennoni.com | www.ppaengineering.com

THE BARN OF Chapel Hill

Special Events and Retreat Center

Project Management:

Kara Brewer; Owner and Operations/Marketing Manager
Greg Godsey, Heritage Restorations; Architect
Tim Smith, Philip Post and Associates; Land Development and Planning

I. Vision and Business Description

We propose to relocate and rebuild a historic 19th-century barn and transform it into a sophisticated special events and retreat center, called the Barn of Chapel Hill. Our vision is to launch and position the Barn of Chapel Hill as a premier event facility for retreats, weddings and other special events in Chapel Hill and the surrounding areas.

Currently, the barn is located in Marcy, New York. Built in early 1860, it features beautiful, heavy hemlock timbers and large rafters. In fall of 2015, the barn will be relocated to Chapel Hill and rebuilt; the original timbers and rafters will be kept intact, while additional square footage will be added for bathrooms, a loft, and a veranda.

Once completed, the main building will be 4200 square feet, designed to accommodate up to 250 people. The barn will be a multi-use facility, rented primarily for retreats, weddings and other social and community-based events. Every attempt will be made to make the barn as environmentally-friendly as possible, from the building materials used during construction to designated areas for recycling and composting when events are in progress. Additionally, a portion of the rental fees for each event will be donated to NC GreenPower to offset each event's carbon footprint.

No in-house catering will be provided, but a food staging area will be available for approved, licensed caterers to store and reheat food.

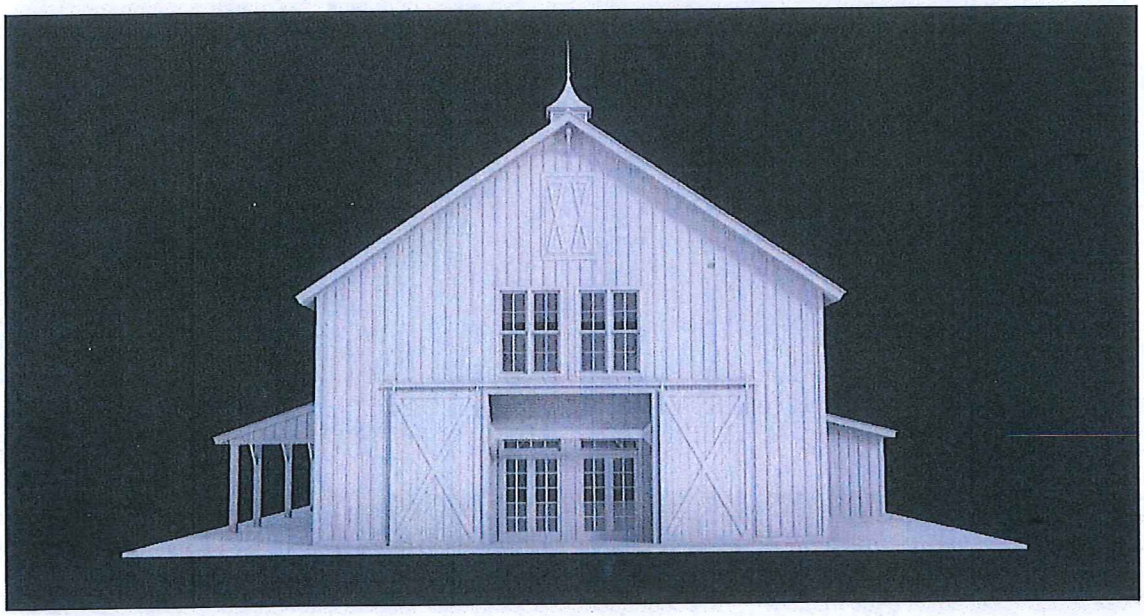
Our primary goal is to rent the facility on the weekends for retreats and weddings, with smaller events (including farm-to-fork dinners, private parties, educational events, conferences, and other University and corporate events) taking place during the week.

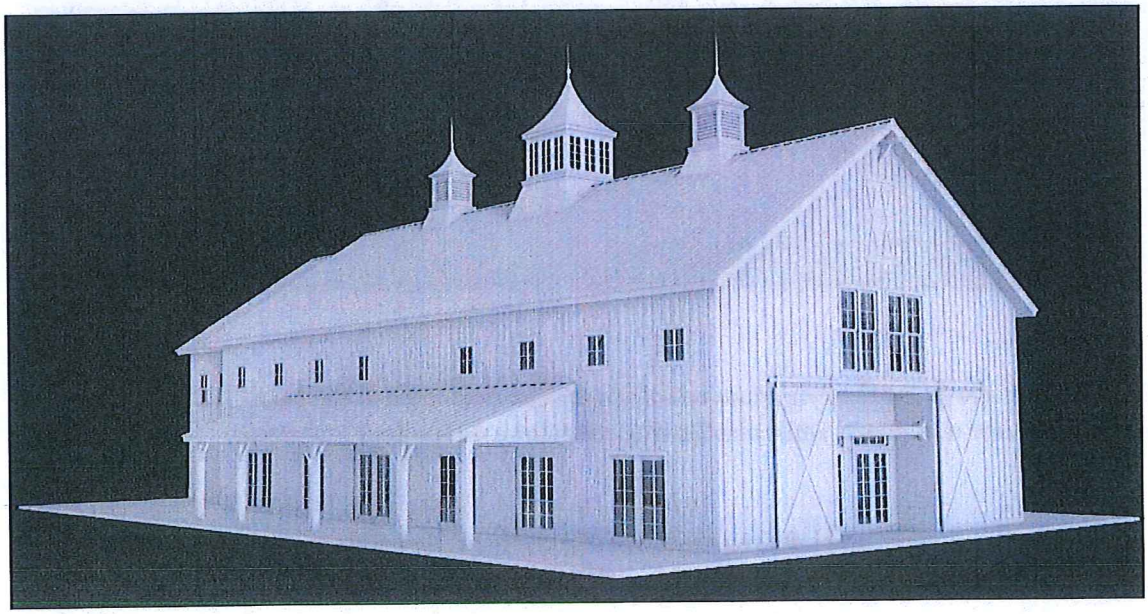
The target date for completion of construction is May 2016, which will allow time to fully market the property for the Fall 2016 and Summer/Fall 2017 wedding seasons. Landscaping will be on-going, with the hope that initial plantings can begin in the early spring of 2016.

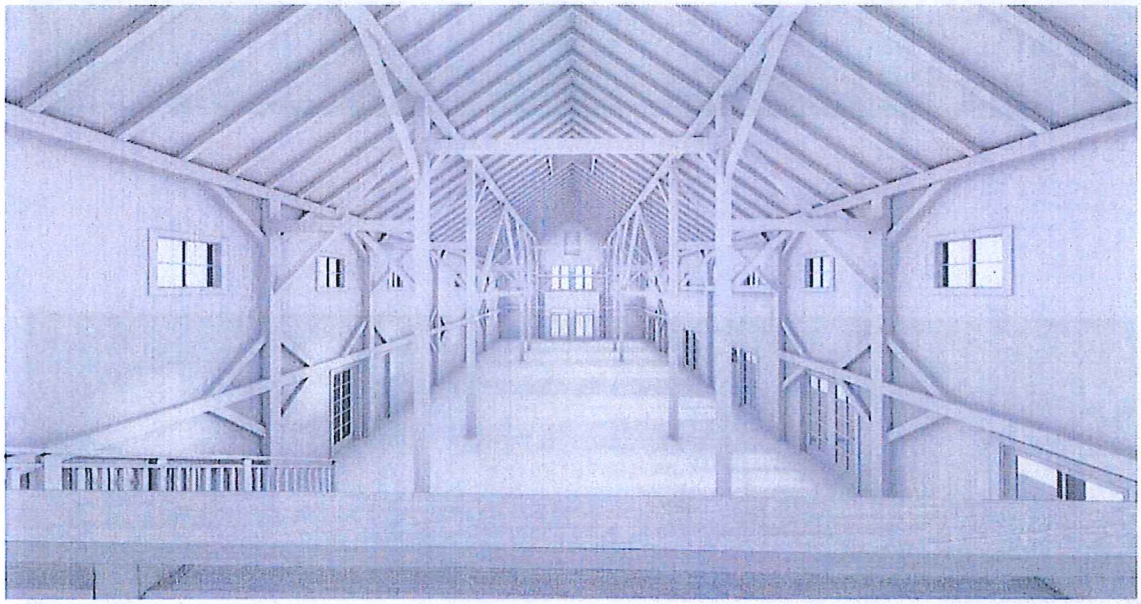
The barn will be located on 22 acres of land on Morrow Mill Road in Chapel Hill. Pending the approval of a special use permit, construction will begin in November 2015.

II. Facility

The special events and retreat center will be a modern, upscale barn that can be used for a variety of purposes. Below are a few exterior and interior renderings from the architect:







The floorplan allows for the maximum use of space. The main area of the barn (3,200 sf) can comfortably seat 200 guests while also leaving room for a dance floor and stage:

The kitchen, bathrooms, and loft area are located in the back, and adds approximately 1,000 square feet of space. A large veranda provides additional outdoor seating.

III. Flower Farm

The property on Morrow Mill Road is 22 acres of wooded, gently rolling land. An application for the property to be designated as a flower farm was approved by FSA in May 2015.

Planting flowers will not only enhance the scenery, but will provide local, fresh-cut blooms for weddings and other events.

Prime growing season is April-October. Actual plantings may vary, but below is a list of seasonal flowers by month:

Month	Flowers
April	Bachelor Buttons, Tulips, Narcissus
May	Dianthus, Bachelor Buttons, Lilac, Ranunculus, Viburnum, Columbine, Lupine, Snapdragon, Dutch Iris, Delphinium, Peonies, Larkspur
June	Echinacea, Queen Anne's Lace, or Ammi, Zinnia, Sunflowers, Snapdragons, Dianthus or Sweet William, Rudbeckia or Black Eyed Susan
July	Dianthus, Rudbeckia, Amaranth, Celosia, Millet, Zinnia, Dahlias, Gomphrena, Gladiolus
August	Sunflowers, Dahlia, Celosia, Gomphrena, Ageratum, Broom Corn, Millet, Ammi, Dahlia
September	Sunflowers, Dahlia, Celosia, Gomphrena, Ageratum, Broom Corn, Millet, Ammi, Dahlia
October (depends on frost)	Sunflowers, Dahlia, Celosia, Gomphrena, Ageratum, Broom Corn, Millet, Ammi, Dahlia

In addition to the flowers listed above, we are hoping to plant lavender. Several lavender varieties grow well in our area (Zone 7). Once established, lavender is very drought tolerant, as well as deer and rabbit resistant. Using the varieties listed below, we will have lavender blooms from Memorial Day through July.

- *Lavandula angustifolia* - Dutch and Hidcote. Hidcote has dark purple, fat flowers that begin to bloom around Memorial Day. Grows 18" – 24" tall and wide.

- *Lavandula x intermedia* – Grosso and Provence. Grosso has medium purple blooms that open in mid-June, growing 24"-30" tall and wide. Provence has pale purple flowers that open in early June and grows 36" tall and wide.
- *Lavandula stoechas* – Spanish lavender. The florets are notable with "Rabbit Ears" which are actually sterile bracts. It has a spicy scent, is long lasting, and grows 24" tall and round.

Form : FSA-156EZ

United States Department of Agriculture
Farm Service Agency

Program Year : 2015

Date : May 6, 2015

See Page 2 for non-discriminatory Statements.

Abbreviated 156 Farm Record

State : NORTH CAROLINA
County : ORANGE

Farm Number : 3963

Operator Name : KARA BREWER
Farms Associated with Operator : 37-135-3963
CRP contract numbers :

Farm Land Data

Farmland	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane	Farm Status	Number Of Tracts
22.54	2.85	2.85	0.00	0.00	0.00	0.00	0.00	Active	1

State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL	FAV/WR History	Acre Election	EWP	DCP Ag. Related Activity
0.00	0.00	2.85	0.00	0.00	No	No	0.00	0.00

Crop Election Choice

ARC Individual	ARC County	Price Loss Coverage
This information has been intentionally left blank	This information has been intentionally left blank	This information has been intentionally left blank

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	CTAP Yield	PLC Yield	HIP

NOTES

State : NORTH CAROLINA
County : ORANGE

Farm Number : 3963
Tract Number : 11234

Description : b11/1c

FAV/WR History : No

BIA Unit Range Number :
HEL Status : HEL field on tract.Conservation system being actively applied
Wetland Status : Wetland determinations not complete
WL Violations :
Owners : SOUTHEAST PROPERTY GROUP LLC
Other Producers :

Tract Land Data

Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
22.54	2.85	2.85	0.00	0.00	0.00	0.00	0.00

State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL	EWP	DCP Ag. Related Activity
0.00	0.00	2.85	0.00	0.00	0.00	0.00

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	CTAP Yield	PLC Yield

NOTES

Orange County
Solid Waste Management Plan

The Town of Chapel Hill's development ordinance requires all development applications to provide a detailed solid waste management plan, including a recycling plan and a plan for management of construction debris. The following forms must be completed to fulfill this requirement. This form must be completed and approved to satisfy the requirement of a plan for management of construction debris for the Town of Chapel Hill's Development Ordinance. Please complete all information in its entirety. Assistance in completing this form is available from the Orange County Solid Waste Staff at (919) 968-2800 x163.

COMPLETE ALL INFORMATION BELOW

(Incomplete contact information will delay plan review and approval.)

Project Name	The Barn of Chapel Hill
Property ID #:	PIN 9729507168 Permit:
Project Location	S. Side of Morrow Mill Road ±600' West of the Intersection of Millikan Rd.
Project Owner	Kara Brewer
Contact Person	Kara Brewer
Address	82 Jordan Hills Drive Chapel Hill, NC 27517
Telephone	(919) 357-2118
Fax/Mobile	(None - / (919) 357-2118
Design Firm	Philip Post & Associates, a Division of Pennoni
Contact Person	Tim Smith
Address	401 Providence Road Suite 200 Chapel Hill, NC 27514
Telephone	(919) 929-1173
Fax/Mobile	(919) 493-6548 / (919) 616-6491
Date	10/21/2015

Provide a brief description of the work to be performed under this application:

(for example: construct a new commercial building [include use/sq. ft.], apartment complex [# units], place of worship, horizontal improvements for subdivision, etc.)

New construction of a relocated and rebuilt 19th century barn for an event center. (±4200 SF) land clearing and construction of gravel drive and parking areas.

1. Site Preparation Wastes (landclearing, demolition, deconstruction)

During site preparation for a project the amount of waste destined for a construction waste landfill or an inert debris landfill should be minimized or diverted for reuse or recycling. Many materials can be reused, recycled, or salvaged, provided that materials are kept separate. This approach may also reduce overall project waste disposal costs. **Regulated Recyclable Materials (clean wood waste, scrap metal and corrugated cardboard) generated in Orange County must be recycled**. During demolition activities, metal and wood are often not "reasonably possible to separate" or doing so may present health and safety concerns (asbestos, lead paint, etc.). In these cases only, are regulated materials not required to be separated for recycling. Consider whether the following materials will be generated on this project, *in any quantity*, and indicate the management method(s).

☒	1. Trees and Plant Materials:
	No tree/plant wastes will be produced (proceed to # 2)
	Tree waste will be salvaged as timber, mulch, or boiler fuel
	Valuable plants will be removed for replanting
X	Landclearing and inert debris landfill (LCID)
	Construction and demolition debris landfill (C&D)
	Other (specify):

☒	2. Dirt, Rock, Clean Fill, Inert materials to be removed from site:
X	No inert materials will be removed from the site (proceed to # 3)
	Site Needs Fill
	Will be hauled to site needing fill
	Construction and demolition debris landfill (C&D)
	Landclearing and inert debris landfill (LCID)
	Other (specify):

☒	3. Asphalt Paving:
X	No asphalt wastes will be produced (proceed to # 4)

	Recycled at asphalt-paving producer
	Used on or off site. Describe use:
	Disposed in an approved landfill
	Other (specify):

☒	4. Concrete, Brick, Block, other Aggregate materials:
X	No aggregate materials will be removed from the site (proceed to # 5)

	Recycled as scrap at an aggregate producer
	Used on or off site: Describe use:
	Construction and demolition debris landfill (C&D)
	Landclearing and inert debris landfill (LCID)
	Other (specify):

☒	5. Metal Scrap (metal wastes are required by ordinance to be recycled)
X	No metal waste will be produced (proceed to # 6)
	Segregated for on-site recycling collection
	Recycle at Orange County Landfill (**no tip fee charged if kept separate**)
	Segregated for hauling to scrap dealer by general contractor
	Segregated for hauling to scrap dealer by sub-contractor
	Certified Commingled Recycling Facility
	Other (specify):

☒	6. Clean Wood Wastes (clean wood wastes are required to be recycled)
X	No clean wood wastes will be produced (proceed to # 7)
	Segregated for on-site recycling collection
	Recycle at Orange County Landfill (**reduced tip fee charged if kept separate**)
	Saved and used on future jobs
	Separated for private salvage or charity
	Certified Commingled Recycling Facility
	Other (specify):

☒	7. Demolition/Salvage of Buildings or Structures on the Site:
X	No structure(s) will be removed (proceed to Construction Waste section)
	Structure(s) must be removed. Please describe (include square footage for each structure):

If any structure described above is greater than 500 ft², it must be assessed for deconstruction possibilities. Please call Solid Waste Staff at (919) 968-2788 x107 or x109 to arrange an assessment.

Could the structure(s) be moved from the site?	YES	NO	Don't Know
Has the sale or donation of the structures been considered? Please explain:	YES	NO	
How will the structure be removed otherwise?			
What is the timetable on removal of the structure(s)?			
Are there salvageable materials (hardwood floors, fixtures, molding, that can be removed for reuse prior to demolition? If Yes, Please list (use a separate sheet if necessary):	YES	NO	Don't Know
Have, or will, these materials been offered for sale or donation?	YES	NO	

2. Construction Wastes

During the construction phase there are multiple options for recycling building materials. **Regulated Recyclable Materials (clean wood waste, scrap metal and corrugated cardboard) generated in Orange County must be recycled.** Although other materials are not required to be recycled, you are highly encouraged to do so. One of the best methods of recycling is to separate the materials on the jobsite. You may also combine materials for delivery to a certified recycling facility. Specifying waste reduction/recycling practices on a project will assure better performance.

☒	1. Clean Wood Wastes (clean wood wastes are required by ordinance to be recycled)
	No clean wood wastes will be produced (proceed to # 2)
	Segregated for on-site recycling collection
X	Recycle at Orange County Landfill (**reduced tip fee charged if kept separate**)
	Saved and used on future jobs
	Separated for private salvage or charity
	Certified Commingled Recycling Facility
	Other (specify):

☒	2. Metal Scrap (metal wastes are required by ordinance to be recycled)
	No metal waste will be produced (proceed to # 3)
	Segregated for on-site recycling collection
X	Recycle at Orange County Landfill (**no tip fee charged if kept separate**)
	Segregated for hauling to scrap dealer by general contractor
	Segregated for hauling to scrap dealer by sub-contractor
	Certified Commingled Recycling Facility
	Other (specify):

☒	3. Concrete, Brick, Block, other Aggregate materials:
	No aggregate materials will be removed from the site (proceed to # 4)

	Recycled as scrap at an aggregate producer
	Used on or off site: Describe use:
	Construction and demolition debris landfill (C&D)
X	Landclearing and inert debris landfill (LCID)
	Other (specify):

☒	4. Corrugated Cardboard (cardboard wastes are required to be recycled)
	No cardboard waste will be produced (proceed to # 5)
	Segregated for on-site recycling collection
X	Recycle at Orange County Landfill (**no tip fee charged if kept separate**)
	Segregated for hauling to paper dealer by general contractor
	Segregated for hauling to paper dealer by sub-contractor
	Certified Commingled Recycling Facility
	Other (specify):

☒	5. Drywall
	No drywall waste will be produced (proceed to # 6)

	Segregated for on-site recycling collection
	Used on site as agricultural supplement
X	Disposed in an approved landfill
	Certified Commingled Recycling Facility
	Other (specify):

☒	6. Other Materials
X	No other wastes will be produced (proceed to # 7)

Please specify other wastes that will be produced and how they will be managed:

Plastics (including vinyl and shrink-wrap):
Carpet and padding:
Shingles:
Fixtures (sinks, tubs, lighting, etc):
Other (specify):
Other (specify):
Other (specify):

7. Bulk Containers (Dumpsters) County ordinance requires that any bulk waste container be labeled to define what materials are intended or prohibited from being deposited in them and be serially numbered. Hauling Licenses are required for vehicles greater than 9000 GVW in Orange County. Ensure that your waste haulers is licensed. You may contact Orange County Solid Waste for a list of licensees at (919) 968-2788 x107 or x109.	
X	There will be one or more bulk containers at the site for construction wastes.
	Contractors will be required to remove own wastes without the use of bulk containers.
	Corral or similar system will be used.

3. Recycling After Occupancy

Depending on the eventual use of the structure, different waste materials will be produced and available for recycling. Recyclable materials must be separated into categories based on collection methods.

PLANNING REQUIREMENTS:

- **Indicate location of all bulk waste containers for refuse and recycling. Plan must show location of all containers, even if using existing refuse/recycling enclosures. Standard details/notes for any of the following are available from Orange County Solid Waste Management (919-968-2788 x107 or x109).**
- **All refuse/recycling containers are required to be on concrete pads.**
- **Provide a detailed and scaled plan of all bulk waste containers areas that show: each container labeled, required screening, lighting, overhead clearances, bollards, and concrete pad.**
- **Indicate whether refuse/recycling area will be gated. If so doors/gates will need retainers to be latched open for refuse/recycling collection.**
- **Ensure adequate collection vehicle access routes to all containers for deposit and collection. Turning radius templates are available from Orange County Solid Waste Management.**
- **Sharing of exterior recycling locations is acceptable if a joint access/shared-use agreement is filed and the deeds of all properties amended.**

☒	Check materials that will be generated once the structure is ready for occupancy:
X	Standard: glass bottles, metal cans, newspaper, glossy magazines, #1 plastics, #2 plastics
X	Corrugated Cardboard (not including waxed or single layer cardboard)
	Mixed Paper: junk mail, cereal boxes
	Office Paper: white or colored copy paper, confidential papers
	Restaurant: food wastes, cooking oil, disposable dining ware
	Other Plastics: #5, #7
	Business specific wastes (please describe):

Cardboard Recycling Requirement Orange County Ordinance requires recyclable corrugated cardboard to be kept separate from all other refuse. All developments must provide for cardboard recycling. If the facility's garbage will be collected from a bulk container (dumpster), a second waste container is likely to be required for cardboard. Public recycling drop-off sites can accommodate a very limited amount of commercial use (no > 50 boxes per week).	
X	Site Plan includes space for cardboard recycling container on Sheet # __S-4_____
	Corrugated Cardboard will be handled in an alternate manner. Description Required:

☒	Collection Type: This project will be served by the following collection methods. Check all that apply.
	Exterior individual or cooperative-use bulk waste container site. May be suitable for apartment complexes, restaurants, places of worship, educational facility, office building, retail/office/restaurant combinations
X	Garbage dumpster
	Garbage compactor
X	Cardboard dumpster
	Cardboard compactor
X	Recycling carts for glass, cans, plastic bottles, newspaper, magazines, office paper (co-mingled)
	Cooking grease rendering container (required for any commercial kitchen facility)
	Food waste collection container (If qualify based on volume; contact OCSW staff for details of program)
	Standard "curbside" recycling collection. May be suitable for single-family developments and subdivisions, including some duplex, triples, and townhome developments.

Attachment 3

PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov

ORANGE COUNTY
NORTH CAROLINA

131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278

August 12, 2015

NOTICE OF NEIGHBORHOOD INFORMATION MEETING TO REVIEW A CLASS B SPECIAL USE PERMIT APPLICATION PROPOSING AN EVENT CENTER CALLED "THE BARN OF CHAPEL HILL"

To Whom It May Concern:

You are receiving this letter because you are listed as an owner of property within 500 feet of a 21.98 acre parcel of property between Morrow Mill Road (SR1958) and Millikan Road (SR 1959) in the Bingham Township of Orange County proposed to be developed as a event/retreat center. The property, further identified by Orange County Property Identification Number (PIN) 9729-507168, is zoned Agricultural Residential (AR). Please refer to the attached vicinity map for additional detail.

The applicant is requesting a Class B Special Use Permit (SUP) to allow for the development of a barn styled structure and other on-site facilities to support an event center. The applicant envisions that this development would support weddings and other special events on the property.

The Orange County Unified Development Ordinance (UDO) Section 5.2 *Table of Permitted Uses* classifies such activity as a "Camp Retreat Center," which is a permitted use in AR zoning districts subject to the review and approval of the a Class B SUP by the Orange County Board of Adjustment.

UDO Section 2.7 also requires that a Neighborhood Information Meeting (NIM) be held prior to the Board of Adjustment meeting and notices sent to property owners within 500 feet of the subject property be notified. This meeting is to allow for property owners to review and discuss the proposal with the applicant and/or their agents, as well as obtain an understanding of the SUP review and approval process and requirements. The NIM for this case will be held on August 27, 2015. See below for the location and additional details.

The Board of Adjustment Public Hearing to decide the Class B SUP request will be held on October 12, 2015. Additional notices shall be sent informing you of the date/location/time of that Public Hearing.

The review of all SUP applications are carried out in a *quasi-judicial* format meaning that decisions relating to the approval or denial of an application are based solely on the sworn testimony of all parties involved with the case, both those for and against an application, as well as the review of competent material and substantial evidence submitted during the public hearing.

Quasi-judicial hearings, and decisions, require a 'fair trial standard' including accepting only competent, material and substantial evidence. Public comments in the form of sworn

testimony meeting evidentiary standards can be accepted. Personal, anecdotal, or hearsay comments, however, shall not be accepted as they do not represent '*competent, material, and substantial evidence*'.

While County regulations and State law do not require that parties be represented by an attorney, it may be in your best interests to secure legal counsel to represent your interests at the hearing.

Further, the applicant has the burden of establishing, by the submission of competent material and substantial evidence, the existence of facts and conditions that demonstrate the projects compliance with the various requirements and standards detailed within the UDO. Those opposing approval of the application shall have the burden of establishing, also through the submission of competent material and substantial evidence, the specific manner in which the proposal does not satisfy the requirements for approval of the application.

Staff has included a Special Use Permit fact sheet to provide additional understanding of the process.

Planning staff will provide additional information on the review of SUP applications at the NIM meeting.

The NIM has been scheduled as follows:

Date: August 27, 2015

Time: 6:00-7:00 p.m.

Location: Lower Level – Conference Room Number 4
West Campus Office Building (W.C.O.B.)
131 West Margaret Lane
Hillsborough, North Carolina 27278

A map has been attached denoting the location of the West Campus Office Building.

If you require additional assistance, please contact a Department staff member at (919) 245-25775. Thank you for your attention to this matter.

Sincerely,

Patrick R. Mallett
Planner II

CC: File; Michael D. Harvey, Current Planning Supervisor

Enclosures:
Vicinity Map for NIM Meeting showing building/parking;
Vicinity Map of the Subject Property
Overall Site Plan for the Barn of Chapel Hill
Special Use Permit Fact Sheet

U.S. Postal Service™ Planning 12 PM
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
For delivery information, visit our website at www.usps.com®.
OFFICIAL USE
Postage $
Certified Fee
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JENNIFER D RAY
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DEBORAH K LANCASTER
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DEBORAH K LANCASTER
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MARGARET J WILKMAN
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Street & Apt. No., or PO Box No. 6815 PAYNE HARDY RD
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DORIS RAY
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MICHAEL P EKHOLM
AMANDA B EKHOLM
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BOA CLASS B SUP
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SAMANTHA SEGALL
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THOMAS HINES RAY
7319 MORROW MILL RD
CHAPEL HILL, NC 275167380

BOA-CLASS B SUP

for Instructions

PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov

ORANGE COUNTY
NORTH CAROLINA

131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278

BARN OF CHAPEL HILL
NEIGHBORHOOD INFORMATION MEETING HIGHLIGHTS

DATE: THURSDAY, AUGUST 27, 2015

LOCATION: ORANGE COUNTY PLANNING CONFERENCE RM 4.

BARN OF CHAPEL HILL OVERVIEW:

Applicant/owner: Kara and Chris Brewer/ Southeast Property Group LLC
Location: between Morrow Mill Road (SR1958) and Millikan Road (SR 1959)
PIN: 9729-50-7168
Legal Description: PB 96 PG 192
Zoning: Agricultural residential (AR)
Overlay Districts: Haw River Unprotected Watershed
Utilities: Private individual Well and Septic Systems
Total Acreage: 21.99 acres
Access: Public vehicular access proposed via Morrow Mill Road. Staff and emergency access via Millikan Road

BACKGROUND:

The applicant is seeking a Class B SUP from the Orange County Board of Adjustment (BOA) to allow for the development of a barn styled structure and other on-site facilities to support an event center. The applicant envisions that this development would support weddings and other special events on the property.

The Orange County Unified Development Ordinance (UDO) Section 5.2 *Table of Permitted Uses* classifies such activity as a "Camp Retreat Center," which is a permitted use in AR zoning districts subject to the review and approval of the a Class B SUP by the Orange County Board of Adjustment.

UDO Section 2.7 also requires that a Neighborhood Information Meeting (NIM) be held prior to the Board of Adjustment meeting and notices sent to property owners within 500 feet of the subject property be notified. This meeting is to allow for property owners to review and discuss the proposal with the applicant and/or their agents, as well as obtain an understanding of the SUP review and approval process and requirements. The NIM for this case was held on August 27, 2015. Approximately 36 adjacent property owners and area residents attended the meeting.

NIM Highlights:

Orange County Planning staff presented the attendees with an overview of the:

- Special Use Permit Process;
- Application and supporting documents;
- Site and surrounding area;
- Environmental and development constraints;
- Zoning and land use requirements; and
- Tentative schedule for the Class B SUP process.

Mrs. Kara Brewer, the owner and applicant for the request introduced herself, her vision and background and plans for the property. She also gave an overview of elements that would limit the potential impact on adjacent properties and the surrounding community. For example, she indicated that outdoor activities for events would be limited to daylight hours. She indicated that she had elected to go through the SUP process voluntarily rather than submit the project as a permitted agritourism activity on a Bona Fide Farm, which would not require an SUP.

The project consultant, Tim Smith, PE with Phil Post & Associates presented the site plans, site and design considerations and analysis for the project. He also gave an overview of how the project would comply with the standards required by the UDO and how the development would occur.

Attendees then asked questions and expressed concerns the following categories:

1. **Vehicular Access, Traffic and Safety.**
   - Residents expressed concerns about the potential for traffic congestion on Morrow Mill Road and Millikan Roads. They also expressed concerns over public safety and whether the wedding events would expose the area to an increase in reckless and/or drunk driving caused by alcohol consumed by event participants. They also noted that the volumes would ruin the rural character of the area.

   - Orange County Planning Staff outlined that the proposed project does not exceed the threshold(s) to require a full Traffic Impact Analysis (TIA). The applicant has evaluated potential trip generations, the carrying capacity of the roads and asked the Orange County Sherriff's Department to review their incident reports and records related to other events centers in Orange County. Note: The Sherriff Departments review and analysis concluded that none of the existing venues have had a significant history of public safety issues.

   - The applicant and her consultant indicated that traffic would be accommodated via the NCDOT maintained road network and that public access would be directed to Morrow Mill Road. They also noted that the events would traditionally be held in non-peak hour times and mostly on weeks. The applicant also expressed her desire to ensure that events were conducted in a safe manner. She also noted that alcohol consumption is a potential liability for any event center and that it would be regulated, monitored and part of any event rental agreements.

2. **Rural Character and Property Values.**
   - Residents argued that and event center is not in keeping with the area's distinct rural character and that a "Party Barn" is not a farm and that the level of intensity of the special events would radically change the dynamics of their rural pastoral countryside. They also indicated concerns that the development would lower their property values.

   - Staff noted that these are elements considered "Findings of fact" that the applicant is required to enter substantial, competent and material evidence toward during this SUP process.

- The applicant and consultant indicated that the vision for the development was center on special events in a rural setting. The applicant also offered that she had spent the better part of 2 years developing a business plan, locating an appropriate barn to refurbish, establishing a flower farm, finding a site appropriate to accommodate the vision and business plan, and providing a development that was respectful of adjacent residents and the surrounding area. They also indicated that an appraisal and of analysis is part of this request and that these documents will be entered into the record.

3. **Environmentally Sensitive Areas.**
   - Residents asked questions regarding the protection of environmentally sensitive areas both on and off-site. Adjacent residents also questioned that the proposed septic area could potentially contaminate their farm pond, which is a water source for their farm animals.

   - Orange County Staff reviewed the environmental constraints imposed by the UDO. They also noted that the projects would also require Soil & Erosion Control and Environmental Health Permits.

   - The applicant and consultant noted that this is the beginning of the process, and that location for the barn and its supporting facilities was chosen to avoid impact on sensitive features and avoid potential damage to adjacent properties.

4. **Lighting.**
   - Residents expressed concerns about light pollution, glare and an impact on the adjacent properties. They also noted that cars coming and going at night would produce repeated light patterns into their properties as people came and went from the facility.

   - Orange County Staff noted the UDO lighting regulations, which limit site lighting and require "cut off" fixtures that eliminate glare. Staff also noted that landscaping, topography, distance and topographic features may lessen the potential for light impacts from cars and/or site lighting fixtures.

   - The consultant and applicant reviewed the lighting plans and the intent to keep outside lighting to a minimum. They also expressed a willingness to meet with adjacent residents across from both driveways to determine if additional measures could be provided (e.g. re-aligning the driveways slights and/or installing a landscaped median).

5. **Noise.**
   - Residents expressed concerns about excessive noise from events, especially music and outdoor events with speakers. They noted the quiet rural character of the area, which is an asset they consider a major part of why they live in the area. They also noted recent issues with other event centers where excessive and sustained fireworks have been a source of complaints.

   - Orange County Staff noted the County's sound ordinance which limits excessive noise and is intended to keep things quieter at night. Staff also noted that the SUP process allows for voluntary conditions which could limit outdoor activity, music speakers etc. Note: the applicant has since submitted a number of voluntary conditions including provisions regarding noise and prohibiting fireworks.

- The consultant and applicant indicated that the vision is to host most of the special events in doors without door activity limited to reasonable daylight hours (e.g. for portions of a ceremony).

6. **Trespass and Rowdy Behavior.**
   - Residents expressed concerns the events such as weddings attract a party atmosphere and large younger crowds that may get out of hand. They speculated that attendees will be prone to trespass, damage adjacent property and litter the adjacent properties as well as the road network(s).

   - Orange County Staff noted that such concerns, while valid are not particularly under the purview of planning, zoning, land use and/or the ODO. There are, however, other state and local laws which prohibit such activity.

   - The applicant noted that these are items of concern for any owner and to be taken seriously, if anything to protect her investment. She gave an overview of the planned terms of rental agreements and deposits. She also noted that the target market and pricing is at a level that would tend to limit the potential for excessive behavior. She also noted that staff members will be present during events and if need be other security measures would be put into place.

Staff concluded the meeting with a summary of the next steps in the process. The meeting was adjourned at approximately 9PM.

PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov

ORANGE COUNTY
NORTH CAROLINA

131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278

October 21, 2015

NOTICE OF BOARD OF ADJUSTMENT (BOA) PUBLIC HEARING TO REVIEW AND CONSIDER APPROVAL OF A CLASS B SPECIAL USE PERMIT APPLICATION PROPOSING AN EVENT CENTER CALLED "THE BARN OF CHAPEL HILL"

To Whom It May Concern:

You are receiving this letter because you are listed as a property owner within 500 feet of a 21.98 acre parcel of property between Morrow Mill Road (SR 1958) and Milllikan Road (SR 1959) in the Bingham Township of Orange County. The property, further identified by Orange County Property Identification Number (PIN) 9729-507168, is zoned Agricultural Residential (AR). Please refer to the attached vicinity map for additional detail.

The applicant is requesting a Class B Special Use Permit (SUP) to allow for the development of a barn-styled structure and other on-site facilities to support an event/retreat center. The applicant envisions that this development would support weddings and other special events on the property.

The Orange County Unified Development Ordinance (UDO) Section 5.2 *Table of Permitted Uses* classifies such activity as a "Camp Retreat Center," which is a permitted use in AR zoning districts subject to the review and approval of the a Class B SUP by the Orange County Board of Adjustment (BOA).

UDO Section 2.7 requires that the Orange County Board of Adjustment hold a Public Hearing to consider the case and render a decision on the request. This Public Hearing is a quasi-judicial process, where the BOA is responsible for rendering a decision and acts much like a panel of judges. The BOA hears factual evidence and sworn testimony presented at an evidentiary hearing, and makes findings of fact supported by competent, substantial and material evidence that has been entered into the record.

The BOA Public Hearing to decide the Class B SUP request will be held on Monday, November 9, 2015 at the Orange County West Campus Office Building located at 131 West Margaret Lane, Hillsborough, NC 27278.

The review of all SUP applications are carried out in a *quasi-judicial* format meaning that decisions relating to the approval or denial of an application are based solely on the sworn testimony of all parties involved with the case, both those for and against an application, as well

as the review of competent material and substantial evidence submitted during the Public Hearing.

Quasi-judicial Hearings, and decisions, require a 'fair trial standard,' which accepts accepting only competent, material, and substantial evidence. Public comments in the form of sworn testimony meeting evidentiary standards can be accepted. Personal, anecdotal, or hearsay comments, however, shall not be accepted as they do not represent '*competent, material, and substantial evidence*'.

While County regulations and State law do not require that parties be represented by an attorney, it may be in your best interests to secure legal counsel to represent your interests at the hearing.

Further, the applicant has the burden of establishing, by the submission of competent, material, and substantial evidence, the existence of facts and conditions that demonstrate the projects compliance with the various requirements and standards detailed within the UDO. Those opposing approval of the application shall have the burden of establishing, also through the submission of competent, material, and substantial evidence, the specific manner in which the proposal does not satisfy the requirements for approval of the application.

Staff has included a Special Use Permit Fact Sheet to provide additional understanding of the process.

The Public Hearing has been scheduled as follows:

Date: November 9, 2015

Start Time: 7:30 p.m.

Location: Lower Level – Conference Room Number 4
West Campus Office Building (W.C.O.B.)
131 West Margaret Lane
Hillsborough, North Carolina 27278

If you require additional assistance, please contact a Planning Department staff member at (919) 245-2575. Thank you for your attention to this matter.

Sincerely,
Patrick R. Mallett
Patrick R. Mallett
Planner II

CC: File; Michael D. Harvey, Current Planning Supervisor

Enclosures:
Vicinity Map for the Public Hearing (building/parking);
Vicinity Map of the Subject Property
Overall Site Plan for the Barn of Chapel Hill
Special Use Permit Fact Sheet

Vicinity Map - West Campus Office Building (131 W. Margaret Lane)

Vicinity Map
Barn of Chapel Hill
Class B SUP

PIN#: 9729507168
SOUTHEAST PROPERTY GROUP LLC

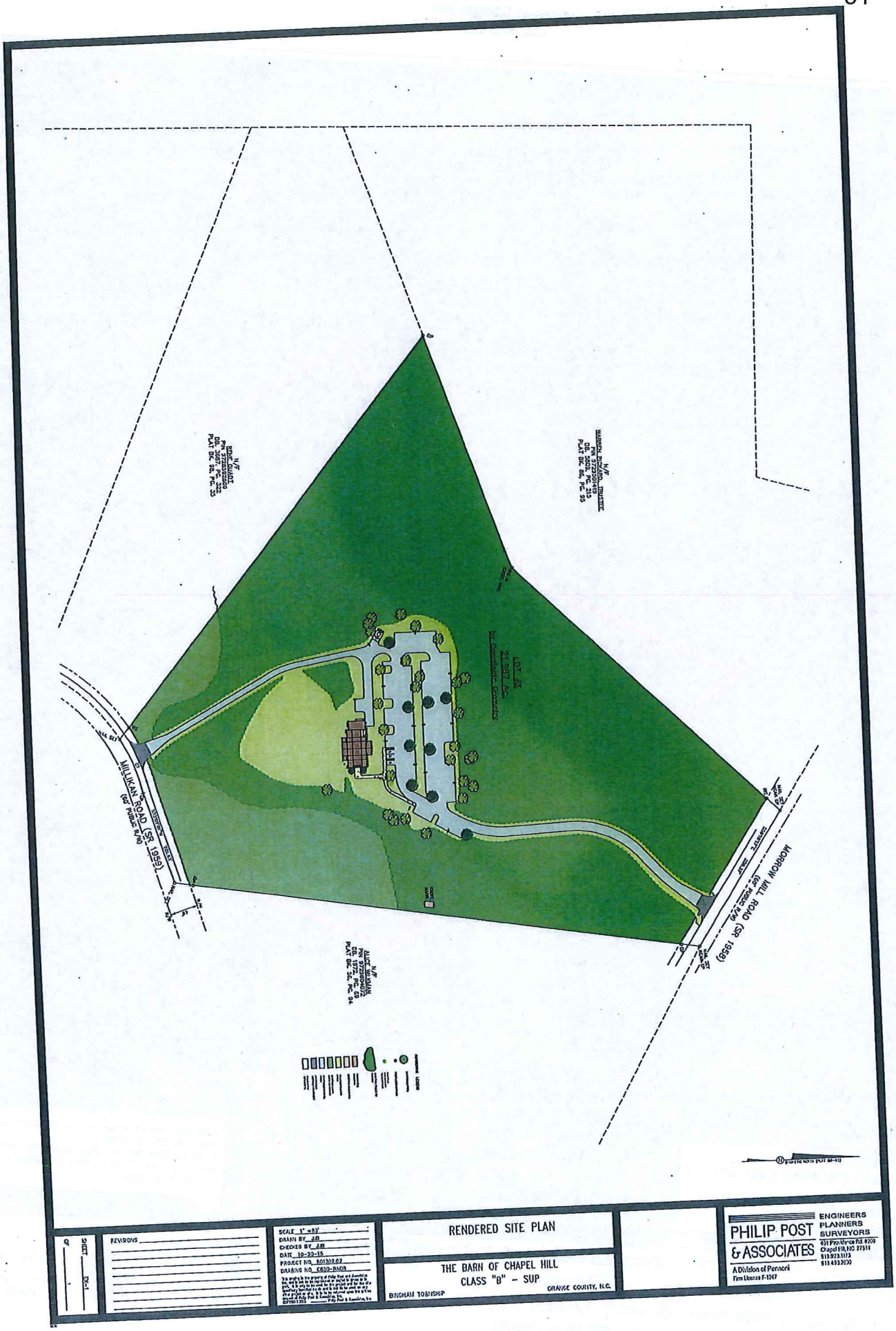
2 JORDAN HILLS
CHAPEL HILL, NC 27517

Data shown on this map is obtained from Orange County GIS and is for reference only.
Exact locations and boundaries should be verified.
Map prepared by Orange County Planning & Inspections.
8/12/2015 - pmallett

Streams
TYPE
USGS Stream
Soils Survey Stream
USGS Stream
Soils Survey Stream
Stream Buffer 65ft
Water Body Buffer 65ft
Parcels
Zoning
Water Body
Watershed

N

1 Inch = 300 feet
0 75 150 Feet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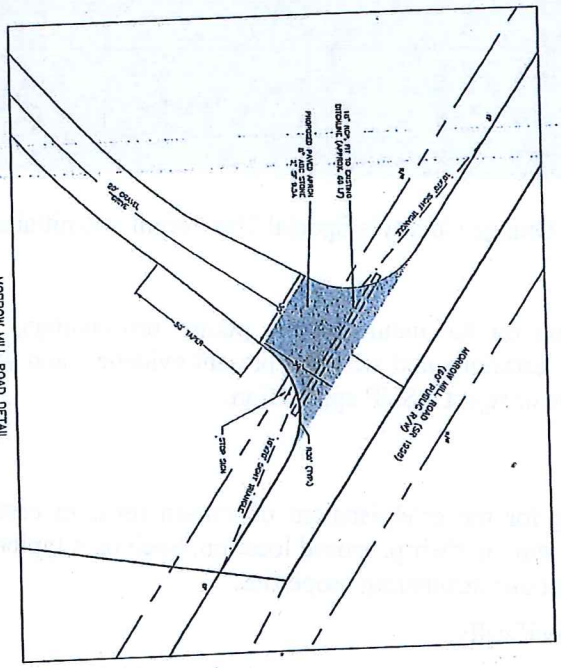
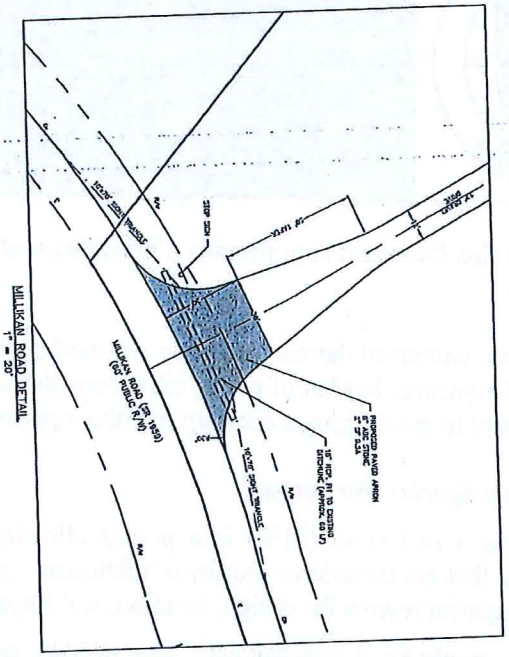
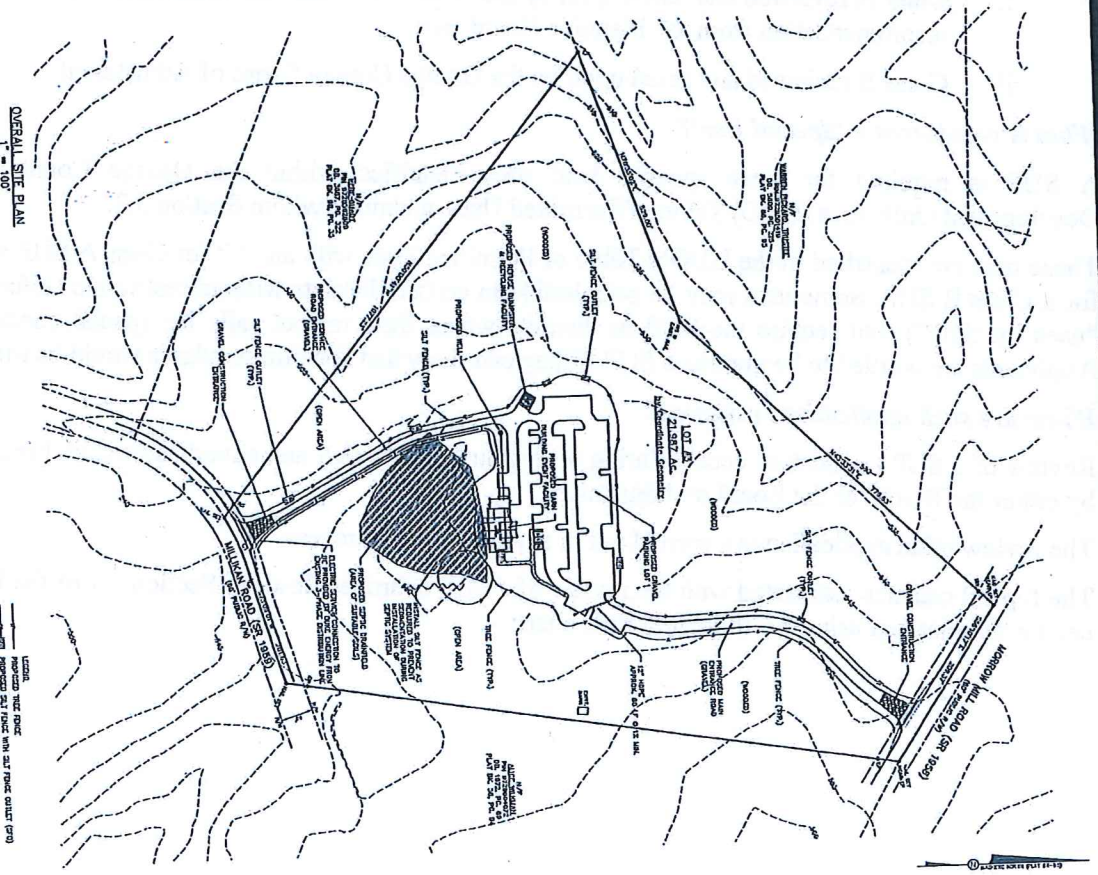
(60' PUBLIC R/W)
MORROW HILL ROAD (SR 1958)
(60' PUBLIC R/W)
LOT #1
21.987 Ac.
by Coordinate Geometry
N/F
BENE GUADI
PIN 972032209
DB. 3607, PG. 322
PLAT BK. 98, PG. 35
N/F
WARREN RICKARD TRUSTEE
PIN 972030419
DB. 5609, PG. 213
PLAT BK. 86, PG. 95
N/F
ALICE WILKIAN
PIN 972080402
DB. 1972, PG. 69
PLAT BK. 36, PG. 94
SCALE 1" = 80'
DRAWN BY JJB
CHECKED BY JJB
DATE 10-20-15
PROJECT NO. 801303.02
DRAWING NO. C850-RNDR
REVISIONS
SHEET EX-1
OF
RENDERED SITE PLAN
THE BARN OF CHAPEL HILL
CLASS "B" - SUP
BINGHAM TOWNSHIP
ORANGE COUNTY, N.C.
PHILIP POST
& ASSOCIATES
A Division of Pennoni
Firm License F-1247
ENGINEERS
PLANNERS
SURVEYORS
401 Providence Rd #200
Chapel Hill, NC 27514
919.923.1173
919.493.2600







REVISIONS
1. 10-21-15: PSC REVISIONS.

SCALE: 1" =100'
DRAWN BY: MCH
CHECKED BY: TAS
DATE: 4-2-15
PROJECT NO.: 501303.02
DRAWING NO.: C4505P01

OVERALL SITE, UTILITY & EROSION CONTROL PLAN

THE BARN OF CHAPEL HILL
CLASS "B" - SUP

BINGHAM TOWNSHIP — ORANGE COUNTY, N.C.

NORTH CAROLINA PROFESSIONAL SEAL 030517 ENGINEER TIMOTHY A. SMITH 10-22-15

PHILIP POST & ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
A Division of Pennoni
Firm License P-1087
401 Providence Rd. #200
Chapel Hill, NC 27514
919.929.1173
919.493.2800

SHEET 3 OF 12

Orange County Planning and Inspections Department

SPECIAL USE PERMIT FACT SHEET

The purpose of this fact sheet is to provide a breakdown of Orange County's Special Use Permit submittal and review process.

The information contained herein provides an explanation on the nature of the permit proceedings, the presentation of evidence, burden of proof, what constitutes testimony and who can present evidence, and your rights with respect to challenging a decision to either approve or reject a SUP application.

1. ***What is a Special Use Permit?***

   A Special Use Permit (SUP) is a permit allowing for the establishment of certain uses, in certain districts, that are considered worthy of additional scrutiny in their proposed location. Such uses typically require special review for design, location, and impact on surrounding properties.

   Orange County has 2 different categories of SUP, specifically:

   i. **Class A** reviewed and acted upon by the Board of County Commissioners (BOCC), with a recommendation from the Planning Board, and

   ii. **Class B** reviewed and acted upon by the Orange County Board of Adjustment.

2. ***What is considered a 'Special Use'?***

   A SUP is required for those specific land uses identified within the Orange County Unified Development Ordinance (UDO) Table of Permitted Uses contained within Section 5.2.

   These uses are identified in the UDO's Table of Permitted Uses with an 'A" for Class A SUP and a 'B' for a Class B SUP. Some uses may be permissible in certain districts without restriction (referred to as "uses by right"), but require the SUP in districts where their impact calls for special consideration. Applicants are entitled to be granted a SUP if they can show that specific standards would be met.

3. ***When are such applications reviewed?***

   Review of a SUP application occurs during a previously scheduled and advertised public hearings held by either the BOCC or the Board of Adjustment.

   The review of an application is a carried out in a quasi-judicial process.

   The typical cadence associated with the review of a SUP is broken down in Section 2.7 of the UDO and can be summarized using the following flow chart:

4. ***What does quasi-judicial process mean?***

Quasi-judicial decisions arise in a variety of local government settings.

During a quasi-judicial hearing, the Board (i.e. BOCC or Board of Adjustment) responsible for rendering a decision acts much like a panel of judges. The Board hears factual evidence and sworn testimony presented at the public hearing and then makes a determination on whether the permit can be issued based on the competent, substantial, and material evidence presented.

Put differently a quasi-judicial decision is one that requires the board hearing the matter to find facts and make decisions by applying those facts to the standards in the Unified Development Ordinance.

5. ***Who may speak or present evidence at the public hearing?***

Both individual applicants and those individuals supporting, or opposed to, the application are encouraged to attend. Individuals may represent themselves or be represented by an attorney and they may have expert witnesses testify for them.

The cost for attorneys or expert witnesses is borne by the individual seeking counsel or expert testimony, not the County. The County will not pay for, or reimburse, expenses incurred by an individual in their quest to support or oppose a SUP application.

While not required by State or County regulations, all parties with an interest in a SUP application are strongly advised to have an attorney represent them.

Engineers, architects, real estate agents, planners and other non-attorneys may only appear as expert witnesses; they may not represent an applicant or those opposed to an application.

Only those with standing may speak or present evidence.

6. ***What are the responsibilities of the applicant?***

The applicant bears the ultimate responsibility for producing and submitting competent, substantial, and material evidence for the body reviewing the application to conclude the proposal complies with applicable County regulations.

If they fail to submit evidence demonstrating compliance, the request is denied.

If, however, the applicant proves they comply, and there is insufficient evidence submitted to the board hearing the case demonstrating they do not comply, the applicant is entitled to have the application approved.

7. ***What standards must be met by the applicant?***

All applicants must show compliance with the General Standards for all SUPs, as detailed within Section 5.3.2 of the UDO, and any specific development standards associated within the proposed use.

The General Standards, as contained in Section 5.3.2, read as follows:

> *(a) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;*
>
> *(b) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and*
>
> *(c) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the*

subject. In this case it would not be considered as 'competent' evidence and would be inadmissible.

ii. Substantial evidence: evidence that which a 'reasonable mind' would regard as sufficiently supporting a specific result.

Would this persuade the average person to make a certain conclusion? Does it do more than speculate?

iii. Material evidence: evidence that is relevant to the issue being considered.

For example if a board is reviewing an application for a kennel (i.e. a place where dogs/cats are housed and cared for a period of time) an individual who is opposed may submit documentation denoting noise complaints from other kennels throughout Orange County. This could be construed as 'material evidence'.

Documentation denoting animals have died in kennels throughout the county and, as a result, this specific application should be denied is not relevant to the case at hand as it has no specific relationship to what is being proposed. This would be deemed immaterial evidence and would not be admissible.

As a general rule, anyone with knowledgeable information (i.e. relevant) to the case may provide factual information, but only experts may provide opinion testimony.

Even expert testimony must be competent (i.e. the expert has qualifications relevant to the issue) and material before the decision-making board can rely on it.

Hearsay evidence is testimony that the witness does not know of his or her own personal knowledge, including that which someone else told the witness and the use or introduction of signed petitions and letters.

The board may only hear testimony that focuses on the applicable standards and criteria established in the UDO. Unless they are a qualified expert, witnesses are not competent to testify about the impact of a proposed land use on the value of nearby property, the danger to public safety resulting from increases in traffic or other matters that require special training or expertise like the level of noise that will be generated.

13. ***Can conditions be imposed on a SUP?***

Generally, the board hearing the application may attach conditions to the approval of an SUP as it relates to compliance with applicable standards. For example, a condition may require the applicant to increase the size of a required setback or land use buffer in order to ensure the project complies with that specific standard as detailed within the UDO. The Board cannot impose conditions addressing an issue not related to an existing standard such as establishing hours of operation, color of buildings, etc.

Conditions cannot require the applicant to take action with regard to a piece of property that is not a part of the application being considered, and conditions cannot require the alteration of a special use permit previously issued to a third party.

14. ***Is there a record of the proceedings?***

Complete records must be kept of the hearings. Detailed minutes must be kept noting the identity of witnesses and giving a complete summary of their testimony. Any exhibits presented are retained by the board and become a part of the file on that case. An audio recording of the hearing is also made.

15. ***How are parties notified of the decision?***

The board rendering a decision on the application is required to make a formal decision on the application (i.e. approve or deny) in writing and shall be based on the determination of facts and their application to the specific standards for the particular use and the general standards contained in the

SECTION 2.7: SPECIAL USE PERMITS

2.7.1 Generally

(A) Any use or development designated by applicable zoning district regulations contained within Article 5 as a special use, or as allowed only pursuant to a special use permit (either Class A or Class B), may be established in that district only after the use or development is authorized by a validly issued and recorded special use permit.

(B) This section sets forth required review and approval procedures for submittal, review, and approval of applications for special use permit.

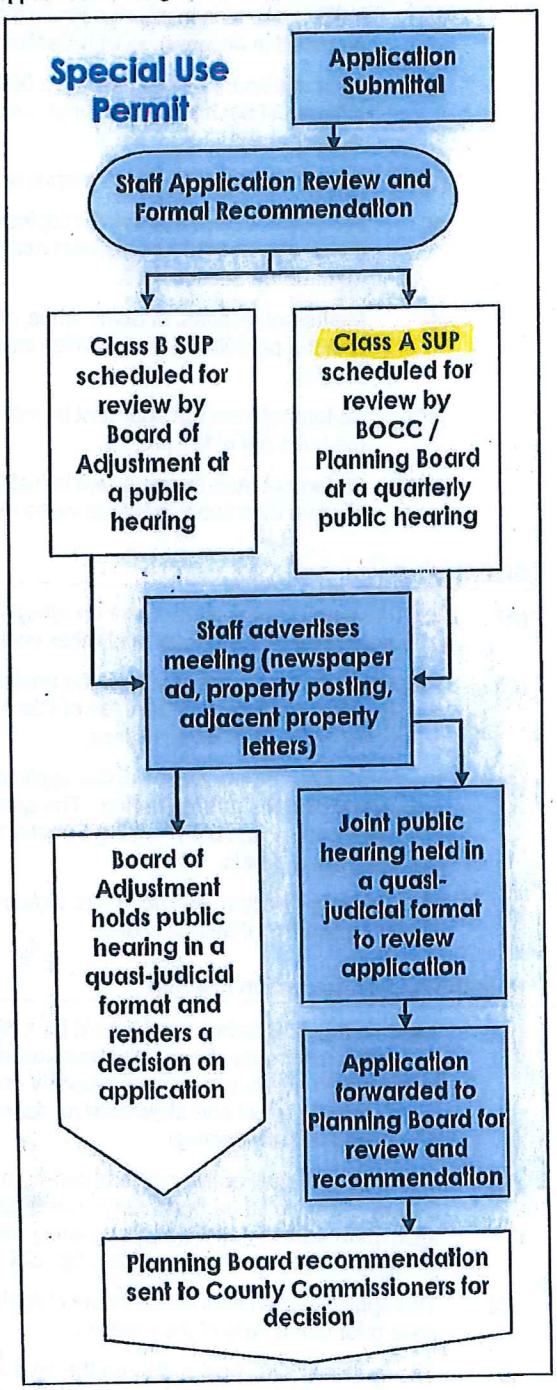
(C) A special use permit authorizes its holder to use or develop a particular parcel of land in a particular way, as specified by the terms and conditions of the special use permit.

(D) A special use permit imposes on its holder the responsibility of ensuring that the authorized use or development continues to comply with the terms and conditions of approval.

(E) Issuance of a special use permit does not relieve the holder of the special use permit of the additional responsibility of obtaining a building permit or any other permit or approval required by any other applicable law.

2.7.2 Review and Approval Flow Chart

The review and approval process for Special Use Permits is shown in the procedure's flowchart.



2.7.3 Application Requirements

(A) Applications for a Special Use shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.

(B) Applications shall include:

(1) A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.

(2) The name(s) and address(es) of the owner(s) of the property involved.

(3) Relevant information needed to show compliance with the general and specific standards governing the Special Use (See Articles 5 and 6).

(4) For Class A Special Uses 26 copies of the site plan, and for Class B Special Uses 10 copies of the site plan, prepared by a registered North Carolina land surveyor, landscape architect, architect, or engineer, which shall contain the information listed in Section 2.5.

(5) If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.14 shall be provided.

(6) A list of all parcels located within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.

(7) Elevations of all structures proposed to be used in the development.

(8) For Class A Special Uses 26 copies and for Class B Special Uses 10 copies of the Environmental Assessment and/or Environmental Impact Statement, if required by Section 6.16.

(9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.

(10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.

(11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum).

2.7.4 Staff Review

(A) The Planning Director shall cause an analysis to be made of the application by qualified representatives of the County and other agencies or officials as appropriate.

(B) The Planning Director shall submit the analysis to the Board of County Commissioners and the Planning Board, in the case of Class A Special Uses, or the Board of Adjustment, in the case of Class B Special Uses.

(C) The appropriate Board reviewing the application shall receive and enter the analysis into evidence during the public hearing. The analysis shall be subject to examination by all interested parties and the Planning Director shall be subject to cross-examination regarding the analysis.

(D) The Planning Director shall not make a recommendation on the general findings detailed within Section 5.3 of this Ordinance

2.7.5 Neighborhood Information Meeting

(A) Before a Public Hearing may be held for a Special Use the applicant is required to schedule a minimum of one neighborhood information meeting. The purpose of the meeting is to obtain surrounding property owner input and comments on the proposed development project and allow staff an opportunity to explain the review process associated with the request.

(B) The applicant shall obtain property owner mailing address information from the Orange County Planning Department, which shall utilize Orange County Land Records data, and shall mail certified notices of the meeting date and time to each property owner within 500 feet of the property for which a Special Use has been requested.

(C) The applicant shall mail notice of the Neighborhood Information Meeting a minimum of 14 days prior to the date of the meeting.

(D) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.

(E) The meeting shall be held a minimum of 45 days prior to the date of the Public Hearing.

(F) Neighborhood information meetings for telecommunication facilities shall be held in accordance with the provisions of Section 5.10.8 (B) (2).

2.7.6 Notice Requirements for Class A Special Use Permits

(A) The Planning Director shall give public notice of the date, time and place of the public hearing to be held to receive comments, testimony and exhibits pertaining to the application for a Special Use.

(B) Such notice shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten days nor more than 25 days prior to the date of the hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

(C) The Planning Director shall post on the affected property a notice of the public hearing at least ten days prior to the date of said hearing.

(D) Written notice shall be sent by certified mail to all adjacent property owners not less than 15 days before the hearing date. Adjacent property owners are those whose property lies within five hundred feet of the affected property and whose names and addresses are currently listed in the Orange County tax records.

2.7.7 Notice Requirements for Class B Special Use Permits

Notice Requirements for Class B Special Use Permits shall follow the procedures in Section 2.12.6.

2.7.8 Nature of Proceedings

(A) The review of Special Use Permit applications shall be conducted during a public hearing by the decision-making board.

(B) The review of a Special Use Permit application is a quasi-judicial process, where the Board responsible for rendering a decision acts much like a panel of judges. The Board hears factual evidence and sworn testimony presented at an evidentiary hearing, and then makes findings of fact supported by competent, substantial, and material evidence.

(C) The chair or presiding officer of the hearing shall swear all parties intending to present evidence or testimony during the hearing.

(D) The chair or presiding officer may take whatever action is necessary to limit testimony to the presentation of new factual evidence that is material to the application, to ensure fair and orderly proceedings, and to otherwise promote the efficient and effective gathering of evidence. Such actions may include:

(1) Barring the presentation of obvious hearsay evidence,

(2) Barring the presentation of non-expert opinion,

(3) Interrupting digressions into immaterial testimony,

(4) Interrupting repetitive testimony,

(5) Reasonably limiting the time allotted each witness or cross-examination,

(6) Providing for the selection of spokespersons to represent groups of persons with common interests,

(7) Interrupting personal attacks, and/or

(8) Ordering an end to disorderly conduct.

(E) Where the Board finds compliance with the general standards, specific rules governing the specific use, and that the use complies with all required regulations and standards,

(C) Where vesting in excess of two years is requested, the project is located in an area where current issues under study do not involve potential amendments to the Comprehensive Plan and/or this Ordinance.

2.7.11 Required Findings

(A) A resolution or motion to approve the application must include the findings of fact and conclusions of law that support the decision. Any proposed conditions of approval must also be included in the resolution or motion to approve the application.

(B) A resolution or motion to deny the application must state findings of fact and conclusions of law that support the decision.

(C) If a resolution or motion to approve the application fails, the application is deemed denied. Those members voting against the resolution or motion must state which of the conclusions of law they could not reach as well as findings of fact on which their inability to reach the conclusions is based.

2.7.12 Conditions of Approval

(A) The Board of County Commissioners or the Board of Adjustment, as appropriate, may impose such reasonable conditions upon approval of a Special Use as will afford protection of the public health, safety and general welfare, ensure that substantial justice is done, and equitable treatment provided.

(B) Conditions shall run with the land and use, and shall be binding on the original applicant(s) as well as all successors, assigns and heirs.

(C) The Special Use Permit shall include a statement that if any condition of a Special Use Permit shall be held invalid or void, then the permit itself shall be void and of no effect.

(D) It shall be stated in the Special Use Permit that the Permit shall automatically expire within 12 months of the date of approval if the use has not commenced or construction has not commenced or proceeded unless a timely application for extension of this time limit is approved by the Board of County Commissioners as provided in Section 2.7.13.

2.7.13 Notification of Board Action

(A) The Planning Director shall send a notice of the relevant Board's action on the application by certified mail to the applicant. A copy of the decision shall be filed in the Planning Department within five business days of the relevant Board's action.

(B) The Planning Director, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the Board's action.

(C) The Planning Director, but not a designee, shall certify that the Special Use Permit with any imposed conditions is as approved by the Board of County Commissioners or Board of Adjustment, as appropriate, with a report provided to the County Manager.

(D) Once the Special Use Permit has been certified, the applicant shall record the permit with the Orange County Register of Deeds in a format prepared by the Planning Director. Failure to do so within 90 days from certification shall invalidate the Special Use Permit.

2.7.14 Time Limits and Extensions

(A) If a request is received before the Special Use permit expires, the Board of County Commissioners, for good cause shown, may extend the expiration deadline six months upon the favorable recommendation of the Planning Board.

(B) The application for an extension request shall be submitted a minimum of six months prior to the expiration of the Special Use Permit.

(C) No changes shall be made to the terms and/or conditions of approval.

(D) Only one approval of a time extension is permitted, and it shall be based on evidence presented by the applicant showing that permits have been pursued in a timely manner, and that delays have resulted from factors beyond the control of the applicant.

(E) For developments which require approval of a Special Use Permit, the applicant may request that the Special Use Permit be vested as a Site Plan for a period of not less than two nor more than five years. For vesting purposes, Site Plans and Preliminary Plats may also be approved as a Special Use Permit at the request of the applicant. See Section 2.5 for information regarding site plans.

2.7.15 Changes to Approved Plans

(A) The Planning Director is authorized to approve minor changes in the approved plans of Special Uses, as long as they are in harmony with action of the approving Board, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the Board having jurisdiction.

(B) The following criteria shall constitute a modification:

(1) Any change in a condition imposed during the approval of a special use permit.

(2) Any change in use or enlargement of approved use.

(3) Any increase in intensity of use. An increase in intensity of use shall be considered to be an increase in usable floor area and/or an increase in the number of dwelling or lodging units.

(4) Structural alterations which significantly affects the basic size, form, style, ornamentation, and/or character of the building as shown on the approved site plan or described in the applicant's narrative.

(5) Substantial change in the amount and/or location of open space, recreation facilities or landscape screening.

(6) Any increase in the size or number of approved signs.

(7) Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved.

(8) Substantial changes in pedestrian and/or vehicular access or circulation.

(9) Any change in a setback required by the provisions of this Ordinance or imposed as a condition of approval.

(10) Any change in the location or extent of street and utility improvements or rights-of-way, including water, sewer and storm drainage facilities, which would provide a different level of service.

(11) For telecommunication facilities, a modification shall also include the following:

(a) An increase in the existing vertical height of the structure by more than:

(i) 10% in the height of the tower, or

(ii) The height of 1 additional antenna with separation from the nearest existing antenna not to exceed 20 feet

(b) A substantial change to the physical dimensions of the wireless support structure which alters facts or conditions relied upon by the County when granting the original permit. It shall be the County's burden to demonstrate that such a scenario constitutes a substantial change to the physical dimensions of the wireless support structure.

(c) The addition of an appurtenance to the body of the telecommunication facility that protrudes horizontally from the edge of the wireless support structure the greater of:

(i) More than 20 feet or

(ii) More than the width of the wireless support structure at the level of the appurtenance.

Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable.

(d) Increasing the square footage of the existing equipment compound by more than 2,500 square feet

(C) The Planning Director shall, before making a determination as to whether a proposed action is a minor change or a modification, review the record of the proceedings on the original application for approval of the Special Use. The determination shall be based upon the request of the applicant, the review of the record of the approval of the original request and the Planning Director's findings under the criteria of subsection (B) above.

(D) The Planning Director shall, if it is determined that the proposed action is a minor change, state the findings in writing to the applicant. The applicant shall file an amended site plan, or written statement, outlining in detail the minor change(s) proposed. The Planning Director shall file the amended site plan or written statement with the approved site plan.

(E) If it is determined that the proposed action is a modification, the Planning Director shall require the applicant to submit a request for modification of the approved special use permit. The following procedures shall be adhered to in the case of a modification:

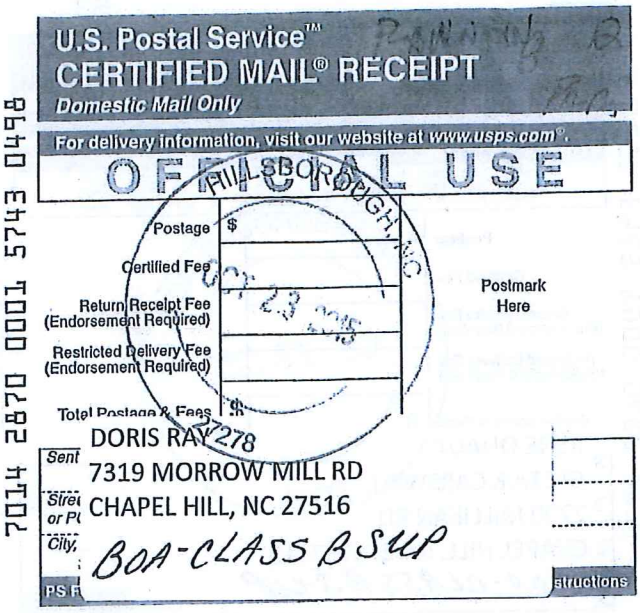
(1) The applicant shall provide an amended site plan and written narrative outlining the specific changes requested.

(2) The Planning Director shall submit the request to the Board that approved the original application.

(3) The Board shall set a public hearing to receive testimony concerning the modification request. Any public hearing called pursuant to a modification of an approved special use permit shall be held in conformity with the relevant public notification requirements contained in this Article.

(4) The Board may approve, approve with conditions, or deny the application for a modification.

(5) The Planning Director shall file the Board's action in the Planning Department as an amendment request to the original application and shall notify the applicant of the Board's action.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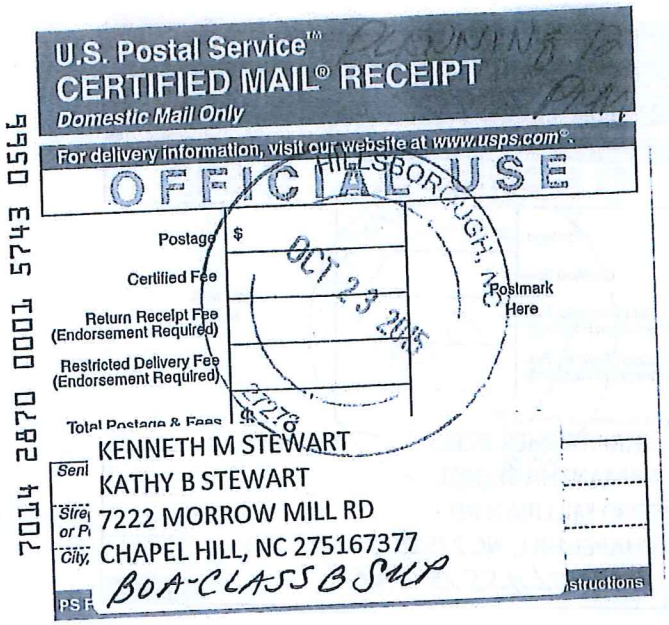
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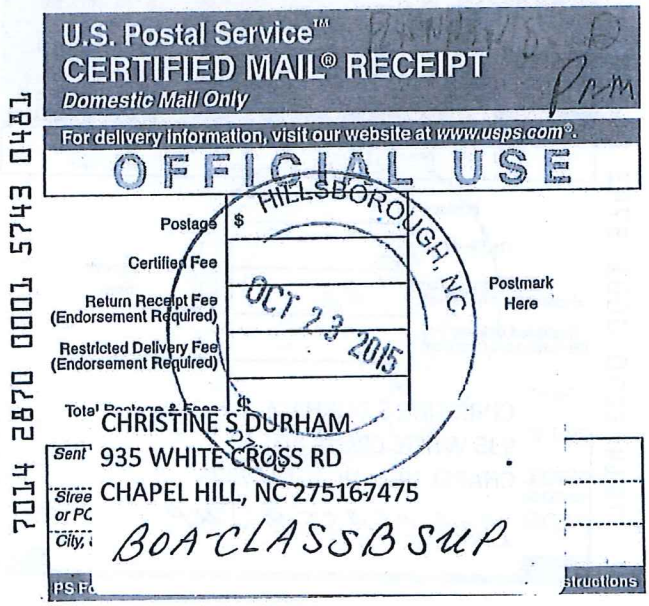
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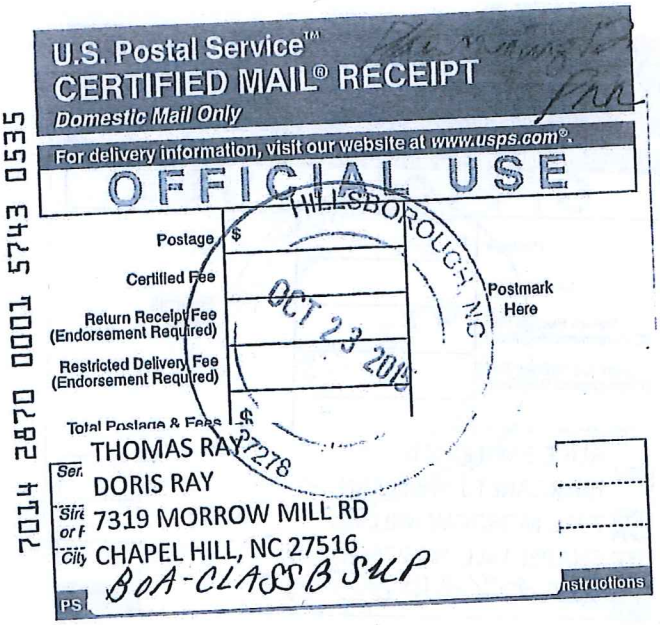
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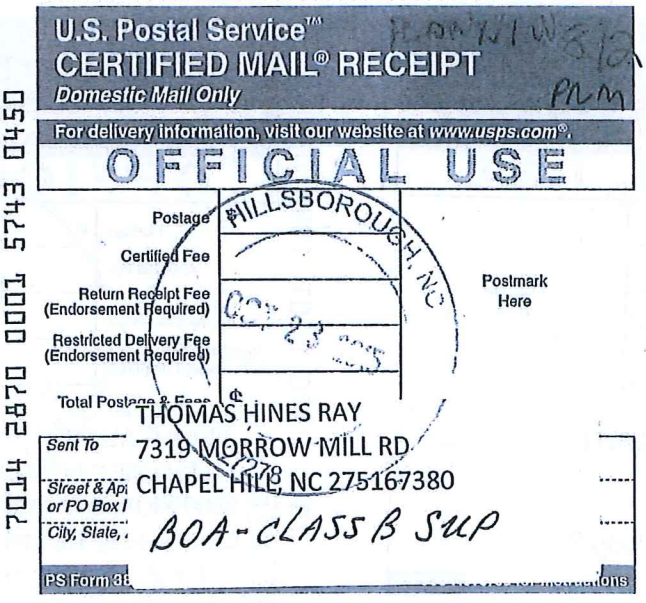
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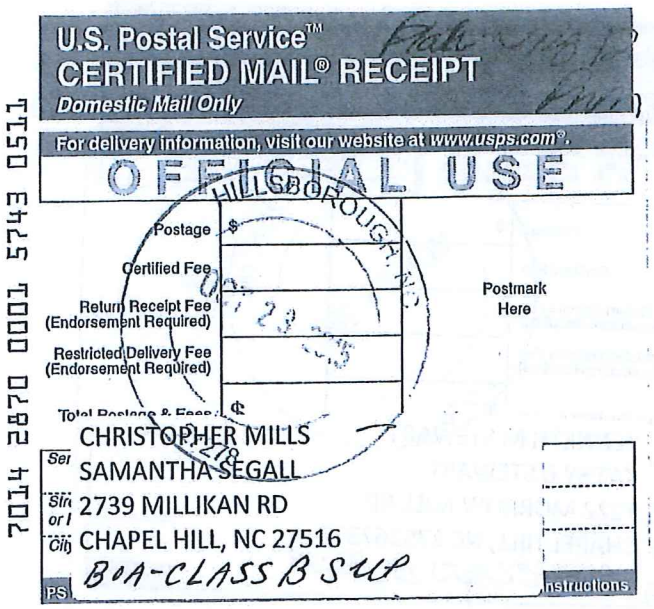
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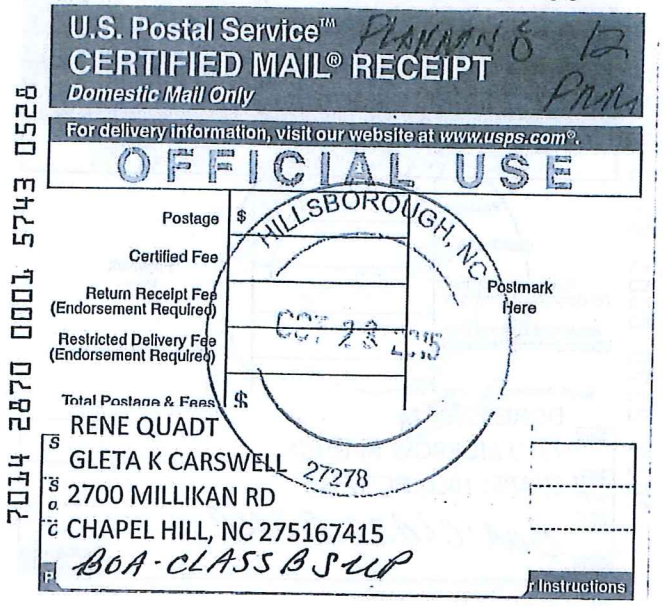
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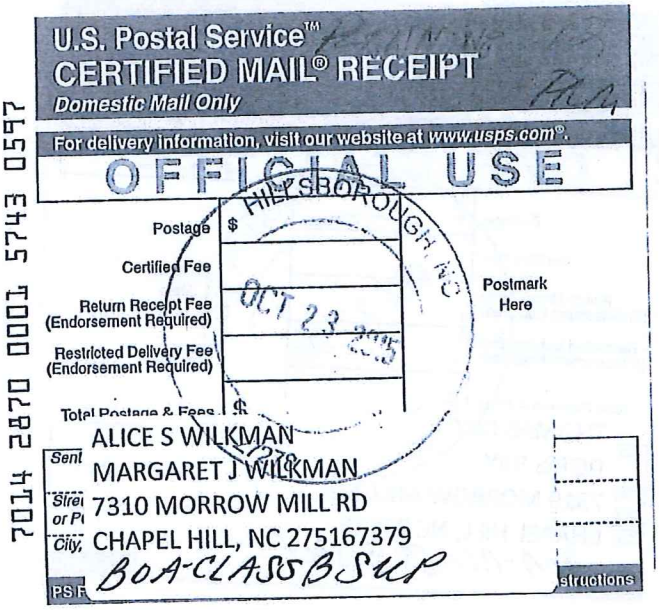
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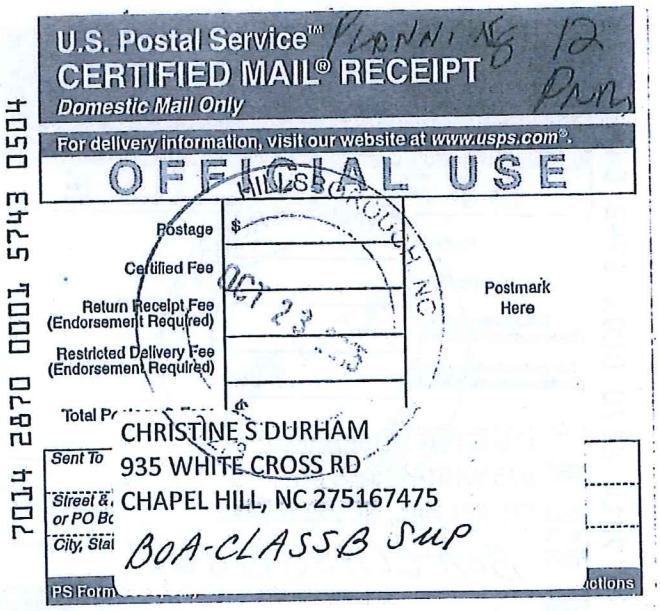
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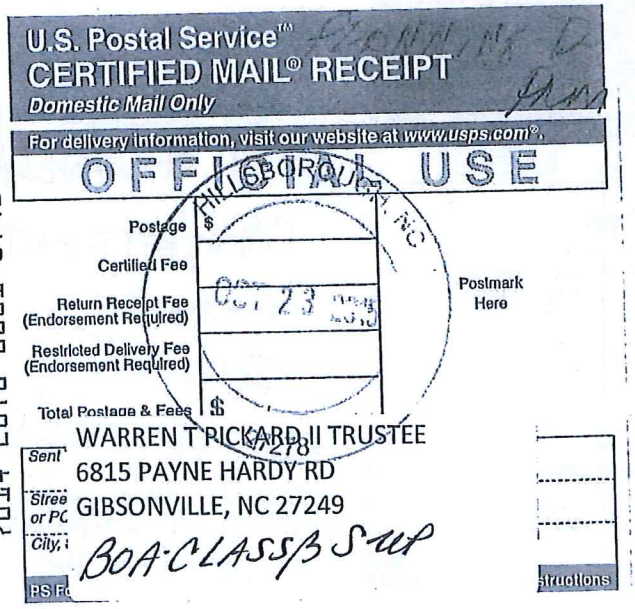
CHRISTINE S DURHAM
935 WHITE CROSS RD
CHAPEL HILL, NC 275167475
BOA-CLASS B SUP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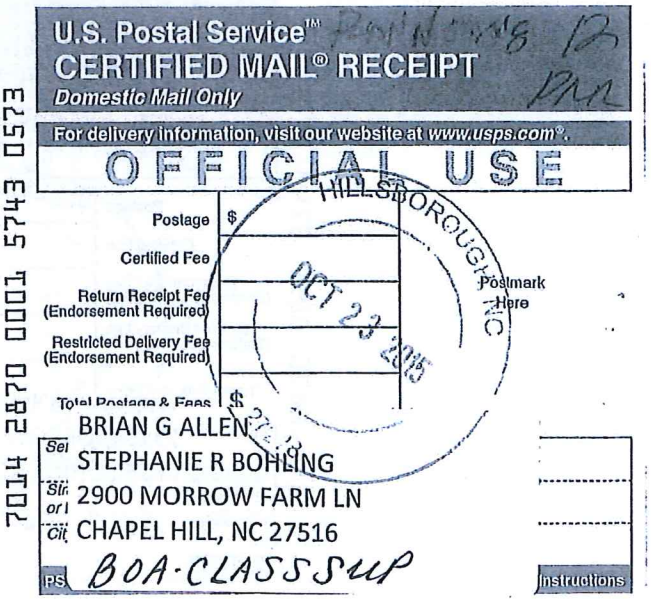
WARREN T RICKARD II TRUSTEE
6815 PAYNE HARDY RD
GIBSONVILLE, NC 27249
BOA-CLASS B SUP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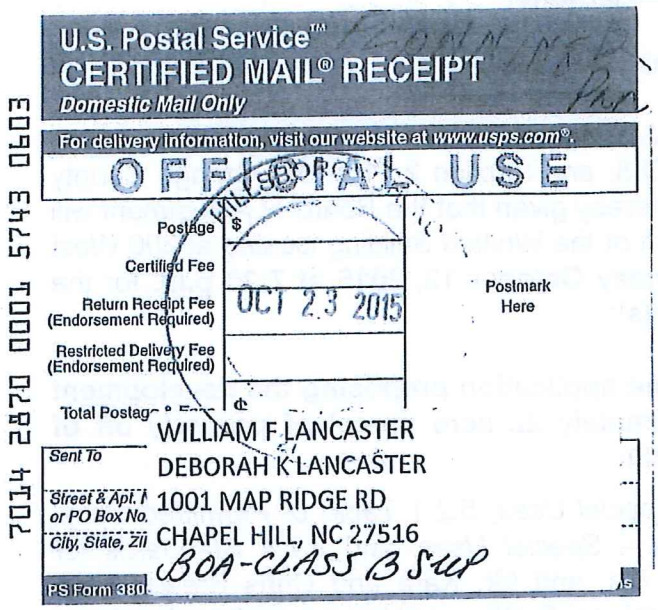
BRIAN G ALLEN
STEPHANIE R BOHLING
2900 MORROW FARM LN
CHAPEL HILL, NC 27516
BOA-CLASS SUP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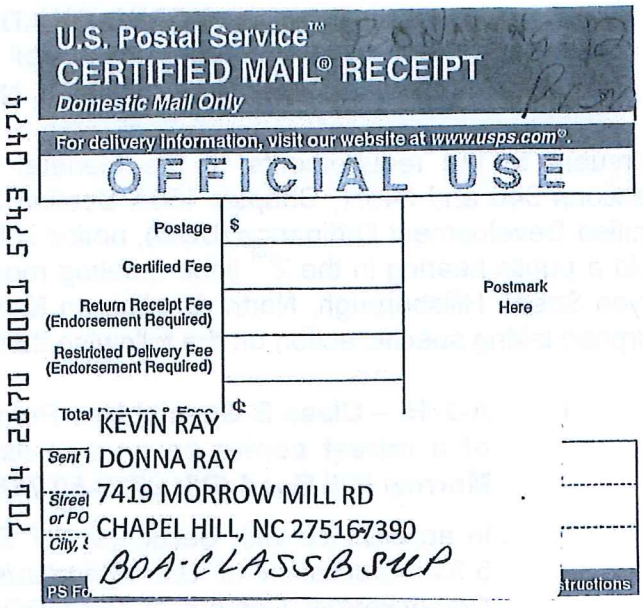
DEBORAH K LANCASTER
1001 MAP RIDGE RD
CHAPEL HILL, NC 27516
BOA-CLASS B SUP
PS Form 3800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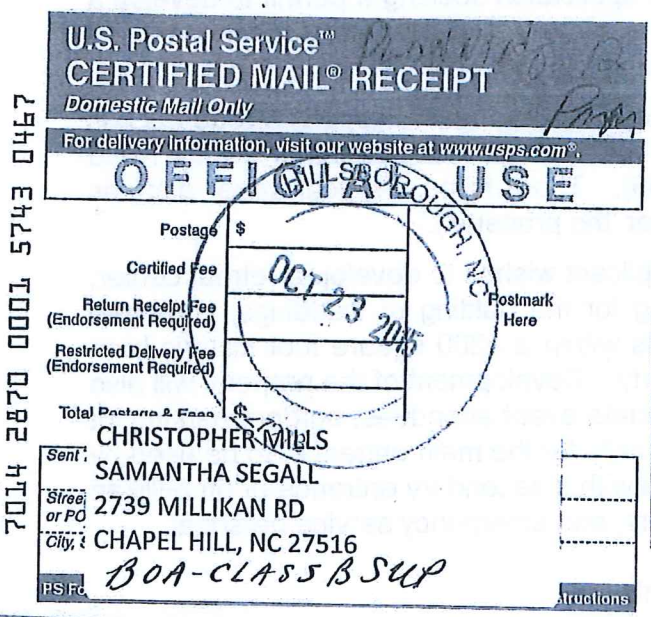
KEVIN RAY
DONNA RAY
7419 MORROW MILL RD
CHAPEL HILL, NC 275167390
BOA-CLASS B SUP
PS Form 3800 Instructions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SAMANTHA SEGALL
2739 MILLIKAN RD
CHAPEL HILL, NC 27516
BOA-CLASS B SUP
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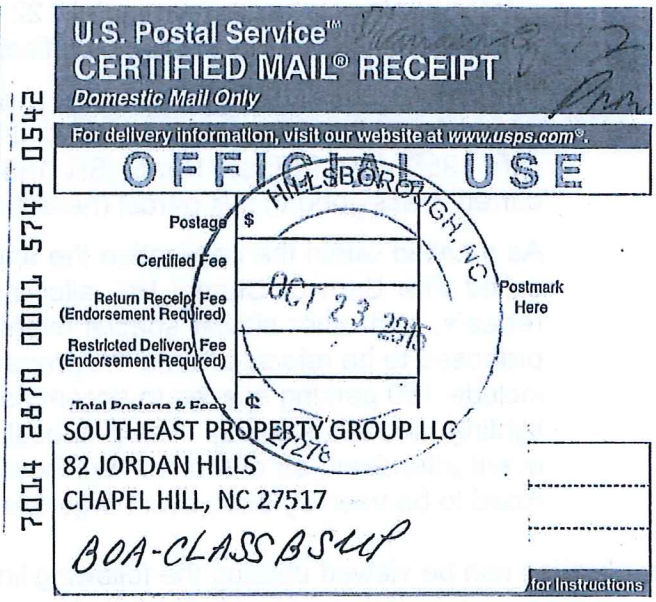
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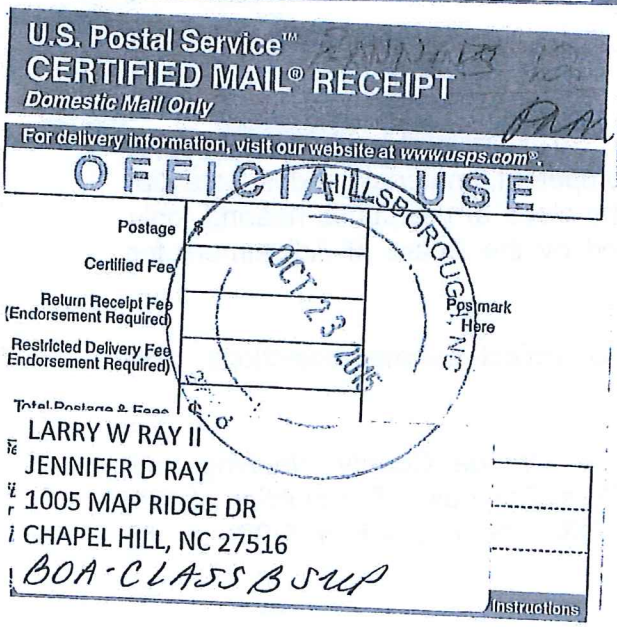
SOUTHEAST PROPERTY GROUP LLC
82 JORDAN HILLS
CHAPEL HILL, NC 27517
BOA-CLASS B SUP
PS Form 3800 for Instructions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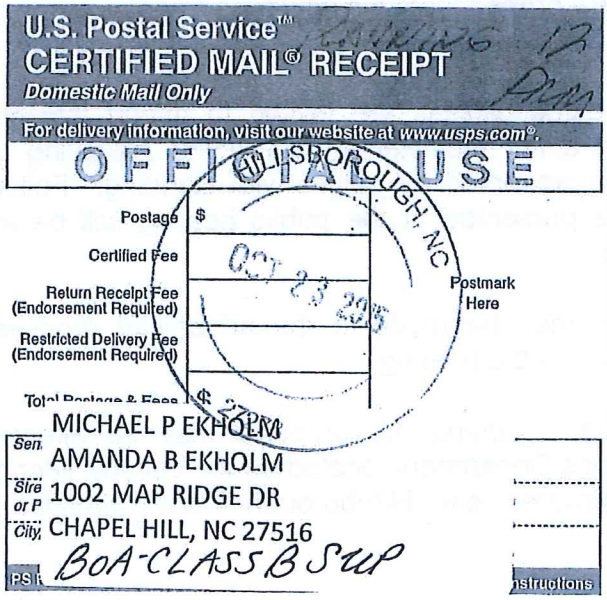
City, State, ZIP+4
LARRY W RAY II
JENNIFER D RAY
1005 MAP RIDGE DR
CHAPEL HILL, NC 27516
BOA-CLASS B SUP
PS Form 3800 Instructions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MICHAEL P EKHOLM
AMANDA B EKHOLM
1002 MAP RIDGE DR
CHAPEL HILL, NC 27516
BOA-CLASS B SUP
PS Form 3800 Instructions

NOTICE OF MEETING
BOARD OF ADJUSTMENT
OF
ORANGE COUNTY, NORTH CAROLINA

Pursuant to the requirements of the General Statutes of North Carolina, Chapter 153A, Sections 340 and 345.1, Chapter 160A Section 388, and Section 2.11 of the Orange County Unified Development Ordinance (UDO), notice is hereby given that the Board of Adjustment will hold a public hearing in the 2nd flood meeting room of the Whitted Building located at 300 West Tryon Street, Hillsborough, North Carolina on **Monday October 12, 2015 at 7:30 p.m.** for the purpose taking specific action on the following item(s):

1. **A-2-15 – Class B Special Use Permit application proposing the development of a retreat center on an approximately 22 acre parcel of property off of Morrow Mill Road (PIN 9729-50-7168):**

   In accordance with Section(s) 2.7 *Special Uses*, 5.2.1 *Table of Permitted Uses*, 5.3.2 *Application of Use Standards – Special Uses*, and 5.7.4 *Standards for Camp/Retreat Centers* of the UDO Ms. and Mr. Kara and Chris Brewer have submitted a Class B Special Use Permit application seeking a permit to develop a retreat center on an approximately 22 acre parcel of property further identified utilizing Orange County Parcel Identification Number (PIN) 9729-50-7168.

   The parcel, currently listed as being owned by Southeast Property Group LLC, is zoned Agricultural Residential (AR) and has frontage along both Morrow Mill Road (SR 1958) and Millikan Road (SR 1959). There is no physical street address currently assigned to this parcel (hereafter 'the property').

   As detailed within the application the applicant wishes to develop a retreat center, called The Barn of Chapel Hill, allowing for the holding of weddings, corporate retreats, and other similar special events within a 4200 square foot historic barn proposed to be relocated onto the property. Development of the property will also include 150 parking spaces to accommodate event attendees, outdoor parking lot lighting, and landscaping. The proposal calls for the main entrance, to be used by event attendees, off of Morrow Mill Road with a secondary entrance of off Millikan Road to be used by staff, event organizers, and emergency service personal.

The application can be viewed utilizing the following link:

http://www.orangecountync.gov/departments/planning_and_inspections/current_interest_projects.php

All interested citizens are invited to attend this hearing. This is a quasi-judicial hearing requiring a fair trial standard including accepting only competent, material, and substantial evidence presented by parties with standing. Following the close of the public hearing, only evidence presented at the public hearing will be examined by the Board of Adjustment for decision.

Changes may be made in the advertised proposal, which reflect debate, objections, and discussion at the hearing.

Questions regarding the proposal may be directed to the Orange County Planning and Inspections Department located on the second floor of the West Campus Office building at 131 West Margaret Lane, Hillsborough, North Carolina, 27278. Office hours are from 8:00 a.m. to

5:00 p.m., Monday through Friday. You may also call 732-8181 (Hillsborough), 688-7331 (Durham) or 967-9251 (Chapel Hill-Carrboro). Please ask for Extension 2575 or 2585. You will be directed to a staff member who will answer your questions.

Craig Benedict, AICP
Planning Director

PUBLISH:

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RAN 28OCT2015
04NOV2015

CHAPEL HILL HERALD
25OCT2015
01NOV2015

Patrick R. Mallett

From: Steve J Kaltenbach
Sent: Monday, September 14, 2015 8:32 AM
To: Patrick R. Mallett
Subject: RE: The Barn of Chapel Hill

No issues, proceed on.

From: Patrick R. Mallett
Sent: Monday, September 14, 2015 8:23 AM
To: Steve J Kaltenbach
Subject: RE: The Barn of Chapel Hill

Thanks Steve. Any issues with proceeding with the SUP and conceptual plan.

From: Steve J Kaltenbach
Sent: Friday, September 11, 2015 4:21 PM
To: Patrick R. Mallett
Subject: The Barn of Chapel Hill

A cursory review of the erosion control plan was done and I have the following comments:

With the Barn of Chapel Hill project the land disturbance is over the thresholds for both erosion control and stormwater.

- Erosion & Sedimentation Control – 20,000 SF
- Stormwater (Commercial) - 21,780 SF

The erosion control plan will need to have a temporary top down dewatering basin instead of the type B sediment trap. The nutrient management tool will need to be calculated for the project to determine if the nutrients are less than the pounds per acre per year that otherwise would require a BMP to treat the nutrients in the runoff. The subject plan from an erosion control and stormwater perspective appears to be manageable.

Steve Kaltenbach

Patrick R. Mallett

From:	Howard W. Fleming
Sent:	Thursday, September 03, 2015 10:45 AM
To:	Michael Harvey
Cc:	Patrick R. Mallett
Subject:	FW: The Barn of Chapel Hill - EC/SW Memo
Attachments:	HWF-OC-E&SC_DAC-Memo(BarnOfCH)082515.doc

Tracking:	**Recipient**	**Read**
	Michael Harvey	
	Patrick R. Mallett	Read: 09/03/2015 12:38 PM

In light of our formal review in DAC today, I have re-reviewed the text and believe the attached memo, issued 08/25/15, can remain as originally issued.

Sincerely,
Howard W. Fleming, Jr., PE
Engineering/Stormwater (Division) Supervisor
Orange County Planning and Inspections Department
131 W. Margaret Lane (P.O. Box 8181)
Hillsborough, NC 27278
(919) 245-2586 (W)
(919) 357-7748 (M)
hfleming@orangecountync.gov

NOTE: Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

From: Howard W. Fleming
Sent: Tuesday, August 25, 2015 2:09 PM
To: Michael Harvey (mharvey@orangecountync.gov)
Cc: Patrick R. Mallett (pmallett@orangecountync.gov); Kevin Lindley; Wesley Poole; Steve J Kaltenbach
Subject: The Barn of Chapel Hill - EC/SW Memo

As requested. See attached.

Sincerely,
Howard W. Fleming, Jr., PE
Engineering/Stormwater (Division) Supervisor
Orange County, NC
(919) 245-2586 (Direct)
(919) 357-7748 (M)

Patrick R. Mallett

From:	Patrick R. Mallett
Sent:	Monday, September 21, 2015 10:55 AM
To:	Kara Brewer (kmbrewer@gmail.com); Tim Smith (tsmith@ppaengineering.com)
Cc:	Michael Harvey
Subject:	FW: DEAPR Memo - The Barn of Chapel Hill
Attachments:	DEAPR comments - The Barn at Ch Hill (9-21-15).doc

Please find the enclosed memo from DEAPR regarding no significant impact and/or historic site related to the Barn of Chapel Hill.

From: Rich Shaw
Sent: Monday, September 21, 2015 10:52 AM
To: Patrick R. Mallett
Cc: Peter Sandbeck
Subject: RE: DEAPR Memo - The Barn of Chapel Hill

Patrick – here is a memo for *The Barn of Chapel Hill* project.

We'll get back to you shortly on the Henderson Woods. I need to check to see what we said prior, and whether anything has changed.
Rich

Rich Shaw, Land Conservation Manager
Orange County
Department of Environment, Agriculture, Parks and Recreation

306A Revere Rd / PO Box 8181 / Hillsborough NC 27278 / 919-245-2514 / http://www.co.orange.nc.us

ORANGE COUNTY

Department *of* Environment,
Agriculture, Parks & Recreation

MEMORANDUM

To: Patrick R. Mallett, *Planner II*
Orange County Planning & Inspections Department

From: Rich Shaw, *DEAPR Land Conservation Manager*
Peter Sandbeck, *DEAPR Cultural Resources Coordinator*

Date: September 18, 2015

Re: The Barn of Chapel Hill - Class B Special Use Permit Application

Thank you for the opportunity to review the proposal for a retreat center on a 22-acre parcel off Morrow Mill Road in Bingham Township. Our comments are based on an examination of the application for a Class B special use permit that you provided, along with the application for environmental assessment prepared by the applicant and a set of plans for the development.

The applicant wishes to develop a retreat center, "The Barn of Chapel Hill," for hosting wedding celebrations, corporate retreats, and other similar events within a 4,200-square-foot, 19th century barn that the owners intend to relocate from New York to the subject property. The development would include 150 parking spaces, outdoor parking lot lighting, and landscaping.

* * * * * * * * *

DEAPR staff completed the following assessment of the natural and cultural resources known to exist on or adjacent to The Barn of Chapel Hill property (PIN 9729-50-7168).

Natural Resources: There is no significant natural heritage area (SNHA) known to exist on or adjacent to the subject property. Moreover, the plan appears consistent with the County's desire to minimize adverse environmental impacts with respect to the protection of floodplains, wetlands, natural areas and wildlife habitat. DEAPR's database showed there are no significant natural resource areas (e.g., natural heritage sites, proposed wildlife corridors, prime forest) located on the property.

Cultural Resources: There are no previously identified historic properties or resources located on the subject parcel. A nearby parcel includes the Pickard Log house (OC 1113); however that site will not be adversely affected by this proposed barn project. As with any development, care should be taken to locate, identify and protect any potential human burial sites or cemeteries. The current Cemetery Census does not show any identified burials on this parcel.

If you have questions please contact Rich at 919-245-2514 or Peter at 919-245-2517.

Patrick R. Mallett

From: Jason Shepherd
Sent: Monday, October 19, 2015 3:08 PM
To: Patrick R. Mallett
Subject: Barn of Chapel Hill

Patrick,

I have no issues with the proposed facility. I will however, need a full set of construction drawings and declaration of use to make an interpretation on code for construction purposes.

Thank you,

Jason

Jason B. Shepherd
Orange County Fire Marshal
Orange County Emergency Services
Fire Marshal Division
510 Meadowlands Drive, Hillsborough NC 27278
P.O. Box 8181, Hillsborough NC 27278
Office (919) 245-6151
Cellular (919) 257-8316
Fax (919) 732-8137
jshepherd@orangecountync.gov

Patrick R. Mallett

From: John Kase
Sent: Monday, October 19, 2015 1:37 PM
To: Patrick R. Mallett
Subject: FW: Kara Brewer pre-development meeting

From: John Kase
Sent: Wednesday, August 12, 2015 9:55 AM
To: Patrick R. Mallett
Subject: Kara Brewer pre-development meeting

Patrick-

After listening to Miss Brewer describe her project and reviewing her proposed site plan, there are no apparent limitations for her project pertaining to onsite-wastewater readily apparent at this time. Please let me know if you need additional information.

John Kase
Environmental Health Supervisor
Phone: 919.245.2374 / Fax: 919.644.3006
Website: http://orangecountync.gov/envhlth/index.asp

ORANGE COUNTY
HEALTH DEPARTMENT
Improving health. Inspiring change.

Please tell us how we are doing by taking this very quick survey. We appreciate your comments.
https://www.surveymonkey.com/s/ehsurvey2014-2015

Patrick R. Mallett

From:	Jeff Scouten
Sent:	Tuesday, August 11, 2015 12:25 PM
To:	Timothy A. Smith (tsmith@ppaengineering.com)
Cc:	Patrick R. Mallett
Subject:	The Barn of Chapel Hill SUP
Attachments:	SWM Plan.doc; OCSW Design Guidelines 7-14-15.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

Tim:
I met your client, Kara Brewer at the pre-development meeting this morning for the subject project and although I briefly went over our plan requirements with her, I thought I'd go ahead and reach out to you directly.
We would have no objection to the granting of the SUP conditioned upon the following conditions being satisfactorily addressed:

1. Solid Waste Management Plan – This document (attached) must be filled out and returned to me for review and approval.
2. Refuse & Recycling Enclosure – Must be designed and built according to OCSW design standards (copy attached) and a detail must be placed on the plans.
3. Provisions for the recycling of corrugated cardboard – The applicant may choose to provide a dedicated bulk container (dumpster) for cardboard or take it to one of the County's recycling/convenience centers. If a dumpster is used please show that on the plan otherwise add a note on the plan stating that the cardboard will be taken to an Orange County recycling/convenience center.
4. Please make sure that there is adequate space to allow for collection trucks to access the garbage and recycling containers and to turn around without any trouble. The turning radii for collection trucks is on the attached Design Guidelines and I can provide turning radius templates if you want them.
5. This project *may* qualify for food waste recycling collection. Contact Kristina Witosky at 919-968-2788 x224 or kwitosky@orangecountync.gov for more information if there is interest in this.
6. Add the following construction notes to the site plan sheet:

   Construction Waste:

   - All existing structures 500 Square Feet and larger in size shall be assessed prior to demolition to ensure compliance with the County's Regulated Recyclable Materials Ordinance (RRMO) and to assess the potential for de-construction and/or the re-use of salvageable materials.
   - By Orange County Ordinance, clean wood waste, scrap metal, and corrugated cardboard present in construction or demolition waste must be recycled.
   - By Orange County Ordinance, all haulers of mixed construction and demolition waste that includes any regulated recyclable materials shall be licensed by Orange County.
   - Prior to any demolition or construction activity on the site the Applicant shall hold a pre-demolition/pre-construction conference with the Solid Waste staff. This may be the same pre-construction meeting held with other development/enforcement officials.

When you have made these plan changes and completed filling out the Solid Waste Management Plan document, please send them to me as PDF e-mail attachments for final review and approval.
If you have any questions or wish to discuss this matter further, please let me know.
Thanks.

Jeff Scouten
Environmental Enforcement Supervisor

MEMORANDUM

TO: MICHAEL HARVEY, PLANNER III/SUPERVISOR CURRENT PLANNING, ORANGE COUNTY PLANNING & INSPECTIONS

FROM: JEFF SCOUTEN, ORANGE COUNTY SOLID WASTE MANAGEMENT

SUBJECT: THE BARN AT CHAPEL HILL SUP SITE PLAN REVIEW – PLANS DATED 4/1/15 AND SEALED 6/16/15

DATE: SEPTEMBER 4, 2015

I have completed my review of the subject plans and I offer the following comments that must be satisfactorily addressed before I can offer my recommendation for approval:

- Solid Waste Management Plan – This document (a copy of which will be attached to the e-mail transmitting these comments to you) needs to be completed and returned to me for review and approval.
- Mixed Recycling – If alcohol will be served, before the ABC license can be issued, the applicant must certify and have confirmed in writing that they have either contracted for the collection of mixed recyclables or requested collection of same by Orange County.
- Standard Notes – The following standard notes shall be placed on the plans in a prominent location:

  Construction Waste:

  1. All existing structures 500 Square Feet and larger in size shall be assessed prior to demolition to ensure compliance with the County's Regulated Recyclable Materials Ordinance (RRMO) and to assess the potential for de-construction and/or the re-use of salvageable materials.
  2. By Orange County Ordinance, clean wood waste, scrap metal, and corrugated cardboard present in construction or demolition waste must be recycled.
  3. By Orange County Ordinance, all haulers of mixed construction and demolition waste that includes any regulated recyclable materials shall be licensed by Orange County.
  4. Prior to any demolition or construction activity on the site the Applicant shall hold a pre-demolition/pre-construction conference with the Solid Waste staff. This may be the same pre-construction meeting held with other development/enforcement officials.
  5. The presence of any asbestos containing materials ('ACM') and/or other hazardous materials in construction and demolition waste shall be handled in accordance with any and all local, state, and federal regulations and guidelines.

Thanks for the opportunity to review and comment on this plan and let me know if you have any questions or wish to discuss this matter further.

MEMORANDUM

TO: PATRICK MALLETT, PLANNER II, ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

FROM: JEFF SCOUTEN, ORANGE COUNTY SOLID WASTE MANAGEMENT

SUBJECT: THE BARN AT CHAPEL HILL SUP PLAN REVIEW COMMENTS – PLANS DATED 4/2/15 AND REVISED THROUGH 10/21/15

DATE: OCTOBER 26, 2015

I have completed my review of the subject revised plans and the Solid Waste Management Plan document and find them both to be in compliance with our design guidelines and requirements.

As such, I would have no objection to the approval of the Class B SUP application for this project.

Please be advised that at such time as the final construction plans are submitted for this project, I will need to review and approve them as well.

Thanks for the opportunity to review and comment on this application and let me know if you have any questions or wish to discuss this matter further.

Patrick R. Mallett

From: Michael Harvey
Sent: Tuesday, October 27, 2015 8:09 AM
To: Patrick R. Mallett
Subject: FW: Request for review/comment

Michael D. Harvey AICP, CFM, CZO
Current Planning Supervisor – Planner III
Orange County Planning Department
131 West Margaret Lane
PO Box 8181
(919) 245-2597 (phone)
(919) 644-3002 (fax)

Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

From: Sheriff Charles Blackwood
Sent: Monday, October 26, 2015 5:16 PM
To: Michael Harvey
Subject: RE: Request for review/comment

Michael D. Harvey AICP, CFM, CZO
Current Planning Supervisor – Planner III
Orange County Planning Department
131 West Margaret Lane
PO Box 8181

Dear Mr. Harvey,

The proposed project off of Morrow Mill Road will not create an adverse effect to our law enforcement operations nor would we need to create any unique policies or procedures as a result of the project being approved. In the event that the venue may be required to provide additional security by order of the Orange County Fire Marshall, it would be the responsibility of the venue to provide that additional security and we would be able to respond to those required needs. As with other similar venues in the county, we generally don't see an increased number of calls as a result of their operations.

Respectfully,

Sheriff Charles S. Blackwood

Patrick R. Mallett

From: Michael Harvey
Sent: Monday, September 14, 2015 10:45 AM
To: Dwane Brinson
Cc: Patrick R. Mallett; Craig Benedict
Subject: RE: Request for review/comment

Understood. I appreciate your comments.

In this specific instance the property is a farm from a land use permitting perspective only because there is a farm number issued by the Department of Agriculture. This does not impact the present use value program or the work the property owner would have to do to qualify under PUV standards.

We will keep your Department in the loop on the project and provide more detail when it becomes available.

Thanks again.

Michael D. Harvey AICP, CFM, CZO
Current Planning Supervisor – Planner III
Orange County Planning Department
131 West Margaret Lane
PO Box 8181
(919) 245-2597 (phone)
(919) 644-3002 (fax)

Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

From: Dwane Brinson
Sent: Monday, September 14, 2015 10:43 AM
To: Michael Harvey
Subject: RE: Request for review/comment

Michael,

Based on our review of the property, its qualification for the Present Use Value (PUV) program would be questionable. We do not see enough woodland and not enough agricultural land for it to qualify. The requirements are 20 acres and 10 acres in actual production, respectively. Horticulture use calls for only 5 acres in actual production. Even though the property could possibly have 5 acres in horticulture production, the underlying ownership could present a problem. Also, the property would not be able to qualify for PUV until it has three years of income from production, i.e. 2020.

As for the retreat center, there are some ways its taxable value could be reduced. (1) it may be possible that it could end up in the hands of a non-profit that would complete exempt it as a retreat, and (2) the BOCC could designate the 19th century building as a historic landmark thereby requiring us to assess it at 50% of its market value.

Without seeing the final product, application, etc. this email is hypothetical and serves only as information given what we know at this time.

T. Dwane Brinson, CAE
Orange County Tax Administrator
228 S. Churton Street
Hillsborough, NC 27278
(919) 245-2726 (direct)
(919) 644-3091 (fax)

From: Michael Harvey
Sent: Friday, September 04, 2015 12:13 PM
To: Sheriff Charles Blackwood; James Groves; Jason Shepherd; Chuck Edwards (cnedwards@dot.state.nc.us); 'Jones, DeAngelo J' (djjones1@ncdot.gov); Dwane Brinson; Alan Clapp; John Kase; Chief Phillip Nasseri
Cc: Craig Benedict; Patrick R. Mallett; Rachel McCook; James Bryan
Subject: Request for review/comment

To all parties: staff is commenced a review of a Class B Special Use Permit proposing the development of a retreat center on a 22 acre parcel of property off of Morrow Mill Road in the Bingham Township of Orange County. As part of our review of this project we are soliciting your comments on the proposal in the following specific areas of concern:

1. Sheriff's Office: Per Section 5.3.2 (B) of the County Unified Development Ordinance (UDO) we need a statement from you commenting on the '*method and adequacy of police, fire, and rescue squad protection*'. We need to know if the Sheriff's office can serve the project with respect to public safety calls and/or if the proposed access (denoted on the site plan) is appropriate for your use. This statement should also contain language indicating if the project will represent a service problem for the County and require additional resources if approved.

   As part of this review, and to address some concerns we have already received on the project from surrounding property owners, Planning staff requests documentation on the following:

   a. Records, if any, of disturbance calls from similar retreat/wedding facilities in the general area such as:

      i. Rigmore House (5505 NC Highway 54 West) ;
      ii. Barn of Valhalla (1050 Duffy's Way) ;
      iii. Snipes Farm (Snipes Farm Road/Jo Mac Road) ;
      iv. Maple View Agriculture Center (3100 Dairyland Road) ;
      v. The Aqueduct Conference Center (off of Mt. Carmel Church Road)

      concerning noise, trespass, vandalism, public nuisance, etc.

   b. Records, if any, of incidents of drunk driving associated with events held at these facilities. A concern we keep hearing is that people will get drunk at weddings held at this facility and try to drive endangering local motorists and property owners.

2. Emergency Services/White Cross Volunteer Fire: Per Section Per Section 5.3.2 (B) of the County Unified Development Ordinance (UDO) we need a statement from you commenting on the '*method and adequacy of police, fire, and rescue squad protection*'. We need to know if Orange County Emergency Services and/or White Cross Volunteer Fire Department can serve the project with respect to emergency calls (i.e. rescue, fire, etc.). We also would like to know if there is a need for the applicant to augment public safety concerns with the installation of a fire pond (for example).

3. NC DOT: Per Section 5.3.2 (B) of the County Unified Development Ordinance (UDO) we need a statement from you commenting on the '*method and adequacy of vehicular access*'. What I need from you is a memo detailing if the proposed driveways are of sufficient size to accommodate ingress/egress to and from the site. If possible I also need to assessment of the current carrying/design capacity of Morrow Mill Road and Millikan Road and if

the project will require modification of the existing road network or if existing traffic volumes can accommodate the development of the project.

As staff understands the situation 'customers' (i.e. event attendees) will be entering/exiting the site from Morrow Mill Road. There will be a driveway off of Millikan Road for deliveries and service vehicles.

4. Environmental Health: Per Section 5.3.2 (B) of the County Unified Development Ordinance (UDO) we need a statement from you commenting on the *'method and adequacy of waste water treatment'*. A soil scientist has determined an area of the property as being suitable to support a septic system for the project. What I need is a memo identifying the basic system parameters for the proposed center and if you all have any concerns.

   I realize the applicant has probably not applied for a permit yet but any guidance you can offer will be appreciated.

5. Tax Office: Dwane we need your help addressing a local citizen's concerns over how a retreat facility is taxed.

   While the applicant is seeking a Special Use Permit to commence operations there is a possibility an argument can and will be made the facility is part of a farm operation (a farm number has been issued for the property) and, as a result, exempt from our permit review and approval process altogether.

   While that matter is being debated we want to provide a response to several local property owners on how a retreat center, located on a farm specifically, would be viewed from a tax assessment perspective. This is to ensure we are providing the correct response to several local residents who have expressed concern that if the project does become a farm use the 'commercial component' would be taxed appropriately.

Thank you all in advance for your assistance in this review. If comments can be provided by **5:00 p.m. Friday September 18, 2015** we would be appreciative. Staff can provide paper copies of attached materials if that would aid in your review.

If anyone has any questions you can reach me at my number below or Mr. Patrick Mallett at (919) 245-2577

Michael D. Harvey AICP, CFM, CZO
Current Planning Supervisor – Planner III
Orange County Planning Department
131 West Margaret Lane
PO Box 8181
(919) 245-2597 (phone)
(919) 644-3002 (fax)

Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

REQUIREMENT	UDO	SUPPORTING EVIDENCE	Staff	BOA
APPLICATION COMPONENTS				
Proper forms	2.2	Application (Attachment 2)	Yes	
Fees paid	2.2.4(D)	Staff Testimony	Yes	
Full description of use • Location • Appearance • Operational characteristics	2.7.3(B)(1)	Application (Attachment 2) (Site plan)	Yes	
Owner Information	2.7.3(B)(2)	Application (Attachment 2) (Site plan)	Yes	
Information needed for Use Standards	2.7.3(B)(3)	Application (Attachment 2) (Site plan)	Yes	
Site Plans (10 copies for Class B; 26 for Class A)	2.7.3(B)(4)	Application (Attachment 2) (Site plan)	Yes	
Preliminary Subdivision Plat (if necessary)	2.7.3(B)(5)	[No subdivision proposed.]	N/A	
List of parcels within 500 feet	2.7.3(B)(6)	Application (Attachment 2 and 3)		
Elevations of all structures	2.7.3(B)(7)	Application (Attachment 2) (Site plan)		
Environmental Assessment (or EIS) • Topography • Drainage issues • Natural or Cultural resources • Mining • Hazardous Wastes • Wastewater treatment • Water usage	2.7.3(B)(8)	Permitting for the project shall be completed through the State	N/A	
Method of Debris Disposal	2.7.3(B)(9)	Application (Attachment 2) (Site plan)	Yes	
Development Schedule	2.7.3(B)(10)	Application (Attachment 2) (Site plan)	Yes	
Extended Vesting Request	2.7.3(B)(11)	Not requested	N/A	
NOTIFICATION REQUIREMENTS				
Public Notice • Date • Time • Place	2.7.5(a)	Application (Attachment 3)	Yes	
Published in Newspaper • Two successive weeks • First notice at least ten days prior but no more than twenty-five days prior	2.7.5(b)	Staff Testimony The legal ad was published in the News of Orange on *October 28,* 2015 and again on *November 4, 2015*	Yes	
Sign Posting on Property (at least 10 days prior)	2.7.5(c)	Staff Testimony posted sign on *October 27, 2015*	Yes	
Mailed Notice • Certified mail • All adjacent property owners (within 500 ft) • Not less than fifteen days prior	2.7.5(d)	Application (Attachment 3)	Yes	

Attachment 5

**FINDINGS OF THE ORANGE COUNTY BOARD OF ADJUSTMENT
PERTAINING TO A REQUEST SUBMITTED BY
KARA BREWER (SOUTHEAST PROPERTY GROUP LLC) – THE BARN OF CHAPEL HILL
PROPOSING DEVELOPMENT OF A CAMP/RETREAT CENTER
ON A PARCEL OF PROPERTY OFF OF MORROW MILL AND MILLIKAN ROAD(S)**

(PIN 9729-50-7168)

As required under Section 5.2 *Table of Permitted Uses* of the Orange County Unified Development Ordinance (UDO), a Class B Special Use Permit is required for the development/operation of a camp/retreat center, in accordance with the provisions of Section 2.7 of the UDO. Such permits shall comply with general and specific standards as set forth in Section(s) 5.3.2 and 5.7.4 of the UDO.

Section 5.3.2 (A) (2) of the UDO requires written findings certifying compliance with the following:

(1) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;

(2) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and

(3) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners;

In addition, the Board shall make findings certifying that the application is complaint with the following specific standards:

(1) Specific standards for the submission of Special Use Permit applications as outlined within Section(s) 2.2 and 2.7 of the UDO,

(2) Specific regulations governing the development of a camp/retreat center as set forth in Section 5.7.4 of the UDO,

(3) Section 5.3.2 (B) relating to the method and adequacy of the provision of:

a. Sewage disposal facilities,
b. The adequacy of police, fire, and rescue squad protection, and
c. The adequacy of vehicular access to the site and traffic conditions around the site

(4) The general findings outlined within Section 5.3.2 (A) (2).

Listed below are the findings of the Orange Planning staff regarding the application in question. The findings have been presented by Article and requirement to assist the Board of Adjustment in its deliberations.

REQUIREMENT	UDO	SUPPORTING EVIDENCE	Staff	BOA
SPECIFIC STANDARDS				
Waste Disposal Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	5.3.2(B)(1)	Staff's abstract – Attachment 4 Both Environmental Health and Solid Waste have indicated they have no concerns. Conditions are recommended to require Health Permit and Solid Waste Permit as part of development process.	Yes	
Safety Method and adequacy of police, fire and rescue squad protection.	5.3.2(B)(2)	Staff's abstract – Attachment 4 Conditions are recommended requiring fire marshal to review and approve building plans as part of development process.	Yes	
Vehicle Access Method and adequacy of vehicle access to the site and traffic conditions around the site.	5.3.2(B)(3)	The submitted site plan shows access points. There will not be an appreciable traffic increase in the area associated with the development of the retreat center.	Yes	

REQUIREMENT	UDO	SUPPORTING EVIDENCE	Staff	BOA
STANDARDS for Camp/Retreat Center 5.7.4				
Site Plan A site plan prepared in accordance with Section 2.5, also showing the following (existing or proposed): (i) Buildings, (ii) Campsites, (iii) Storage areas, (iv) Fencing and gates, (v) Outdoor recreation areas (vi) Access road(s) to the site, as well as on site roads, with an indication of type of proposed surface.	5.7.4(A)(1)(a)	Application (Attachment 2) (Site plan)	Yes	
A description of the type of facility planned, the size, capacity, and use of proposed buildings; a signed statement from the owners or operators that there shall be no activity allowed that will have adverse effects on adjacent property. The statement shall also include a complete list of all recreational activities that will take place on the site.	5.7.4(A)(1)(b)	Application (Attachment 2) (Site plan)	Yes	
A phasing plan, when necessary, indicating the area to be developed in each phase with time periods for construction of each phase. This may be indicated on the site plan.	5.7.4(A)(1)(c)	Applicant not proposing a phasing plan	N/A	
Standards of Evaluation Unless public sewer is proposed to be extended, the adequacy for the method of sewage disposal will be determined by the lot size and soil suitability. Appropriate letters from the Orange County Environmental Health Department, local jurisdictions and/or the State Division of Environmental Management shall be submitted to indicate preliminary approval.	5.7.4(A)(2)(a)	Application (Attachment 2) (Site plan) Attachment 3	Yes	
The site plan shall show the distances to the nearest residential structures.	5.7.4(A)(2)(b)	Application (Attachment 2) (Site plan)	Yes	

REQUIREMENT	UDO	SUPPORTING EVIDENCE	Staff	BOA
The landscape plan shall show how the facilities will be screened from the adjacent properties. A minimum 30 foot Type B buffer, as indicated in Section 6.8 shall be observed around the perimeter of the property.	5.7.4(A)(2)(c)	Application (Attachment 2) (Site plan)	Yes	
If private recreational facilities are proposed, the improvements must meet the site improvement requirements in Section 7.11 of this Ordinance. The site plan for recreational facilities shall be reviewed by the Orange County Recreation and Parks Director.	5.7.4(A)(2)(d)	Not applicable. Private rec facilities not proposed	N/A	
Off street parking requirements shall be provided in accordance with Section 6.9 of this Ordinance.	5.7.4(A)(2)(e)	Application (Attachment 2) (Site plan)	Yes	

REQUIREMENT	UDO	SUPPORTING EVIDENCE	Staff	BOA
SPECIFIC STANDARDS				
In accordance with Section 5.3.2 (A) (2), the Board of Adjustment shall also consider the following general conditions before the application for a Special Use can be approved. **NOTE**: Planning Staff does not provide a recommendation on these items as the Board is expected to act based on the sworn testimony provided at the hearing. Staff is providing a brief synopsis of the information contained within the submittal the applicant argues demonstrates compliance for reference purposes only.				
The use **(will / will not)** maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.	Section 5.3.2 (A) (2) (a)	Application package inclusive (Attachment 2 and Site Plan)	N/A	
The use **(will / will not)** maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property).	Section 5.3.2 (A) (2) (b)	Application package inclusive (Attachment 2 and Site Plan)	N/A	
The location and character of the use, if developed according to the plan submitted, **(will / will not)** be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.	Section 5.3.2 (A) (2) (c)	Application package inclusive (Attachment 2 and Site Plan)	N/A	

RECOMMENDATION:

Staff has not received any specific information that would establish grounds for making a negative finding on the general standards as detailed above. These standards include maintaining or promoting the public health, safety, and general welfare, maintaining or enhancing the value of contiguous property, the use being in harmony with the area in which it is to be located, and the use being in compliance with the general plan for the physical development of the County. While staff has received numerous comments from local property owners indicating their opposition to the project no 'evidence' has been submitted to staff demonstrating the applicant has not met their burden.

Staff has reviewed the application, the site plan, and all supporting documentation and has found that the applicant **complies** with the specific standards and required regulations as outlined within the UDO and as detailed herein.

Provided the Board of Adjustment finds in the affirmative on the specific and general standards, the Board could make a positive finding on this application. In the event that the Board makes a recommendation to issue the permit, staff recommends the attachment of the following conditions:

1. The granting of the Special Use Permit shall not prohibit or in any way prevent the property from being utilized to support farming activities.
2. Development of any building on the property will require the review and issuance of a well and/or septic permit from Environmental Health prior to the initiation of land disturbing activities.
3. The Fire Marshal shall review all proposed building plans for compliance with provisions of the State fire code prior to the commencement of construction activities.
4. The applicant shall complete a Solid Waste Management Plan document and return said application to Orange County Solid Waste for review/approved within 180 days of permit issuance.
5. Existing vegetation shall be preserved along the perimeter of the property, in accordance with the approved site plan, in order to satisfy required landscaping standards.

   In the event this land use buffer area is disturbed the applicant shall be required to submit a formal landscape plan outlining the replacement/replanting of vegetation to the County for review. This plan will need to be submitted within 90 days of the disturbance occurring.
6. The Special Use Permit will automatically expire within 12 months from the date of approval if the use has not commenced or construction has not commenced or proceeded unless a timely application for extension of this time limit is approved by the Board of Adjustment.
7. If any condition of this Special Use Permit shall be held invalid or void, then this Special Use Permit shall be void in its entirety and of no effect.

Part 3. Zoning.

§ 153A-340. Grant of power.

(a) For the purpose of promoting health, safety, morals, or the general welfare, a county may adopt zoning and development regulation ordinances. These ordinances may be adopted as part of a unified development ordinance or as a separate ordinance. A zoning ordinance may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. The ordinance may provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.

(b) (1) These regulations may affect property used for bona fide farm purposes only as provided in subdivision (3) of this subsection. This subsection does not limit regulation under this Part with respect to the use of farm property for nonfarm purposes.

(2) Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. For purposes of this subdivision, "when performed on the farm" in G.S. 106-581.1(6) shall include the farm within the jurisdiction of the county and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this subdivision, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

a. A farm sales tax exemption certificate issued by the Department of Revenue.

b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.

c. 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.

d. A forest management plan.

e. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

(3) The definitions set out in G.S. 106-802 apply to this subdivision. A county may adopt zoning regulations governing swine farms served by animal waste management systems having a design capacity of 600,000 pounds steady state live weight (SSLW) or greater provided that the zoning regulations may not have the effect of excluding swine farms served by an animal waste management system having a design capacity of 600,000 pounds SSLW or greater from the entire zoning jurisdiction.

(c) The regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with

general or specific rules therein contained, provided no change in permitted uses may be authorized by variance.

(c1) The regulations may also provide that the board of adjustment, the planning board, or the board of commissioners may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits. Where appropriate, the conditions may include requirements that street and utility rights-of-way be dedicated to the public and that recreational space be provided. When deciding special use permits or conditional use permits, the board of county commissioners or planning board shall follow quasi-judicial procedures. Notice of hearings on special or conditional use permit applications shall be as provided in G.S. 160A-388(a2). No vote greater than a majority vote shall be required for the board of county commissioners or planning board to issue such permits. For the purposes of this section, 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 majority. Every such decision of the board of county commissioners or planning board shall be subject to review of the superior court in the nature of certiorari consistent with G.S. 160A-388.

(d) A county may regulate the development over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12, within the bounds of that county.

(e) For the purpose of this section, the term "structures" shall include floating homes.

(f) Repealed by Session Laws 2005-426, s. 5(b), effective January 1, 2006.

(g) A member of the board of county commissioners shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members of appointed boards providing advice to the board of county commissioners shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(h) As provided in this subsection, counties may adopt temporary moratoria on any county development approval required by law. county development approval required by law, except for the purpose of developing and adopting new or amended plans or ordinances as to residential uses. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the board of commissioners shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 153A-323. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 153A-357 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, to development set forth in a site-specific or phased development plan approved pursuant to G.S. 153A-344.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the

county prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the county prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

(1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the county and why those alternative courses of action were not deemed adequate.

(2) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

(3) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.

(4) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the county during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

No moratorium may be subsequently renewed or extended for any additional period unless the city shall have taken all reasonable and feasible steps proposed to be taken by the county in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of this subsection, including what new facts or conditions warrant the extension.

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the county shall have the burden of showing compliance with the procedural requirements of this subsection.

(i) In order to encourage construction that uses sustainable design principles and to improve energy efficiency in buildings, a county may charge reduced building permit fees or provide partial rebates of building permit fees for buildings that are constructed or renovated using design principles that conform to or exceed one or more of the following certifications or ratings:

(1) Leadership in Energy and Environmental Design (LEED) certification or higher rating under certification standards adopted by the U.S. Green Building Council.

(2) A One Globe or higher rating under the Green Globes program standards adopted by the Green Building Initiative.

(3) A certification or rating by another nationally recognized certification or rating system that is equivalent or greater than those listed in subdivisions (1) and (2) of this subsection.

(j) An ordinance adopted pursuant to this section shall not prohibit single-family detached residential uses constructed in accordance with the North Carolina State Building Code on lots greater than 10 acres in size in zoning districts where more than fifty percent

(50%) of the land is in use for agricultural or silvicultural purposes, except that this restriction shall not apply to commercial or industrial districts where a broad variety of commercial or industrial uses are permissible. An ordinance adopted pursuant to this section shall not require that a lot greater than 10 acres in size have frontage on a public road or county-approved private road, or be served by public water or sewer lines, in order to be developed for single-family residential purposes.

(k) A zoning or unified development ordinance may not differentiate in terms of the regulations applicable to fraternities or sororities between those fraternities or sororities that are approved or recognized by a college or university and those that are not. (1959, c. 1006, s. 1; 1967, c. 1208, s. 4; 1973, c. 822, s. 1; 1981, c. 891, s. 6; 1983, c. 441; 1985, c. 442, s. 2; 1987, c. 747, s. 12; 1991, c. 69, s. 1; 1997-458, s. 2.1; 2005-390, s. 6; 2005-426, s. 5(b); 2006-259, s. 26(a); 2007-381, s. 1; 2011-286, s. 1; 2011-363, s. 1; 2011-384, s. 5; 2013-126, ss. 5, 8; 2013-347, s. 1; 2013-413, s. 6(a).)

§ 106-581.1. Agriculture defined.

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

(1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.

(2) The planting and production of trees and timber.

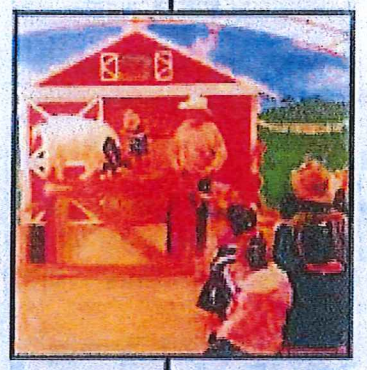
(3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.

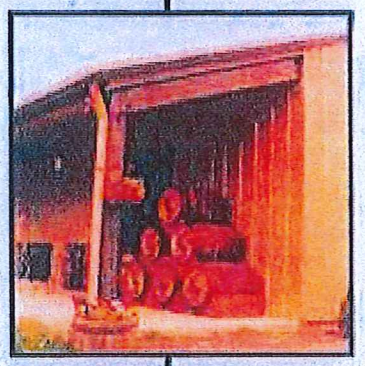
(4) Aquaculture as defined in G.S. 106-758.

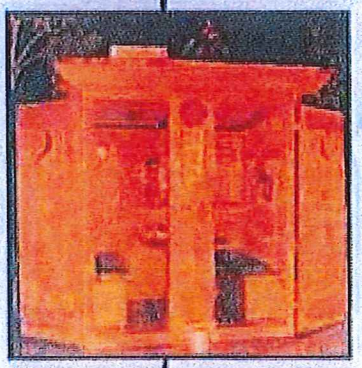
(5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.

(6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.

(7) A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain. (1991, c. 81, s. 1; 2005-390, s. 18; 2006-255, s. 6; 2013-347, s. 2.)







So You Want to Start an Agritourism Farm?

Resources

The Agritourism Office
www.ncagr.gov/agritourism

Marketing

The General Store
www.visitncfarms.com

North Carolina Agritourism Networking Association

Martha Glass, Manager
Agritourism Office, Marketing Division
NC Department of Agriculture & Consumer Services
1020 Mail Service Center
Raleigh, NC 27699-1020
martha.glass@ncagr.gov
919-733-7887 x 276

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Martha Glass, Manager
Agritourism Office, Marketing Division
NC Dept. of Agriculture & Consumer Services
1020 Mail Service Center
Raleigh NC 27699-1020
martha.glass@ncagr.gov
919-733-7887, x276

Here's your handy sheet
to help you remember
where to find
the Agritourism Marketing web page
at
-- www.visitncfarms.com --

and the
Agritourism Office Resources
at
- www.ncagr.gov/agritourism --

Also,
www.ncagr.gov/ncproducts
shows various categories where you can
market other products you have for sale.

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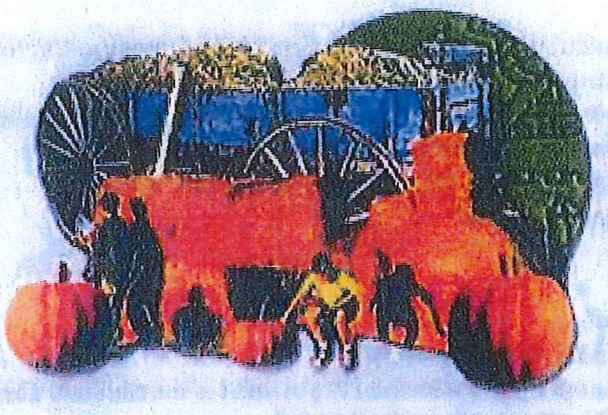
Marketing - Agritourism

Marie Glass - Manager

Find an Agritourism Farm



NC Agritourism Highlights

Web and Print Resources

ANA Bylaws

Agritourism can be an exciting new enterprise for you. Hay rides, barnyard animals, corn mazes, pick-your-own fruits and vegetables, bird watching, farm roadside stands, fishing, hunting, camping, pumpkin patches, value-added products, flowers – let your imagination take you to your own field of dreams

ANA SPRING WORKSHOPS

Pick Your Favorite Location!

Remaining Agendas Coming Soon...

ALL ON THURSDAY AFTERNOONS

Date	Location	Documents
March 29	Gills Hill Farm, Fayetteville	Registration Agenda
April 8	Maple View Farm & Agricultural Center, Hillsborough	Registration Agenda
April 15	Flint Hill Vineyards, East Bend	Registration Agenda
April 22	Garden Treasures & Gardens, Columbus	Registration Agenda
April 29	Banner Elk Winery, Banner Elk	Registration Agenda
May 6	Mike's Farm, Saulsbury Richlands	Registration Agenda

This page is found at www.ncagr.gov/agritourism - the Agritourism Office page.

This is a resource page. Some of the links in the side column are included in this guide - particularly information about the Agritourism Networking Association (ANA), an organization of hundreds of farmers, vineyard owners, extension staff and rural tourism professionals who support agritourism businesses. The ANA holds an annual conference and 6 workshops across the state in early spring. Join us for networking, fun and information!

Jobs | Mission Statement | Accessibility Statement | Disclaimer | Privacy Statement
Steve Troxler, Commissioner of Agriculture

STARTING YOUR AGRITOURISM VENTURE

An agritourism farm is a value-added farm or ranch that provides pleasure as well as recreation, information, education or other experiences or services for which the public may or may not pay admission to participate in and/or purchase an agricultural product or activity.

The following questions provide a starting place for farmers interested in developing agritourism farms.

First Steps

1. What do you want to do? Do you have a firm idea of your goal(s) for your agritourism farm?
   - Have you made a list of the activities you want to provide?
   - Have you made a list of the resources, both natural and man-made, that you have available on the farm and which are attractive to agritourism venues?
2. Who do you want to serve? Ages, size of groups, how often?
3. How much do you have to invest?
   - Time
   - Money
   - Other resources
4. How ready are you? How far along are you?
5. When do you want to open for business? Do you have a timetable or schedule?
6. Do you want to provide an educational program?
7. Do you have historical or cultural information to provide?

Beginning a Business

8. Do you have a business plan? A strategic plan?
9. Do you know your land use rights?
10. Do you want to charge for your services? Do you know how much money you need or want to make?
11. Have you talked with your insurance agent about the probable need to increase liability coverage? Do you need or want to provide health insurance for employees?

Other Support Agencies

12. Have you talked to the NCDA&CS Food and Drug staff, the Marketing Division, or the NCSU Food Science staff to see what resources are available to help you with value-added processes, such as processing a commodity before it is marketed or changing the way a product is packaged?

Local Issues and Regulations

13. How much of your current land holdings do you plan to use? Are you planning to buy more land? Is the use of any of your land prohibited for agritourism activities? Have you talked to the local planning/zoning board?
14. Are there other agritourism farms nearby that could compete with you?
15. Are there land, water or wildlife issues that might impact your plans?
16. Have you researched local legal and liability considerations or regulations such as planning and zoning, health, environmental quality through your local agricultural extension offices, business and economic development offices, Secretary of State, and tax offices? Does your county have zoning ordinances which are helpful to agritourism? Has your county adopted Voluntary Agricultural Districts (VADs)? Enhanced Voluntary Ag Districts?

17. Have you talked to your neighbors about your plans? Will they be receptive and supportive, or irritated? Do you have a plan to overcome negative feedback?
18. Is there adequate parking for large groups? Do you have turn-around areas for school buses?
19. Do you have restrooms and handwashing facilities adaptable for 'special needs' persons?
20. Do you have a list of emergency phone numbers next to a visitor-accessible telephone?

Marketing Your New Agritourism Farm

21. Do you have a marketing plan? Do you know your potential visitor population?
22. Have you researched organizations to join to promote your farm, such as the Chamber of Commerce or the local Convention and Visitors Bureau, or other farm organizations that promote agritourism? Do you know about the Agritourism Networking Association?
23. Have you researched other nearby crafts and rural entertainment resources to partner with?
24. Have you thought about off-site signage to offer advertising and directions to your farm?
25. Have you planned for on-site signage for highlighting activities and/or educational experiences?
26. Have you thought about hospitality services, such as who will welcome your visitors and who will show them around the farm? Will you have guides for guided tours?
27. Will you have a gift shop and/or sell souvenirs? Do you plan to sell homemade foods?
28. Will you have a plan for tracking your visitors to know where to increase or decrease marketing efforts? Guest books for sign in with email addresses?
29. Will you give away coupons for future visits? Discounts for large groups? Special incentives for school groups?
30. Do you want to advertise on the internet? Have you checked out the General Store in the DA&CS' Agritourism page at www.visitncfarms.com? Did you know you can market other items you produce through the General Store's categories at www.ncagr.gov/ncproducts?
31. Do you have access to email? Do you have or plan to have a webpage? An online newsletter? Mailing newsletters to customers?
32. Do you want to send out press releases or develop a media kit?

Networking with Other Agritourism Farmers

- North American Farmers Direct Marketing & Agritourism Association – www.nafdma.com
- NC Agritourism Networking Association – visit the Agritourism Office at www.ncagr.gov/agritourism

This information is designed to help potential agritourism farmers do their research and gather information about developing an agritourism farm. It is published as the first of three documents in the series: Suggestions for Helping You Start an Agritourism Venture and Business Resources for Agritourism Farmers, published by the Agritourism Office of the North Carolina Department of Agriculture and Consumer Services.

All documents are available by request, are online, can be emailed or mailed.

Developed by Martha Glass, Manager
Agritourism Office, Marketing Division
martha.glass@ncagr.gov
919-733-7887 x.276
NC Department of Agriculture and Consumer Services
Rev. November 2008

SUGGESTIONS FOR HELPING YOU START AN AGRITOURISM VENTURE

An agritourism farm is a value-added farm or ranch that provides pleasure as well as recreation, information, education or other experiences or services for which the public may or may not pay admission to participate in and/or purchase an agricultural product or activity.

First Steps

1. If you have a dream of starting an agritourism farm, you need to write down what your ideas or goals are. You are limited only by your imagination teamed with your resources.
2. You can entertain and/or educate school groups, church groups, adult groups, professional tour groups, small groups, large groups, families, and on and on. You need to assess the activities you plan to have on the farm and the size of your staff vs. the population within 25 – 50 miles. If you are near a large population area, you will attract visitors fairly quickly with minimum selected marketing. If there are other similar farms nearby, and the population is not near a larger area, you will require fewer staff. You can partner with local crafts persons.
3. Staff needs are determined by activities – drivers for hayrides, cashiers in a gift shop, activities which require personnel for safety reasons, lookout stations in a corn maze, help with parking, greeters at the entrance, staff to conduct orientation or educational classes, etc.
4. If there is an educational/heritage/cultural component to the farm, you will need to create and keep sufficient copies of handouts or materials, depending on grade levels if for schools.

Beginning a Business

5. A business plan and a strategic plan are always good ideas for beginning a new business. Your local community college may have a Small Business Center to help you with these plans in a one-on-one confidential basis, free of charge. If you need financial assistance from a bank or credit union, having a business plan shows forethought and a professional approach. The Small Business and Technology Centers are located on the UNC campuses and provide similar services. Setting a fee for your agritourism activities is the way you will make money. NC REAL can help you assess your market and determine how much money you might make. Contact your local extension office for additional information.
6. Never think that you will over price your farm's attractions. Some agritourism farmers offer packages at different fees. Most agritourism farmers charge $8 – 12 per person. Check with your schools to see what they are charged for visits. If there are children who are unable to pay, ask local businesses to create a school fund that will pay for children who would be unable to come because of the charge.
7. Explore what other agritourism farms charge by visiting their websites at the General Store website at www.visitncfarms.com and look around at the various farms listed. You can find the agritourism webpage at the link "Find an Agritourism Farm" at www.ncagr.gov/agritourism.
8. Liability insurance is sometimes a challenge – finding it and affording it. Ask your insurance agent. If the agent is unable to find or write coverage, email the agritourism office for a list of insurance agents who help farmers with agritourism liability policies. You may also want to explore providing health insurance for your staff.
9. The North Carolina legislature passed an agritourism liability law (see "Limit Liability for Agritourism Farms" – www.ncagr.gov/agritourism) in the summer of 2005. The law has text for a sign that informs visitors at an agritourism farm that there are activities and sites on the farm which require responsible actions on the part of the visitor. If the farmer keeps the farm in safe working order and has signs posted, the chance of liability litigation is lessened. Signs may be handmade, but have to follow the requirements in the law. Professional signs are also available at low cost from the Agritourism Office and through membership in the Agritourism Networking

Association (ANA). The ANA Mission Statement, organizational goals and membership form can be found at www.ncagr.gov/agritourism.

Other Support Agencies and Networks

10. The NCDA&CS Food and Drug Division, Marketing Division, or the NCSU Food Science staff can assist you if you are interested in processing a commodity before it is packaged or marketed for sale.
11. You can join the free ANA list serve through membership in the Agritourism Networking Association (ANA) to chat and ask questions of other agritourism farmers. Call or email the Agritourism Office for more information on ANA and its benefits.

Local Issues and Regulations

12. You will need to check with your local planning/zoning board on zoning or other land use restrictions or property tax issues.
13. Depending on the activities you plan, you may need to check with the local health department. ADA accessibility is sometimes required for entrances, exits, and restroom facilities.
14. If you have not already incorporated your business, you may want to check with an attorney and/or a CPA on business incorporation and estate planning issues. You can find an attorney who specializes in business and estate planning through the local or state Bar association. Consideration needs to be given to how your venture, or entity, will be operated. Often, through lack of attention, sole proprietorship is automatically chosen. However, alternative entities exist including partnerships, limited-liability companies, and corporations such as Subchapters C and S, as well as a variety of trust arrangements. Income and property tax consequences vary significantly, depending on the legal entity chosen. Liability to third parties is also a consideration in structuring your business, as is case of operation within a chosen structure.
15. Your local economic development office may have information of other local development activities or future initiatives that might affect what you are planning either positively or negatively.
16. Planning for adequate parking is necessary. Conversation with your local police or sheriff's department will begin a good working relationship.
17. Find out what the sign ordinances are for advertising your farm on local roads. More expensive highway signage is available through NC DA&CS and DOT programs.

Marketing Your New Agritourism Farm

18. Build relationships with your local Convention and Visitors Bureau or Chamber of Commerce – join the Chamber and invite the membership to an "Alive after Five" social at the farm.
19. You can start off low-key with a one-page flyer for special events. If you don't like computers, get a high school student who is creative to design a one-pager for you. Give the important information – who: name of farm, what: activities/events, when: hours of operation, where: location, map (simple drawing or text directions), how much: admission fee(s) per package or how you decide to charge. Invite local television stations to cover special events.
20. Visit your local schools – make personal visits (call ahead) to the principals of the schools you want to visit your farm. Take a one-page flyer about the opportunities at your farm, emphasizing lessons about nature, food production, animal life, fiber resources, the history of farming, the history of the land surrounding the farm, and other items of interest.
21. Creative off-site signage will draw visitors to your farm. A "brand" or "logo" for your farm will create a visual effect for visitors. Local ordinances and state regulations will determine what type of off-site signage can be used.
22. On-site signage is different. It is used to attract attention to activities and explain or inform

visitors about exhibits and activities. High school or community college art class students may be good resources for creating signage at low cost.
23. A well-trained staff will create most important first impressions for visitors. Clean and attractive grounds, smiling faces, pre-planned ways of handling emergencies, flexibility in arrangements, and a willingness to let the customer be "right" will create experiences that visitors will remember in a positive way. The best marketing is "word of mouth." Visitors who have negative experiences will tell seven other people about that experience. Hospitality training is often available through local extension offices.
24. Gift shops are fun for visitors. Even if the inventory is small, attractive settings are a must. Pleasant but not overpowering scents such as cinnamon, apples, pumpkin pie or fresh lemon are attractive draws. A guest book can be an invaluable tool for newsletters and mailings and tracking demographics. Coupons are good giveaways. For an unexpected rainy day, give away plastic bags or disposable hats or even inexpensive umbrellas to visitors who may be inconvenienced by the weather. Be sure your logo is on any giveaways!
25. The internet is definitely growing as a popular way to advertise. If possible, develop your own website. If you cannot do this, NC DA&CS can create a webpage for you for free on the General Store. Contact the Agritourism Office for more information. You can connect your website to ours. You can also market other commodities at www.ncagr.gov/ncproducts.
26. Press releases are useful depending on your media market. There may be local writers who can create attractive press releases for you at very low cost.
27. Consider special events featuring natural holidays or other local interests.
28. Allow your visitors to "personalize" their visit by "naming" or "adopting" an apple or peach tree, a grape vine, a baby lamb, sheep, colt, rabbit, chick, etc. Send out an occasional newsletter via email or regular mail and give an update on the progress of Amy's little goat, or Matthew's apple tree, or Bill and Suzanne's grape vines.

Networking with Other Agritourism Farmers

The North American Farmers Direct Marketing and Agritourism – nafdma.com – is a national organization for agritourism farmers, farmers market members and other agricultural professionals with a membership fee of only $150 and access to a 'chat' room for members. The association hosts a national meeting in the early part of each year where participants have three days of agritourism farm tours and three days of workshops.

The North Carolina Agritourism Networking Association has over 350 members currently comprised of agritourism farmers, vineyard owners, extension agents and other rural tourism professionals. It is designed to foster networking and mentorships among farmers. Members are connected via an internet list serve hosted by the Agritourism Office in the Marketing Division of the Department of Agriculture & Consumer Services.

This information is designed to help potential agritourism farmers do their research and gather information about developing an agritourism farm. It is designed to help find the answers to some of the questions in Starting Your Agritourism Venture. The other publication in the series is Business Resources for Agritourism Farmers, published by the Agritourism Office of the North Carolina Department of Agriculture and Consumer Services. The documents are available at www.ncagr.gov/agritourism, can be mailed by request and can be emailed.

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North Carolina Department of Agriculture and Consumer Services
Rev. November 2008

-8-5

Insurance Agents Offering Help to Agritourism Farmers and Vineyard Owners

The following list of insurance agents is available for your assistance in finding **agritourism liability insurance**. The offering of this list in no way endorses these agents by the Department of Agriculture and Consumers Services or the Agritourism Office, nor stipulates or suggests that they can provide the type of insurance needed at a cost you can afford. Additionally, most agents work within no more than 100 miles of their home office, and sometimes not that far. When searching for an agent, start with those closest to your home, and be up-front with them – tell them if you have called other agents. Often agents cooperate in helping you find the right company, and it is a waste of their time for them to be working with you when you've contacted someone else who is doing the same research. They prefer to collaborate rather than compete. The districts listed beside some of the agents' names refer to the six ANA districts. If you have a question about your district, please contact Martha Glass, Agritourism Office, at martha.glass@ncagr.gov, or call 919-733-7887, x276.

Liz Taylor - ltaylor@morrowinsurance.com, 1-800-228-3132; 828-693-5396 (o); 828-768-6197 (c); **is an Agritourism Networking Association (ANA) Sponsor member**, presented insurance information at 2007 ANA conference and ANA West District workshop in Asheville, spring 2007. Covers West District and some parts of West Central in western North Carolina.

Marsh Dark, III - VP, Morrow Insurance Agency, Marion; 828-652-6212 (o); mdark@morrowinsurance.com – spoke at West District ANA Workshop May 2008 at Peaceful Valley Farm, Old Fort. Covers West District and some parts of West Central located close to Marion.

Carl Inman - Snipes Insurance Co., Raleigh: carl@snipesins.com, 919-571-4335 (o). Made presentations at ANA North Central workshop at Hill Ridge Farm in Spring 2007 and 2008 annual conference at Caraway. Covers North Central, South Central, Northeast and Southeast Districts, basically area east of I-85.

Will Johnson - Johnson Insurance Services, Mocksville, NC; 1-800-255-7777; 336-753-1038 (o); 336-909-3568 (c); will@agritourisminsurance.com; website www.agritourisminsurance.com. **ANA Sponsor member**, made presentation at West Central ANA workshop April 2008, was sponsoring vendor at 2009 ANA Annual Winter Conference in Hickory, spoke at 2009 West Central Workshop. Agent Cathy Boles also available. Covers West Central District, generally 75-100 miles from of I-40/I-77.

Jeff Fitzgerald – Accurate Insurance Solutions Inc., Dobson; 336-356-2471; jfitzem@yahoo.com; business primarily with vineyards and agribusiness; **ANA Sponsor member**; covers primarily West Central and North Central Districts.

John Snipes - Snipes Insurance Services, Bunn; 910-892-2121; john@snipesins.com; in partnership with agency owner, Dal Snipes, who is an **ANA Active member** and farm owner. Recommended by Carl Inman. Covers North Central, South Central, Northeast and Southeast districts.

9-3

Brad Brown - Snipes Insurance Services, Bunn; 910-892-2121; brad@snipesins.com; covers North Central, South Central, Northeast and Southeast districts.

Ty Ross - Olde Fayetteville Ins. Co., 910-483-6210 (o), 919-630-6865 (c); South Central and Southeast Districts

Jack Boseman - Nationwide in Roanoke Rapids at 252-537-8338 - bosemaj@nationwide.com; spoke at 2007 ANA Conference at Caraway. Covers primarily Northeast District (southernmost county – Pitt).

Gary Miller, Manager - Everett Cash Mutual Ins. Co., VP SE Region, 814-977-5391; Works with farmers west of I-95. Attended 2008 ANA conference at Caraway. gary@everettcash.com – Gary does not work directly with customers but will help find an agent in the western part of the state.

Kim Birckhead - The Insurance Center, Inc., Troy; 910-572-3572, tici@mc-online.net; recommended by ANA member; works in Montgomery and Randolph counties.

Ann Ashman - AF Insurance Services, Inc., 948 Johnson Ridge Road, Elkin, NC 28621: (336) 835-4060; 1-800-446-1295; aashman@afinsurance.com; does business primarily with vineyards/wineries; attended 2009 ANA Annual Winter Conference in Hickory; covers primarily Surry and Yadkin in northern West Central District.

MOUNTAIN REGION
Morrow Agencies
Johnson Insurance Services
AF Insurance Services
Accurate Insurance Solutions Inc. (West Central)

PIEDMONT REGION – East, South, Northeast
Snipes Insurance Co. (Central)
Olde Fayetteville Insurance Co. (Southern)
The Insurance Center (Southern)
Nationwide Insurance (Northeast)
Callahan & Rice (South Central, Southeast, North Central and Northeast)
Accurate Insurance Solutions Inc. (North Central)

Rev. Aug 2010

10-5

Business Resources for Agritourism Farmers

Institute of Minority Economic Development
114 W. Parrish Street Contact: Linda L. Gunn, VP of Administration and Policy
Durham, NC 27701
Phone: (919) 956-8889
Fax: (919) 688-7668
Email: ncimed@interpath.com
Website: www.ncimed.com
Mission: To build and sustain economically vibrant and socially responsible communities through business development among underdeveloped sectors of the population. In fulfilling its mission, the Institute works to provide comprehensive data and information on minority businesses to educate, inform and enhance responsive public and private sector decisions.

HandMade in America
P.O. Box 2089
Asheville, NC 28802
Phone: 828-252-0121
Fax: 828-252-0388
Email: info@handmadeinamerica.org
Website: www.handmadeinamerica.org
Mission: To celebrate the hand and the handmade, to nurture the creation of traditional and contemporary craft, to revere and protect our resources and to preserve and enrich the spiritual, cultural, and community life of our region. Strategies focus on creating sustainable economic development to provide business and financial support for craftspeople, to nurture our region's craft culture through public relations and education, and to maintain our rural quality of life.

Mountain Microenterprise Fund
29 1/2 Page Avenue
Asheville, NC 28801
Phone: 828-253-2834
Fax: 828-255-7953
Email: info@mtnmicro.org
Website: www.mtnmicro.org/
Mission: To provide people throughout western North Carolina with business training, loans, technical assistance and support so they can start or expand a small business.

North Carolina REAL Enterprises
115 Market Street Suite 320
Durham, NC 27701
Phone: 919-688-7325Fax: 919-682-7621
Website: www.ncreal.org/
Mission: To develop entrepreneurial talent through action, learning and fostering the creation of sustainable enterprises throughout North Carolina, with special emphasis on rural communities.

North Carolina Rural Economic Development Center
4021 Carya Drive Contact: Elaine Matthews, VP for communications and development
Raleigh, NC 27610
Phone: (919) 250-4314
Fax: (919) 250-4325
Email: info@ncruralcenter.org
Website: www.ncruralcenter.org
Mission: To develop, promote, and implement sound economic strategies to improve the quality of life of rural North Carolinians. The center serves the state's 85 rural counties, with a special focus on individuals with low to moderate incomes and communities with limited resources.

-11-5

Self-Help
Central NC Region
301 W. Main Street, PO Box 3619
Durham, NC 27702-3619
Phone: 919-956-4400
Website: www.self-help.org
Mission: To help low-wealth families – particularly minorities, women and rural residents – buy homes, build businesses and strengthen community resources.

Smoky Mountain Development Corporation
100 Industrial Park
Waynesville, NC 28786
Phone: 828-452-1967
Fax: 828-452-1352
Website: www.wcu.edu/crd/eda.html
Mission: A nonprofit economic development corporation organized to create and retain jobs in the region. Operating as a Certified Development Company (CDC), the Smoky Mountain Development Corporation (SMDC) seeks to provide capital to eligible small businesses to finance major fixed assets. SMDC also operates a 17,000 sq. ft. business incubator facility.

Women's Business Center
North Carolina Institute of Minority Economic Development
114 W. Parrish Street
Durham, NC 27701
Phone: 919-956-8889
Fax: 919-688-7668
Email: info@ncimed.com
Website: www.ncimed.com
Mission: The Women's Business Center is a partnership program between the U.S. Small Business Administration's Office of Women's Business Ownership and the North Carolina Institute of Minority Economic Development, Inc. The center's mission is to provide training, counseling and technical assistance to aspiring and existing women business owners. The Women's Business Center can empower women with the tools needed to: establish businesses, stabilize their companies, generate sustainable profits, enhance their companies' infrastructure, strategize for future growth, create jobs, and contribute in the growth and economic development of the community.

Small Business and Technology Development Center (SBTDC)
State Headquarters
5 West Hargett Street, Suite 600
Raleigh, NC 27601-1348
Phone: 919-715-7272
Email: info@sbtdc.org
Website: www.sbtdc.org

Small Business Center Network Local Sites
North Carolina Community College System
5003 Mail Service Center
Raleigh, NC 27699-5003
Phone: 919-733-7051
Fax: 919-715-5796
Website: www.nccs.cc.nc.us/business_and_industry/sbcmainpage.htm
Mission: Small Business Centers serve business and entrepreneurs by providing one-on-one entrepreneurial services, resources, and practical, short-term educational programs to help local business men and women start and run a business.

-12-S

USDA Office of Rural Development

4405 Bland Road, Suite 260 Contact: John Cooper, State Director
Raleigh, NC 27609 Type of Organization: Federal
Phone: (919) 873-2000
Fax: (919) 837-2075
Website: www.rurdev.usda.gov
Business and Industry Program. Provides loan guarantees to further business and industrial development in areas outside the boundary of a city of 50,000 or more. Priority is given to applicants for projects in open county, rural communities and towns of 25,000 and smaller. The program provides guarantees to commercial lenders who make credit available to establish or maintain business in rural areas. Loan funds may be used to purchase land, buildings, and equipment, and provide working capital. Priorities are to save existing jobs and create new employment opportunities.

Good Work

115 Market Street
Suite 470
Durham, NC 27701
Phone: 919-682-8473
Email: GWInfo@GoodWork.org
Website: www.goodwork.org
Mission: To help people start and expand small businesses.

NCSU (Raleigh) and NC A&T (Greensboro) Cooperative Extension Service

www.ces.ncsu.edu
Check your local phone book for your county extension service office for opportunities in training and education.

Applachian Sustainable Agriculture Project

Charlie Jackson, Exec. Dir.
859 Nicholson Cove Rd.
Cullowhee NC 28753
828-289-3263
Grants and Farm Information: www.asapconnections.org
info@asapconnections.org
Mission: Assistance with local farm marketing projects

DOT Highway Signage Office

Susan Kunz and James Hambright
919-662-3078 (Susan) 919-329-7004 (James)
skunz@dot.nc.state.us
jhambright@dot.nc.state.us
Office directs the process for Agricultural Highway Tourism Signage, Tourist Oriented Directional Signs and Attraction Logo Signs

Carolina Farm Stewardship Association

919-542-2402
PO Box 448
Pittsboro NC 27312
www.carolinafarmstewards.org
The goal of the Tobacco Communities Reinvestment Fund is to keep farmers in farming and maintain the economic base of North Carolina's rural communities. The Reinvestment Fund aims to assist farmers and rural communities to develop new sources of agricultural income through provision of cost-share grants.

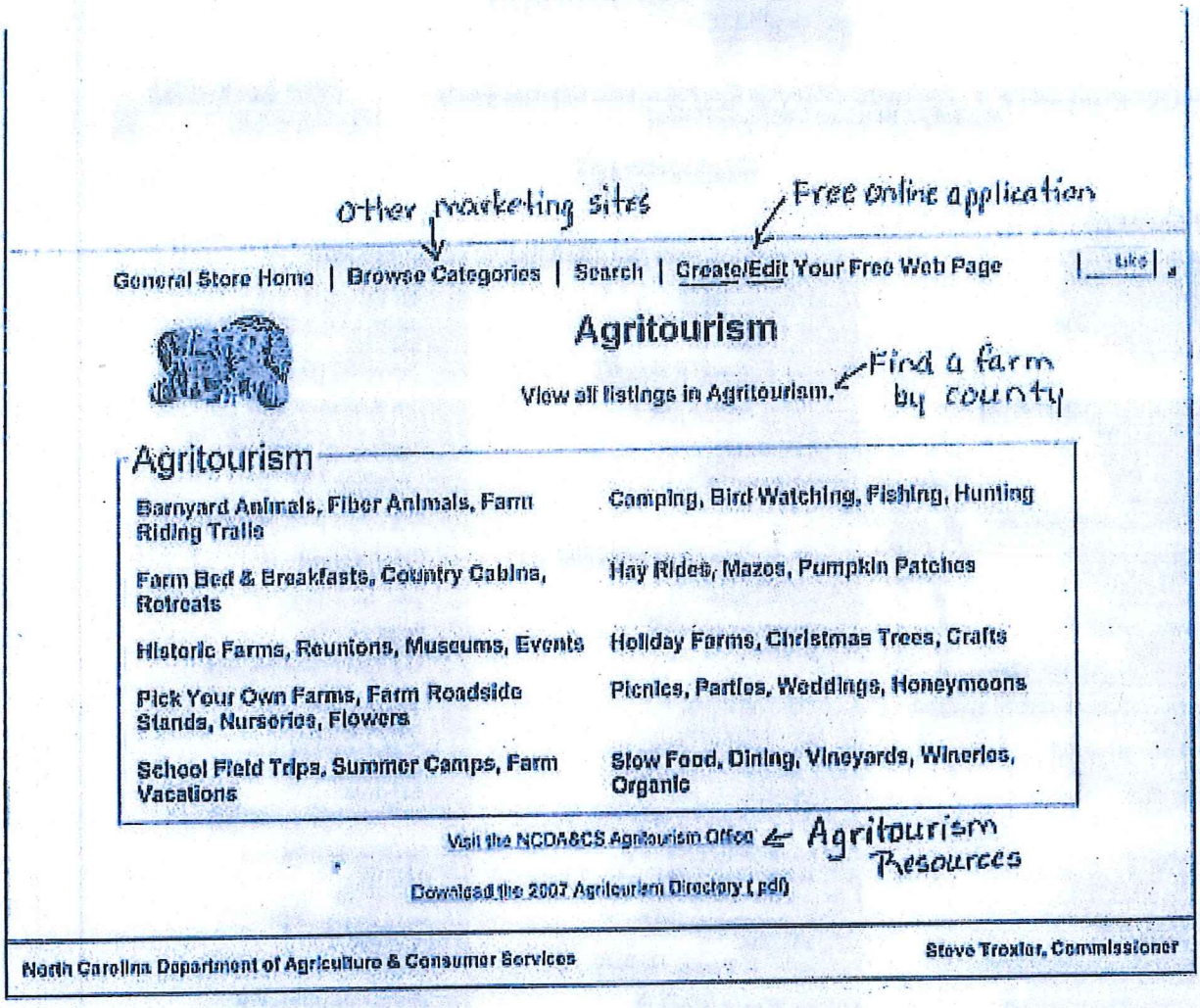
ARE YOU READY TO

MARKET YOUR FARM

on the

AGRITOURISM WEBSITE ?

www.visitncfarms.com



This is the weblink to this screen...

www.VisitNCFarms.com

The online application allows you to pick categories in addition to Agritourism that match what you produce for sale. For instance, you could pick "Produce" and one/more of the subcategories for Produce, and also select "Agritourism" and any of the subcategories in Agritourism that fit your farm/vineyard.

Web address for "Browse Categories"

http://www.ncagr.gov/ncproducts/ProSubDirectory.asp?CatNum=1011

-1-M

8/4/2010

Agritourism

Your search "All Listings" in ...Agritourism > Pick Your Own Farms, Farm Roadside Stands, Nurseries returned the following 154 listings.

Filter by County!
Select A County

You are on page 1 of 6

1 2 3 4 5 6 [Next >]

APPLE FAMILY FARM
1705 Highway 66 South
Kernersville, NC 27284
FORSYTH County
(336) 993-2279

BARRY'S STRAWBERRY FARM
4193 Cox Mill Road
Sanford, NC 27332
LEE County
(919) 258-3006
Additional Phone:(919) 258-3571

click on to see next page

BUCKWHEAT FARM
2700 Holland Road
Apex, NC 27502
WAKE County
(919) 303-0339
Additional Phone:(919) 244-6947

CAROLINA COUNTRY FRESH MARKET
P.O. Box 477
Robersonville, NC 27871
MARTIN County
(252) 795-2026

DANIEL FARM
2716 East Wait Avenue
Wake Forest, NC 27587
WAKE County
(919) 524-1507
Additional Phone:(919) 556-3265

ENOCH WINERY & VINEYARD
3735 NC Highway 50 S.
Benson, NC 27504
JOHNSTON County
(919) 894-5731
Additional Phone:(919) 207-0100

GANYARD HILL FARM
319 Sherron Rd
Durham, NC 27703
DURHAM County
(919) 596-9720
Additional Phone:(919) 612-7370
1606 Picket Road
Sanford, NC 27332
LEE County
(919) 498-0727

INDIGO FARMS
1542 HICKMAN RD
CALABASH, NC 28467
BRUNSWICK County
(910) 287-6794
Additional Phone:(910) 287-3895

ISELEY FARMS
2950 Burch Bridge Road
Burlington, NC 27217
ALAMANCE County
(336) 584-3323

APPLE HILL ORCHARD AND CIDER MILL
5205 Appletree Lane
Morganton, NC 28655
BURKE County
(828) 437-1224
Additional Phone:(877) 437-1224

BIG HORSE CREEK FARM
P.O. Box 70
Lansing, NC 28643
ASHE County
(336) 384-1134

BYNUM PEACH FARM & NURSERY
123 Gallimore Road
Ellerbe, NC 28338
RICHMOND County
(910) 652-2204

COSTON FARM, LLC
742 Apple Valley Road
Hendersonville, NC 28792
HENDERSON County
(828) 685-8352
Additional Phone:(828) 685-3753

DEER SPRINGS FARM
4403 Shuford Lake Road
Lawndale, NC 28090
CLEVELAND County
(704) 538-6060
Additional Phone:(704) 300-8210

FARMER MAC'S BERRIES
184 Berry Patch Road
Hampstead, NC 28443
PENDER County
(910) 270-4016
Additional Phone:(910) 270-4611

GARLAND TRUFFLES
3020 Ode Turner Road
Hillsborough, NC 27278
ORANGE County
(919) 732-3041
Additional Phone:(919) 536-9933
90 Ham Produce Road
Snow Hill, NC 28580
GREENE County
(252) 747-2647
Additional Phone:(888) 668-0590

INGRAM FARM
6121 Riverdale Dr
High Point, NC 27263
GUILFORD County
(336) 431-2365
Additional Phone:(336) 434-6980

JACKSON DAIRY
1566 Dairy Road
Dunn, NC 28334
SAMPSON County
(910) 567-2721
Additional Phone:(910) 567-6940

AYERS PRODUCE
p.o. box 1058
Ramseur, NC 27316
RANDOLPH County
(336) 824-2752
Additional Phone:(336) 685-0853

BRUTON VINEYARD, LLC
P O Box 57, 547 NC 211 Hwy
Eagle Springs, NC 27242
MOORE County
(910) 673-3246
Additional Phone:(910) 692-7501

CALAHALN FARMS
510 Calahaln Road
Mocksville, NC 27028
DAVIE County
(336) 909-2240
Additional Phone:(336) 492-7340

D & L FARMS, INC.
3020 Hwy 54 West
Chapel Hill, NC 27516
ORANGE County
(919) 929-4909
Additional Phone:(910) 923-5050

DREAMFIELD FARMS
128 Webb Rd,
Dunn, NC 28334
HARNETT County
(919) 524-9191
Additional Phone:(910) 524-9190

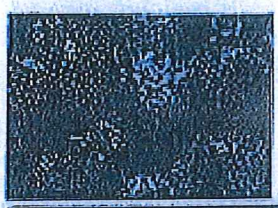
FRESH-PIK PRODUCE, INC.
7802 Sadie Road
Kenly, NC 27542
WILSON County
(252) 237-1200

GREEN BIZ NURSERY
3769 Wilmington Hwy
Fayetteville, NC 28306
CUMBERLAND County
(910) 323-6811
Additional Phone:(910) 323-6832
6345 Christmas Tree Ln.
Vale, NC 28168
LINCOLN County
(704) 276-1835
Additional Phone:(704) 276-2726

IRA CLINE FARM
4444 Lee Cline Road
Conover, NC 28613
CATAWBA County
(828) 464-5942

JEFFREYS STRAWBERRY PATCH
69 Berry Lane
Bunn, NC 27508
FRANKLIN County
(919) 496-4626
Additional Phone:(919) 496-8864

-2-M



Buckwheat Farm

Pick-Your-Own Strawberries

About Us:

We are a family owned business, specializing in Pick-Your-Own Strawberry production. We also have various jams and jellies made from locally grown fruits.

Besides Strawberry picking, there are various animals to see on our farm. We have horses, goats, guinea fowl, chickens and pea fowl.

We encourage you to inquire about Company Outings and visits for Preschool and Daycare Groups.

Our Products:

PYO Strawberries
Jams and Jellies
Honey

Directions:

Located on Holland Road, 3 miles south of Apex.
From the intersection of South Salem Street and NC#55, travel away from Downtown Apex for 3 miles on South Salem Street (Old US#1). Turn right on Holland Road and travel 0.8 miles. Turn left onto Leeway Farm Road, follow road to the field.

Hours of Operation:

Mid-April to Early June
Mon.- Sat. 8AM to 7PM
Sun. 10AM to 5PM

Web Site:

buckwheatfarm.com

Where you can find our products:

Special News:

Buckwheat Farm
Karma Lee
2700 Holland Road
Apex, NC 27502
WAKE County
Phone: 919-303-0339
Fax: 919-303-4793
buckwheatfarm@bellsouth.net

Proud member of the Goodness Grows in North Carolina program.

General Store Home | NCDA&CS Home Page
Site Hosted by North Carolina Department of Agriculture & Consumer Services

-3-M

When you are ready to join the

NORTH CAROLINA

AGRITOURISM NETWORKING ASSOCIATION

- ANA -

here is the information you can review...

Mission Statement

The ANA will serve as a statewide proactive advocate for agritourism farmers and as a liaison between and among state-level organizations, field organizations, nonprofits and landowners to support and facilitate agritourism.

The NC ANA is an unincorporated nonprofit with a Board of Directors and bylaws.

Mission Statement of the NC Agritourism Networking Association (ANA)

Mission Statement of the NC Agritourism Networking Association (NC ANA)

"The ANA will serve as a statewide proactive advocate for agritourism farmers and as a liaison between and among state-level organizations, field organizations, nonprofits and rural landowners to support and facilitate agritourism."

NC ANA Membership Application | ANA Newsletters | ANA Bylaws

NC ANA Goals

The organization will enable agritourism farmers to share best practices, network with peers, discuss and find answers to challenges, celebrate successes, and advocate for needed resources.
The ANA will work to find solutions to achieve the following goals listed in priority order by the initial task force: Easily accessible and affordable liability insurance; consistent zoning and planning regulations; marketing support and resources; highway and site signage; safety; funds for costs of startup; and partnering with other rural arts activities.
The thirteen steps listed below are designed to meet these goals.

1. Provide education and training for potential and current agritourism farmers. Hold a statewide conference in the early part of each year and workshops for the ANA districts to educate and inform ANA members and others interested in promoting agritourism, and recruit new ANA members.
2. Educate and promote agritourism to the public, tourism professionals, the media and potential farmers, through resource materials, workshops, press releases, media interviews and public speaking. Statewide Agritourism Directory with over 250 entries distributed in 2006 and 2007; 100,000 agritourism maps with over 200 entries distributed to state Welcome Centers and other tourist destinations in 2009; updated Agritourism brochure distributed to Welcome Centers and other tourism agencies and individuals – new edition 2010; update "So You Want to Start an Agritourism Farm?" package for new agritourism farms available at www.ncagr.gov/agritourism.
3. Create a portal of information resources available at www.ncagr.gov/agritourism.
4. Advocate for insurance availability at reasonable cost; educate insurance industry, elected officials and policy-makers on definition of "farm," "agritourism farm." "Limit Liability for Agritourism Farms" law is found at ncagr.gov/agritourism.
5. Network and share information and resources between and among agritourism farmers via emails and US mail sent to members and others by Agritourism Office; list serve available to ANA members only - **ncana.members@lists.ncmail.net**. The ANA newsletter is available at **ncagr.gov/agritourism** and assists members with sharing information.
6. Conduct research that will provide information on the demographics of agritourism farming to help farmers determine economic feasibility of developing and operating agritourism farms.
7. Research on determining the saturation and competition for sustainable markets.
8. Find grants and other funding sources for agritourism farming. Find funding to update professional NC DA&CS 2005 agritourism survey and brochure, January 2006.
9. Advocate for policy development on local and statewide level to help with challenges to agritourism farms.
10. Advocate for consistent local zoning policies to help sustain the family farm through agritourism.
11. Advocate for agritourism financial support before local, state and federal officials as appropriate. NC HB 143 – Exempt Agritourism Activities from the Privilege Tax on Amusements – became law July 2005.
12. Keep current data base of ANA agritourism farmers similar to the Agritourism website on the General Store.

Rev. March 2010

North Carolina Agritourism Networking Association

The NC Agritourism Networking Association (ANA) provides a way for agritourism farmers, extension agents and rural tourism service providers to network, exchange information and tips. There are close to 300 members. We strive to support our members through an annual day-long conference and district workshops in the spring. We also have a members-only list serve for exchange of information and finding answers to questions. There are district directors, two from each of six districts, who are ANA Board members and work within their district to help farmers with agritourism interest, farms and vineyards. The ANA is an unincorporated non-profit with a Federal ID number.

The Agritourism Liability Warning 2005 statute adds protection to you in addition to your agritourism liability insurance. It does not take the place of liability insurance. You want to protect your assets and yourself against claims filed in case of accidents. Using the signs as described in the law. The link to the law is "Limit Liability for Agritourism Farms Statute" on www.ncagr.gov/agritourism.

You can make the signs, or have them made, if you follow the instructions in the text of the law. However, ANA will mail two professional signs to new Active members of ANA. If you want additional signs, they are $7.50 each (see ANA membership form).

If you join as a Sponsor member, you can 'up' your membership to Active for an additional $10 at a future date, and you will receive two free signs at that time. You will have to indicate on the renewal membership form that you were a Sponsor member for our records.

Resources from ANA and the Agritourism Office include names of insurance agents who can help you find appropriate agritourism liability insurance. Also on ncagr.gov/agritourism is a booklet called "So You Want to Start an Agritourism Farm?" with sections on starting an agritourism farm, marketing resources, and information about the ANA.

When you join ANA, you will get email information about information of interest. If you do not have email, important information will be mailed to you.

Join us as we support and encourage agritourism farmers in North Carolina!

"Agritourism is Value-Added Agriculture!"

Martha Glass, ANA Executive Director
Manager, Agritourism Office, NCDA&CS
martha.glass@ncagr.gov 919-733-7887 x.276

2-A

EXPLANATION OF EFFECT OF 2005 LIMIT LIABILITY LAW ON AGRITOURISM FARMERS IN NORTH CAROLINA SESSION LAW 2005-236

The law says that an agritourism farm operator is not liable for injury or death of a participant resulting from the inherent risks of the agritourism activity, as long as the following warning is posted. However, this law does not take the place of liability insurance.

'WARNING

Under North Carolina law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.'

The text of the law in full can be found at ncagr.com/agritourism. Click on "Limit Liability for Agritourism Farms" in the side column. An explanation of the benefits of the signs is also located in that column. Additional legislation affecting County Fairs is also found at that site. The site is "County Fair Liability."

The warning sign needs to be posted in a clearly visible location at or near the entrance to the agritourism facility where visitors will see it when arriving at the location, and also posted at the site(s) of the agritourism activity. The warning language must also be included in any written contracts with other customers or vendors.

The explanation below is provided by the General Counsel for the Dept. of Agriculture and Consumer Services to explain the purpose of using the signs.

The law is intended to discourage lawsuits against agritourism operators by making participants aware of the inherent risks of agritourism activities. It does not protect you from liability if you are negligent or if you fail to take reasonable steps to correct unsafe conditions on your property. Although not required under this law, you can also discourage lawsuits by posting other signs to make participants aware of dangerous conditions that cannot be corrected, such as "No Swimming or Wading" around ponds, or "Keep Out" in equipment storage areas.

From Dahr Tanoury, Torts Attorney in the NC Attorney General's Office.

Regarding warning signs, from a litigation standpoint, I welcome them. The more obvious a potential hazard is to a visitor, the better for me in proving that the plaintiff should have been aware of the hazard and failed to exercise proper care in avoiding same, eg, a big orange sign staring them in the face warning them of the kicking horses. Though the sign might not win the day, it will go a long way in doing so. (July 2006)

For more information on obtaining Liability Warning Signs, go to ncagr.com/agritourism. You do not have to join ANA to buy signs. See text of law (above). However, signs available through ANA are vinyl and virtually weather-proof.

Contact Martha Glass, Agritourism Office, at martha.glass@ncmail.net or call the Agritourism Office at 919-733-7887 for additional information.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

SESSION LAW 2005-236
HOUSE BILL 329

AN ACT TO LIMIT LIABILITY ARISING FROM CERTAIN AGRITOURISM ACTIVITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 99E of the General Statutes is amended by adding a new Article to read:

"Article 4.
"Agritourism Activity Liability.

"§ 99E-30. Definitions.

As used in this Article, the following terms mean:

(1) Agritourism activity. – Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

(2) Agritourism professional. – Any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

(3) Inherent risks of agritourism activity. – Those dangers or conditions that are an integral part of an agritourism activity including certain hazards, including surface and subsurface conditions, natural conditions of land, vegetation, and waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

(4) Participant. – Any person, other than the agritourism professional, who engages in an agritourism activity.

(5) Person. – An individual, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government, or any other group acting as a unit.

"§ 99E-31. Liability.

(a) Except as provided in subsection (b) of this section, an agritourism professional is not liable for injury to or death of a participant resulting from the inherent risks of agritourism activities, so long as the warning contained in G.S. 99E-32 is posted as required and, except as provided in subsection (b) of this section, no participant or participant's representative can maintain an action against or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities. In any action for damages against an agritourism professional for agritourism activity, the agritourism professional must plead the affirmative defense of assumption of the risk of agritourism activity by the participant.

(b) Nothing in subsection (a) of this section prevents or limits the liability of an agritourism professional if the agritourism professional does any one or more of the following:

(1) Commits an act or omission that constitutes negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death to the participant.

(2) Has actual knowledge or reasonably should have known of a dangerous condition on the land, facilities, or equipment used in the activity or the

-4-
A

2011 N.C. Agritourism Networking Association MEMBERSHIP APPLICATION

2011 ANA Annual Conference – February 17-18 – Registration on www.ncagr.gov/agritourism

Active Members: Farmers currently operating or aspiring to operate an agritourism or direct marketing operation pay active member dues, shall have voting rights, and may serve as an officer or district director. Extension staff agritourism farmers may be Active members. All family members are Active members, but have only one vote per farm. **Dues: $30.00**

** **New Membership Categories: 5 Year Membership: $100 10 Year Membership: $175** **

Century Farm Active Members: Century Farm (CF) owners are recognized and honored with **free membership & the first set of liability signs is free.** Application & a list of member farms are found at www.ncagr.gov/paffairs/century.

Sponsor Members: Individuals, organizations, and/or firms whose activities or programs support the Association and who may be interested in **becoming agritourism farmers.** Examples: farmers, extension agents; in-town B&Bs, farm stores, restaurants; rural craftspersons; agritourism insurance agents, farm agencies, Chambers of Commerce, Visitors Bureaus, tourism professionals and rural tourism supporters. Sponsor members can serve as District Directors. **Dues: $20.00**

Junior Members: Individuals or youth organizations, in senior high school or college, aspiring to operate an agritourism farm or direct marketing operation or with an interest in agricultural educational opportunities. **Dues: $5.00**

MEMBERSHIP APPLICATION - Go to www.ncagr.gov/agritourism
Dues year: January – December 2011 --- Dues Deadline February 28, 2011
MAKE CHECKS TO "NC ANA"
MAIL TO: Martha Glass
Agritourism Office
1020 Mail Service Center
Raleigh NC 27699-1020

NC AGRITOURISM NETWORKING ASSOCIATION
2011 MEMBERSHIP APPLICATION & DUES
PLEASE PRINT CLEARLY

Date of Application: _____ **Phone: (h)** _____
Phone: (o) _____
Contact Name _____ **Phone: (c)** _____

Street/ PO Box _____ **City** _____ **Zip** _____

Name of Farm/Business/Agency: _____ **Century Farm** _____

Email: _____ **County:** _____ **District** _____

Website: _____ **Facebook Page:** _____

Agritourism Farmer ____ **Cooperative Ext. Staff**____ **Rural/Agritourism Service Provider** ____

** ____ **$100 – Five Year ANA Membership** ____ **$175 – Ten Year ANA Membership** **

___ **$30 – 2011 New: Active/CF member – 2 Liability Warning Signs Free w/ New Membership**

___ **$30 – 2011 Renewing: Active** ___ **$20 - Sponsor** ___ **$5 - Junior** ___ **$0 - Century Farm**

___ **No dues – 2011 Renewing Century Farm member**

___ **$7.50 Liability Warning Signs Requested Total: $**_____

$ _____ **Total Amount Paid for Membership and/or Signs**

injury, damage, or death to the participant.

(c) Nothing in subsection (a) of this section prevents or limits the liability of an agritourism professional under liability provisions as set forth in Chapter 99B of the General Statutes.

(d) Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

"§ 99E-32. Warning required.

(a) Every agritourism professional must post and maintain signs that contain the warning notice specified in subsection (b) of this section. The sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The warning notice must consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the warning notice specified in subsection (b) of this section.

(b) The signs and contracts described in subsection (a) of this section must contain the following notice of warning:

'WARNING

Under North Carolina law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.'

(c) Failure to comply with the requirements concerning warning signs and notices provided in this subsection will prevent an agritourism professional from invoking the privileges of immunity provided by this Article."

SECTION 2. This act becomes effective January 1, 2006, and applies to agritourism activities, as defined in G.S. 99E-30 as enacted in Section 1 of this act, that occur on or after that date.

In the General Assembly read three times and ratified this the 20th day of July, 2005.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:01 p.m. this 29th day of July, 2005