

..TITLE

A request by Lenore Braford dba Piedmont Farm Animal Refuge, for a conditional use permit on Parcel No. 78297, located at 7404 NC 87 N, being approximately 16.07 acres, for Animal Husbandry Specialized as a farm animal rescue facility, Hadley Township.

..ABSTRACT

Action Requested:

A request by Lenore Braford dba Piedmont Farm Animal Refuge, for a conditional use permit on Parcel No. 78297, located at 7404 NC 87 N, being approximately 16.07 acres, for Animal Husbandry Specialized as a farm animal rescue facility, Hadley Township.

Introduction & Background:

A quasi-judicial public hearing was held on August 18, 2014, planning staff presented the application, the applicant, Lenore Braford spoke as well as two others in support of the request. No other comments were received.

This property was unzoned until it was initially zoned R-1 Residential District with the corridor zoning of NC 87 in 2007. Under the R-1 zoning classification, Section 10.13 Table of Permitted Uses, the use requested requires a Conditional Use Permit.

PLANNING BOARD ACTION

The Planning Board met during their regularly scheduled meeting on September 2, 2014. A question to clarify how this was different than the county animal shelter was asked. The applicant advised this project would be for farm animals (i.e. chickens, cows, goats, horses, etc.). The animal shelter is primarily for domestic animals such as dogs and cats and this offers another option for animal control at no cost to the county. An example provided was an increase in owners abandoning chickens that were purchased to raise in urban settings that are in violation of municipal regulations or restrictive covenants. Additionally, in instances where horse abuse is occurring it can burden local animal control agencies in dealing with the treatment and housing of these large animals.

Discussion & Analysis:

A conditional use permit must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed as follows:

FINDING #1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located. The Chatham County Zoning Ordinance, Section 10.13, list Animal Husbandry Specialized as a use that may be allowed in the residentially zoned districts as a Conditional Use Permit. The applicant intends to phase in the various components of the project that will later involve associated and ancillary uses to include school groups, an educational component in connection with the farm animals she will be rescuing, the potential to

host various outdoor events and a visitor's center. The project is planned to be phased in over a five (5) year period.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. The applicant states one benefit to the community and the county is the creation of a unique destination for education and recreation. The applicant plans to offer tours of the refuge that will give individuals the opportunity to meet, touch, and interact with farm animals in a safe and educational environment.

The applicant states she may want to conduct a future summer camp program or after school program both centering on the educational component of the farming and animal keeping approvals.

This facility would be a refuge for unwanted farm animals and not those one would find in a customary animal shelter such as dogs, cats, and other domestic animals. The applicant states this facility would take the burden off the customary animal shelter with farming type animals or fowl.

FINDING #3 – The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community. The applicant states a maximum of ten (10) staff members and five (5) volunteers will travel to and from the site each day. An average projection of 25 visitors are anticipated each day as well as on Saturdays and Sundays. When available, there may also be buses of children visiting the site during the week or weekend. NCDOT has no known issues with traffic generation to and from this site and plan to issue a commercial driveway permit when needed.

The applicant held a community meeting with the surrounding neighbors as required by the Zoning Ordinance. General questions were raised but all in attendance supported the proposal.

The applicant met with the Chatham County Appearance Commission (CCAC) where some revisions were suggested. The applicant agreed to the suggestions, which were minimal, and has incorporated those into the new site plan attached. The boundary of the property still has a significant natural vegetated buffer where some areas needed supplementing.

The applicant states there will be hand washing stations with soap and disinfectant for use by all persons on the property. There will also be chemical agents used on site for care of the animals and for care of the pasture areas. The storage of such chemicals will follow guidelines as per the Fire Marshal's office.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. The Land Use Plan list the preservation of rural character as an important objective for the county. The property will be farm-like in appearance with barns, ponds, hills, and open space consistent with the definition of rural character.

The Plan goes further to encourage tourism to the county for various attractions. The applicant anticipates the use of the property by visitors from and outside the county. The applicant states they will be conserving farmlands and offering improved recreational opportunities.

FINDING #5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the county’s plans, policies, and regulations. The property is located within the WSIV-Protected Area Jordan Lake Buffer Area which allows for up to 36% impervious surface be allowed on the site. The estimated impervious surface for this project is approximately 5.4%. Any streams or ponds that require buffering will follow watershed buffering guidelines.

The applicant has already begun securing permits from Environmental Health for septic and wells to serve the residential component and the business component.

The applicant was not required to obtain an Environmental Impact Assessment due to only disturbing approximately 1 acre total of land area. The site is approximately 16 acres in size.

It is planning staff opinion all five (5) findings may be made.

Recommendation:

The Planning Board, by unanimous vote, and staff recommends approval of the request and adoption of a resolution approving a conditional use permit with the following conditions:

Site Specific Conditions

1. The applicant shall follow the recommendations of the Chatham County Appearance Commission and the Standards of Section 12 of the Chatham County Zoning Ordinance and install said plantings at the next optimal planting season following the issuance of the first building permit and as each phase is started.

Standard Site Conditions

2. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or

conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.

3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.
4. A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or this approval becomes null and void.

Standard Administrative Conditions:

5. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.