



Minutes of the Regular Meeting of the
Zoning and Planning Board

Tuesday, March 22, 2016

Lake Lure Municipal Center

ROLL CALL

Present: Thomas M McKay, Chair
Bruce Barrett
Charlie Ellis
Jonathan Hinkle
Norman McGlohon
John Moore, Council Liaison

Absent: n/a

Also Present: Shannon Baldwin, Community Development Director
Diane Barrett
Sean Humphries, Chief of Police
Michelle Jolley, Recording Secretary

The meeting started at 9:33 a.m. The Board members led the pledge of allegiance and Mr. Barrett gave the invocation.

APPROVAL OF THE AGENDA

Mr. Ellis made a motion to approve the agenda as presented. Mr. McGlohon seconded the motion. All voted in favor.

APPROVAL OF THE MINUTES

Mr. Barrett made a motion to approve the minutes of the January 19, 2016 regular meeting as presented. The Board voted unanimously to approve the minutes.

NEW BUSINESS

None

OLD BUSINESS

(A) Discussion on Lake Lure Town Code, Chapter 81: Animals

Mr. Baldwin provided an overview. He noted the items included in the packet is a memo from Mr. Barrett, documents provided with highlights, and research from Diane Barrett. He explained after each discussion item, he would like to obtain answers for the following questions:

- (1) What did you hear or read that stands out?
- (2) What was your reaction?
- (3) What is the importance?
- (4) What action do we take?

Mr. Barrett conveyed that he conducted research on animal ordinances in Napa, California. He felt their municipal code on animals would be one that Lake Lure could follow. He stated the Town's existing regulations regarding livestock is outdated and proposed the Town adopt an ordinance in conjunction with the Napa ordinance he provided. He mentioned the importance that residents of Lake Lure with animals and livestock make certain it is not a nuisance to neighbors and the Town. He stated that Napa's regulations do not allow roosters. He noted there should be ample acreage for animals/livestock that does not encroach upon the neighbors. Chairman McKay noted that horses are currently allowed for recreation with a limitation of two acres of pasture.

Mr. Ellis asked if Napa's regulations limit the number of chickens allowed. Mr. Barrett stated he did not believe there was. Mr. Ellis noted he did not see anything in the Napa Municipal Code which would allow for chickens. Mr. Barrett stated they basically prohibit animals running loose and off of the property. He stated he was impressed that they did not set up arbitrary rules. Mr. Ellis asked if the overall underlying property in Napa is all zoned for agricultural use. He mentioned it would make sense for vineyards, farms, and wineries to not have restrictions as long as they are controlled. Mr. Barrett stated he was unsure. Mr. Ellis mentioned that certain areas such as Firefly Cove and the Rumbling Bald Resort may make their own private codes that would not allow animals. He stated that agricultural use may make sense to restrict in certain places depending on how it is zoned.

Mr. McGlohon noted the term "agriculture" is not being referred to as an enterprise; it is being referred to as a hobby or personal practice. He stated the Zoning Regulations should control the effect on the quality of life of the neighbors. He mentioned that most setbacks and animal density regulations are determined by a lot of research. Chairman McKay mentioned that it comes down to structuring a common sense ordinance. He felt that animals should be allowed on private property. Ms. Barrett did not feel that a lot of people would have an interest. Mr. McGlohon pointed out that there needs to be something in the Zoning Regulations to regulate horses, since they are currently allowed. He felt that livestock should require a five acre minimum tract with at least two acres of vegetative cover for grazing purposes. He stated that a setback on the confinement facility for the animal should be determined, typically more than 100 feet, from the property line. Mr. Ellis stated the burden should be on the property owner to prove they meet the

acreage requirements and other requirements to get a permit for animals or livestock. He felt that certain criteria must be met. Mr. McGlohon mentioned that horses, cattle, and sheep are creatures of habit and would travel the same places creating erosion issues. He noted the need for erosion control measures as well.

Mr. Baldwin stated there are a couple of options. One option would be to allow animals in existing districts under certain conditions, perhaps as a Conditional Use Permit. The other option could be to create an agricultural district, allow for residential uses, and set mandated parameters within the specific district. He felt there needs to be setbacks for streams in areas with animals to prevent bacteria in the water.

Mr. Baldwin asked Chief Humphries if he had received any concerns regarding the animal provisions. Chief Humphries stated he receives very few calls regarding noise from dogs. He mentioned most people are compliant with the animal provisions. He felt that the number of animals/livestock allowed should be regulated to control noise and nuisance to neighbors. He stated he would like to keep the provisions on dogs and the bird sanctuary within their department. He noted in the 16 years he has been employed with the Town, he has not received any complaints on chickens. Chairman McKay felt that confined animals such as chickens, rabbits, and honeybees, should be allowed in every district with regulations in place. Mr. McGlohon pointed out that nuisance ordinances could be written and the nuisances should be made clear in the ordinance. To recap, Mr. Baldwin stated he would pull items together to bring back to the Board from discussion held regarding creating an agricultural district, having a Conditional Use Permit for existing districts for large animals, and lastly to find a way to allow chickens, rabbits, and honeybees either with an administrative permit or only regulate once an issue arises under a nuisance ordinance.

Mr. Baldwin wanted to keep a residential focus moving forward in regards to incorporating chickens, rabbits, honeybees, and horses. He felt that a commercial scale would change the nature and also makes it much more complicated. Mr. McGlohon stated he believes that there is a law in NC which requires backyard poultry to be registered. Mr. Barrett explained that the City of Napa has a Trespassing Poultry regulation in place and read that regulation to the Board. He mentioned that property owners must comply with the regulations but are not required to obtain permits. He felt the animal provisions should be kept simple.

(B) Discussion on Agricultural Districts

(C) Discussion on Agricultural Uses in Existing Districts

Ms. Barrett explained she conducted research on numerous other cities, towns, and municipalities regarding agri-business. She referred to an article she pulled from a Winston Salem journal, called *Welcome to the Agri-Hood* about community farming. She felt that an area designated for a community garden would allow for people raise tomatoes, beans, etc. She also stated that students could participate for education, to learn about farming and raising food. She also mentioned a Farmer's Market in Lake Lure could help to raise money for the school, etc. She felt that lower and fixed income residents may benefit in farming their own food. She suggested taking precautionary steps to allow people to farm and raise their own food. She pointed out the health benefits from fresh food. She felt that the opportunity to farm or garden

should be provided to residents. Mr. Baldwin pointed out the large parking area at the school could double as an area for a tailgate Farmer's Market. He stated if the LLCA brought in FFA programs and allowed their parking area to integrate with a Farmer's Market; it would integrate the kids of the school into growing and selling of food.

Mr. McGlohon felt that home gardens could be allowed but would need to be defined separately from commercial gardens. The necessary definitions should be created for home gardens, community gardens, and commercial Ag-enterprise. Ms. Spicer did not feel that a home garden for personal consumption should be considered the same as a home garden used to sell produce off site. Mr. Ellis asked about soil disturbance permits. Ms. Spicer stated that Mr. Calhoun could provide an official determination on those type of permits. Mr. Ellis felt that a home garden should be exempt from soil disturbance permits. Mr. Hinkle mentioned he did not feel that bees should be included in the same ordinance as chickens. Ms. Barrett added that flowers and fruit trees could also be allowed in the community garden, which would help the bees.

Mr. Baldwin stated he would use the information obtained from this meeting, draft language, and bring back to the Board for review at a later meeting.

PLANNING PROJECTS UPDATE

Mr. Baldwin noted that the old report and the new report were provided.

Mr. Ellis pointed out the State has purchased the Lago Vista development and he mentioned he would like to revisit the transportation plan. Mr. Baldwin explained that the development does not function as ingress and egress for the Chimney Rock Park as it is now. He understands that it was purchased for utilities. DOT stated it would not function as ingress and egress. He stated that utilities have been resolved and now they need to resolve the ingress and egress issues. Chairman McKay noted this draws red flags. Mr. Ellis mentioned he would be interested to learn more. If the State decides to move their interest in Lago Vista, it would affect the Town's Master Plan. Mr. Baldwin conveyed the Town still has to decide if they want to extend utilities to the Lago Vista site.

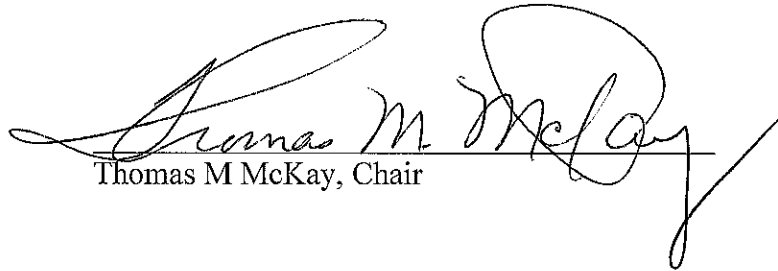
Commissioner Moore asked if at the next Town Council meeting, they would need to reaffirm the Masterplan in place. Mr. Baldwin stated it is up to Council and we would do whatever Council suggests. Commissioner Moore asked for a one page memo to send to the Council. He felt there was an urgency for Council to affirm the Master Plan and to prepare and have a plan in place. Mr. Baldwin stated that by keeping utilities and ingress and egress bundled together, it would be better for the Town Center Master Plan. Mr. Ellis pointed out that the intention of the Park would be to use the current entrance to Chimney Rock Park as an exit only, and the new entrance to the Park would be through the Lago Vista site. He stated this would be a huge impact on the Town Center. Commissioner Moore asked that staff provide a general memo to Town Council to revisit the Master Plan.

Chairman McKay made a motion to recommend Town Council revisit the Chimney Rock State Park Master Plan and review the Town Center Small Area Plan to make sure the

latest plans of Chimney Rock Park fully integrate with the Town Center Small Area Plan. Mr. Barrett seconded and all voted in favor.

Upon a motion by Mr. McGlohon and seconded by Mr. Barrett, the meeting was adjourned at 11:12 a.m. The next regular meeting is scheduled for Tuesday, April 19, 2016 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST



Thomas M McKay, Chair



Michelle Jolley, Recording Secretary