

MINUTES
ORANGE COUNTY BOARD OF ADJUSTMENT
JUNE 13, 2011

MEMBERS PRESENT: Thomas Brown, Chair
David Blankfard, Alternate
Mark Micol, Alternate
Dr. James Carter, Full Member
Dr. Larry Wright, Full Member, Planning Board Liaison

MEMBERS ABSENT: Dr. Dawn Brezina (Excused)

STAFF PRESENT: Michael Harvey, Zoning Enforcement Officer
Debra Graham, Board Secretary

OTHERS PRESENT: Sahana Ayer, Staff Attorney

1. CALL TO ORDER

Tom Brown: Let the record show we do have a quorum. Mr. Micol, as alternate, will be voting in place of Ms. Brezina. The Board of Adjustment is a quasi-judicial administrative body governed by North Carolina General Statute and the Zoning Ordinance of Orange County. Everyone who plans to speak during the proceedings tonight, including applicants and interested citizens, will be called forward for swearing in. Swearing in is required for everyone speaking before the board.

2. CONSIDERATION OF ADDITIONS TO AGENDA

Tom Brown: Does anyone have any additions to the agenda. Hearing none, we will proceed.

3. APPROVAL OF MINUTES

a. March 14, 2011

Tom Brown: On page 11, line 8 should read, "I originally *got* them". On page 16, line 15 should read, "If you recall, we were talking about Fire Marshal approval of any *site* altered access to the property". On page 18, line 11 should read, "The *USEPA* I am referring to...".

David Blankfard: On page 30, line 11 should be attributed to me. On page 31, line 16 should read, "The *graphic* here made it look like...". On page 30, line 18 should read, "The *graphic* you were referring...". On page 41, line 30 should read, "I think the finishes are the same; the roof type is the same *construction*".

Tom Brown: On page 41, line 13 should read, "So that would include any *site* alterations?"

MOTION: Larry Wright moved to approve the March 14, 2011 minutes with the noted corrections. Seconded by Mark Micol.

VOTE: Unanimous

4. PUBLIC CHARGE

The Board of Adjustment pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

1 Individuals sworn in:

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|-----------------|-----------------|---|
| Meredith Berry | Edmund Wise | Lue Simopoulos |
| David Pearsall | Nancy Oglesby | Susan Nichols |
| Mike Parker | Lynne Jaffe | Deborah Pearson-Moyers |
| Allison Nichols | Ross Poore | Tom Bush |
| Scott Oglesby | John Soehner | David Rooks, Attorney for Maple View Farms, HOA |
| Sabrina Hanson | Bonnie Hauser | Jodi Bakst |
| Mary Messinger | Marilee McTigue | Lori Kroothoep |
| David Laudicina | Susan Walser | Dolly Hunter |
| | Bob Hartford | |

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5. **A-1-11 - Camp/Retreat Center - Modification of existing Special Use Permit submitted by Maple View Agricultural Center LLC**

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In accordance with the provisions of the Orange County Unified Development Ordinance (UDO), Maple View Farms LLC has submitted a request to modify an existing Class B Special Use Permit allowing for the operation of a Camp/Retreat center at the Maple View Agricultural Center at 3111 Dairyland Road (PIN 9851-50-8691).

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Specifically the applicant is seeking to modify the existing permit to allow for the following additional uses permitted to operate from the property:

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- a. The renting out of the facility for meetings and/or conferences without an educational farm component
- b. The holding of special events and fundraisers on the property without an educational farm component,
- c. The rental of the facility for family reunions, wedding receptions, holiday parties, etc.

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On April 14, 2008 the Orange County Board of Adjustment approved a Class B Special Use Permit application allowing for the development of a Camp/Retreat Center on the property. The permit allowed for the development of a facility providing educational seminars and classes focusing on farming activities and practices. Through this submittal, Maple View Farm LLC is seeking to expand the allowable uses permitted to operate on the property in accordance with the provisions of the UDO and the definition of a Camp/Retreat Center.

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Tom Brown: Mr. Harvey, does staff wish to provide input on the case at this time?

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Michael Harvey: Very briefly since there are several people wishing to speak tonight and I don't feel like rehashing the eloquent job you have already done... I will ask the board to enter into the record, our abstract, which includes an Attachment A, the original special use permit as approved by this body in 2008, Attachment B which is the applicant proposing the modification which you are reviewing this evening, Attachment C which is the minutes from the April 14, 2008 Board of Adjustment meeting, Attachment D which is the minutes from the October 11, 2010 Board of Adjustment meeting reviewing their appeal concerning the Maple View Farm Agricultural Center, Attachment E is a map of adjacent properties, Attachment F which is staff correspondence including the approved septic permit authorized and the operation of the Maple View Farm Ag Center, Attachment G which is the Findings of Fact we will review later and the attached site plan.

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Tom Brown: Please enter those into the record.

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Michael Harvey: I would suggest the applicant come forward to present their case.

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Mike Parker: Allison Nichols is here, who is the director of the center, has materials. I would like to be brief. Most of what we would like to do is present these materials so they can be entered into the record. Let me begin with a couple of opinions we have. The real estate appraiser, Scott Dorsett, a certified real estate appraiser here in Hillsborough... his opinion, to

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1 summarize, is that the agricultural center will not detract from property values in the area. He cites a couple of sales as
2 evidence of that. Also, another opinion from Robert Hartford, who is present that has signed up in case you have questions
3 about that opinion... I would prefer that you address those questions to him rather than to me. I would also like to enter into
4 the record an operation log from the Ag Center from the time it opened until April 15, 2009.

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6 Michael Harvey: This will be Exhibit 3.

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8 Mike Parker: I realize I am bombarding you with a lot of information but I realize you have a long list of people. It is very
9 important, with this particular document going around now, that you carefully consider the history of the Ag Center, the uses it
10 has been put to. As you recall, I believe all of you were on the Board last fall, basically asking for clarification of the special
11 use permit. At the time, there were complaints about how the facility was used above and beyond the existing permit. This is
12 the history of the use of the center to date. We want you to validate those uses by changing the special use permit so we can
13 do what we have been doing. We feel like there was miscommunication between the planning staff and the center as far as
14 what we plan to use the center for. That led to a more restrictive special use permit that we felt like should have been issued.
15 We really didn't realize that until the complaints ended up with us back in front of you last October. If you will look at these
16 sheets... these are the quote unquote non-educational uses of the Ag Center on the top sheet. If you look down to the
17 bottom, you will see the total number of rentals since the opening in 2009 of 28. In a period of 50 months, the center was
18 opened in April 2009 with approximately two uses per month of rental uses. The complaints of the music, there was one
19 rental with a band and three events. Basically we have a total of three events that have bands and we have some of those
20 folks to speak tonight about the type of music at those events. We felt those were misrepresented before. Following the top
21 page is basically a list of the groups that use the center from year to year and month to month over the past 50 months. We
22 also have a list of the birthday parties, public school events, the home school groups, the preschool groups... essentially
23 every use that has been made of this facility. We think there are a lot of people that will speak as to what an asset this facility
24 is. I think Allison has some pictures.

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26 Allison Nichols: Yes.

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28 Mike Parker: I have a series of photographs that we will pass around. They are simply the front of the facility, the side, and
29 the back view of the facility. If you look out from the facility across the pond at the adjoining landowner's property, this is the
30 view you will see. Some pictures of the outside of the facility. These are essentially the same pictures with some of the
31 wildlife on the pond. They were made within the last few days. I will introduce all those. I feel like I do not have to tell this
32 Board what an asset to the community Bob and Chris Nutter have been over the years. Since we were here before, I will not
33 repeat the speech I gave in October, that I have been singing their praises. Bob Nutter is my father-in-law so I have a special
34 feeling toward him. I am also the attorney for the Orange County Board of Education and at one of the recent Board of
35 Education meetings they were recognized for their contribution for over \$100,000.00 for books for the kids in the elementary
36 schools in Orange County. These are good citizens and we just want the facility to be used primarily for non-profit. The Ag
37 Center is organized as a non-profit center and we want to add to the community. One of the complaints I have heard or
38 anticipate to hear is there is other camping and retreat centers in the area. There are not a lot, but I have a feeling if you look
39 at the special use permits for those, you will find they have the same uses listed for them. They are for profit, they do it each
40 and every weekend and we only do it now and then. If possible, I would like to come back later to rebut some of these.

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42 Michael Harvey: Mr. Chairman, before we continue, there is an item in the packet I want to call to your attention. It is under a
43 separate cover memo and not considered part of the abstract. It is actually information submitted to us by an adjacent
44 property owner with respect to this application. You will note it was submitted by, prepared by Maple View to the Homeowners
45 Association. Just so the board understands, we provided that documentation because when it was turned in to us, we felt it
46 was part of the public records and we felt you should see it. Staff is not commenting on it. It is not part of the public record
47 until it is made part of the public record. We did provide a copy to the applicant. I want to make sure that you are aware of it
48 and you understand that as it is not part of staff's official abstract that it has not been included in the record.

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50 Tom Brown: Mr. Parker, who will be speaking next on behalf of the applicant? Do you have a list or are you going to open it
51 up?

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53 Mike Parker: You just follow your list.

1 Michael Harvey: The first person signed up on the list to speak is Ms. Meredith Barrett.

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3 Meredith Barrett: I am not speaking on behalf of the applicant.

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5 Michael Harvey: This is just who signed up on the sign in sheet. This is not in any particular order.

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7 David Rooks: Mr. Chairman, I am David Rooks. I am representing the neighborhood homeowners association. We had
8 thought we would let the applicant put on its case, have its witnesses and then we have a presentation to follow that. We are
9 sort of organized around that.

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11 Tom Brown: Mr. Harvey, I would like to get all the applicant testimony first.

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13 Michael Harvey: Anyone here who wishes to provide testimony for the applicant, please come forward since I don't have on
14 here who you wish to speak for.

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16 Tom Brown: When you come forward, if you would state your name and if you have been sworn in.

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18 Michael Harvey: Unfortunately, the door upstairs was locked and Ms. Hunter was not present at the mass swearing. She is
19 signed up to speak so we will need to swear her.

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21 Tom Brown: Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

22
23 Dolly Hunter: I do. I am Dolly Hunter and I designed a required landscape buffer plan for the Maple View Agricultural facility
24 according to Orange County Zoning Ordinance 12.4.1. This type B landscape buffer plan was approved by Michael Harvey in
25 early February 2011. Under my supervision, the landscape material consisting of 14 large trees and 20 evergreen shrubs was
26 correctly installed on February 16, 2011. Therefore; the required landscape buffer plan has been approved, installed,
27 maintained and complete as required. Thank you.

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29 Tom Brown: Thank you.

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31 Dave Laudicina: My name is Dave Laudicina. I live directly behind the Nutter Farms. My wife and I live directly behind Maple
32 View Farms on Wood Duck Lane. In 1994 when we bought our property from the Nutters, we knew we would be living next to
33 a farm and see growth on this farm. Over the years, we have seen Maple View Farms grow into one of the most innovative
34 farms in North Carolina. We look at it this way, given situations in Orange County, we could be living next to a landfill or an
35 airport or maybe a future Maple View Mall or maybe even a bypass but we don't and hopefully won't in the future because of
36 how the Nutters manage their farm. I consider my family one of the luckiest families in Orange County to live next to this
37 beautiful farm with a wonderful community center that offers a place for the community to come together to educate our
38 children about agriculture and many more positive aspects. I want to thank the Nutters for what they have done on their farm
39 and what they have done for the Orange County community. Noise, traffic or any other issue has never concerned us as
40 neighbors. Thank you.

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42 Susan Nichols: My name is Susan Nichols, I am Allison Nichols' mother and I do work at Maple View Agricultural Center.

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44 Tom Brown: You have been sworn in?

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46 Susan Nichols: Yes. I have been a part of the community for my entire life and we raised our daughter up to look for what is
47 best for her community and the Nutters, I think they look for what is best for their community and we would not introduce
48 anything into the community that we think would harm the community in any way. I just have a big concern that in the time we
49 have been opened, there are 28 rentals and there were three bands and when I was here last time, it seemed like we booked
50 big name events every single weekend and that is just not the way it is and I just hope you will look at the record and see how
51 many rentals were there and how many did have an educational component and how much education there has been through
52 the whole program and hope that you will have leniency and let us continue to serve the community.

53
54 Deborah Pearson Moyers: My name is Deborah Pearson Moyers and my husband, Pete Moyers, the oldest residents of

1 Pastor Road. We have been living in our house for 15 years before any of the folks from Greenwise were living there.

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3 Michael Harvey: Would you state whether or not you have been sworn.

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5 Deborah Pearson Moyers: Yes I stood up here. We felt really blessed to find our land. We looked for a couple of years.
6 Every time we came over the Dairyland, it felt like our chest would open when we see that beautiful farm and you could feel
7 the good energy that Bob and Chris Nutter created with their family farm. Our next door neighbor was Muffin who was there
8 daughter. We understood we were buying a lot because the farm is in transition. They built a bottling plant. They didn't want
9 to be like other dairy farms that went out of business because they were selling bulk milk at the same price from 1970. That
10 had an idea so they built the bottling plant and from there on they built an ice cream store and now, thank goodness, the Ag
11 Center. Now we are adding education and even the possibility of a party. I have no problem of having this special use permit.
12 In fact, I would highly value it. I ride my horse with Bob's permission, across his land, regularly to the Ag Center. I have never
13 heard noise there. I am not saying it is not true. I also consider Meredith and Nancy friends of mine so I am confused and
14 haven't spoken before. I really wonder what is behind it but probably we will never know. When I am riding my horse,
15 although I haven't heard any noise from the Ag Center, I have heard a lot of barking dogs and that is part of living in the
16 country. We all have animals that make noise. There are miniature donkeys, horses and dogs but as far as noise from the Ag
17 Center, I have no complaints. I have been to several events there. I have been to the open house, yoga classes, which were
18 marvelous and I have been to Muffin's memorial service which was held there. I hope you will have wisdom and reason and
19 bless the Ag Center. Thank you for listening.

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21 Bonnie Hauser: I am Bonnie Hauser, I have been sworn in. I am speaking for a community called Orange County Voices,
22 you may have heard of us. We advocate for issues on rural character and rural community including no airports, no waste
23 transfer stations and we love Maple View because Maple View has been a partner in helping us keep rural character in our
24 community and it is very important. I also am a member of the local community. I live off Orange Grove Road and I will start
25 by saying we are proud of the contribution that Maple View Farm has made to our community which most recently includes the
26 Ag Center. We also appreciate the concern among Greenwise neighbors about noise and nuisance but it is in that context
27 that we ask the board to expand the uses in Maple View's special use permit so that Maple View can continue to develop the
28 center as a community resource. Maple View is and has always been a good neighbor. The facility is an educational
29 resource. I was surprised when I read it was a party center. Its leaders, Mrs. Nichols-Klapper and her associates are
30 educators and farmers. They are not party planners and throwing wild parties there. The facility has been designed with four
31 classrooms with a barnyard. It has a bigger room and outdoor exhibition gardens. It has a tiny little kitchen that no caterer
32 would want to work in so it doesn't work as a party center and there is no evidence that we can see that Maple View intends to
33 convert it into one. With that said, we would love to see this resource evolve into a community resource. It worked well for
34 Town Hall and community events fundraisers, even social events like a film showing, a square dance or meeting that
35 enhances our connection to each other and to the farm. We believe that flexible and creative limits can be defined that are
36 reasonable. Maple View respects and has always complied with the County's Noise and Nuisance Ordinances. Outdoor
37 music has been rare... maybe a couple of times since the facility has been opened. It makes sense to require things like
38 outdoor amplification be focused away from the neighbors and that maybe maximum decibel levels be prescribed assuming
39 that our ordinances are insufficient to control that. We see no need to restrict the activities in the center in any way. The
40 space is small, traffic impacts are naturally limited so please acknowledge the important evolving role that this center is
41 playing in our community and find a flexible way to assure the neighbors that the resources are enhancing and not threatening
42 their community. Thank you.

43
44 Marilee McTigue: I am Marilee McTigue and I have lived in the Maple View area for over 20 years and I live on 10 secluded
45 acres in the woods on top of Pickard's Mountain so I look down in that direction. I assure you that noise happens even in the
46 country. Dogs bark at midnight, house parties go into the wee hours. My neighbor's son learned the trombone on the back
47 deck and I can assure you that was an interesting thing to sit there every day after school and listen to. I also live next to
48 Pickard's Mountain Echo Institute. They do occasional fundraisers and have music out in the woods and honestly, I don't
49 mind that in the least. It shows me that we are successful in what they have been doing. It is everybody's job to be a good
50 neighbor and that means minimizing our personal impact on our neighbors but it is just as important to be tolerant and
51 accepting of the sounds of life that come with living next door to people. I ask the board to expand the uses of Maple View's
52 special use permit so Maple View can continue to develop the Ag Center as a community resource. Maple View is and always
53 has been a good neighbor.

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1 Sabrina Hanson: My name is Sabrina Hanson and I hope I am not stoned on the way out of here. I have lived in this
2 community for 14 years. I have been sworn in with the group of people. Long term residents and some of you may know me
3 from the school system. I've been very active in our Orange County School system, Grady Brown and AL Stanback. I am
4 also; in addition to that, this was my idea, as far as Fall Days and Ag Wag... the three events that is in question in this
5 hearing. In addition to my passion to children and education, my other passion is great Danes. I represent a rescue, the Mid
6 Atlantic Great Dane Rescue. I am not only an adopter, I am a foster and help them raise money wherever possible whether
7 that means standing in the 100 degree heat at Pet Smart or coming to Allison and saying, you know what, the beautiful facility
8 is built and nobody knows anything about this facility, can we hold a community event? It would benefit not only Maple View
9 as far as having the community come there but it would benefit the great danes. We do a couple of things with the great
10 danes and that would be one to educate people about great danes, about our needs for fosters. We have placed hundreds of
11 dogs this past year and we have been doing this for 31 plus years. We are in seven states and we do this all over. We are
12 self supporting. We pay for spay, neutering, heart worms. All these things for these huge animals and I have to say in times
13 like these, we are full, we can't even take owners' surrenders any more so in an effort to help our rescue, Allison say let's think
14 about it and pick a day to do it. I enlisted many in the community, in Hillsborough that needed help. Everything from Wimpy
15 to the Bison Farms, invited all the community. They paid a nominal fee to the rescue, not to Maple View. In fact, Maple View
16 incurred a huge expense. They paid for the electricity, air conditioning, all this stuff to help our animals because of their long
17 standing commitment to animals, to respect and to their community and all the people there were community members. The
18 music in question, this was in October, started at 12:00 and was done by 6:00. We had Steven Toll, who is a folk singer,
19 come out. It was one single guy with a guitar. We had a high school band play because they were out there jamming there
20 tunes. They played for an hour and wrapped up with Rootsy, who many of you know, is a folk singer. We are not talking loud
21 bands and noise. In fact, the second event, because of impending weather was not as successful as the first event and
22 ended at 4:30 in the afternoon so as far as the loud party and noise, it wasn't that. This happened in the fall days in 2009
23 when we did an event in 2010, like eight months later, are the two events that are in question. Told you about the
24 entertainers. We also had clowns. Maple View also supplied the educational component. We did classes inside. We had
25 Sudie Rospin who came out... she did the book Savannah Blue. She was our author there signing books for the kids. This is
26 all about community. Keeping it local, we want to keep our dollars here, spending in Hillsborough. This is all that was about.
27 Keeping our local community. Having a day of fun, family, animals and all my friends from school brought their dogs and
28 everybody had a great time and it was wonderful. Both of these events were to aid animal rescue, to teach children about
29 animals, to help us find fosters for so many animals. We all watch the news on how many animals die every day and we go
30 out every weekend and try to prevent it. Of course, not at Maple View and pending your decision, maybe never again but they
31 did a really great thing for a non-profit organization that was very grateful. In fact the community was grateful to Maple View,
32 for not only their long standing support in education with Ms. Nichols and her family. I have known Allison since she was
33 scooping ice cream, but also the Nutters commitment to the reading foundation; they have a long standing commitment to
34 children, to animals and the respect of both of them in educating them. As a rescue and as a beneficiary of their kindness and
35 generosity, I am very grateful to have them in my background. One of the things I really wanted was for our community to
36 come see what a wonderful center they have... and having been there on several field trips because they are a great learning
37 center for the school systems. I can only say that on a personal level, I think it's really sad in a litigious society and the things
38 that have been said and are not true. It is just really sad we are in this position. They tried to do a really great thing for a
39 really great cause and we are all here.

40
41 Lynne Jaffe: My name is Lynne Jaffe and I have been sworn in. I have been a resident of Orange County for over 25 years. I
42 have lived on the backside of Maple View Farms for sixteen and a half years. I am speaking on behalf of my husband, John
43 Hartley, who passed away 12 days ago. Two days ago, we had his memorial service. We would have had that service at the
44 Agricultural Center if it had not been too small for the number of people we knew would come so I want to speak on his behalf
45 because I know he would also be standing here and speaking his heart out about this. So I live in walking distance of the Ag
46 Center on the backside of this farm. Like they say, farm is not the quiet pastoral place people like to imagine. The Agricultural
47 Center I realize is something of an exception to what a normal farm has but I think it is a really good exception. I know I don't
48 need to speak to the Nutters reputation here but what I really want to point out here is that when they could have sold off the
49 land for hundreds of thousands of dollars, they chose to protect and preserve it not for their benefit but for the farm and the
50 community the farm exists in. When they built the Maple View Agricultural Center, they used their own money. They spent
51 hundreds of thousands dollars to build this community rather than sell the land and make hundreds of thousands of dollars.
52 They are not going to live to see a lot of what could happen with this Agricultural Center but it is there now and it would be a
53 real shame for it to go to waste and for all their energy and intention they have put forward in this community all these years to
54 go to waste. The Nutters are what comes forward out of this is the legacy of the Nutters in this community. I only just this

1 evening got to the letter Nancy Oglesby sent out and I understand her concerns and I know the Nutters themselves have a
2 little regret about bringing in domestic use and they are desperately trying to find a way to change that. Sometimes you learn
3 when you are in process you don't know ahead of time, what's the normal ride. I really wish that the neighbor's on Green Rise
4 have the experience we are having in the other two parts of the Maple View subdivision because we have really been creating
5 a neighbor and we are adapting. Things haven't always gone smoothly and we learn to work it out and we have a beautiful
6 neighborhood. During this period, when John was dying, I had the support of the neighborhood. Most especially the Nutters
7 showed up without an invitation, they showed up and really supported us so these people who live on Green Rise Road spend
8 even half of the energy they have spent on pursuit of this compliant on gratitude and the great privilege of living on such a
9 place as the Maple View Farm. Whatever way it finds to sustain itself and express itself in the community, I am really sad
10 there seems to be such a lack of some attention on the grace of getting to live there in that beautiful place, looking over that
11 pond. There are some extenuating circumstances here. The Nutters quite innocently, did not intend or any prior knowledge
12 about what they needed to know and perhaps some failure of the Orange county staff to provide enough guidance and
13 clarification about what they were going to do with this place. They simply did not know what was going to be required. I think
14 they had a hope that they could do it all with education and then with the economic downturn, the schools were not able to
15 provide as much of what they thought was going to be in place to support them. Not their fault, nobody's fault... just the
16 reality. I also want to point out that I periodically walk over to the ag center and I frequently hear the next door neighbor
17 playing the accordion or banjo and it is very loud. It is right next door but I don't hear anybody complaining about the music
18 right next door in the evening at sunset. It is like why this focus on one thing that doesn't seem to apply somewhere else. I
19 remember when we were here last time; there was a lot about the laws. It is really a hard place because what the law is and
20 what is fair just isn't always quite the same and I don't know what to do about that. I think we are here again looking for fair
21 and just. If the neighbors were to pursue a lawsuit in this case, that further demonstrates that this is not about the community
22 it is more about what of self-interest. If we are here about protecting the citizens of Orange County, then I really would like to
23 ask to please support the Nutters in continuing to provide the services they have been serving through their entire life than has
24 been about nothing but community. Nothing about the benefit of anybody but Orange County. Not about self-service but
25 community. I will say too that as a community organizer and event coordinator, there are very few places available to do
26 wedding services and things like that. I saw the list and some of them are no longer functioning or they are small and I know
27 they are almost all booked months in advance. We are desperately in need of places, camp retreat centers, to hold all kinds
28 of events for the benefit of the larger community so please allow the Nutters to sustain the continuation of their vision. The
29 vision they have been providing to Orange County for their entire life here that will last long beyond any of us into future
30 generations.

31
32 Susan Walser: I have been sworn in. I am here tonight with my husband, Bill Walser... we live on Western Park Lane which
33 is right off Dotson's Crossroads. We have been part of the Maple View community for 15 years. I have known Mr. and Mrs.
34 Nutter for many, many years and I have known Allison Nichols for several years. We are amazed how the Nutters give to our
35 community and we think the ag center supports the community in many ways. I agree with Marilee McTigue that noise
36 happens and building happens. My husband and I built our house 15 years ago; we built next to 300 acres of vacant land.
37 We now live next to the Pickard Mount Eco Institute. In fact, our land borders next to their garden. I can stand in my kitchen
38 and see their place and many, many weekend nights, I can stand on my front porch or back deck and hear music from their
39 events. I can hear their drums. I feel blessed that I can be so close to those events and be so involved in that institute and
40 what they do for the community. I also feel blessed that I can be so close to the Nutters and what they do for the community
41 via Maple View Farms and the ag center. I hope you can see the benefit they provide the community and take that into
42 account in your decisions.

43
44 Ross Poore: I have worked on Robert Nutter's farm, I worked in the milk plant for over 10 years and since Muffin died I have
45 been helping out with the ag center . For over 40 years, he has lived in this community and given himself to the community
46 more than anybody has ever done to my knowledge in this community except to help people and he has bent over backwards
47 for the people to try to appease them with concerns they have had and I just don't understand it. Personally, I think it is much
48 to do about nothing. And there are a couple of other things. There are a couple of things about a couple of people that aren't
49 here; Joan who designed and constructed the building at the ag center had basically the same vision as Bob's daughter,
50 Muffin, to have something to benefit the children in this community and it is a wonderful vision you have. If you could see the
51 letters of the children... parents and teachers have written to the ag center thanking Allison and Susan for the things they
52 have learned and the fun they had learning.

53
54 John Soehner: I have been sworn in. I farm at the agricultural center. It is a five acre plot in a pretty nice fence. I notice a

1 compliant about me using an irrigation pump. It is a five horsepower Honda. There isn't a time when I turn that on, I try to
2 turn it on so it is not on at dinner. I try not to start at 6:00 AM. I try to put it on at the right time of day, it runs two hours. It
3 pumps up to field. It goes to a headline. It goes down drip irrigation and puts out about four and one half gallons a minute
4 every 1,000 foot a drip. It is a pretty efficient way to water. It is a place you can hear a lot. I was out there Sunday morning, I
5 work every day and a lot of people ask me if they can learn about farming and they come help me for free. I said to this girl
6 yesterday, Trish bikes down the road... don't say a word for a minute cause you can hear everything they are saying when
7 they ride down the road. Sound really travels there. It is a big open field. I love it there. Everybody that works there is really
8 nice to me. It is an efficient farm. I grow about 70 different vegetables, flowers, we grow sugar snaps, sweet potatoes, about
9 nine varieties of potatoes, lettuce, radishes, turnips, I could name them forever... sunflowers, zinnias. The kids can see how
10 this stuff is grown. I think it is a great idea. Mr. Nutter has been so nice to me. He came to my house to ask me if I wanted to
11 farm there so the kids could see it. I could think of worse things than that place to live next to. Let's keep it positive. I think it
12 is a great place and hope I can continue farming there. It has been a real pleasure being there.

13
14 Tom Brown: Is there anyone else to speak on behalf of the applicant? For those opposed, please come forward.

15
16 David Rooks: Mr. Chairman, I am David Rooks. I represent the Maple View2 HOA, the next door neighbor directly adjacent
17 to the center and we will have three witnesses who will summarize the neighborhood's objection to parts of this application
18 and we will be clear that the neighbors do not object to the ag center, they do not object to the Nutters. There are very
19 specific things they object to and that is why they are here tonight. In order, we will have Meredith Berry, David Pearsall and
20 Scott Oglesby.

21
22 Meredith Berry: I have been sworn in. In a packet we prepared for you, you do have this map. I wanted to add a few things
23 about the neighborhood with a couple of markings we have and just talk a little bit about what makes what we feel makes our
24 situation here in our neighborhood. It starts down here on Dairy Land, comes all the way up here. What we feel like makes
25 this a little bit different than other party barns that have been talked about. I live right here and this is the ag center here and I
26 live approximately about 470 yards from the ag center. Our whole neighborhood, Green Rise neighborhood, is in a fairly
27 unique situation. We are on a hill and it slopes down. This is the crest here. Everything is sloping down to the pond and then
28 towards the farm and especially the ag center. When there have been outdoor parties with large speakers for amplifiers,
29 those are usually set up in the field. The amplifiers are set up and they conduct sound because we can hear them back here
30 and here. There is no one in our neighborhood that has not been able to hear them. It conducts a sound and it comes
31 straight up this way. I have literally been inside my house with doors closed and I can hear amplified bands. I am not talking
32 about the folk singers sitting out on the steps singing. I am talking about when there was a fundraiser or a larger party, there
33 was amplified music. So our problems are our proximity. The sound carries straight up this way. It comes across and it
34 comes up. That is a big huge part of our concern. We have no intention of wanting the ag center to shut down. We love the
35 farming. We supported it from the very get go. We never attended the first hearing for you to approve them to build the ag
36 center because we supported that then and we support it now for their original purpose. We just don't support the party part
37 of it. I would say from the closest house here, the closest house in our neighborhood is only approximately 175 yards away.
38 The farthest house in our Green Rise neighborhood is right here and that is 530 yards. They can hear, they can hear it, we
39 can hear it, we can all hear it. Part of the problem is, for example, the great dane fundraiser sounds wonderful. I happen to
40 be an animal lover and rescuer. I give much money to animal foundations. Love animals as much as anybody in this room
41 but the issue with an event like that is that those event organizers are there for one day, one afternoon. We are here all the
42 time, every weekend so if we have fundraiser A this weekend and fundraiser B next weekend and fundraiser C and party D
43 next weekend. We are there every weekend. We don't go away... those are our homes and we bought our homes out on the
44 countryside with no other businesses except for the farm. We love the farm. We are not complaining about the farm. We are
45 complaining about and concerned about this agricultural educational building being turning into a party center that could
46 feasibly be used every weekend for outdoor parties. I believe in the applications, weddings, family reunions, corporate events,
47 holiday parties, that sounds like a lot to me and I think it would sound like to a lot to any of us who live here who would be very
48 much affected.

49
50 Scott Oglesby: I am the president of the Maple View2 HOA and I have been sworn in. I live with my wife and three children.
51 As Meredith explained, the meek geography of this area because it rises above and the affect of the ponds where sound
52 reflects off the pond through that particular area, puts us in a very unique position. We don't have any objection to farm noise.
53 That is part of the reason we moved out here. The smell of manure in the morning, the sound of traffic in the distance. We
54 accept that and some of us did grow up on farms so we were not totally naive to it. It is a matter of degree. I think that is part

1 of what this is about. From the get go, we have supported the ag center concept when it was first proposed to us. In the
2 handout you have, in appendix 3, we have put together a timeline of the major events that can be documented on both sides
3 going forward starting with divisional SUP permit in 2008. What I want to emphasize is that what the homeowners association
4 first brought to us is that this is a great idea. An agricultural educational place, it looked like a beautiful building. We have
5 supported it all the way based on what was in the original SUP which was for educational related purposes. That hasn't
6 changed and we still support it. Since early 2009, when events started going on there, we strived to communicate with the
7 Nutters in a neighborly fashion and a lot of us have known Chris and Bob for many years and there is a, in the attachments
8 just as example was, when we had several meeting verbally, and we didn't seem to be reaching them, we put it down on
9 paper and had everyone look at it so we thought we wrote a pretty neighborly letter to the Nutters explaining our concerns and
10 some of the impact of the activities that was going on outside...

11
12 Michael Harvey: Mr. Oglesby I am sorry to interrupt but board members, he is referring to his letter contained on page 14 of
13 his document.

14
15 Scott Oglesby: Appendix 5. Again, we have no problem with the educational events and there was only a few non-
16 educational especially with the noise issue. Again, we don't have a problem with the occasional event which is one thing but
17 to have an open license, if you are averaging two events per month and you are not making enough money and you get to
18 expand it where there will be noise, traffic, safety issues, that are going on as a more frequent basis so you can make it
19 financially viable it is really just doing the math from our perspective and our concern is that in order for them to succeed as a
20 non-profit business, they are going to have to increase the frequency of things and having carte blanche to do any kind of
21 event outside of an educational event is really our concern again because of noise, traffic, the light now, the nighttime events,
22 there will be alcohol involved so we did try to brainstorm with the Nutters and we did suggest and it is part of the timeline in
23 appendix 2 on page 7, a number of educational related events that we believed that would be of interest in the community to
24 support and would be very consistent with their educational events. These included shared space with a preschool, start an
25 interschool care program, start a community supported agricultural program, expand the yoga program, partner with 4H for
26 programs that require space indoor and outdoor. Offer the space to agricultural and animal rescue groups that need meeting
27 space, not necessarily event space but again, depending on the events, it is about how far over the threshold noise things go.
28 We tried to be constructive and show our support and throw out ideas that we believe that would be potentially viable. We
29 also suggested in exhibit 6, page 17, a letter from our lawyer where we suggested professional arbitration with the Carrboro
30 Dispute Center as a way to put our differences and try to have a dialogue with professionals there to guide some
31 compromises. That was suggested in a letter in November 24, 2010. Then we met with the Nutters as well after that and
32 again, Bob did a very good job of listening and we expressed our concerns in a neighborly fashion to try again to say we live
33 next to each other, let's figure this out. Then our understanding, we were notified of the request to modify the SUP to allow
34 carte blanche in terms of the types of events that could be there. There have been a number of years we have tried to work in
35 a neighborly fashion and try to figure out if there was some resolution that was a win-win. Personally I didn't buy a house out
36 there, we have lived there six years, to be next to a party barn with the traffic, noise, light concerns that are going to go on
37 there or have the potential to go on there because they can. I would like to direct the board to our perspective on this and cite
38 the Orange County Ordinances, Article 8, Special Uses, and there are three points in there and I would like to address those,
39 each one, in terms of what our perspective is. The first one is 8.2.1.b.1 "The use will maintain or promote the public health,
40 safety and general welfare." We believe with the increased number of events that are non-educational purpose, there will be
41 increased autos, traffic and people of course. I would like to point out, an example, for one of the events held previously, if
42 you look at appendix 4, page 11 and 12 of the handout. There is a picture of the overflow parking during one of the events
43 where the gravel parking lot wasn't sufficient, but more importantly, the second picture; there is a gentleman who has parked
44 his SUV and it directing traffic with balloons in his hand. Again, on a rural road, that, in our estimation, it speaks to the issue
45 of safety. Not only for that gentleman but for those who try to avoid him. Relative point, are the ordinances, they are now
46 proposing events during non-school hours and would not be educational events and would be night events. There would be
47 increased noise. We talked about due to those events, my understanding is they are proposing to have alcohol at events,
48 which as we all know, with alcohol comes increased noise, there is also liability issues because we do share the pond. This
49 pond here, the properly line between Maple View HOA and the ag center down here and the Nutters Farm. One side is
50 owned by the HOA and one side is owned by the ag center. There was a lot that was done to clear up the view from their side
51 of the pond; we now look across at a very different view. Some people may like it and some may not. I think that is a
52 personal thing. I think we get a lot of bicycles out there not only people riding, that is a very popular loop, if you have ever
53 been out there, but our own families ride their bikes there and it is a safety issue if there is increased traffic and if you are
54 going to have potential events with alcohol involved so we believe that the quest for an expanded or amended SUP does not

1 promote the public health, safety and general welfare. On the second point, Article 8.2.1b.2 "The use will maintain or enhance
2 the value of contiguous property". Trying to accurately set property values is extremely difficult. Anyone can go out and find
3 examples to support either case. I think as one of the people speaking later will speak to is part of the issue, if there is a party
4 barn, whatever impact on value around there, it is not a party barn so I don't think there would be an accurate reflection of
5 property values, but if it were to be granted, the revised SUP, the property is not so much the property values, but real estate
6 agents would have to disclose the material fact, there is a party barn, contiguous in proximity to the Maple View neighborhood
7 and that would probably impact the pool of potential buyers that would want to live on a rural five acre piece of land with a
8 party barn down the road. I think, from a personal perspective, we have had the music there so loud, we can hear it when the
9 doors and windows are closed and that is just way above the threshold of what is reasonable. I think if we had to buy a house
10 out there today and this SUP went through, we wouldn't want property like that next to a party barn. The final point on the
11 Orange County Ordinances, "the location and character of the use will be in harmony with the area in which it is to be located."
12 Again, we have said numerous times, the educational component is totally in harmony, it is a great idea. It is something that
13 is now out there and we think it is an important part of the community and we appreciate the Nutters for having this farm. But I
14 think to turn it into something that would be a party barn is not in character with the area. Right now there are only farms and
15 residential areas and the country store around there. The Triangle Land Conservatory has properties adjacent to some of that
16 land. Again, cars coming in and out at night with headlights, noise, people drinking, the carrying of the sound as they are
17 adjacent to the ag center and there has already been, with the increased public presence, there has been a couple of
18 incidences of vandalism, which I don't think ever happened before. From that perspective, we don't believe that turning it into
19 a party barn is going to be in harmony with the area in which it will be located. I would also like to show, as the last point,
20 appendix 7, starting on page 20. These are Google earth maps, same scale, of the various other party houses and just to
21 emphasize again, for us it is a proximity issue. If you look on page 20, that is the ag center with the thumb tack on it and you
22 can see the pond, our property is right across. If you look at the next one, the Rock Quarry Farm. They have a working
23 quarry right across the road, that is not too residential and it is surrounded by acres and acres of wooded land. If you look at
24 the barn at Valhalla, again, that is surrounded by acres and acres of land and the only property there is Duffy's property.
25 There is also the Rigmore House. You can look there and see it is well of the road and there is no other properties adjacent
26 but acres and acres of wooded land surrounding it. Then the Snipes Farm Retreat which is probably closest to our situation
27 but even if you look at the distance it is significantly further away from the closest residential area. We believe that the current
28 existing SUP is a great thing for the community and an asset to the community and we appreciate the Nutters moving with
29 that. We believe that the amendment they are asking for will not be consistent with the Orange County Ordinances that I have
30 previously discussed.

31
32 David Pearsall: I have been sworn in. I live at 6515 Green Wise Road. I have lived there since 2005. I am the furthest of the
33 neighbors from the ag center. I want to start by saying that I am really torn even to be up here because I really think highly of
34 the Nutters. I know Bob and Chris personally. Bob has brought me vegetables to my house. My kid, my oldest, is five years
35 old and just graduated from Grady Brown, has been to the ag center, loves it, loves the events, and loves the presentation put
36 on by Allison. I don't have anything against an ag center but I am raising three young children. I am out in the country and
37 what I have to do is be neighbors to everybody and these are my closest neighbors and the numbers two, three, four and five,
38 are the ones closest to pond. If I can hear the music in six, they can hear the music a lot louder up on those other houses on
39 the same street. We share a common pond; the line goes through the middle. I happen to be in the business of insurance
40 and liability issues obviously come up when you speak of alcohol and parties. I have no problems with the ag center, again, I
41 love it. The hayrides are wonderful. That is why I moved to the country to be close to the farm. I think the farm is awesome
42 but I didn't move to a party center and I am asking you how you would feel if people were having parties unannounced, if you
43 didn't know, in your backyard. That is what I was thinking about when I thought about our neighbors that are closest to that
44 and also if someone were to go into that pond, the liability issues that could arise because we do share the pond and we have
45 had conversations with Bob and Chris on that regard and they have been positive and we have worked around that. If this
46 was a hearing just on the Nutters, I think that would be wonderful, I mean, I would speak on their behalf and I could easily be
47 sitting on the other side of this equation but I have looked at the neighbors and where they are as far as on the pond and the
48 noise that would be at the party center. They should have the right to do what they want on their land until it affects others
49 and if it is affecting others and it is in your back yard, then I think you need to pay attention to that.

50
51 David Rooks: That is the official presentation from the Homeowner's Association. I would move the introduction of the map
52 and the introduction of the information package that has already been distributed. I think those would be exhibits 1 and 2. I
53 believe there are other folks who would like to speak in opposition.
54

1 Lue Simopoulos: I have not been sworn in.

2

3 Tom Brown: Swore in.

4

5 Lue Simopoulos: This is my house, I am number two. This is the ag center here. I am closer than anybody here. I am
6 hundreds of yards closer than most of the people who have spoken on behalf of Mr. Nutter. I do want to say that Mr. and Mrs.
7 Nutter, when they called us in to do the ag center, I was very supportive. Being right next door, I thought it was a great idea,
8 my daughter and I walk over to see the animals almost daily. We love the ag center and the farm. What we were led to
9 understand was that it was going to be an educational program and we were absolutely for it and supported it all the way. Mr.
10 Nutter was so kind, when the first winter came and all the leaves fell I woke up and I looked out and there was this big red
11 barn that I had not seen before because when the trees are up I couldn't see it and suddenly it was very, very close. They
12 were responsive to me immediately to put a buffer in. So I have been pleased with their response. The place in where I am
13 joining my neighbors is in this issue of changing this use to where there could be parties so often. We agreed with the idea of
14 having occasional parties, we have occasional parties. They can have occasional parties too. Changing the use, as my
15 neighbors have said, that all of the sudden we may have parties all weekend, every weekend and that is not why we live here
16 and why we moved next to this farm so that is the main thing I wanted to say. I do want to say and I wanted everybody to
17 understand that I am the one who is most impacted, I am right next door so it is hard to listen to people talk about how we
18 should be grateful and all these other things when they live so much farther away. I hear everything that goes on next door.
19 When the leaves are down, I see everything. When the leaves are up, I just hear it and that has all been fine as long as it is
20 not excessive and that is where I agree with my neighbors. That is all we have asked for contrary from what my further away
21 neighbors seem to believe that we have been the horrible neighbors out to get the Nutters. It is not.

22

23 Mary Messinger: I am a part of Maple View I. We bought our land in 1994. I have been sworn in. We moved into our house
24 in 1996. I am in agreement with my neighbors of Maple View I in that I love the fact that the Nutters have been so good in our
25 community and love the idea of the ag center and it goes far beyond our community. As far as Raleigh, Greensboro and even
26 farther than that. My concern is the same here with my neighbors in Maple View 1, that I can hear the noise from my house. I
27 don't know if my property is even on there. I live here and it is a good distance away. Through the pond, up the hill, over the
28 woods and I can hear it. I actually thought it was my neighbor from Maple View 1 who has two teenage boys, dad was gone,
29 they had a big party. The next day, and they had a big party. I could hear them. They were taking advantage of dad being
30 gone. Then I found out when there was another event at the ag center and I put two and two together that it was actually the
31 parties going on here that I could hear the music from my house. I don't disagree with fundraisers and special events and
32 occasional parties. We all have those too it is just the weekend after weekend and the excessive noise.

33

34 Nancy Oglesby: I apologize I wasn't here but the door was locked upstairs so I went up to let them in.

35

36 Tom Brown: What is your name please?

37

38 Nancy Oglesby: Sworn in. I am a member of Maple View 2 and I live over here and like everybody here, we have enjoyed
39 being near Maple View and we have had very good experiences with the Nutters at times and appreciate the goodness of
40 their hearts and how much they have done for the community and I agree with all the legalese that was said from my
41 neighborhood but at this point, in addition to giving them my support, I want to speak personally. I understand that they
42 haven't had tons of parties so far and they seem to think we are complaining too much about what is being done but I think we
43 need to focus on the fact that this hearing is to decide whether or not parties can be unlimited. That is my issue. We have
44 several times tried to negotiate with them about the number of parties and we have offered and said we wouldn't put any
45 opposition to a few parties and could we come to an agreement and go to the dispute settlement center. Let's go to
46 arbitration. Let's compromise and come up with a number of parties we can both live with and then put that in the SUP. So if
47 they really want to only have a couple of events outside every year, why isn't that in the SUP or the application? I would not
48 have even come if the application I had gotten in the mail said the ag center wants to have two outdoor parties a year. I would
49 have said hallelujah I am not going to go because this is very stressful to have to come speak like this. That is not what it is; it
50 is to have it every night. I have talked to friends who live near party barns and it is a really miserable experience. There are
51 times they don't get to sleep and they don't get notified. They don't know when it is going to happen and it is not fine. That is
52 what I don't want. I don't understand if there is all these people talking about being neighborly and compromising, then how
53 come when we offered to compromise, nobody wanted to compromise. How come this application does not represent a
54 compromise? We are here, we want to compromise, please compromise with us. We are not rigid or saying we don't want

1 any parties, we just want to know when they are going to be and how many there will be and we want to keep it limited to
2 something we can live with. I don't really know what the rules are. I don't know how this thing works but if you could finish
3 tonight and say go to arbitration, come back to us in a couple of months when you have come up with an agreement. That is
4 what I would like to see. I want to get along with my neighbors. I want to be able to live with them. I want them to understand
5 how loud their music is, how I can hear it inside my house with all my doors and windows closed. I am not getting that at all. I
6 appreciate everybody who has come because I think we should all feel welcome and comfortable speaking our minds whether
7 it is for or against a certain idea and I appreciate the respect that people have shown for us tonight.

8
9 Tom Brown: Is there additional testimony in opposition?

10
11 Jody Bakst: Sworn in. I am a realtor and I am here in my capacity as a realtor and I actually did sell Scott and Nancy their
12 property. All I am here to say is that as a realtor either representing a buyer or seller, we need to disclose the facts. We need
13 to disclose things that are proposed, not even happening. When you are listing a property even agents representing buyers
14 ask questions all the time because they want to provide their clients with all the information so people can make informed
15 decisions so if things change and it becomes a party barn then the only point is that it will be disclosed and you need to let
16 your buyers and potential buyers know so they can make an informed decision and it is entirely possible that more people
17 won't want to live near a party barn if there is that kind of noise.

18
19 Lori Kroothoep: Sworn in. I live here. I am the second closest house to the ag center. I am new to the neighborhood. I don't
20 own the home. I don't belong to the homeowner's association because I don't own the home but I am a resident there. I have
21 four small children ages 10, 8, 4 and 3 and I am not opposed to farming, the Nutters, the ag center, or the education activities
22 that go on there. My concern is the extended permit that would allow the parties. It will sound redundant to most of the other
23 neighbors. I have a concern about the noise. My home is not blocked by many trees because I am right across from the
24 pond. The view is beautiful. I can see cows, the geese, and the llama. It is nice. Having the tractors roll by is a little....I can
25 accept that. I think the biggest concern for me is the noise and the safety and having people who are staying up late, making
26 a lot of noise, drinking, possibly wandering or trespassing into our yard with my small children who I can freely let out the door
27 to play at almost any time at reasonable hours. It is having someone come up and disturb that peace and safety. That is my
28 biggest concern. I am not opposed to occasional parties but I would be opposed to unlimited use and I think it would affect
29 the quality of our life living there. So I hope you will consider that.

30
31 Tom Brown: Is there additional testimony.

32
33 David Rooks: I would like to speak briefly if I could.

34
35 Tom Brown: Not yet. Is there any further testimony in opposition? Mr. Rooks, we have heard most of the testimony that is
36 explaining that noise is a major issue. Have there been any measurements taken to determine if the Orange County Noise
37 Ordinance has been violated at any point during the activities.

38
39 David Rooks: I am not aware that has happened.

40
41 Tom Brown: So you have no evidence to present.

42
43 David Rooks: There were several episodes, there were complaints made and ultimately the staff acted and the activity
44 stopped so to my knowledge, I do not know of anybody taking noise readings.

45
46 Meredith Berry: I would assume you would need some type of particular equipment to do that and we have never been
47 notified ahead of time there would be a party so we have never purchased or rented or asked anyone to come out.

48
49 Tom Brown: That wouldn't be necessary, the Orange County Sheriff's Department is responsible for enforcing the noise
50 ordinance and they would take the measurements. It has to be qualified personnel to do so. My question was has that been
51 done.

52
53 Meredith Berry: We called the sheriff but we don't know if they did any readings.

1 Tom Brown: Does any board members have any questions for the opposition before we go into rebuttal?

2

3 James Carter: I look at the Maple View Agricultural Center and they are referring to the party barn, are they the same place or
4 different places.

5

6 David Rooks: The agricultural center is what exists and is permitted right now but it is our understanding that the permit as
7 modified would allow the Nutters to operate the rental of the facility for family reunions, wedding receptions, holiday parties,
8 etc. so when we use the term party barn, we are talking about what the agricultural center could become if the modification to
9 the permit is allowed. Right now, the ag center cannot operate family reunions, wedding receptions and holiday parties.

10

11 James Carter: So party barn is your terminology. I noticed a lot of times you have talked about potentials, potentials for
12 parties, alcohol, has anybody been arrested out there or coming from there?

13

14 David Rooks: The ag barn was permitted as an agricultural use. When they first observed activities that were inconsistent of
15 the permit is when they brought those activities to the attention of the planning department. The planning department
16 ultimately issued a cease and desist order. So I do not know if any alcohol was consumed.

17

18 Allison Nichols: Not at the two events I coordinated. No alcohol was served.

19

20 James Carter: Mr. Scott Oglesby mentioned the same thing also about the traffic, noise, alcohol. Again, I keep hearing this
21 but ...

22

23 David Rooks: If you are adding a wedding reception, in most cases, there is alcohol. A year ago, this past weekend, my wife
24 and I conducted a wedding reception for our daughter, there was alcohol.

25

26 James Carter: I also heard concerns about sloping, sounds and also the proximity where she lives. I am getting the
27 impression that there is a party going on every day and every weekend. Is this what I am to understand?

28

29 David Rooks: Our point is, right now, there is not but if it is modified, there could be. That is the point. If the permit
30 modification is allowed, there could be a party every night they could book it. You have heard witnesses for the applicant say
31 there is a shortage of party facilities. Here is another party facility. You have heard another witness for the applicant tell you
32 that sounds carry really well out there. That is the same the opponent said.

33

34 James Carter: If this is the case, what kind of compromise are you looking for from the Nutters?

35

36 David Rooks: I think the witnesses have said they would not object to the occasional function and some agreed upon
37 numbers or limits. What they don't want is a carte blanche where there can be a party every weekend if the Nutters could
38 book it.

39

40 Mark Micol: Mr. Oglesby, can you rank your concerns in order? Is it noise number 1?

41

42 Scott Oglesby: Yes.

43

44 David Rooks: I think noise is probably the number one concern. Again, to get to your point, I know it is confusing. The
45 events that took place outside the SUP that was issued were the type of events we believe they want to have under the
46 revised SUP and even more so we are saying here we have an example....actually there was another event where they had
47 an outside band, the most recent beforehand that was on the other side of the party barn and it didn't disturb us at all, we
48 could hear something playing in the background but that is fine. I think we had at least two examples of what could happen if
49 this revised SUP is approved. If we talk, they put the band on the other side, face the speakers away, do we have alcohol, no
50 alcohol, that kind of thing. We have had discussions with the Nutters in meetings where we have proposed specifically those
51 kinds of things, but the actions were the next thing we know after we have that conversation was there is a revised SUP
52 saying that we want to be able to do everything anytime we want to.

53

54 Larry Wright: Noise is just the only thing?

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David Rooks: No. I would say noise, safety and traffic.

James Carter: This idea about if it is revised, you are saying you will have more traffic, more noise and possibly excessive use of alcohol if it is revised?

David Rooks: Yes.

James Carter: This is what you anticipate?

David Rooks: Based on the fact, not the alcohol, but the noise and traffic, we have seen it when they have had events that were in violation of the original SUP so we are just taking that as examples. That is all we have to go on. We are saying we don't like the examples and if you increase the frequency so they can have more than an average of two events per month which presumably is part of the issue in terms of wanting to be more profitable as a non-profit in terms of paying for what it cost to put that there.

James Carter: You have potential and you are saying profit and also non-profit. You say you increase your potential for having activities you are going to try to make a profit. You mentioned earlier it was a non-profit organization. If they increase their activities because of the cost incurred, what are you anticipating?

David Rooks: They built a very nice ag center, it costs money, they are paying the mortgages. That is a question for the Nutters but the point is they have bills to pay like we all do and their idea was that and I remember when we talked at the very beginning, I think you all had gone out and researched and said can we make what we invested at a minimum and they went to a lot of the schools and it was right before the downward trend in the economy. It was an unfortunate act. Again, that is why we suggested a lot of alternatives that are so educationally oriented that don't need to go where they are going to have weddings and holiday parties and that sort of thing.

Mark Micol: She mentioned that the Orange County Sheriff was called, what did they say?

Allison Nichols: I spoke with them and actually if you look at the note from last time, it was brought up and I made a statement regarding that and that was the last time she acknowledged that she called the police. So you want to refer back to that?

Michael Harvey: Mr. Chairman, Mr. Micol, with all due respect, the information she is referring to is on page 118 in your packet, in the minutes for the October 2010 regular meeting of the Board of Adjustment during the appeal. Comments begin on line 4 with Ms. Oglesby and go down to approximately line 19 where there are direct conversations related to the Sheriff's Department and the investigation of noise complaints.

Mark Micol: It says they were not in violation because of the time of day, not because of the original question, you talked about the noise ordinance and breaking the noise ordinance and using a device to monitor. When they came out, they just referenced because it was time of day, 12:00 to 6:00 so there was no device used when they were called out.

Michael Harvey: All I can testify to is that there are noise limits established for specific hours of the day per the Orange County Noise Ordinance. There is decibel limits established, 65 decibels between the hours of 8:00 AM to 10:00 PM. What was testified to and all I am commenting on is there was no violation detected in my mind so as the Sheriff's Department concluded after taking decibel readings there was no violation of the noise ordinance.

Mike Parker: Isn't it true that those decibel limits would apply whether there is a special use permit or not?

Michael Harvey: Correct.

Tom Brown: It is actually 60 db during the day and 50 db in the evening.

Mark Micol: But if we approve the revised SUP, we are creating an environment where more and more traffic and more and more noise could be created.

1
2 Michael Harvey: That is what is being alleged and I will respond to that in staff comments.

3
4 Tom Brown: Any further questions from the board?

5
6 Larry Wright: This is questions to whom?

7
8 Tom Brown: For the opposition right now, we are about to go into rebuttal.

9
10 Mike Parker: Let me point out since last October we have essentially operated because of the appeal of the decision without
11 any limits and this is the quote unquote party barn. This is what happened with the party barn since last October. We are
12 responsible, the Nutters live next to the ag center. Those decibel limits apply whether there is a special use permit that allows
13 you to have parties or not so I think that point is moot. Mr. Hartford said he had a point that he would like to make so I would
14 like to call him up.

15
16 Michael Harvey: Mr. Hartford did sign in but he was not sworn.

17
18 Robert Hartford: Sworn in. I will be brief. A number of you know me. I developed Maple View 1, I developed Maple View 2. I
19 was a contractor for the ice cream company. I was participated in the pasteurization plant. I sold a lot of you the pieces of
20 land you are living on in Maple View. To be brief, when I met Robert Nutter, he was dairy farmer. The farm operated in a
21 completely different fashion. He wasn't as happy a farmer as he is now. He approached me because he was thinking about
22 not farming. I just like to take a chance to remind all of you that the reason you like to live where you are is that when you
23 drive onto Dairyland Road, you see that rolling green; you see the land open up. You look at those tracks of land and said, I
24 want to live there. I want a piece of that. My history with the Nutters is that the cows couldn't preserve that. There had to be
25 other activities in order to maintain what you see and love so much. And over time, those activities have been different things.
26 One of those activities was creating the tracts you live on. Another was the Maple View Ice Cream Company. Things change.
27 You all bought that property and said I got my little piece I don't want a thing to change. There is only one way to keep it there
28 and that is to let the Nutters preserve it. The cows aren't enough to do it. It takes a wide variety of activity. The ag center is
29 one of those activities, right or wrong, who knows, but things have changed a lot. The Nutters have chosen to keep Dairyland
30 Road out there. I can tell you first hand you could be riding over that hill and see a subdivision or a bunch of cul-de-sacs and
31 it would be just like living in the place you moved out of to get there.

32
33 Mike Parker: I am glad to hear them say they have no problems with the farm. One of the complaints we had before was
34 about the pump the gentleman mentioned earlier and I would point out that Mr. Nutter basically offered the homeowner's
35 association the opportunity to construct a pump house over that pump which they never did. I get the impression that we have
36 been unwilling to cooperate with them. The Board of Adjustment is the appropriate authority on what we can and cannot do
37 on that site and that is why we are here. We just want to clarify that what we have been doing is what we would like to
38 continue to do on the property. The Nutters have lived in Orange County since 1963. They have been a real blessing and it
39 was a very fortunate day when Allison's father and Charles Snipes' grandfather, Charles and his brother happen to run into
40 the Nutters at a farm sale in South Hill Virginia and tell them about a dairy that was for sale in Orange County because
41 otherwise they would not have come to Orange County and they have been a great blessing to this county since they moved
42 here and it is unfortunate since then that almost all the dairy farms have disappeared from Orange County. Most of the
43 farmers couldn't afford to milk cows and make a living. What they ended up doing was selling land to support the milking habit
44 and eventually that didn't work anymore so they stopped milking all together. Farmland is disappearing left and right. I was
45 fortunate enough to grow up on a farm in Northern Orange County and I wake up every morning and wonder why I still own
46 that farmland because it does not pay its own taxes anymore unless you farm it yourself. There are people who love it
47 enough to want it to look at. One of the great things about riding out Dairyland Road, if you go back to 1969 the first time I
48 went to court Bob Nutter's daughter, it looks pretty much like it did then. There are not many places you can say that. We are
49 just asking to let us use that ag center for a few extra bucks. It is not going to be a party barn and has not been a party barn.
50 We are still subject to ordinances for noise so just give us the special use permit.

51
52 Larry Wright: Going over this list and looking at Maple View Agricultural Center Log 2009 to present. You said that this has
53 been used like you will be using it in the future, right?

54

1 Mike Parker: That is our plan.
2
3 Larry Wright: I have been looking at this list and on page 3; it says room rentals, Orange County Schools office staff... was
4 there alcohol there?
5
6 Mike Parker: No sir.
7
8 Larry Wright: Wedding rehearsal dinner, alcohol there?
9
10 Allison Nichols: No sir.
11
12 Larry Wright: Going down, Duke University, alcohol there?
13
14 Allison Nichols: No sir.
15
16 Larry Wright: Do you have an alcohol license?
17
18 Allison Nichols: No sir.
19
20 Larry Wright: Was there alcohol at any of these events in this packet?
21
22 Allison Nichols: Not that we allowed.
23
24 Larry Wright: What does that mean?
25
26 Allison Nichols: When people would call us about it, we don't advertise that you can come there and drink alcohol. We don't
27 advertise come here and get drunk?
28
29 Larry Wright: I think I should be asking the applicant's attorney this or this will open it up to free discussion. One of the major
30 concerns is drinking, can you address the drinking?
31
32 Mike Parker: All I can say is that we have not had any alcohol events there. None whatsoever. The only people who
33 mentioned alcohol are the people that are opposing our position.
34
35 Larry Wright: The overflow parking, I have had events at my house where there has been overflow parking, I want to ask in
36 this packet how many events had overflow parking?
37
38 Mike Parker: I think this is actually a picture of the parking lot and this is a picture of the agricultural center itself. The picture
39 shown on the road is this lady's
40
41 Larry Wright: I am asking the attorney, I don't want a free for all.
42
43 Mike Parker: He was actually tying balloons to the bumper of the car he parked outside the road. I don't think there was any
44 overflow parking that day.
45
46 Larry Wright: How many events required overflow parking?
47
48 Mike Parker: None.
49
50 Larry Wright: This was not overflow parking?
51
52 Mike Parker: The two ag events had some overflow parking. When Bob Nutter's daughter died, we had it on a Sunday
53 afternoon and there were cars parked down the road from that.
54

1 Larry Wright: What was the nature of what was brought to us as overflow parking? Please tell me the nature of this event.
2
3 Sabrina Hanson: There were two events, same organization that was on Maple View property, just off the parking lot, not in
4 the street.
5
6 Michael Harvey: Could we have the very nice lady identify herself for the record?
7
8 Sabrina Hanson
9
10 Larry Wright: To summarize, how many events required overflow parking?
11
12 Mike Parker: Three.
13
14 Larry Wright: In the span of what time?
15
16 Mike Parker: When you say overflow parking, are you talking about parking along Dairyland Road?
17
18 Larry Wright: It is my opinion that what I heard was that the existing parking was not adequate and so there was overflow
19 parking.
20
21 Mike Parker: An example, I went to a dedication at the Maple View Agricultural Center for the solar panels for Duke Power.
22 There was parking that day that extended beyond the parking lot that is at the ag center. You can consider that overflow
23 parking but as I recall almost all if not all of that occurred on the farm pasture property that is adjacent to the ag center. None
24 of it was on Dairyland Road. You have to realize this is on a large farm and when you say overflow parking, I think
25
26 Larry Wright: We are talking about three events in a span of what time interval?
27
28 Mike Parker: One was in the fall of 2009, one in the spring of 2010 and Muffin's funeral was in October 2010, last fall.
29
30 Larry Wright: Ok. I live in Northern Orange County and I live in a rural area and I get noise and Mr. Harvey has been at my
31 house delivering packets. He delivered this one. I am in the middle of nowhere. How far does Mr. Nutter live from the "party
32 barn"?
33
34 Mike Parker: Mr. Nutter, how far is your house from the ag center? Here is his house.
35
36 Larry Wright: It is about as far as some of those neighbors, right?
37
38 Mike Parker: Right. There are no buffers between his house and here.
39
40 Larry Wright: I understand. Thank you.
41
42 Mark Micol: Mr. Parker, in your response to Mr. Harvey's office on the revised SUP, there is a comment that states we are still
43 bound by a total seating and building capacity limit as established and enforced by the Orange County Inspections
44 Department and the Fire Marshall's office as well as a limit on the total number of events. Can you give me a number as far
45 as the building capacity limit and a total number of events?
46
47 Mike Parker: Muffin's funeral. People were standing inside and out.
48
49 Mark Micol: The total number of events, do we know how many, the capacity is for that? That is the fire marshal.
50
51 Michael Harvey: Mr. Micol, if you can turn to page 149, I provided you a copy of the septic permit as issued by the Orange
52 County Health Department. They indicated there is only two times a day this facility can be utilized at maximum. The
53 interpretation has been that Maple View Ag Center has had on numerous days, multiple events but they have never gotten to
54 their maximum.

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Tom Brown: Mr. Parker, do you have a rebuttal at this time?

Mike Parker: No sir.

Tom Brown: Mr. Rooks do you have any follow up at this time?

David Rooks: I believe the board understands the issues.

Tom Brown: Ms. Oglesby, I will allow you to follow up shortly and then we will go to staff.

Nancy Oglesby: The reason we are concerned about things being different in the future than they were in the past is because it was our impression that things were just getting going when they were stopped and it is part of our negotiations and talking about how many events do you want and how many events do we want. We have said we don't want more than two loud outdoor events a year. You know how many events do you want? At one point, you said as many as I can book. I remember that. Yes. I would like to know what the limit would be if we are going to talk about limits. If they are going to say we wouldn't have very many but the permit says you can have as many you want. What are our rights, we don't have any basically. In the beginning when this permit was put out, it was supposed to be for quiet, educational events during the school day and then all this other stuff happens and the response was, we didn't know we had to have a permit for it. If we give them an unlimited permit but they say they are just going to do a few events a year then we don't have any recourse or any way to negotiate. I just really wish we could sit down with a mediator and negotiate and come up with something everyone can live with. Although there haven't been that many, at the beginning of the ag center there were none, then there were a few and then there were a bunch over a half year period so saying there were 28 over a 52 month period, I don't think that is really fair and if there is going to be a commitment to having just that number or fewer, I just feel like we need to have it in writing.

Tom Brown: Staff, would you like to proceed at this point?

Michael Harvey: I am going to make a couple of comments and answer any questions you may have. I think it is important to understand we have a complete application submittal in front of you. This application submittal contains several different pieces of information that is necessary for you to make your decision. First, we have the original Special Use Permit, Attachment A, the application, Attachment B; the application contains a narrative demonstrating from the applicant's standpoint their perceived compliance with the provisions of the code. They have also submitted additional documentation specifically in Exhibits 1 and 2 which you have been handed which is an analysis of adjacent property values. We have minutes from various meetings where this item has been discussed including the recent appeal. We have a map of the adjacent property; we have staff correspondence, which I have already articulated includes the existing septic permit that is governing the operation of this facility and the findings of fact, which I will go over in a moment. Essentially what you have before you, the board is being asked, as articulated in my abstract, to determine two things. First, are the uses and activities being proposed by the application as delineated within their application consistent with the existing county definition of camp retreat center? It is staff's finding that those activities are consistent with the definition. Second, will the addition of these uses a) invalidate the existing approval or b) can you approve it based on the information you have heard this evening? Obviously staff cannot answer that question because you will be making it based on the sworn testimony this evening. What I can offer is whether this project complies with the various provisions of code which is the findings of fact sheet which I will go over in a minute. There have been several comments made this evening that I feel somewhat obligated to respond to. The first comment is concerning potential consumption of alcohol at this facility. While the application has made several references to the fact that no alcohol has been provided or they don't advertise that alcohol can be consumed, may I remind the board that in order for the Maple View Ag Center to have alcohol allowed to be consumed, sold or anyway on this property they must obtain an ABC permit. That permit has to be signed off by the Orange County Planning Department (i.e. my office), the inspections department and the Orange County Fire Marshal ascertaining this use is in compliance with the current provisions of county code. Is there a reason I foresee that I could not sign such a permit, none at all. Has a permit been applied for? No. If it is not applied for then no alcohol can be consumed on this property. That is the answer to that question. With respect to concerns about the apparent carte blanche with no applicable regulation to the property, as currently articulated with Attachment A, the existing special use permit, and as I have testified to you all in previous hearings, the granting of a special use permit does not exempt the operator from compliance with various county regulations; whether it be zoning, noise, solid waste management, if there is a violation of these codes or provisions, the applicant is obligated to correct

1 the identified violations. If they do not then they are subject to having the special use permit revoked by my office. That is
2 articulated not only within the ordinance but it is always articulated in the special use permit document that you take action on.
3 I understand the confusion created with terminology. This is going to be a camp retreat center as defined by the Orange
4 County Zoning Ordinance. The term "party barn" has no definition and has no place in our ordinance, however, it becomes a
5 synonymous term and you need to understand that what is being applied for is a camp retreat center and that issue, at least
6 from my read of the testimony offered here this evening, is a concern there will be activities occurring at the Maple View Ag
7 Center that are more characteristic of a party or celebration event rather than an educational component and that is what you
8 are determining whether or not is reasonable or viable now. What I will stipulate to is that the activities that the applicant is
9 asking to be allowed at this facility are consistent with the definition contained within the ordinance and are consistent with the
10 interpretation that has been made with several other similar applications during my tenure with the county and predating my
11 tenure with the county. If the board doesn't have any questions of me, I would like to move onto Attachment G.

12
13 Larry Wright: Could you please explain that last statement you made?

14
15 Michael Harvey: With respect to the characteristics of this operation?

16
17 Larry Wright: Yes. It wasn't quite clear.

18
19 Michael Harvey: We have a definition for camp and retreat. The interpretation of said definitions not only during my
20 employment and tenure with the county but previous interpretations by zoning officers has been that this allowed for
21 recreational social activities to occur, whether it is a wedding or fundraiser. Those types of activities have been considered
22 synonymous with the county's definition of camp retreat. The only point I am making is that while I understand the concern in
23 opposition, the only comment I will make is that the proposed, the requested use, is consistent with the definition and previous
24 interpretations of what is acceptable at a camp retreat center.

25
26 Larry Wright: That definition was not changed with the UDO?

27
28 Michael Harvey: That is a correct statement. Actually, Mr. Chairman, before I go on, with respect to defense Exhibit 2, which
29 is the item in your packet, Mr. Oglesby had testified to the information packet prepared by Maple View II homeowner's
30 associations which we did include in your packet and they did enter it into the record. There are a couple of points I want
31 to make with respect to Appendix 7, the map of the party barn, and that map begins on page 20 of this document. Obviously, we
32 know what the first property is. The second property is a bed and breakfast that was legally permitted by the Orange County
33 Planning Department for three or less bedrooms and of course with provisions of the Orange County Zoning Ordinance, they
34 are allowed to have weddings and special events as a permitted accessory use of this application. The individual who
35 operates this particular bed and breakfast is Camille Andrews, who is in the process of applying for a Class B Special Use
36 Permit to expand the nature and use of this property. Unfortunately, she has not completed her submittal. The next picture is
37 the Barn of Valhalla. That is Duffy Gilligan, as you all know, that received a Class B Special Use Permit from this board after
38 three public hearings. To the north of this are several single family residences ranging in acreage from two to five acres. The
39 next picture is the Rigmores House, which was approved in 2006 as a camp retreat. It is primarily utilized for weddings and
40 other similar receptions. The Snipes Farm, unfortunately, I don't have a file on Snipes Farm, so it my duty to investigate the
41 validity and viability of that particular use and if it is determined they are not operating with the appropriate permits, they will
42 have to come before the board as the current applicants have been forced to. I would like to go over Attachment G. First, this
43 is the typical finding of fact you are familiar with from previous meetings as the board is already aware but I will share for the
44 benefit of those present. The county planning staff does not make a formal recommendation with respect to approval or
45 denial of a project. That is not our requirement or purview as defined in the zoning ordinance. We will however provide you
46 direction in terms of our perceived compliance with the provisions of code that we are obligated to respond to. I am going to
47 go through this sheet, providing you some directions, answers and then sum up and you can ask questions. Please
48 remember that once you close the public hearing, you cannot ask questions of me, the applicant or anyone else in the
49 audience that includes Mr. Rooks, or the individuals he is representing.

50
51 Michael Harvey read the following:

52
53 Staff has reviewed the application, the site plan, and all supporting documentation and has found that the applicant
54 **complies** with the specific standards as outlined within the UDO with respect to the physical development of the property.

1 Further, staff has determined that the proposed additional uses are consistent with the operational characteristics of a
2 Camp/Retreat Center as currently defined and permitted within the County.

3
4 Staff cannot comment on the projects compliance with the general standards detailed within Section 5.3.2 (A) (2) of the
5 Unified Development Ordinance, specifically:

- 6
7 a. The use will maintain or promote the public health, safety and general welfare, if located where proposed and
8 developed and operated according to the plan as submitted.
- 9 b. The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which
10 case the use need not maintain or enhance the value of contiguous property).
- 11 c. The location and character of the use, if developed according to the plan submitted, will be in harmony with the
12 area in which it is to be located and the use is in compliance with the plan for the physical development of the
13 County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of
14 County Commissioners.

15
16 These items are acted upon by the Board based on the testimony and evidence entered into the public record during the
17 hearing.

18
19 If the Board of Adjustment finds in the affirmative on the specific and general standards, the Board could make a positive
20 finding on this application. In the event that the Board of Adjustment makes the determination that the permit can be issued,
21 Planning Staff would suggest the Board consider the attachment of the following conditions to the revised Special Use
22 Permit:

- 23
24 1. That the applicant complete and submit a formal application to the Orange County Health Department
25 requesting a change of use for the Camp/Retreat center. Specifically, the applicant shall request that the
26 Health Department re-issue the operations permit authorizing the use of the property as a Camp/Retreat
27 center incorporating the new uses as approved by the Board of Adjustment. The application, including all
28 applicable fees, shall be submitted within one hundred eighty (180) days from the approval of the Special
29 Use Permit. Any and all required modifications to the existing system required to accommodate the new
30 uses shall be completed in accordance with Orange County Health Department policy.
- 31 2. That the applicant complete and submit a formal application to the Orange County Inspections
32 Department requesting a change of use for the Camp/Retreat center. Specifically the applicant shall
33 request that the Building Inspections division of Orange County re-issue a Certificate of Occupancy (CO)
34 for the Agricultural Center incorporating the additional land uses as approved by the Board of Adjustment.
35 The application, including all applicable fees, shall be submitted within one hundred eighty (180) days
36 from the approval of the Special Use Permit.
- 37 3. That the applicant shall cause the existing Special Use Permit to be modified incorporating the new land
38 uses, as approved by the Board of Adjustment, and that all existing conditions, as denoted on the original
39 permit shall remain in full force and effect. The revised Special Use Permit shall be recorded in the
40 Orange County Registrar of Deeds within one hundred eighty (180) days from the approval of the Special
41 Use Permit.

42
43 David Blankfard: If we grant this special use permit, is there anything that would prohibit the applicant from having an outdoor
44 event that would exceed the sewer provided that there was outdoor port-o-potties?

45
46 Michael Harvey: No sir. The reason why is this special use permit obligates this applicant to comply with the provisions of the
47 issued permit of the health department. They would actually have to amend that permit.

48
49 David Blankfard: So they couldn't have it.

50
51 Michael Harvey: That is going to be my answer because the existing permit as contained in the abstract mandates what has
52 to happen with respect to occupancy loads for the septic system. If you are asking me can they amend that application, the

1 answer is yes.

2
3 David Blankford: There wouldn't be anything that would stop them, or anything special...

4
5 Michael Harvey: I can't testify that would occur. They will have to go through the appropriate process. I will say the system
6 has been sized to accommodate the uses described. Based on my conversation with the health department, I don't see any
7 problem with them continuing operation with the amended uses, however; this system has been designed and sized
8 appropriately. Any modifications will have to go through that process.

9
10 Tom Brown: Does the board have any more questions for Mr. Harvey. Is there anything in the zoning ordinance that would
11 constrain the hours of operation at the camp retreat center?

12
13 Michael Harvey: You also need to keep in mind that there are existing regulations that would limit the types of activities after
14 certain hours. The noise ordinance for example would establish reasonable restrictions in terms of what outdoor noise or what
15 noise could be generated or heard off site but as far as the hours of operation, there is nothing in the zoning ordinance giving
16 me the authority to go out there at 10:00 PM and kick them all out.

17
18 Sahana Ayer: You can impose reasonable conditions on additional uses that you are permitting at this point.

19
20 Tom Brown: Mr. Parker, as you have heard in the testimony this evening, noise is one of the big issues. It is possible that
21 outdoor music in the future would have the potential of exceeding the county noise ordinance. The county noise ordinance as
22 of today, stipulates that during the hours of daytime, Sunday through Thursday, 8:00 AM through 9:00 PM, Friday and
23 Saturday from 8:00 AM to 11:00 PM and at 60 db. During the evening hours, Sunday through Thursday, 9:00 PM to 8:00 AM
24 Friday and Saturday from 11:00 PM to 8:00 AM is 50 db. How would you respond to that and how would you intend to deal
25 with future noise issues?

26
27 Mike Parker: I am reasonably confident that we have not exceeded any of those at any time based upon the music these
28 folks have described, I can't imagine they have. We absolutely intend to comply with the county's noise ordinance.

29
30 Tom Brown: Have you conducted any noise measurements?

31
32 Mike Parker: I have not. I have played a lot of guitars in my life but none compared to what I have heard here today.

33
34 Tom Brown: Do you have standard hours of operation for the camp retreat center at this point?

35
36 Mike Parker: We really do not. It is basically event by event. Allison would address that much better. I asked her the
37 question what is the latest event she had. She said probably 10:00 PM and folks have been there until 11:00 PM cleaning up
38 after the event. It is not like the Seven Eleven that stays open from 10:00 to 2:00.

39
40 Tom Brown: We may have a discussion and curtail those hours. I am looking for input because after I close it the input will be
41 here.

42
43 Mike Parker: I understand that. I would say 11:00 PM at the latest. She has to lock it up after it is over.

44
45 Tom Brown: What time would be the earliest to start?

46
47 Mike Parker: We have kids there at 9:00 AM for field trips.

48
49 Tom Brown: Between 9:00 AM and 11:00 PM would be the normal hours of operation of the camping retreat center?

50
51 Mike Parker: Yes.

52
53 Tom Brown: Do you have any stated policy in writing concerning alcohol use?

54

1
2 Mike Parker: No, we do not. We do not have an alcohol permit so we don't need one.
3

4 Tom Brown: Do the Board members have any questions? Keep in mind when we close the hearing, we will go into the
5 specific and general standards. The specifics are fairly straight forward but the general standards we need to make sure all
6 questions are fielded now before we get into fact finding.
7

8 Mark Micol: We can ask counsel during the deliberations?
9

10 Tom Brown: Up to a point but you cannot have a detailed discussion.
11

12 Larry Wright: (Directed to Mr. Harvey) You were talking in respect to accordance with the Comprehensive Plan and were you
13 citing the Land Use Elements in Chapter 5? I was looking and I did a lot of studying on this and I was pretty much in the
14 natural and the agricultural chapter 6, you were referring to chapter 5?
15

16 Michael Harvey: Actually I am referring the Comprehensive Plan as a focusing document. The comment I made is that the
17 applicant in Attachment B has provided you several sections of the Comprehensive Plan as an entity that they believe
18 demonstrate their compliance with respect to this development. Staff doesn't offer comment on that because the general
19 nature of this finding and what our limitations are from a staff's standpoint in the ordinance. I did want to remind the board that
20 the applicant had provided that detail.
21

22 Larry Wright: I misunderstood your comment partially. Thank you for clarifying.
23

24 Mark Micol: Is there any way we can make the approval contingent on one of the events being tested. I do have a concern
25 that we are setting the stage for them to increase the sound and there is no way to limit that?
26

27 Michael Harvey: My only comment is that regardless of the action you take tonight whether to approve or deny the applicant's
28 request, they are still obligated to comply with the noise ordinance. If the Sheriff's department goes out and determines there
29 is a violation, standard procedure is that Maple View be afforded two opportunities, reduce it to take another reading and keep
30 it reduced to meet the decibels before they can cease and desist or risk being cited.
31

32 Mark Micol: I guess the only example we have that you referred to where there was no testing done when they did exactly
33 what you stated. They called the Orange County Sheriff's department, they didn't test.
34

35 Michael Harvey: The testimony as articulated in the October hearing where I referenced the minutes, the Sheriff's Department
36 did go out and conduct an investigation and determined there was no violation. That was the testimony from the October
37 hearing.
38

39 Mark Micol: I would feel a lot better if they would have said 45 decibels were read.
40

41 Michael Harvey: That is a true statement, however, what is in the record is that the Sheriff's department completed their
42 investigation and determined there was no violation.
43

44 Mark Micol: The way I read that statement was that if the time had been after 6:00 PM they would have been in violation
45 based on what we just read. If the time had been after 6:00 PM then they would have been in violation. It was between 50
46 and 60 decibels so if they had a decibel reading of 57 and it was between 10:00 AM and 6:00 PM during the daylight hours,
47 they would not be in violation.
48

49 Michael Harvey: I can only answer the question the way I talked to the Sheriff's office, not the way it was entered into the
50 record. I did not and was not asked to go out and verify findings. Our planning department is not responsible to enforce the
51 ordinance so I did not go out and take any readings. All I will stipulate to is no matter what you do, any activity at the Maple
52 View Ag Center will have to be compliant with the noise ordinance and if not, then they have two options; they can either
53 voluntarily reduce the noise or cease and desist or they may get cited.
54

1 Tom Brown: Mr. Parker, on these activities that take place at the ag center, if you could reiterate how many had outdoor
2 music?
3
4 Mike Parker: Three.
5
6 Tom Brown: At all three of those events, did they have external amplification?
7
8 Mike Parker: Two had bands, like high school bands. And those are, I suspect, are what they are complaining of. And they
9 played for about an hour each time.
10
11 Tom Brown: And was that music aimed towards the residences, to the north?
12
13 Mike Parker: I don't know but I assure you, in the future, will not be.
14
15 Mark Micol: It's really a moot point too because if they agree to only having three or four, you are still in perpetuity, the SUP
16 goes with the land? Others could come in and they could have 40 events with music. That discussion is moot.
17
18 Michael Harvey: You are correct, the SUP goes with the land and that any provision, condition or regulation goes both ways.
19 Sahana Ayer buys the Maple View Ag Center and in 10 years turns it into Sahana's place. It has to operate in compliance
20 with the application, testimony and regulations that exist at the time. Does that mean, they could have X number of events?
21 Sure it does as long as it is compliant, consistent with all the regulations that regulate the use of this property. You still have a
22 septic tank permit application, for example, that limits the number of attendees and the number of events on a daily basis.
23 You still have occupancy loads enforced by the fire marshal's office and building inspection's office. You have parking that
24 limits from a zoning standpoint, the number of attendees for any event. There are still all these limitations that go in place. I
25 am not telling you this to make you feel better or it's not a problem but I think in context you have to understand there is
26 always room for certain activities to occur but it has to occur within the envelope of the regulations that are enforced by the
27 county to address these issues.
28
29 Mark Micol: And we could further limit the amplification?
30
31 Michael Harvey: Without putting thoughts in your head or words in your mouth, if you wish to discuss with the applicant the
32 option of requiring future outdoor music activities not involve amplified music or be situated where they occur away from the
33 western property line in order to address noise for the adjacent owners, those are the kinds of things you can discuss with the
34 applicant and if you feel appropriate, you oppose said conditions but that is a conversation you need to be having with them
35 and not me.
36
37 Sahana Ayer: One of the factors you have to consider while approving these additions is whether these additional uses are in
38 harmony with the existing character of the neighborhood and if you determine that the additional uses are inconsistent with the
39 harmony of the neighborhood then you can add any conditions you think that would bring it into compliance but those
40 conditions can't invalidate the existing special use permit. That is one thing you have to keep in mind but if you think, at this
41 point, you need to add conditions about time, amplification, there are existing ordinances they have to comply with but you can
42 add other conditions you think are reasonable.
43
44 Tom Brown: Those specific instances you mentioned would not invalidate the current SUP, would that be correct, limiting
45 amplified music or hours of operation, that would not have an impact on the current SUP or a modified SUP, is that correct?
46
47 Sahana Ayer: It depends on the conditions you are thinking of adding.
48
49 Tom Brown: Those specific conditions.
50
51 Sahana Ayer: Yes.
52
53 Tom Brown: Mr. Parker, what is your comment, what would your feeling be from the applicant's prospective on limiting
54 amplified music or redirecting to ensure the noise issue is mitigated?

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Mike Parker: We have no problem with redirecting that to focus the sound that will turn away from the western property boundary to the east.

Tom Brown: Do you feel you need amplified music or would you be willing to say that you would not provide a venue for outdoor amplified music?

Mike Parker: To me it sounds like if we have a noise ordinance we have a level we cannot exceed whether it is amplified or straight music or bongo drums. Drums are not amplified and most of the time drums are the loudest instrument in a band. I play with a band at church and we have a very difficult time getting our level below that of the drums so we can match the drums and not blow everybody out of the room. Again, amplified doesn't necessarily solve their concerns is what I am trying to say.

Tom Brown: So you would be willing to go along with a constraint to direct the music away from all residences on the western side.

Mike Parker: Absolutely. That would be our intent anyway. We would like to get along with others.

Tom Brown: Any other questions from the board members.

Larry Wright: If you have a high school band, that is generally louder and probably has good quality music as you might have as a professional band but you still want to...I mean this is still an educational place and a high school band can be pretty noisy and you want to keep them from performing. It is a complex situation.

Tom Brown: As you can see we have competing interests here and in trying to make the best decision, you are going to have to be sensitive to issues and do whatever you can to mitigate those noise issues. The residences will need to understand and at least be assured they are not going to be abused by living in the outdoors and having music directed towards their back yards and porches. We do need to try to come together about that and not have us as the Board of Adjustment try to abrogate the laws or the ordinances in place or try to create something new because that is not something we should be doing.

Mike Parker: I agree and if you will look at the list, you will see there have been no amplified events in the last year.

Larry Wright: My concern is that we are talking in good faith now, but this permit, actually this application, if approved, and we are discussing directing the music away from the western boundary. In 50 years, when a new owner comes in, how is this going to be handled?

David Blankfard: You could put it as a stipulation that you have to face all amplified music towards the east.

Mark Micol: Whatever music is played on that stage is going to affect these people. I think limiting the number of outdoor musical events would be a better route than talking about decibels.

Mike Parker: We do not have a stage.

Mark Micol: It is irrelevant whether or not you have a stage. We understand that in good faith you may do one thing but their concern that five or ten years from now someone else may do something different. Our decision needs to be based on that, what could happen in the future.

Tom Brown: We also have precedent... because we have other camp retreat centers and if we started to try to limit the number of events that opens up a whole.....

Larry Wright: Can we ask the attorney about limiting the number? What is your opinion on that?

Sahana Ayer: I can't advise you about what conditions you can actually impose but I can generally say that you could

1 consider the number of events or time of day, the time the music is played. Those are two conditions you could impose.

2
3 Michael Harvey: What I am hearing this board say is that it is not the indoor activities that cause you consternation. It is the
4 potential for the outdoor activities. I have heard you say, can you establish a limit on the outdoor activities. The only caveat I
5 would like to give you is that if you establish a limit on the outdoor activities, it needs to be crafted in the conditions of the
6 special use permit that only talks about fundraisers or special events and that such a condition shall not impact the
7 educational component of this facility which does happen outdoors. This is an active farm, the groups that come here
8 obviously go out, get crops, play with the animals, harvest the eggs and are taken by the staff to the various holding pens
9 where there are animals. I want to make sure we are clear that the condition, the issue we are dealing with is the holding of
10 the special event that have an outdoor component whether it be music is what I am hearing.

11
12 Tom Brown: Loud outdoor activities.

13
14 Michael Harvey: Right. Now, I have ask the question of both the petitioner and Mr. Rooks about a limit, is it potential,
15 obviously I am not going to speak for Mr. Parker who said he hasn't broached it technically with his applicant so I will let you
16 ponder that question with him and asking Mr. Rooks the same question, he says that his clients would be happy with a limit of
17 two per year. Whether that is realistic or not, I am just saying this is the question I have to ask these two gentlemen and I'll let
18 them respond to it but any condition you come up with needs to be crafted in such a manner that is specifically geared
19 towards special outdoor events without an educational component because we don't want to inadvertently restrict activities
20 that everyone seems to agree are reasonable. Obviously, I haven't heard anything about indoor activities; music played
21 indoors will be regulated by the noise ordinance. What I am hearing is the outdoor. Orientation of the bands and are there
22 reasonable hours of operation.

23
24 Tom Brown: I think that is where we are. It's the special events with loud outdoor music that is really the crux of the issue
25 here. How do we get together to where we have some compromise? If you are not having music it is not an issue. If you
26 have a fundraiser, it is not an issue. What we are discussing here is music and amplified sound that carries across a large
27 expanse of distance and actually be heard inside someone's house.

28
29 Mike Parker: I am having a really difficult time understanding why the Orange County Noise Ordinance doesn't solve that
30 problem. That is a standard whether we have loud music, whether we have loud animals, whether we have a motorcycle rally
31 that sets a standard we all can live with. We have to live with it and I am not sure why there needs to be another way of
32 saying you can't have anything that is even close to that any other time of the year.

33
34 Tom Brown: Unfortunately, we have no measurements at all from the applicant or the opposition to give us any idea of what
35 kind of noise has been generated on the property.

36
37 Mike Parker: The only time I know it happened, the Orange County Sheriff's office said it is not a violation of the noise
38 ordinance. I will tell the Board of Adjustment this, one of the problems probably we have had in the past is the we have
39 allowed the use of the facility without being hands on in control in the use of the facility which will not happen in the future, I
40 will assure you of that. We have tried to be an excellent neighbor and not charge people to use the facility, give them the
41 opportunity to go there and that will not happen in the future. We will control those events.

42
43 Tom Brown: At a minimum, a condition that would be added is active supervision of all activities by the agricultural center
44 would be required.

45
46 Mike Parker: You understand that is not required in your existing ordinance for camp and retreat centers. They rent facilities,
47 they let folks go in and have them catered by outside parties and they basically put the money in the bank and don't show up
48 until it is time to lock the doors.

49
50 Tom Brown: I understand but this is a unique camp and retreat center with unique functions. Therefore, we are discussing
51 here what kind of conditions would be imposed that would make sense and serve you as well as the opposition.

52
53 Mike Parker: I think the appropriate standard is to say we must comply with that noise ordinance at all times.

1 David Rooks: Mr. Chairman, the fact that this is a special use permit means that you have the authority to impose conditions
2 beyond the noise ordinance. The noise ordinance is a minimum standard that applies to everybody, a use of right or special
3 use permit. A special use permit has conditions. You have the power to impose conditions and those conditions can be in
4 excess of the minimum standards of the noise ordinance.
5

6 Mike Parker: I don't disagree, that is true. But I have a feeling that you have been misrepresented here by this group over
7 here as to what types of events we have had. We have had three events with music and at those three events there was only
8 two that had amplified music and they were, as Allison said, they were supposed to play for an hour and half but they kept
9 taking smoke breaks, so they played much less than that. We are talking about a period of three hours over a period of
10 several years and it makes it sound like every weekend there was a band out there with an amplifier going. That is just not
11 represented properly.
12

13 David Rooks: Mr. Chairman, our problem is that if a permit is granted as applied for and the Nutters leave town tomorrow and
14 someone else takes over, we could have a wedding every weekend with a band out back.
15

16 Tom Brown: I understand and that is what we are trying to get to a resolution on and that is the difficulty here.
17

18 Mike Parker: If the Nutters leave town tomorrow it would be because they were put into a box and we do not want that to
19 happen.
20

21 David Blankfard: Two non-agricultural events per year seems restrictive. Is there a number beside two per year?
22

23 Mike Parker: I don't know if there is a magic number. We are trying to be of service to the community. The events that we
24 have used the barn for, the largest part, or the ones of service to the community and we intend to do that with not for profit
25 agencies, we intend to stay that way. If you want to restrict the service we do to the community, I guess you have the
26 authority to do that.
27

28 Larry Wright: I think we have a problem with the social. What would happen, you already have had a great dane rescue and
29 so what would happen if they had a shelties rescue and whatever rescue, then there is two a year and so I think we need to
30 stop and think about this.
31

32 David Blankfard: As the developer said, things change and are constantly changing so I don't want to personally restrict the
33 use of the Nutters property to maintain what they have got but if things did change, would the homeowners association be
34 stuck. I would say if there are only going to be outdoor events during the warmer times of the year; they are not going to have
35 it in the middle of December when they have no foliage on the trees.
36

37 Larry Wright: I am from upstate New York; I would take issue with that.
38

39 David Blankfard: I think it is within our purview to limit the number of non-agricultural outdoor events with amplified sounds.
40 There isn't going to be a number that no one is going to be happy with. Two is too small, unlimited is too much.
41

42 Sahana Ayer: Let me attempt to help you out. There are two conditions that you could consider the number of events. For
43 instance, you could say no more than six outdoor events with amplified music and the events we are talking about are outdoor
44 events; they will not impact indoor events or any other educational events; people petting animals, that sort of thing. The
45 second thing is the time when the music is played. You can have conditions like no music before noon or after 9:00 PM
46 Sunday through Thursday or after 10:00 PM Friday through Saturday so those are potential conditions you could consider
47 imposing on the special use permit. Of course, they will at all times have to comply with the noise ordinance.
48

49 Tom Brown: Any other comments, ideas or questions?
50

51 Sahana Ayer: One additional condition you could consider is to notice the neighbors as to when these events are happening;
52 some kind of schedule.
53

54 Tom Brown: Would it be possible to have notification of events to the neighbors?

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Mike Parker: Absolutely.

Tom Brown: We are only speaking about outdoor events with amplified music or sound that could potentially affect the residences.

Mike Parker: That is not a problem.

Tom Brown: If they wish to have a complete schedule and you could provide it that would be great as well. The public portion of case A-1-11 is now closed. I would like to thank staff and the applicant and those that spoke in opposition for your thoughtful testimony and your time tonight. We will now begin deliberations of the board and come to some kind of decision. On page 155 through page 162 of your packet are the specific standards. I believe we can go through with motions and deal with that portion first before we get to the general findings.

CASE NUMBER: SUP-B-1-11

FINDINGS OF THE ORANGE COUNTY PLANNING STAFF
PERTAINING TO REQUEST SUBMITTED BY
MAPLE VIEW AGRICULTURAL CENTER LLC
REQUESTING A REVISION TO AN EXISTING CLASS B SPECIAL USE PERMIT ALLOWING FOR THE
DEVELOPMENT OF A *CAMP/RETREAT CENTER*
AT THEIR EXISTING FACILITY LOCATED AT
3111 DAIRYLAND ROAD (PIN 9851-50-8691)

Special Uses must comply with general and specific standards as set forth in Section 5.3 and 5.8.4 of the Orange County Unified Development Ordinance (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 compliant 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 individual Special Uses as set forth in Section 5.8.4 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 County Planning Department regarding the application in question. The findings have been presented by Article and requirement to assist the Board of Adjustment in its deliberations.

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SECTION 2.2 AND 2.7.3 APPLICATION COMPONENTS ("Yes" indicates compliance; "No" indicates Non-compliance)

	<u>PLANNING STAFF RECOMMENDED FINDINGS</u>	<u>EVIDENCE SUBMITTED TO SUPPORT FINDINGS</u>	<u>BOARD FINDINGS</u>
<u>Ordinance Requirements</u>			
2.2	<input checked="" type="checkbox"/> Yes ___ No	A complete application on appropriate forms has been submitted.	<input checked="" type="checkbox"/> Yes ___ No
The application for a Class B Special Use Permit shall be on forms provided by the Planning Department.			
2.2.4 (D)	<input checked="" type="checkbox"/> Yes ___ No	An application fee was submitted in accordance with the adopted Fee Schedule	<input checked="" type="checkbox"/> Yes ___ No
Applications must be accompanied by the fee amount that has been established by Board of County Commissioners. Application fees are nonrefundable.			
2.7.3 (B) (1)	<input checked="" type="checkbox"/> Yes ___ No	The applicant has provided a narrative detailing the nature of the proposed modification to the existing, previously issued, Class B Special Use Permit.	<input checked="" type="checkbox"/> Yes ___ No
A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.			
2.7.3 (B) (2)	<input checked="" type="checkbox"/> Yes ___ No	The applicant has provided a narrative detailing the name/address of the owner of the property as required.	<input checked="" type="checkbox"/> Yes ___ No
The names and addresses of the owners of the property.			

	<u>PLANNING STAFF RECOMMENDED FINDINGS</u>	<u>EVIDENCE SUBMITTED TO SUPPORT FINDINGS</u>	<u>BOARD FINDINGS</u>
<p>2.7.3 (B) (3)</p> <p>Relevant information needed to show compliance with the general and specific standards governing the Special Use</p>	<u>X</u> Yes ___ No	The applicant has provided various documents, including a site plan, containing the necessary information they purport to document compliance with the provisions of the Ordinance.	<u>X</u> Yes ___ No
<p>2.7.3 (B) (4)</p> <p>Ten (10) copies of the site plan prepared by a registered N.C. land surveyor, architect, or engineer. (Class B applications)</p>	<u>X</u> Yes ___ No	Ten (10) copies of the site plan, prepared by Jim Holland have been submitted.	<u>X</u> Yes ___ No
<p>2.7.3 (B) (5)</p> <p>If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.15 shall be provided.</p>	Not Applicable <u>X</u>	The project does not involve a preliminary subdivision plat. Therefore this condition is not applicable.	Not Applicable <u>X</u>
<p>2.7.3 (B) (6)</p> <p>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.</p>	<u>X</u> Yes ___ No	The application contains the required list of adjacent property owners	<u>X</u> Yes ___ No
<p>2.7.3 (B) (7)</p> <p>Elevations of all structures proposed to be used in the development.</p>	<u>X</u> Yes ___ No	The application contains photographs of the existing structure	<u>X</u> Yes ___ No

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	<u>PLANNING STAFF RECOMMENDED FINDINGS</u>	<u>EVIDENCE SUBMITTED TO SUPPORT FINDINGS</u>	<u>PLANNING BOARD FINDINGS</u>
2.7.3 (B) (8) 26 copies of an Environmental Assessment or Environmental Impact Statement as required by Section 6.16 of the UDO	Not Applicable <u>X</u>	The project does not require the completion of these documents as detailed within Section 6.16 of the UDO	Not Applicable <u>X</u>
2.7.3 (B) (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.	<u>X</u> Yes ___ No	The site plan contains a note indicating that any construction or land clearing debris generated on-site will be disposed of in accordance with the County's Solid Waste Management Ordinance	<u>X</u> Yes ___ No
2.7.3 (B) (10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.	<u>X</u> Yes ___ No	The narrative indicates that the proposed new uses will continue to commence once the permit is authorized.	<u>X</u> Yes ___ No
2.7.3 (B) (11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum)	Not Applicable <u>X</u>	The applicant is not requesting vesting of the project	Not Applicable <u>X</u>

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1 ARTICLE 5.7.4 – CAMP/RETREAT CENTER (CLASS B SPECIAL USE)
 2 SPECIFIC STANDARDS ("Yes" indicates compliance; "No" indicates non-compliance)
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<u>Ordinance Requirements</u>	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
5.7.4 (A) (1) (a). A site plan prepared in accordance with Section 2.7 also showing the following (existing or proposed): <ul style="list-style-type: none"> 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. 	<input checked="" type="checkbox"/> Yes ___ No	The site plan contains the required information. The applicant has provided pictures of the building in order to meet the building elevation submittal requirement	<input checked="" type="checkbox"/> Yes ___ No
5.7.4 (A) (1) (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.	<input checked="" type="checkbox"/> Yes ___ No	The application package contains a narrative providing the necessary and required information.	<input checked="" type="checkbox"/> Yes ___ No

	<u>PLANNING STAFF RECOMMENDED FINDINGS</u>	<u>EVIDENCE SUBMITTED TO SUPPORT FINDINGS</u>	<u>BOARD FINDINGS</u>
5.7.4 (A) (1) (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.	Not Applicable <u>X</u>	The applicant is not proposing a phasing plan as part of this application	Not Applicable <u>X</u>
5.7.4 (A) (2) (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.	<u>X</u> Yes ___ No	Please refer to the information contained within Attachment F of the packet.	<u>X</u> Yes ___ No
5.7.4 (A) (2) (b) The site plan shall show the distances to the nearest residential structures.	<u>X</u> Yes ___ No	The site plan shows that the nearest residential structure to the property is approximately 200 feet.	<u>X</u> Yes ___ No

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	<u>PLANNING STAFF RECOMMENDED FINDINGS</u>	<u>EVIDENCE SUBMITTED TO SUPPORT FINDINGS</u>	<u>BOARD FINDINGS</u>
5.7.4 (A) (2) (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.	<u>X</u> Yes ___ No	The site plan contains the required information. Staff has testified that the applicant has recently made modifications to the front yard buffer along Dairyland Road in order to bring the property into compliance with Section 6.8	<u>X</u> Yes ___ No
5.7.4 (A) (2) (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.	Not Applicable <u>X</u>	The applicant is not proposing private, regulated, recreational amenities requiring consistency with Section 7.11 of the Ordinance	Not Applicable <u>X</u>
5.7.4 (A) (2) (e) Off street parking requirements shall be provided in accordance with Section 6.9 of this Ordinance.	Yes <u>X</u> No ___	The site plan demonstrates compliance with the provisions of Section 6.9 of the Ordinance	<u>X</u> Yes No ___

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1 ARTICLE 5.3.2 (B) – Compliance with Specific Standards (CLASS B SPECIAL USE)
 2 SPECIFIC STANDARDS ("Yes" indicates compliance; "No" indicates non-compliance)
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	<u>PLANNING STAFF RECOMMENDED FINDINGS</u>	<u>EVIDENCE SUBMITTED TO SUPPORT FINDINGS</u>	<u>PLANNING BOARD FINDINGS</u>
Section 5.3.2 (B)			
Section 5.3.2 (B) (1) Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	<input checked="" type="checkbox"/> Yes ___ No	Sewage disposal shall be handled through an existing, privately maintained, septic system on the property. Water service shall be provided through an existing well on the property. The Health Department has requested additional information on the actual number of attendees for the revised uses prior to the issuance of a modified operations permit. This will need to be a condition of approval.	<input checked="" type="checkbox"/> Yes ___ No
Section 5.3.2 (B) (2) Method and adequacy of police, fire and rescue squad protection.	<input checked="" type="checkbox"/> Yes ___ No	Fire protection will be provided by the Orange Grove Volunteer Fire Department, rescue service by the Orange County Emergency Management, and police protection by the Orange County Sheriff's Department.	<input checked="" type="checkbox"/> Yes ___ No
Section 5.3.2 (B) (3) Method and adequacy of vehicle access to the site and traffic conditions around the site.	<input checked="" type="checkbox"/> Yes ___ No	The submitted site plan shows the required access points.	<input checked="" type="checkbox"/> Yes ___ No

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5 **Motion** made by Larry Wright to approve sections listed on page 156, Section 2.2, 2.2.4(D), Section 2.7.3 (B) (1), Section
 6 2.7.3 (B) (2), on page 157, Section 2.7.3 (B) (3), Section 2.7.3. (B) (4), on page 157, Section 2.7.3. (B) (5) through Section
 7 5.3.2 (B) (3) on page 162. Seconded David Blankfard.
 8 **Vote:** Unanimous

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2 Tom Brown: The specific standards have been approved. Next, we go to the general findings. Before we get into the general
3 findings, I think what is going to impact us with facts to uphold these findings are the conditions. We would have to see what
4 kind of conditions we would add with staff conditions on the back. We feel that would allow us, if you wish, to vote in favor of
5 the general conditions. Those conditions that we feel would be appropriate. Are there discussions or conditions that you think
6 we need to deal with right now. I think we had recommendations of no more than six outdoor events with amplified music or
7 sound not to include normal educational or agricultural activities.
8
9 Mark Micol: If we say limit the number of amplified outdoor events to six, that should cover it... whether it is educational or
10 not. If we just say outdoor music and/or amplified events.
11
12 Larry Wright: Music could be anything...
13
14 Tom Brown: We talked about a high school band. That would come under the not amplified but it would still come under the
15 purview of the Orange County noise ordinance no matter what type of music. What we would be saying in that case, we are
16 only concerned about amplified music or sound at a specific event and limiting those. They are always subject to the noise
17 ordinance.
18
19 James Carter: I have a problem with limiting educational events. You are going to set a limit on the amount of educational
20 events?
21
22 Tom Brown: No.
23
24 David Blankfard: What we are saying is that we are going to limit the number of outdoor events whether they are educational
25 or not.
26
27 Mark Micol: The whole reason we are putting this in is to help the neighborhood limit the number of loud, musical or amplified
28 events whatever it is.
29
30 Tom Brown: All the educational or agricultural events should not be a factor. We are only talking about limiting the loud noise
31 generation outside the facility.
32
33 Mark Micol: If they are running a tractor around with kids on it. That is a farm issue.
34
35 Tom Brown: That is what we need to make sure we do not include that.
36
37 Mark Micol: That is why I think we should keep it simple.
38
39 Tom Brown: An amplified event of music would not include tractors, educational or farm component. That is not amplified
40 anyway.
41
42 Larry Wright: Procedural question. Does this pertain to conditions on page 164?
43
44 Tom Brown: Page 164 would assist you in being able to vote. In order words if you want the location to be in harmony with
45 the area but in order to keep in harmony with the area, limit the loud noise that is generated so that is why we are discussing
46 this now before the general standards.
47
48 Larry Wright: I think in terms of what we were advised by Mr. Harvey, I think we really need to separate the social from the
49 educational.
50
51 Mark Micol: Who is to decide whether it is educational or social?
52
53 Tom Brown: We are only talking about amplified music.
54

1 Mark Micol: I think Mr. Wright was saying we should separate it out and say you can only have five socials and

2
3 Larry Wright: No. I am not there yet.

4
5 Tom Brown: I don't think limiting that would be what we really want but by limiting the loud amplified music outdoor events,
6 you have at least ensured that the loud event is limited. All of those are under the purview of the noise ordinance of Orange
7 County. We are saying that in addition, on top of that, you can only have six amplified music events. Those events would still
8 be subject to the noise ordinance.

9
10 Larry Wright: I think it should be amplified sound, not just amplified music.

11
12 Tom Brown: One condition, as a proposal, is that one of the conditions we would enact would be that there would be no more
13 than six events with amplified sounds conducted at the agricultural center.

14
15 Larry Wright: If they have a cow show, that is amplified sound. They could show Holsteins.

16
17 Tom Brown: That is not the purpose of the agricultural center. Livestock shows and such...

18
19 Larry Wright: They could bring them by.

20
21 Tom Brown: It would be outside the purview of the SUP.

22
23 Larry Wright: I don't think so. If you have a bunch of school kids there and you're bringing in Holsteins and telling them this is
24 bossy and somebody else... that is educational and amplified sound.

25
26 Tom Brown: My personal opinion is I don't think that would be an issue going forward. Is there consensus, music, sound?

27
28 Mark Micol: I thought music or amplified events were solid.

29
30 David Blankfard: What if their teacher is teaching square dancing?

31
32 Mark Micol: We are not talking about a little speaker or microphone, we are talking about a marching band or wind ensemble.
33 That is what will get over 50 decibels.

34
35 Larry Wright: Can we go through the noise ordinance again?

36
37 Tom Brown: The maximum decibel levels during the following hours of the day; Sunday through Thursday 8:00 AM through
38 9:00 PM, Friday and Saturday from 8:00 AM to 11:00 PM is 60 db. For the maximum decibels in the evening; Sunday through
39 Thursday 9:00 PM through 8:00 AM in the morning, Sunday through Thursday, Friday and Saturday from 11:00 PM until 8:00
40 AM is 50 db.

41
42 Larry Wright: What is 50 db? A motorcycle?

43
44 Tom Brown: That would not be a question for us. 50 db is not a loud noise at all. We have had previous testimony with
45 kennels where the barking dogs at the perimeter in the last kennel case would not have reached the edge of the property and
46 be over 60 db. That is what it states and what applies to everyone.

47
48 James Carter: Are we debating the number or noise issue? Or both.

49
50 Mark Micol: I am trying to take the burden off the property owners to police. Not the Nutters but anyone coming after the
51 Nutters. I think in good faith, the business they are running is not what we are talking about. We are talking about what the
52 SUP is giving the owners of the property the right to do. I want to take the burden off the owners to have to call the Sheriff's
53 department. The only way we can do that is limit the number of events because if we take the testimony that has been given
54 where they call the Sheriff's department, we don't have a record they tested anything.

1
2 Tom Brown: Should we put a condition on the limit of amplified events?
3
4 James Carter: Are you saying limit the events or the sound?
5
6 Tom Brown: Amplified sound.
7
8 James Carter: Regardless of the number of events you have.
9
10 Mark Micol: Events that incorporate loud music or amplified.
11
12 David Blankfard: You can have six music events this year outside. We are trying to limit the amount of outdoor music events.
13
14 James Carter: Or you can have as many events as you can without music?
15
16 Tom Brown: Yes. No restriction at all without loud music or educational or agricultural.
17
18 James Carter: Kids needs to be exposed.
19
20 Mark Micol: I think the loud, outdoor music events...
21
22 Tom Brown: So no more than six amplified, outdoor music events.
23
24 Mark Micol: Is six a sufficient number.
25
26 Tom Brown: It will be sufficient for some and not for others.
27
28 David Blankfard: I was thinking 12. During six months of the year, you could have one every other weekend.
29
30 Larry Wright: I was thinking 10 to 12.
31
32 James Carter: But if you are saying 12, you would use it once a month.
33
34 Mark Micol: Are we saying once per month or 12.
35
36 James Carter: You could have 12 and use it any way you want.
37
38 Tom Brown: Odds are you are not going to be doing that in the middle of winter. That means if you did use the maximum of
39 12 that means you are doubling up in some months during the good weather.
40
41 David Blankfard: I am now considering 12 is too many. Maybe 8.
42
43 Tom Brown: Is there a consensus?
44
45 James Carter: I still say 12... use it any way you want.
46
47 Tom Brown: Your recommendation would be there would be no more than 12 outdoor events with amplified music.
48
49 James Carter: Yes. Once per month or you can double.
50
51 Tom Brown: No more than 12 in the year.
52
53 Mark Micol: Would that include Friday and Saturday? If you did Friday one weekend and Saturday the next day, that is two.
54

1 Larry Wright: That really would, if for example, 25 years, someone wanted to take that whole place and turn it into, a music
2 festival, they couldn't do it with 12. They couldn't make a living with 12.

3
4 James Carter: Tom, what are we voting on?

5
6 Tom Brown: I am trying to write a draft of a condition saying there would be no more than 12 days during the calendar year
7 using outdoor amplified music.

8
9 Mark Micol: For the rest of this year, they have six?

10
11 Tom Brown: We say no more than 12 for the calendar year.

12
13 Mark Micol: I would agree with that.

14
15 Tom Brown: A condition could be added that there would be no more than 12 days of outdoor amplified music during any
16 calendar year. Counsel, would that be adequate to ensure that the educational and other components are not affected, if we
17 say that, it would not affect any agricultural or educational components that currently take place there?

18
19 Sahana Ayer: I think that is right.

20
21 Tom Brown: How about hours? Should there be restricted hours of playing amplified music at those times?

22
23 James Carter: Doesn't Orange County have an ordinance in terms of time frame?

24
25 Tom Brown: The noise ordinance gives times that will apply on every activity. Do you wish to further restrict the hours? Right
26 now, the hours are 9:00 PM Sunday through Thursday, 11:00 PM Friday and Saturday. You can get up to 60 db. That is
27 currently the Orange County Noise Ordinance.

28
29 Larry Wright: 60 db wasn't very loud.

30
31 Tom Brown: That depends on where you are sitting at.

32
33 Mark Micol: Because these 12 events still have to adhere to the ordinance.

34
35 David Blankfard: Why don't we stick to 12 events?

36
37 Tom Brown: What about supervision? Do we want to make any kind of comment to ensure the agricultural center will ensure
38 that all special events are supervised properly by staff?

39
40 Mark Micol: I agree with the applicant. We haven't on other retreats.

41
42 Tom Brown: You don't want put that in a condition?

43
44 James Carter: No, because it will go all the way across the board. As you said other, the applicants

45
46 David Blankfard: Do you have any thoughts on that?

47
48 Tom Brown: I am just throwing that out as a possibility. I am trying to get into a position where we can, in some fashion serve
49 both constituents, which is difficult enough as it is. With this one condition we are adding to the condition imposed by staff and
50 that is dealing with noise.

51
52 Mark Micol: What are the restrictions placed by Valhalla?

53
54 Tom Brown: They had hours of operation due to the noise and they had alcohol problems with people walking around to

1 different homes in the area. I think that their primary limitations was hours of operation.
2
3 Larry Wright: If they did apply for an ABC permit, they could get it if the county approves it?
4
5 Tom Brown: You would get into the same issue as Valhalla. As people are inebriated and they cross other people's property,
6 we have a trespassing issue and then a sheriff's department issue. We can't limit those kinds of things. If you feel you have
7 enough to go forward on the general findings on page 163. The chair will entertain motions.
8
9 David Blankfard: Are we still happy with the hours?
10
11 Tom Brown: I think the applicant said he would be happy with the hours of 9:00 to 11:00.
12
13 Larry Wright: We would have to be specific.
14
15 Tom Brown: You would have to say that events at the agricultural center would be limited to operational hours of 9:00 AM to
16 11:00 PM.
17
18 Larry Wright: So the agricultural center does not include the farm?
19
20 Tom Brown: No, only the agricultural center.
21
22 Mark Micol: I was worried about future operators.
23
24 Tom Brown: You still have the noise ordinance in effect. If you get past 50 db at night....and it will be incumbent upon the
25 residents to ensure that the noise ordinance is complied with and up to the applicant to make sure they conform.
26
27 Larry Wright: No matter what restriction we apply, the burden would be on whoever felt offended by it.
28
29 Sahana Ayer: You could consider notice.
30
31 Mark Micol: I put in my motion that the applicant will give notice of the events to the surrounding homeowners association so
32 we can limit it to that homeowners association or within a radius.
33
34 Tom Brown: To the homeowners association or make it available to the other interested parties. You can put it on the
35 website... there are many ways you can announce it.
36
37 Mark Micol: For the burden, not to have to pass out 40 or 50 flyers, I think it is easier to give it to the homeowners association
38 to be responsible.
39
40 Tom Brown: They are the ones that have the primary opposition so that would be appropriate.
41
42 Mark Micol: Or have it available onsite in case anyone wanted to go by.
43
44 David Blankfard: I think to give notice, to make it available.
45
46 Tom Brown: To make the events scheduling available to the homeowners association, Maple View II HOA, a condition would
47 be to make an events schedule available to the Maple View II HOA.
48
49 Larry Wright: That could be website, email, etc.
50
51 David Blankfard: We are not going to get into timeframes.
52
53 Tom Brown: Both parties will have to work together and if they don't they will both suffer. We will have that as a second
54 condition. You don't have to put that in the motion.

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David Blankfard: In my motion, I would have an outdoor limit or not?

Tom Brown: If you are talking about 5.3.2, the first one?

David Blankfard: Yes, maintain and promote public health.

Tom Brown: Your facts are going to be how will this maintain and promote public health.

David Blankfard: Then I'll make the conditions right after that?

Sahana Ayer: You can do the conditions at the end.

Tom Brown: Should you put it in the motion or at the very end?

Sahana Ayer: You can put it at the very end. But you would have to be specific with regard to these conditions.

PLANNING STAFF
RECOMMENDED
FINDINGS

EVIDENCE SUBMITTED
TO SUPPORT FINDINGS

PLANNING BOARD
FINDINGS

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:

Section 5.3.2 (A) (2) (a)

 Will Will Not

Based on evidence presented at the hearing.

 X Will Will Not

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.

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Motion made by Mark Micol to approve Article 5.3.2 (A) (2) (a) that the use will maintain or promote the public health, safety and general welfare based on testimony that the ag center is a resource to educate the community on farming and also address the need in the local community for a cultural meeting center for local residents to congregate for various activities.

Seconded Larry Wright.

Vote: Unanimous

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	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
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Section 5.3.2 (A) (2) (b)

Will Will Not

Based on evidence presented at the hearing.

Will Will Not

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).

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Motion made by Larry Wright in the affirmative for Section 5.3.2 (A) (2) (b) that this application will maintain and enhance the value of property and the value of contiguous properties on submission of letters from Mr. Robert Hartford who is the broker and Mr. Scott Dorsett who is a realtor, appraiser and consultant.
Seconded David Blankford.
Vote: Unanimous

	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
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Section 5.3.2 (A) (2) (c)

Is Is Not

Based on evidence presented at the hearing.

Is Is Not

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.

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Motion made by Larry Wright in the affirmative for Section 5.3.2 (A) (2) (c) that this complies with the physical development of the county as embodied in regulations or specifically in the Comprehensive Plan and reference to Chapter 6, elements 6.4.1.2, paragraphs 3, 4, 5 and 6 of the Comprehensive Plan. This deals with natural and cultural systems and also, the use of agricultural property and the development of a holistic view of agricultural and the working of imaginative uses of agricultural and ecotourism. They are trying to preserve farms. Testimony in this hearing touched on the viability of farms.
Seconded Mark Micol.
Vote: Unanimous

STAFF COMMENT(S):

Staff has reviewed the application, the site plan, and all supporting documentation and has found that the applicant **complies** with the specific standards as outlined within the UDO with respect to the physical development of the property. Further, staff has determined that the proposed additional uses are consistent with the operational characteristics of a Camp/Retreat Center as currently defined and permitted within the County.

Staff cannot comment on the projects compliance with the general standards detailed within Section 5.3.2 (A) (2) of the Unified Development Ordinance, specifically:

- 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).
- 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 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.

These items are acted upon by the Board based on the testimony and evidence entered into the public record during the hearing.

If 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 of Adjustment makes the determination that the permit can be issued, Planning Staff would suggest the Board consider the attachment of the following conditions to the revised Special Use Permit:

1. That the applicant complete and submit a formal application to the Orange County Health Department requesting a change of use for the Camp/Retreat center. Specifically, the applicant shall request that the Health Department re-issue the operations permit authorizing the use of the property as a Camp/Retreat center incorporating the new uses as approved by the Board of Adjustment. The application, including all applicable fees, shall be submitted within one hundred eighty (180) days from the approval of the Special Use Permit. Any and all required modifications to the existing system required to accommodate the new uses shall be completed in accordance with Orange County Health Department policy.
2. That the applicant complete and submit a formal application to the Orange County Inspections Department requesting a change of use for the Camp/Retreat center. Specifically the applicant shall request that the Building Inspections division of Orange County re-issue a Certificate of Occupancy (CO) for the Agricultural Center incorporating the additional land uses as approved by the Board of Adjustment. The application, including all applicable fees, shall be submitted within one hundred eighty (180) days from the approval of the Special Use Permit.
3. That the applicant shall cause the existing Special Use Permit to be modified incorporating the new land uses, as approved by the Board of Adjustment, and that all existing conditions, as denoted on the original permit shall remain in full force and effect. The revised Special Use Permit shall be recorded in the Orange County Registrar of Deeds within one hundred eighty (180) days from the approval of the Special Use Permit.
4. That no more than 12 days of outdoor amplified music can be conducted during any calendar year.
5. That the agricultural center will make the events schedule available to the Maple View II HOA.

1 Tom Brown: On page 164, we have the three conditions provided by staff which are fairly straightforward. Then we have two
2 additional conditions, number four and five. Number four being that no more than 12 days of outdoor amplified music can be
3 conducted during any calendar year. Condition number five is that the agricultural center will make the events schedule
4 available to the Maple View II HOA.

5
6 Sahana Ayer: ABC permit... are you considering imposing a condition about them applying for an ABC permit?
7

8 Tom Brown: It was our understanding they would have to do that anyway so it would not be something we would impose but
9 a requirement levied upon them by the county.

10
11 **Motion** made by David Blankfard to approve the Class B Special Use Permit Modification request with the five conditions as
12 stipulated previously.

13 Seconded Mark Micol.

14 **Vote:** Unanimous

15
16 Tom Brown: Based on the testimony and decision of the Orange County Board of Adjustment, Case A-1-11 Camp Retreat
17 Center modification of existing special use permit submitted by the Maple View Agricultural Center LLC is hereby approved
18 with conditions as stipulated.

19
20
21 **6. ADJOURNMENT**

22
23 **Motion** made Larry Wright to adjourn. Seconded Mark Micol.

24 **Vote:** Unanimous

25
26 Meeting was adjourned at approximately 11:05 pm.

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33 Tina Owen – Minutes Preparer