



Orange County Planning & Inspections Department  
131 W. Margaret Lane, Suite 200, Hillsborough, NC 27278  
919-245-2575 or [planningapps@orangecountync.gov](mailto:planningapps@orangecountync.gov)

### Appeal of Interpretation and Variance Application

Please check all applicable boxes and complete the required documentation. Additional information and submittal requirements are contained in Sections 2.10 and 2.11 of the Unified Development Ordinance (UDO).  
If completing by hand, please use black or blue ink.

\* Please fill out all required fields

Date: July 2, 2025

Request: ☒ Appeal of Interpretation ☐ Variance

#### Contact Information\*

Property Owner(s): See Attachment 1

Mailing Address: c/o The Brough Law Firm, PLLC, 1526 E. Franklin St., Ste 200, Chapel Hill, NC 27514

Phone: 919-929-3905

Email: hornik@broughlawfirm.com

Applicant (if different than property owner): Same; See Attachment 1

Mailing Address: Same; See Attachment 1

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Agent: Robert E. Hornik, Jr.

Mailing Address: 1526 E. Franklin St., Ste. 200, Chapel Hill, NC 27514

Phone: 919-929-3905

Email: hornik@broughlawfirm.com

Law Firm Name: The Brough Law Firm, PLLC

Bar Number: 23728

Note: Only attorneys are recommended to serve as agents during quasi-judicial hearings such as this request.

#### Property Information\*

Parcel ID Number (PIN): See Attachment 1

Address: \_\_\_\_\_

#### Appeal of Interpretation\*

Matter Being Appealed (please select one)

☐ Notice of Violation ☒ Final and Binding Determination ☐ Boundary Interpretation

☐ Zoning Compliance Permit ☐ Other Permit: \_\_\_\_\_

#### Variance\*

Specific Unified Development Ordinance (UDO) Section(s) Requiring Variance:

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### Certification and Signatures\*

☐ Appeal of Interpretation Request

I, Banda Farms II, LLC; Banda I Farms II, LLC; Harper Orca, LLC; Eastview Orca LLC, have standing as described in Exhibit A and hereby appeal to the Board of Adjustment from an adverse decision of an Administrative Official of the Planning and Development Department of the County of Orange, North Carolina made on the 4th day of June, 2025 and attached as Exhibit B. I request an outcome as described in Exhibit C.1 and for the reasons stated in Exhibit C.2. If I intend to present any evidence, that evidence is listed in Exhibit D.

☐ Variance Request

I, \_\_\_\_\_, have standing as described in Exhibit A and hereby request a variance from the UDO be granted by the Board of Adjustment from the UDO Sections listed above. I request a variance as described and for the reasons stated in Exhibit B. If I intend to present any evidence, that evidence is listed in Exhibit D.

STATEMENT BY APPLICANT: I certify that the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Owner Signature(s)

Applicant Signature (if different from owner)

Date

Date

### Exhibit A – Statement of Standing\*

- ☒ I am the sole owner of the property subject to this application.
- ☐ I have attached notarized letters authorizing this submittal from all entities or individuals with ownership rights to the property.
- ☐ I would suffer special damages distinct from the rest of the community as follows:

The Property Owners identified on Attachment 1 are the owners of the parcels identified on Attachment 1. The Applicants have standing pursuant to N.C. Gen. Stat. 160D-1402(c)(1) as owners of the property subject of the decision being appealed.

### Appeal of Interpretation\*

#### Exhibit B – Copy of Action Being Appealed

Please attach and label as "Exhibit B" the official document which you are appealing. The Board of Adjustments **DOES NOT** have jurisdiction over advisory opinions of Orange County Staff. Only a binding determination may be appealed. Such documents generally have the following words in all capital and in bold: **NOTICE OF VIOLATION, FINAL AND BINDING DETERMINATION, BOUNDARY INTERPRETATION, or ZONING COMPLIANCE PERMIT**. If you are unsure if a staff member's email or letter has binding force, please consider asking for clarification through a standalone document with one of those terms in bold before seeking an appeal.



### Exhibit C.1 – Requested Relief

☐ I request that the determination, order, or permit attached as Exhibit B be vacated.

☒ I request that the determination, order, or permit attached as Exhibit B be modified as follows:

The Applicants appeal the June 4, 2025 Final and Binding Determination only insofar as the Determination found that the proposed "Farm Stage" is a "principal use" and therefore is not a form of agritourism because "it is not incidental to the farm."

### Exhibit C.2 – Applicant Argument and Reasoning

A. N.C. Gen. Stat. 160D-903(a) defines "agritourism" as "any activity carried out on a farm. . . that allows members of the general public, for recreational, entertainment, or educational purposes to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to weddings, receptions, meetings, determinations, of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting."  
(See Attachment 1)

*(attach additional sheets as necessary)*

### Variance\*

### Exhibit B – Explanation of Hardship

To qualify for a variance, the applicant must make four showings. Please describe below how these will be made.

1. Unnecessary hardship would result from the strict application of the ordinance. *(It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.)*

N/A

**2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.** (*Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.*)

N/A

**3. The hardship did not result from actions taken by the applicant or the property owner.** (*The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.*)

N/A

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

N/A

(attach additional sheets as necessary)

**Exhibit D – Intended Evidence\***

☐ I intend to make only arguments and no further evidence is expected to be necessary.

☒ I intend to offer the following evidence:

**I intend to introduce the following document and have attached it follows:**

Exhibit # ~~2~~ <sup>3</sup> entitled: Spreadsheet

This is relevant to standards from Unified Development Ordinance (UDO) Sections: \_\_\_\_\_

It demonstrates that:

**Intend to call the following as a lay witness:**

Lay Witness #1 (name): Greg Bohlen

Their intended testimony has been included in an affidavit attached as Exhibit: \_\_\_\_\_

This witness has personal knowledge of and will testify about: \_\_\_\_\_

The proposed amphitheater use and examples of similar facilities in rural agricultural settings.

This testimony is relevant to standards from UDO Sections: N.C. Gen. Stat. 160D-903,  
regarding "agritourism" and "bona fide farms".

The testimony will demonstrate that:

The subject property is a "bona fide farm" and the proposed amphitheater qualifies as "agritourism."



**Intend to call the following as an expert witness:**

Expert Witness #1 (name): \_\_\_\_\_

Is being offered as an expert in:

They possess specialized knowledge in this field through the following training and/or experience:

They reviewed or examined the following data:

They used the following method of analysis when reviewing that data:

This expert opinion is relevant the standard at UDO Section: \_\_\_\_\_

It demonstrates that:

Their intended testimony has been included in an affidavit attached as Exhibit: \_\_\_\_\_

*(attach additional sheets as necessary)*

ATTACHMENT I  
TO APPEAL OF INTERPRETATION  
DATE JUNE 4, 2025

Property Owners;	Bandit Farms II, LLC Bandit Farms III, LLC Harper Grace, LLC Eastwest Organics LLC
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Parcel ID Numbers;	9851-71-4716 9851-81-3226 9851-62-2001 9851-50-8662
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## **AFFIDAVIT IN SUPPORT OF APPEAL APPLICATION**

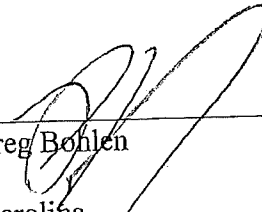
NOW COMES the Affiant, Greg Bohlen, who, being duly sworn, deposes and says as follows:

1. My name is Greg Bohlen and I am a member/manager of the limited liability companies identified as the Applicants in Attachment 1 to the Appeal of Interpretation Application (the "Appeal Application") to which this affidavit is attached. This affidavit is intended to provide a forecast of the evidence which the Applicants intend to present in support of their appeal.
2. Attached hereto as Exhibit 1 is the letter Applicants' attorney sent to Mr. Cy Stober dated March 21, 2025 requesting a Final and Binding Determination from the Planning Director regarding the Applicants' proposed use of the various parcels identified in Attachment 1 for "agritourism" purposes and requesting a determination that the various uses/activities proposed and itemized on the March 21<sup>st</sup> letter were considered "agritourism" and as such exempt from Orange County zoning regulations..
3. The Planning Director, Cy Stober, issued the Final and Binding Determination (the "Determination") on June 4, 2025. A copy of that Final and Binding Determination is annexed hereto as Exhibit 2. While Mr. Stober's Determination found that most of the activities/uses proposed did constitute "agritourism", Mr. Stober determined that the proposed amphitheater with 2500 person capacity "as presented and described is not a form of agritourism as it is not 'incidental' to the farm..."
4. The Applicants herein appeal only so much of Mr. Stober's Determination as found that the "farm stage" (amphitheater) portion of the property does not constitute "agritourism" but rather is a principal use distinct from the farm on the property. Applicants' appeal is limited to this issue.
5. In support of the Appeal Application, the Applicants rely on the letter and attachments submitted to Mr. Stober on March 21, 2025 (Exhibit 1) and incorporate those documents herein by reference.
6. The Applicant also attach hereto as Exhibit 2 a spreadsheet of various farm/events center in North Carolina and elsewhere showing that many farms/event centers have events which hundreds and thousands of people attend on the farm for activities such as music festivals, corn mazes, conventions, celebrations and similar events.
7. The Applicants submit that their proposed "farm stage" (amphitheater) is similar to many of the facilities listed on the spreadsheet (Exhibit 2), and that as proposed, the "farm stage" (amphitheater) falls within the definition of "agritourism" found in N.C. Gen. Stat. § 160D-903.
8. The Applicants intend to provide greater detail and testimony in support of their appeal at the hearing to be conducted by the Board of Adjustment.



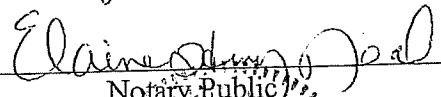
FURTHER AFFIANT SAITH NOT.

This the 2<sup>nd</sup> day of July, 2025.

  
\_\_\_\_\_  
Greg Bohlen

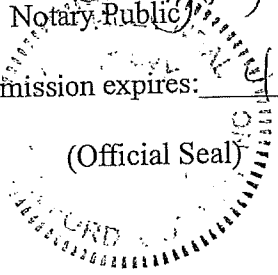
Orange County, North Carolina

Sworn to and subscribed  
before me this 2 day  
of July, 2025.

  
\_\_\_\_\_  
Notary Public

My commission expires: 25 2026

(Official Seal)





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Jenna Yovanovich	jyovanovich@broughlawfirm.com

March 21, 2025

**VIA First Class US Mail and  
E-MAIL to [cstober@orangecountync.gov](mailto:cstober@orangecountync.gov)**

Mr. Cy Stober  
Planning and Inspections Director  
Orange County  
131 West Margaret Lane, Ste. 201  
Hillsborough, North Carolina 27278

**Re: Union Grove Farm Request for Advisory Opinion Re: "Agritourism"  
for Bandit Farms II LLC (Orange County PIN Nos. 9851-71-4716  
and 9851-81-3226); Bandit Farms III LLC (Orange County PIN No.  
9851-62-2001); and Harper Grace, LLC/Eastwest Organics, LLC  
(Orange County PIN No. 9851-50-8662**

Dear Cy:

Please accept this letter on behalf of my client, Greg Bohlen (and related entities identified above) seeking an final decision from you regarding current and proposed activities and operations at Union Grove Farm (the "Farm") on Dairyland Road in Orange County vis-à-vis Orange County's and North Carolina's "bona fide farm" regulations, and the extent to which the existing and proposed activities and operations constitute "agritourism" as defined in North Carolina General Statutes 160D-903. First and foremost, Union Grove Farm is a farm and vineyard. With 70 planted acres of table grape vines, moving to almost 100 acres in 2025 (and plans to scale the vineyard another approximately 120 acres in the next two years), the Farm is currently ranked the third largest vineyard in North Carolina and the only certified regenerative table grape vineyard in the world. The Farm is verified through Regenified, an independent regenerative certification, adhering to all specified regenerative standards.

As you may already know, "regenerative farming" is a form of agriculture necessary to restore ecological balance, combat climate change, improve food security, and build more resilient, sustainable agricultural systems. Though it's been around for centuries, regenerative farming is becoming more necessary even as most strive to understand what it entails. Basically, regenerative farming is an agricultural approach that focuses on restoring and enhancing soil health,

biodiversity, and ecosystem functions through sustainable practices like crop rotation, cover cropping, reduced tillage, and livestock integration, aiming to create a positive environmental impact and improve long-term food production. Such farming practices eliminate and replace the use of herbicides, pesticides and chemical fertilizers. It offers a holistic approach to farming that benefits the planet, the people who depend on it, and future generations. Union Grove Farm (the "Farm") intends to become the leading center in North Carolina (and beyond) for educating the public about the benefits of the practice to the health of individuals, and the planet.

As of 2022, Orange County, North Carolina had approximately 20.9% of the total land area utilized for agriculture. This is down from 37% in 2001, and reflects a significant decline from 1955, when agriculture land constituted about 78% of the county's area. The reduction in farmland is largely attributed to urbanization and residential development, particularly around the towns of Chapel Hill and Hillsborough. The goal of Union Grove Farm is to grow agricultural area in Orange County and continue to build out their vineyard and farm operations to include an additional 300 acres in the next five years. To support and sustain this farm growth, Union Grove Farm plans to use agritourism as a way to educate and promote regenerative farming to visitors, as well as fund the continued growth of the farm.

Mr. Bohlen plans to make improvements to the property consistent with his objective of operating a "regenerative farming" agricultural use with associated programming designed and intended to educate the public about regenerative farming. The goal is to educate farmers and the public about the positive impact of regenerative farming on the nutrient density of our food, the sustainability of our soil, and the reduction of climate change. It is our view that each and every proposed facility and activity at the Farm should be considered "agritourism" as defined and recognized by statute.

Union Grove Farm proposes to use four parcels of land identified above (consisting of approximately 115 acres) and the various farm buildings and other structures now present or to be constructed on those parcels as components of a coordinated agricultural and agritourism destination where guests may engage and participate in various regenerative farm-related educational and entertainment activities. The parcels comprising the Farm are located in the Orange County "Rural Buffer" zoning district, have historically been used for agricultural purposes, and will continue to be used that way by Mr. Bohlen and his associates.

The purpose of this letter is to describe to you the various features, facilities, activities, operations and experiences available at the Farm and to seek your concurrence that the proposed features, facilities, activities, operations and experiences constitute "agritourism" as defined by the law, and, therefore, are not subject to regulation under the Orange County Unified Development Ordinance.

All four parcels involved in this proposal are currently actively used for agricultural purposes and Farm Affidavits regarding their qualifications as "bona fide farm" properties are on file with the Orange County Planning Department. As such, pursuant to N.C. General Statutes 160D-903(a), Orange County's UDO does not affect the parcels.



Mr. Bohlen's and his associates' plans for use of the Farm include significant "agritourism" programs. As you know, North Carolina General Statutes Section 160D-903(a) defines the term "agritourism" as follows:

Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activity including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting. (emphasis added)

We believe that the various farm stay accommodations and activities which are proposed for Union Grove Farm fall squarely within the intent and plain meaning of "agritourism" as defined in the statute, and request that you make such a determination with respect to each described facility and/or activity. The facilities and activities at the Farm as described in this letter will be available to the general public for recreational, entertainment and educational purposes in a rural farm setting. Existing and new facilities will be located on the Farm parcels so as to be compatible with the active agricultural activities on an operating farm. Union Grove Farm is an active, working farm and guests will be immersed in the farming activities and environment in every aspect of their stay at the Farm. Guests will be encouraged to actively engage in farming, cultural, harvest-your-own, and natural activities and to enjoy the sights, sounds and experiences of farm life. And programming such as classes and seminars are, and will be, offered year-round to entertain and educate the public about the benefits of regenerative farming practices.

Regenerative hospitality goes beyond sourcing local products; it involves community engagement and supporting local businesses and organizations such as craftspeople, artists, farmers, and community organizations. Establishments can become pillars of economic vitality, contributing to job creation and thriving livelihoods. This will focus on creating meaningful experiences for guests, offering more than just a place to stay. Travelers will be immersed in the unique local culture, connection with the environment, and experienced-based educational opportunities. Guest experiences align with these aspirations, involving participation in community-driven projects, learning about local biodiversity, or engaging in wellness activities inspired by the natural surroundings.

This aligns with other agritourism properties throughout North Carolina that offer farm stays, wedding venues, and farm stages for festivals and events. These attractions help draw visitors to the farm, encouraging those who might not typically visit rural areas to experience them. For example, North Carolina **bona fide farms** supported by agritourism include:

- **Juneberry Ridge** in Norwood, NC is a regenerative farm that includes a 'regenerative stays', music festivals and concert series with 'unlimited seating' for their outdoor concerts.

- **Old Orchard Farm** in Highlands, NC hosts Orchard Session concert series and includes Half-Mile Hotel and The Old Edwards Inn and Spa.
- **Morris Farm Back 40 Live** in Barco, NC includes an outdoor venue with a capacity of 4,000, hosting concerts and events in a farm setting.
- **The Farm at 95** in Selma, NC includes wedding and corporate venue and outdoor concert amphitheater.
- **Sideways Farm Brewery** in Etowah, NC includes restaurant and live music.
- **Zinc House Winery and Brewery** in Durham, NC, includes: The Pavillion (3,300 sq ft), The Carriage House (5,700 sq ft), and the main winery/brewery building (14,000 sq ft with 7,300 sq ft of outdoor space) with ongoing music series

Over the past decade, the state has experienced an 89% rise in agritourism farms, reaching over 1,000 operations statewide. This growth reflects a broader trend where farmers diversify their income sources by offering recreational, entertainment, venues, educational and tourism activities to supplement and sustain their agricultural operations.

“Union Grove Farm & Inn” provides an overview of my client’s vision for farm stays. Essentially, Union Grove Farm will be an “agrarian boutique farm stay” where regenerative farming is practiced every day. The concept behind the Farm is to provide the regenerative farming experience in a setting designed to entertain and educate other farmers, and the public, about regenerative farming in a rural agricultural setting. There will also be a variety of opportunities for recreational activities such as hikes and performing “hands-on” traditional farming activities in a working farm setting.

As you can see from the Master Plan, which is included in Attachment A, there are ten components of the Master Plan for the Farm. First, on parcel number 9851-81-3226 there is a proposed 3-acre culinary farm and 2,000 square foot pavilion where fruits and vegetables will be grown year-round as part of the educational and farm-to-table agricultural experience proposed for the Farm. Guests will be encouraged to work with and learn from staff about the fruits, grains, vegetables and flowers grown on the culinary farm and/or in the pavilion. The culinary farm and pavilion will also be available for use in programmed events – classes, seminars, celebrations - all revolving around the regenerative farming experience. These aspects of the Farm surely fall within the definition of “agritourism”.

On the same parcel there are accommodations for guests to stay overnight at the Farm. Attachment C to this letter is a proposed site plan showing the anticipated layout of existing and proposed new structures on the Farm. This consists of ten proposed Farm cottages, a farm stay center with forty (40) rooms for overnight guests, a 70-seat restaurant, an outdoor pool and bar, and 1,000 square foot event space which will be used for exhibits, classes, seminars and other small gathering. There are also ten lake cottages proposed for an area just north and west of an existing lake on the property. Attachment D to this letter are some illustrative photos of the type of “casitas” envisioned for the cottages on the Farm.

There is a muscadine vineyard now on the site (along the Dairyland Road frontage) which provides a spectacular visual setting, and which will be incorporated into the program for the Farm. Mr. Bohlen and his team envision casitas sited adjacent to or among the vineyards. There will be

a private home available for rental to participants in the various agritourism programming and activities at the site. The location and design of the farm stay casitas are intended to incorporate those facilities in the center of the farming activities, so that guests and program participants will be immersed in the agricultural experience throughout their visit.

The restaurant and bar will feature food and beverages grown or processed on the Farm and from the surrounding community. So, guests will be able to take a class, get their hands dirty, take a dip in the pool, go to their room to clean up after a working day on the Farm, and then enjoy a beverage and a meal prepared onsite incorporating products produced on the Farm – all in one day and without leaving the Farm.

Visitors at the Farm will be able to experience a broad range of cultural, agricultural, and educational activities, in an historic farm setting. Guests will learn about regenerative farming by participating in a directed “hands on experience” while “living” on the farm – eating, drinking, sleeping, and learning in an interactive agricultural environment. Guests at the Farm will be educated, entertained and nourished physically and culturally by their participation in the agricultural activities on the Farm. Guests will be able to eat food grown on the Farm, drink beverages grown and distilled on the Farm, attend lectures and other activities and programming designed and intended to educate guests about regenerative farming in particular and farming, generally. Attachment B to this letter is a “Menu of Proposed Experiences at Union Grove Farm” intended to illustrate some of what is, or will be, available for our guests.

All overnight accommodations at the Farm will be available for individuals and groups participating in the educational and cultural activities and programs conducted on site. All accommodations and common areas will be adorned with art and artifacts and furnishings connected with the history of the Farm and its surroundings. Rooms will have educational reading materials, artwork and exhibits related to the Farm’s agricultural theme and history. As much as possible, materials connected with the Farm – such as repurposed windows, doors, and roof materials – will be incorporated in the structures to be built on the Farm. To the extent possible, beams and framing lumber will be cut from trees grown on the Farm. The goal is for the Farm to be a “net zero” operation.

On Parcel numbers 9851-71-4716 and 9851-62-2001, there is a regenerative distillery and associated parking proposed for the site, where various types of beverages will be distilled from products grown on the Farm and at other local farms, such as the muscadine grapes and other fruits and grains. Schematic renderings of the distillery and the proposed farm stage are enclosed as Attachments E and F to this letter. This will also be a site for exhibits and demonstrations of the distilling process, where guests may observe various aspects of the distilling process and sample the end products of the process. While the focus of the Farm’s distillery will be table grapes, many or most of which will be grown on the Farm, other fruits and grains will also be distilled there, some grown on the Farm and others from local or regional sources. The Farm will demonstrate how the “spent” fruits and grains to be re-processed as the organic materials can be used on site, eliminating transport costs for the “waste” products and instead using those products for other purposes at the Farm. There will be regular tours and classes at the distillery where guests can learn the distilling process from the vine to the wine glass.



There will also be a 2500-seat Farm stage on the site nearby to the distillery and distillery parking, as illustrated in Attachments E and F. The farm stage and the distillery are located amidst other structures on the working farm, and one would not be able to miss the rural, agricultural setting as they sit at the open-air venue. There are barns, farm equipment, the vermicompost labs and other features of the working regenerative farm right there for all guests to experience. The farm stage will feature stones originating onsite and other repurposed materials previously used on the Farm. The farm stage, like some many other features of the Farm, will demonstrate the pragmatism of historic farm life, where very little of anything is ever wasted. There will be significant agricultural-related programs at the farm stage as proposed. Many events at the distillery will use the farm stage for programming – videos, lectures, exhibitions and the like. Every event scheduled at the farm stage will include an educational component describing regenerative farming practices and the benefits derived from them. In fact, Mr. Bohlen and his team have already engaged Thunder Mountain Media, a media and production company that delivers content via film and television, to create content for them. **Here are links to samples of what will be available as part of each presentation at the farm stage:**

- Video: [Sheep are key to regenerative vineyards](#)
- Video: [UGF Founding Microbiologist](#)

Finally, Parcel Number 9851-50-8662 is the site of the Center for Regenerative Agriculture at Union Grove Farm, an “all purposes” facility hosting lectures, seminars and banquet featuring products grown on the Farm and in the surrounding area. Center for Regenerative Agriculture at Union Grove Farm. The CRA is already used for agricultural education programming, and with the addition of the programming at events now proposed for the Farm, will be continue to be utilized even more, educating farmers and the public about regenerative farming practices.

The Menu (Attachment B) describes the different types of agriculture-related educational and entertainment opportunities and programs we expect to be regular parts of the experience at the Farm. Some of those activities include regular “classes” or demonstrations where staff or guest presenters will teach practices such as cheesemaking, beeswax candle rolling and regenerative winemaking. There will be “farms schools” – single- or multi-day courses for guests of all ages – where guests can be immersed in regenerative farming life. There will be tours of the vineyards, the apiaries, and fields, the equipment, the composting facilities, and other features of the Farm. There will be classes offering instruction about the economics of regenerative farming. Guests will also be encouraged to take themselves on self-guided tours of the trails around the Farm where they can leisurely enjoy the views of the fields, vineyards, ponds, livestock, apiaries, or just enjoy the fresh air.

As you can see, all the proposed activities fall within the expansive definition of “agritourism” found in the General Statutes. What differentiates the Farm from other “agritourism” facilities in the area is the focus of all aspects of the farm on the actual regenerative agriculture practice. The Farm is not just a place for weddings and special events (though there will likely be some such events), but rather is a working farm set among acres of growing crops and vineyards, with herds of sheep in the pastures, where guests are not only invited, but encouraged, to actively participate while learning about the benefits of regenerative farming. My client’s vision is to create programming activities which allow for the “immersion” of guests into

the regenerative farming agricultural experience. From the moment they wake up in the morning at the farm stay center or in one of the cottages proposed to be available on the Farm, to a farm-to-table breakfast experience, continuing to activities provided for all day long, through evening dinner and entertainment activities, guests young and old will have the opportunity to connect with the land and learn about regenerative farming.

Every aspect of the Farm – the farming activity itself, the accommodations, the décor, the programmed activities, the private parties that may use the farm as a wedding venue, for instance - is directed by and revolves around the regenerative farming theme. The entire program for the Farm is based on making available to the general public recreational, educational and entertainment activities in a rural farm setting, in buildings all of which will be used for agricultural purposes, agritourism purposes, or both.

Getting back to where we started, we seek your final decision that all the proposed activities as we have described to you fall within the definition of “agritourism” found in General Statutes 160D-903(a). Mr. Bohlen and his team propose that the Farm is being offered to, and will offer, the public recreational, educational and entertaining activities in a setting where guests can not only view, but actually participate in “rural activity such as farming, ranching, historic, cultural, harvest-your-own activities”, and that the buildings now existing and proposed at the Farm are used for agricultural and agritourism purposes consistent with the law. This is precisely the type of “agritourism” the Legislature had in mind.

We recognize as part of the new economy, guests and visitors are looking for unique and meaningful experiences to engage, learn and give back. Given the regenerative setting of the Farm, its history in Orange County agriculture, and the programming proposed for the Farm, we submit that each and every activity conducted on the Farm should be considered “agritourism” and, therefore, should be allowed as activity exempt from the County’s zoning regulations.

Sincerely,

THE BROUGH LAW FIRM, PLLC



Robert E. Hornik, Jr.

REHjr:las  
Enclosures

cc: James Bryan (via email to [jbryan@orangecountync.gov](mailto:jbryan@orangecountync.gov))  
Robin Tatum (via email to [rtatum@foxrothschild.com](mailto:rtatum@foxrothschild.com))  
Catherine Hill (via email to [catherinehill@foxrothschild.com](mailto:catherinehill@foxrothschild.com))  
LeAnn Nease Brown (via email to [lnease@brownandbunch.com](mailto:lnease@brownandbunch.com))  
Mr. Greg Bohlen

ATTACHMENT A

# UNION GROVE INN

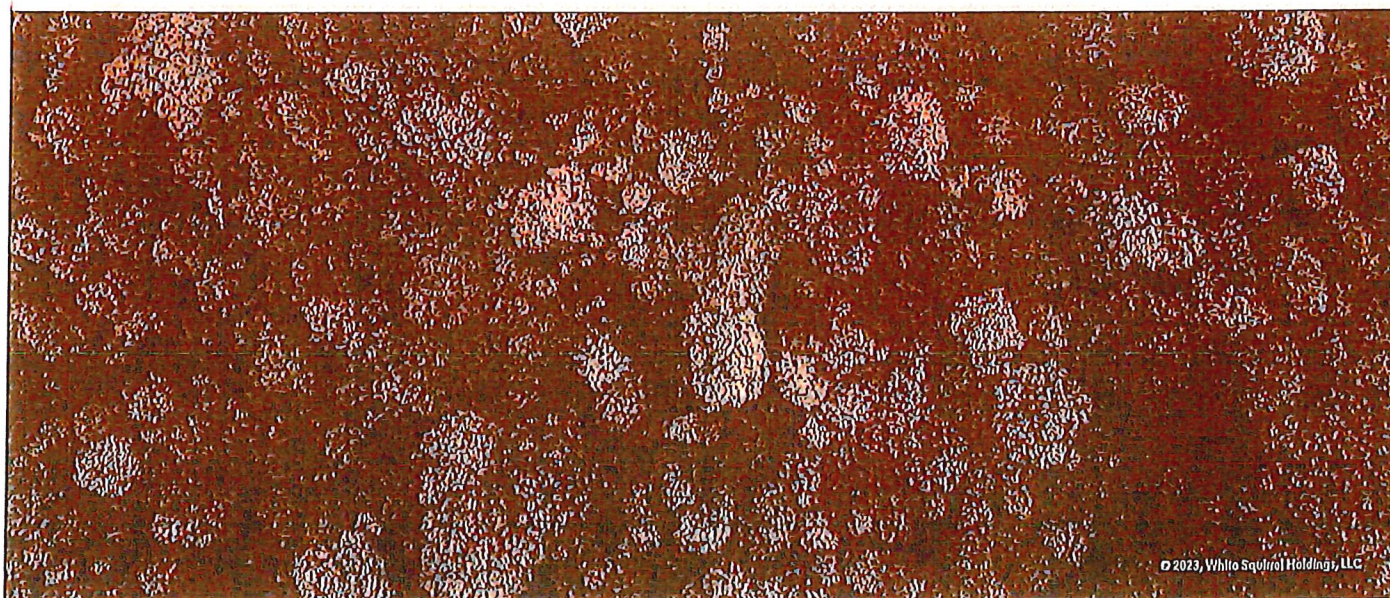
PRIVATE | CONFIDENTIAL



## THE VISION

An agrarian boutique resort. Driven by design. Run by women. And grounded in local farming.

We are empowering local farmers and preserving topsoil while serving nourishing food and unforgettable educational experiences.  
Our guests leave encouraged that positive change can be compassed through community, pleasure, and discovery.



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Union Grove Inn offers a place to slow down and connect with nature on a variety of levels, starting with a culinary journey of enjoying high-quality, seasonal fruits, vegetables and meats sourced either from the on-site farm & garden or within a 150-mile radius.

The beauty of the on-site garden invites guests to wander, host events, and participate in educational courses. The intimate size of the hotel and the buildings themselves encourage greater attention to small details. Beauty is celebrated through simplicity, design inspired by a sense of place, and a symbiotic connection with the property's natural surroundings.

Just as Napa Valley has become the gastronomical corridor of the west coast, so is this rapidly-growing 2000-acre+ parcel uniquely positioned to become a comparable agritourism destination for the east coast, touching on regenerative agriculture practices, farm-to-table dining and drinking including distilleries, beer gardens, wine tastings and demo kitchen, unique indoor and outdoor concert venues and recording studios, conserved woodland, pedestrian and biking trail access from brewery to beer garden to restaurants and more, conference space filled with natural light and views of gardens, water, and woodlands, showcase gardens with a garden pavilion and outdoor kitchen serving as food production, a space to relax, to learn to garden, and to host unforgettable events.



Union Grove Inn looks to partner with a thriving local community and further establish the growing "agritourism corridor" through

EXISTING:

- Union Grove Regenerative Muscadine Vineyard Actively Growing to 1000 Acres
- 30+ Year Old Maple View Ice Cream Shop
- North Carolina Center for Regenerative Ag
- 400 Acre Regenerative Reverence Dairy Farm
- Honeysuckle Tea House & Medicinal Gardens
- Sonark Media Recording Studio & Concert Venue
- 10 Acres of Mountain Bike Trails
- Miles of Hiking Trails
- Haw River Kayaking
- Left Hand Butchery
- Organic & Regenerative Farms Within 150-Mile Radius

FUTURE DEVELOPMENT:

- First Regenerative Distillery & Brewery in the United States (2024)
- Outdoor Concert Venue Surrounded by Vineyards (2024)
- 30-Key Union Grove Inn & Cabins (2026)
- Walking & Biking Paths Connecting Existing Offerings



# KEY VALUES

1

Forge and maintain an environmentally and financially **SUSTAINABLE HOSPITALITY MODEL**

2

Uphold local, **REGENERATIVE FARMS** by serving their **NOURISHING FOOD**

3

**CONNECT GUESTS TO THE LAND** through pleasure and edutainment

4

Nurture a **COMPANY CULTURE** based on the **SHARED VALUES** of regenerative farming and hospitality



## OUR FOOD & HOSPITALITY SECTORS ARE BROKEN

Agriculture and food are responsible for one-third of global green house gases (GHGs)

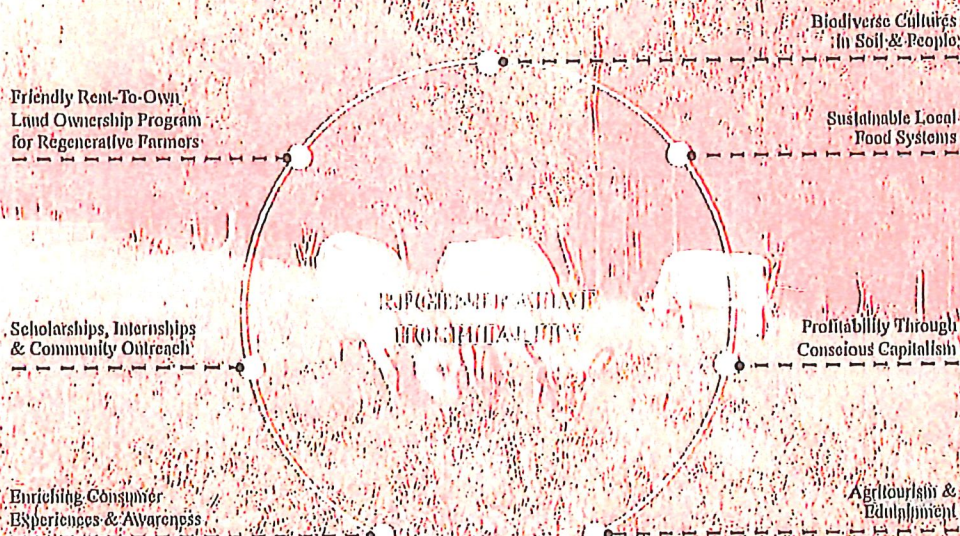
Biodiversity, water, and soil resources are being degraded by intensive farming practices

The quality and nutritional density of our food has declined and is contributing to health epidemics

In the US, half a billion tons (equivalent to \$376bn) of food waste in hospitality comes from hotels, restaurants, and supermarkets



# A NEW HOSPITALITY MODEL



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# MARKET DEMAND



1

## Extreme Gap In The Market

Lack of boutique or full-service accommodations in the vicinity

2

## Consumer Willing To Pay Premium For "Green" Accommodation

Significant growth in demand for eco-friendly lodgings means discerning travelers are willing to pay up to 75% more for "green" accommodation (Operto.com, 2021)

3

## Concept Following & Success Proven In Other Markets

Farm-to-table experiences have long been enjoyed on the coasts, from Michelin-starred Blue Hill at Stone Barns in Upstate New York to Michelin-starred Chez Panisse in Berkeley, CA. Yet, despite its rich soil and tradition of farming, the Southeast has yet to develop true upper-upscale, local and regenerative food-focused dining and hospitality projects (Blackberry Farm withstanding and with limitations).

4

## Growth & Prioritization In Environmental Sustainability

As concern about environmental sustainability grows, travelers are more invested than ever in choosing destinations that prioritize environmentally-friendly practices

5

## Agrotourism Generates An Estimated \$949M In U.S. Sales

That is more than triple what it was just 15 years earlier, and this number keeps rising. In fact, a 2021 study conducted by Allied Market Research projected that the global agrotourism industry will expand by an additional 13.4% by 2027 (Forbes: The Rise of Agrotourism, 2022)

6

## Ecotourism Sector Market Size Worldwide Expected Growth Rate Of 13.9%

"Greener, smarter and less crowded. If sustainable tourism, which aims to counterbalance the social and environmental impacts associated with travel, was the aspirational outer limit of ecotourism before the pandemic, the new frontier is "regenerative travel." (New York Times, Aug 2020)



# AUDIENCE



## "Retiree"

Avg Age: 62

Scenario: Couple is craving a moment in nature to rejuvenate and recharge from the day-to-day.

Chosen Customizations:

- **Spa Day:** Our concierge has organized for our local spa contact to arrive at the hotel on a particular day and time.
- **Hiking:** our concierge has left a guide for two particular hikes that are within the desired range; included are driving directions to both trailheads.
- **Meal Prep:** In the couples' cabin, they will find pre-prepped meals using some of their favorite ingredients for them to make at their convenience when desiring some time alone.



## "Family"

Avg Age: 42

Scenario: Family of four is on a roadtrip to Nashville and in want of a place to stopover, sightsee, and savor art and outdoor scenes.

Chosen Customizations:

- **Artist Hop:** To help make the best use of their time, we have provided a detailed guide on a half-day tour of the area's artists and artisans such as Paperhand Puppet Intervention and Raleigh Donlin.
- **Road-trip:** Knowing they have been driving (and are Nashville-bound), we've stocked the refrigerator with some of their favorite snacks and put a pot of coffee on. They will also find a guide for the rest of their roadtrip – lost any landmarks or special sites at be missed en route to their destination.



## "Couples"

Avg Age: 30

Scenario: Artistic couple with young kids is looking for two nights away to relax, enjoy a calm evening and beautiful scenery.

Chosen Customizations:

- **Larded Items:** We welcomed them with all-natural lollipops and a warm loaf of bread with herbed butter, charcuterie, and cheeses. An honor box in the cabin also includes natural wines, farm eggs, and seasonal produce.
- **Brewery Tour:** The pair booked the tour and tasting for their trip.
- **Chef's Dinner:** We secured tickets for a neo-Appalachian act playing the Haw River Ballroom – located next door in historic Saxapahaw – and engaged childcare for the evening.

#### health

- CLOSEBY OUTDOOR ACTIVITIES TO BETTER THE BODY & MIND.
- ALL-DAY CAFÉ F&B AMENITIES SERVING QUICK, NOURISHING BITES.
- PARTNERSHIPS WITH LOCAL FITNESS & SPA CONSULTANTS.
- HEALTHFUL APPROACH TO IN-ROOM AMENITIES & DESIGN ELEMENTS.
- PRODUCE SOURCED LOCALLY AND GROWN WITH AN EYE TO NUTRIENTS AND FLAVOR.

#### discovery

- RECREATIONAL OUTDOOR ADVENTURES WITH THE OPTION TO BOOK IN ADVANCE.
- ADJACENCY TO REGIONAL INDOOR & OUTDOOR HOTSPOTS – SUCH AS WINERIES, BREWERIES, RESTAURANTS, ART & MUSIC VENUES, HIKING & BIKING & KAYAKING SPACES.
- TRAVEL ITINERARIES CRAFTED BY A PERSONAL CONCIERGE.

#### community

- BI-MONTHLY CHEF POP-UP DINNERS FOR TOWNIES AND OUT-OF-TOWNERS ALIKE.
- UTILIZATION OF LOCAL INFRASTRUCTURE FOR THIRD-PARTY OPERATIONAL NEEDS.
- RETAIL LOCAL MAKER PRODUCTS WITH CUSTOM BRANDED SELECTIONS.
- FURNISH A REGIONAL GETAWAY & HIGHLIGHT EMERGING COMMUNITIES.

## THE PROMISE





# FOUNDERS



**LISEL MORRIS**

*"You never change things by fighting the existing reality. To change something, build a new model that makes the existing model obsolete."*

- Buckminster Fuller

- MBA, University of Colorado Boulder
- Director of Branding + Strategic Projects, AMS Hospitality, LLC
- Director of Investor Relations, The Allen Morris Company
- Analyst, Equity International
- Farmhand - France, Ireland, Italy



**MOLLY MILLER**

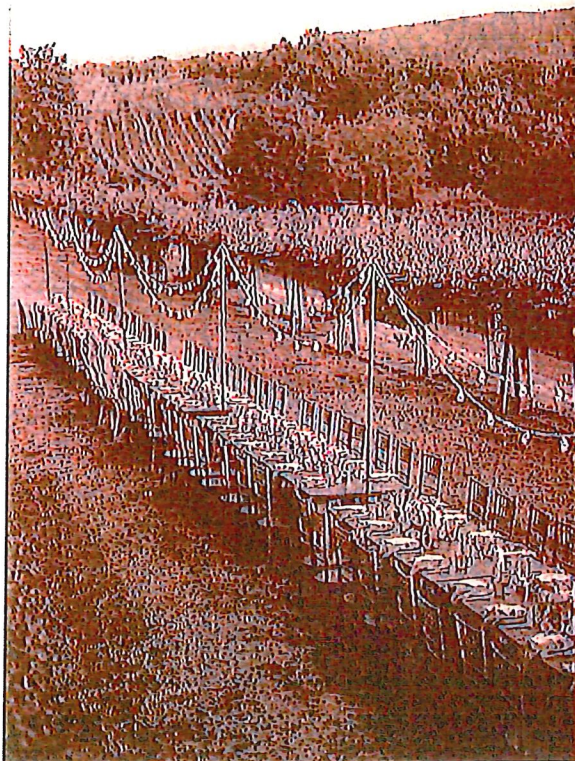
*"There's a time when a man needs to fight and a time when he needs to accept that this his destiny's lost, the ship has sailed and that only a fool will continue. The truth is I've always been a fool."*

- Edward Bloom, Big Fish

- MBA, Texas Christian University
- Founder, Molly C. Miller, Inc.
- Director of Concept Development, Rockbridge Hospitality Mgmt
- Director of Creative Development, Ford Fry Restaurants
- Director of Concept Development, Makeready Experience



## ROLES & RESPONSIBILITIES



### CHAOS CONTROLLERS

Managing all consultants, contractors and third-party vendors throughout the entire design & development process to agree with the owners' vision.

### BUDGET PROTECTORS

Construct and oversee the development and preopening budgets for all project types.

### BRAND CREATORS & CLARIFIERS

Ensure all aspects of design, brand and development align with the approved concept.

### DETAIL DETECTIVES

Yes, the big idea is important — but it's the calculated finer motions that set up a home run.

### SYNERGY LEADERS

Provide and attune communication tools to encourage collaboration among all third-party affiliates.

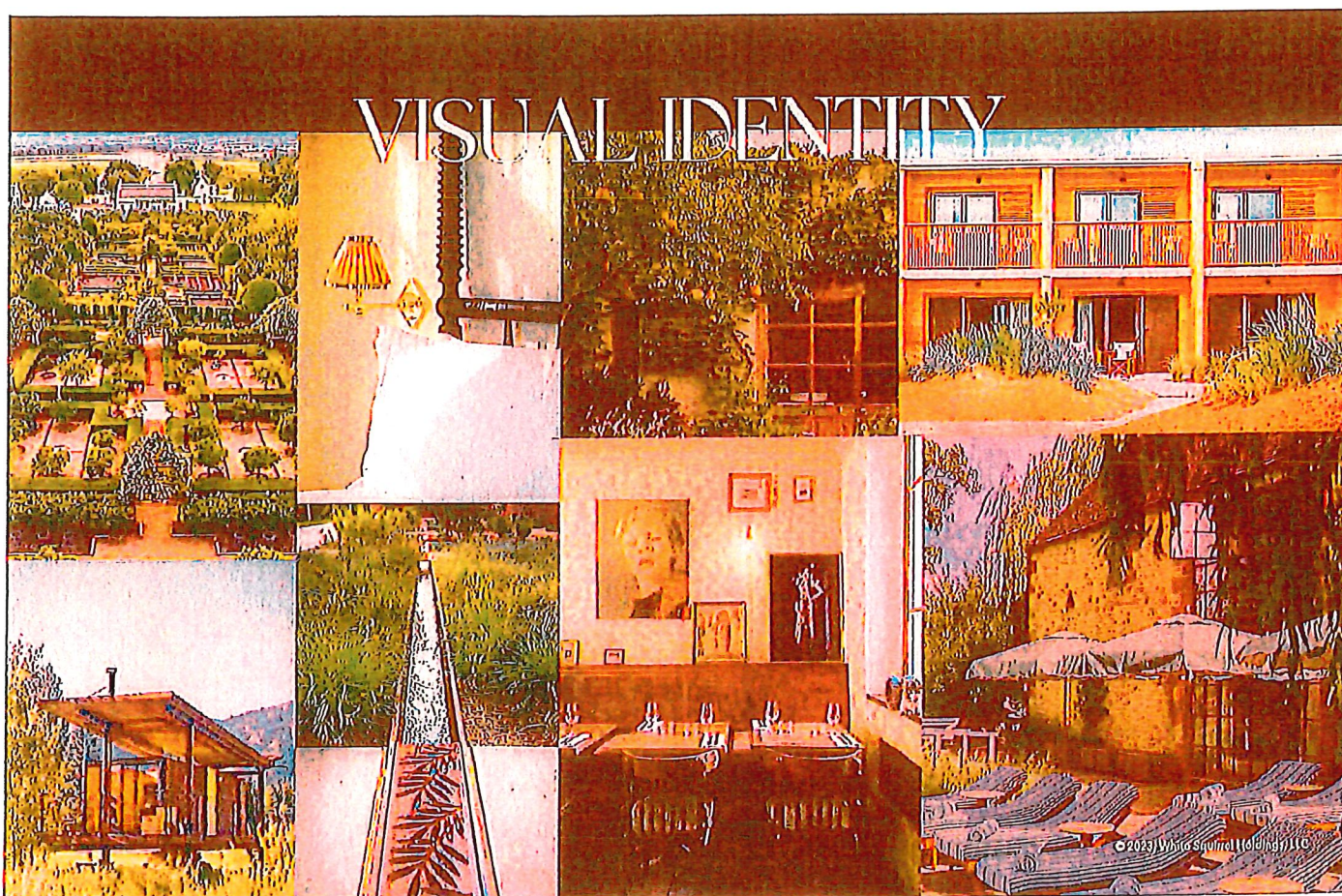
### OPERATIONAL OVERSIGHT

Review all drawings during development to ensure operational maintenance and use is considered at every level.

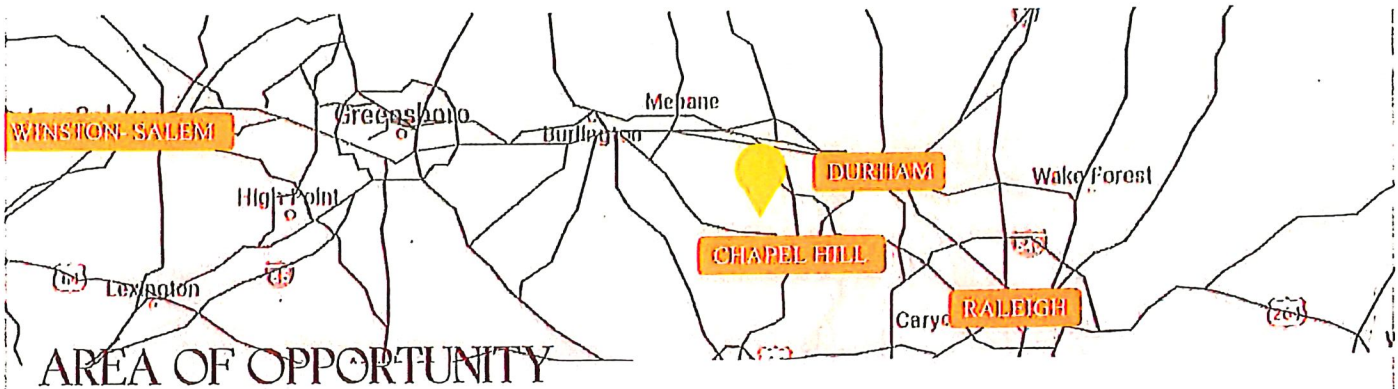
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# VISUAL IDENTITY



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## WINSTON-SALEM

1.15 hr Drive

- Tourism Increased 19% from 2021 to 2022
- Home to 3 4-year Colleges
- Median Age: 35.9
- Population: 246K
- Median Household Income: \$47K
- Reasons to Visit:
  - Museums
  - Shopping
  - Craft Breweries
  - Restaurants

## CHAPEL HILL

15 min Drive

- Tourism spend up 21% from 2021 to 2022
- Home to UNC Chapel Hill
- Median Age: 25.2
- Population: 62K
- Median Household Income: \$77K
- Reasons to Visit:
  - Rock-climbing
  - Hiking
  - Craft Breweries
  - "America's Foodfest Small Town" by Bon Appétit

## DURHAM

26 min Drive

- Tourism spend up 23% from 2021 to 2022
- Home to Duke University, North Carolina Central University, Durham Technical Community
- Median Age: 34.1
- Population: 287K
- Median Household Income: \$62K
- Reasons to Visit:
  - "City of Medicine"
  - #12 on "Best to Live In the US"
  - Live Music Scene

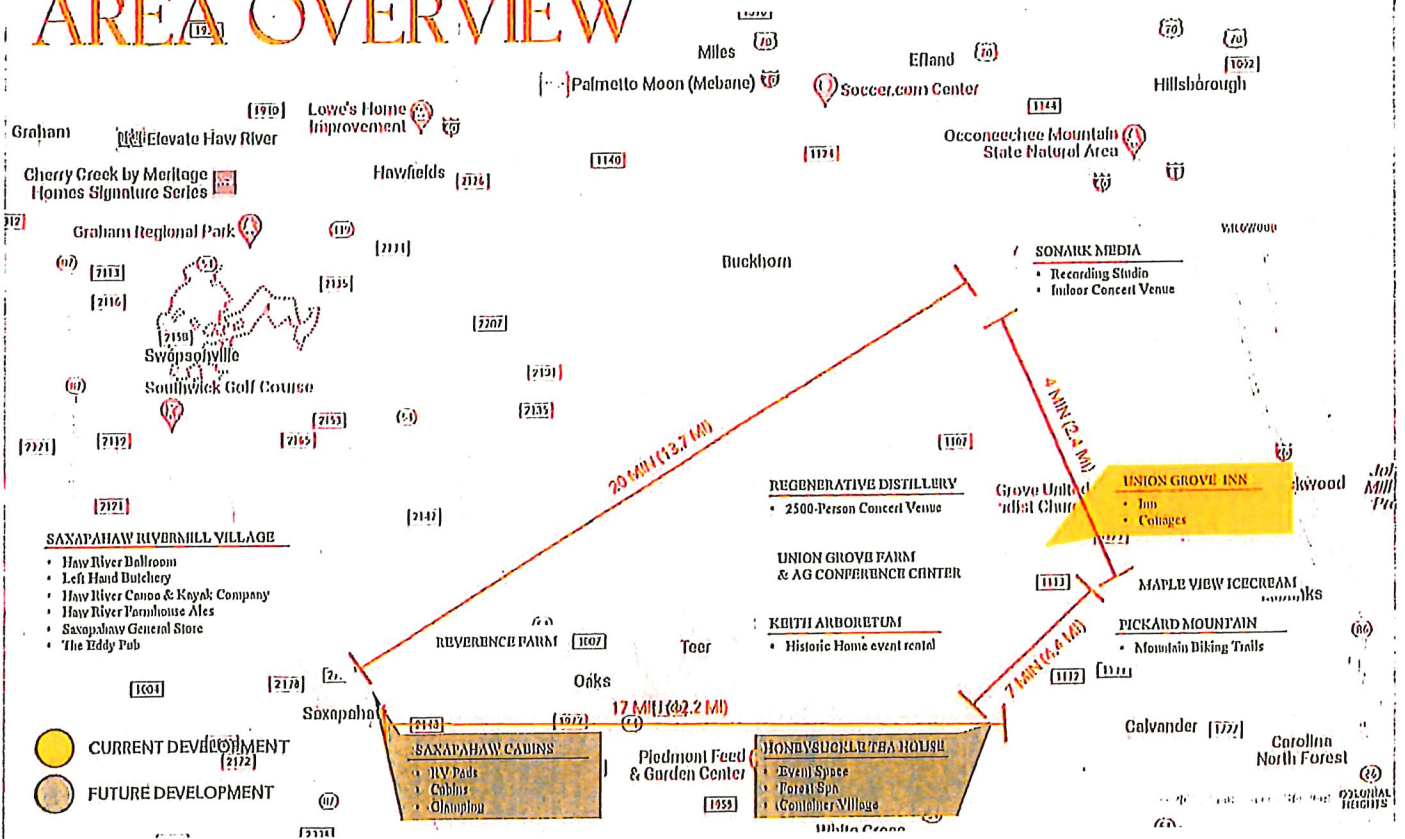
## RALEIGH

42 min Drive

- Tourism spend up 13% from 2021 to 2022
- Home to North Carolina State University, Meredith College, Shaw University, + more...
- Median Age: 34
- Population: 471K
- Median Household Income: \$70K
- Reasons to Visit:
  - Museums & Art
  - Outdoor activities
  - Historic Sites



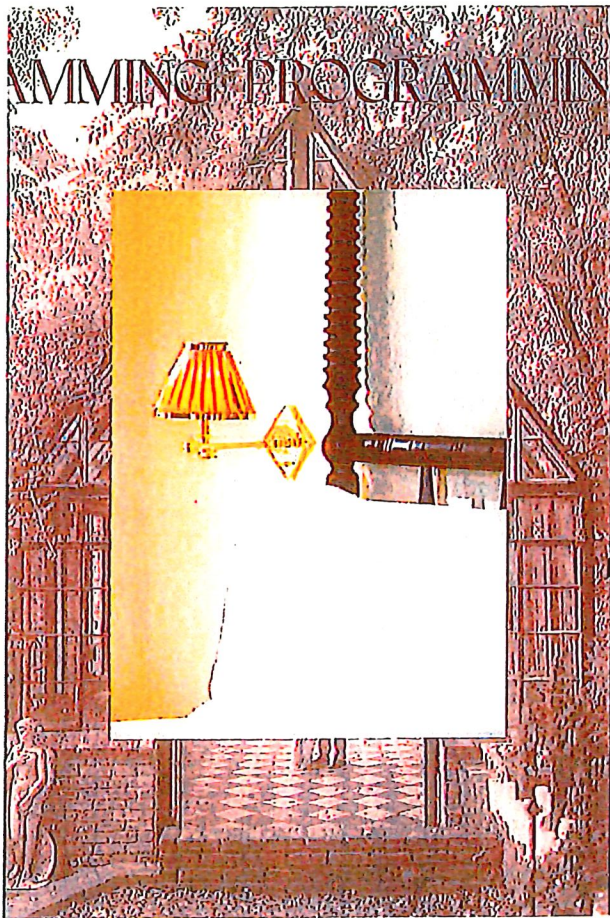
# AREA OVERVIEW



# UNION GROVE INN MASTER PLAN

1. 3-ACRE CULINARY GARDEN & 2000 SF PAVILION
2. 5 GARDEN COTTAGES
3. 25 KEY INN
  1. 70 SEAT RESTAURANT
  2. OUTDOOR POOL & BAR
  3. 1000 SF EVENT SPACE
4. 5 LAKE COTTAGES
5. MUSCADINE VINEYARD
6. 2500 SEAT AMPHITHEATER
7. REGENERATIVE DISTILLERY PARKING
8. REGENERATIVE DISTILLERY
9. SABA HOME RENTAL
10. AGRICULTURAL CENTER





# AMMING PROGRAMMING PROGRAMMING PROGRAM

## Two-story Inn with 25 rooms

16 Acres  
13 Standard Kings  
11 Double Kings  
1 Hospitality Suite  
700 SF Fitness Center

## 5 Garden Cottages

4 two Bedrooms / Kitchens  
1 three Bedroom w/ Kitchen

## Three-Acre Culinary Garden

2000 SF Garden Pavilion

## Restaurant & Coffee Shop

3600 Total SF  
70 Seats  
1100 SF Kitchens

## 2 Executive Boardrooms

600 SF Signature Boardroom  
375 SF Garden Room

## Two-Acre Lake

Water Reservoir  
Garden Irrigation

## Outdoor Pool

1000 SF Water Surface  
1200 SF Pool Deck





## LOCAL PARTNERS



**Greg Bohlen**  
Union Grove Farm  
Land Owner  
Hotel Investor



**Jeff Fisher**  
Honeysuckle  
Land Owner  
Management Coinvestor



**Svetlana Fisher**  
Honeysuckle Teahouse  
Land Owner  
Management Copartner



**Meredith Sabye**  
Union Grove Farm  
Land Owner



**Suzanne Karreman**  
Dairy Farm  
Land Owner



**Steven Raetz**  
Sonark Media  
Land Owner

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These materials outline a proposed investment that will be highly speculative and involve a high degree of risk; it will be suitable only for investors who have no need for liquidity in this investment and can afford to lose their entire investment. Prospective investors should perform a detailed, independent investigation of the merits and risks described herein as well as an analysis of the sponsors of this investment and their plans for executing the business plans contained herein. Prospective investors are encouraged to seek independent professional advice.

These materials do not constitute a general offer or a solicitation of offers to sell and/or buy any securities. A sale of securities or acceptance of an offer to buy securities shall only be made to certain persons who satisfy strict requirements of suitability and who have the opportunity to review all relevant documents regarding this transaction.

These materials and various projections, forecasts, predictions or statements contained herein may use words such as "will," "may," "could," "anticipate," "believe," "estimate," "intend," "expect" — or other words of similar meaning — to frame forward-looking statements. Such statements reflect the current views of the individuals who prepared these materials and are based on their beliefs and assumptions as of the date made. These statements are subject to known and unknown risks and uncertainties that may cause actual results, performance or achievements to be materially different from those expressed in or implied by these materials.

Date: November 2023



ATTACHMENT B



## **Menu of Proposed Experiences at Union Grove Farm**

This is a menu of proposed experiences that will be available at Union Grove Farm [UGF], along with the Center for Regenerative Agriculture at Union Grove Farm. All of these activities are on farm experiences – either through direct engagement, education classes and tours, or enjoying the regenerative food we grow on our farm and vineyard.

### **ON UNION GROVE FARM**

#### **Farm-to-Table Dinner**

Guests can join us for an edible conversation between a regenerative farm, a chef, and the community, focused on sustainable food. Our Farm-to-Table Dinner series starts with a cohort of world-class chefs and a seasonal, sustainably grown palette of fruits, vegetables, herbs, berries, and flowers. By bringing these culinary artists back to the source, we give our guests an opportunity to connect with new regeneratively grown ingredients from Union Grove Farm [regenerative lamb, grapes or from our garden] or other local sustainable farms, learn first-hand the value of regenerative agriculture to our food and to the planet, along with discovering the rewards of relationship with the land.

#### **Tasting Picnic Tours**

The Tasting Picnic Tour includes an educational regenerative farm tour with full tasting picnic at the end. Our guests will enjoy regeneratively grown ingredients from Union Grove Farm or other local sustainable farms, learn first-hand the value of regenerative farming to our food and to the planet and discover the rewards of relationship with the land.

#### **UGF Farm Stand**

Our Farm Stand will offer a variety of Union Grove Farm or local regenerative, organic fruits and vegetables, artisan bread and tortillas, bulk organic pantry and sustainable house care products, organic seedlings and kids gardening tools. Even pick up some of our UGF swag.

#### **Working Farm Day**

During this 4-hour regenerative farm experience, we will be getting our guests' hands dirty. They will put up temporary fences, move structures that go with the sheep herd, and help move the sheep herd. We will also visit and move the chickens, be led through a pasture walk discussing the use of livestock to heal and improve the soil, life in the soil, use of cover crops, and share additional information on methods used on the farm to achieve our regenerative farm goals.

#### **Working Farm Day: Equipment Use**

During this 6-hour educational experience, our guests' participate in regenerative farming techniques to experience its benefits. They will be getting their hands dirty, learning about

and using equipment from our regenerative farm, focused on leaving the land better than we found it.

### **Sheep Herding Experience**

Every other Saturday, we currently offer guests to join us on the beautiful green pastures at Union Grove Farm and Vineyard and meet our 300 Katahdin sheep and experience herding them during our pasture rotation. They learn about holistic grazing management and why sheep are foundational to successful regenerative farming.

### **Bee Cruise**

Our guests buzz around the farm in an off-road cart with a beekeeper learning about our unique pollination program and the essential role all pollinators play in regenerative agriculture, cover crops and on our working regenerative vineyard. Guests will taste award-winning honey and learn new and interesting ways to help save our bees!

### **Guided Apiary Tour**

Go behind the scenes with our beekeeper on a private guided tour of Union Grove Farm's apiaries! Don your very own beekeeping suit, take a selfie, and get ready to fire up the smoker. Guests will get the chance to open a live beehive, experience what it's like to be a beekeeper, and taste our award-winning honey right out of the hive.

### **Guided Hike OR Mountain Bike Tour**

With six miles of trails and a wealth of local flora and fauna, our guests can explore the pristine beauty of Union Grove's forests and vineyards on one of our guided hikes or mountain bike tours—or discover it on your own. Guides will help raise awareness of your surroundings and reveal much of what the forest and regenerative vineyard have to offer.

## **AT THE CENTER FOR REGENERATIVE AGRICULTURE AT UNION GROVE FARM**

### **Center for Regenerative Agriculture at UGF: Event Venue**

Whether guests are planning a one-day retreat for 150, or a multi-day event for 20, we help them curate a unique meeting in a peaceful, regenerative farm setting. With access to a variety of indoor and outdoor meeting spaces and opportunities to spend time on the land and with each other, with a range of farm experiences and activities. From guided walks to soil kit experiences, regenerative farm tours, sheep herding experiences, evening parties on the lawn with regenerative wine tastings and sustainable cooking classes to include food grown on our farm [regenerative lamb/grapes/in season garden vegetables], our goal is to get people out on the land, learning about regenerative agriculture and enjoying nature and each other.

### **Regenerative Farm and Vineyard Tours**

We currently offer these tours every other Saturday from our CRA at Union Grove Farm. We take our guests on a journey through a working vineyard focused on growing our seedless Muscadine table grapes with sustainable and environmentally friendly farming. They experience how the vineyard operates using holistic regenerative practices with cover crops, composting and vermicomposting, and livestock to promote soil health, biodiversity, and capture carbon to grow healthy grapes and build the soil for future generations.

### **Regenerative Agriculture Fundamentals**

We already provide this course through some of our agriculture partners [ie, Caroline Farm Stewardship Association]. In a 1-2-day course, our attendees learn the fundamental concepts of regenerative agriculture, tour our farm to experience and learn how we are successfully farming with regenerative agriculture practices, with cover crops, composting and vermicomposting, and livestock to promote soil health, biodiversity and grow more nutrient dense food. [This course includes both in class and on farm education.]

### **Regenerative Grape Growing Immersion**

Whether for wine or table grapes, regenerative grape growing is a dynamic approach that at its core is about profitably farming in alliance with the ecosystem. Holistic regenerative land practices provide a framework that guides short and long-term decisions to ensure healthy profits, communities, and land. Facilitated by Understanding Ag, this two-day on farm immersion will lead participants to a deeper understanding of the practical and economic benefits of partnering with nature to regeneratively farm. [This course includes both in class and on farm education.]

### **Intro to Permaculture**

Learn the fundamental concepts of permaculture through experiencing our working regenerative farm. Attendees will experience the theory put into practice: the approach to land management and settlement design that adopts arrangements observed in flourishing natural ecosystems. We focus on a set of design principles derived using whole systems thinking. It applies these principles in regenerative agriculture, town planning, rewilding, and community resilience. [This course includes both in class and on farm education.]

### **Climate Farm School**

This course theme is 'financing regenerative agriculture'. This course will feature guest speakers and dedicate discussion time for delving into topics related to human, natural, investment, and philanthropic capital needed to support a transition to climate-resilient, equitable regional food systems.

### **Younger Kids Farm Tour**

Parents and children together will experience a beautiful piece of land in the Orange County area of North Carolina. Young children can experience and learn where their food comes from while moving around in a beautiful natural setting with animals, forests,

pastures, ponds, and rivers. This 1-hour experience is great for families with young children. It is about interactive experiences and movement in nature for those that might have shorter attention spans.

#### **Older Kids Farm Tour**

Join with other kids on a beautiful piece of land in the Piedmont area of North Carolina. Older children can experience and learn where their food comes from while moving around in a beautiful natural setting with animals, forests, pastures, ponds, and rivers. On this 1 1/2-hour tour you will see the sheep herd and chickens. You will walk through the barn and see the equipment used on the farm and be led through a pasture walk discussing the use of livestock to heal and improve the soil, life in the soil, and use of cover crops. A tour and discussion of the family garden can be included if there is interest.

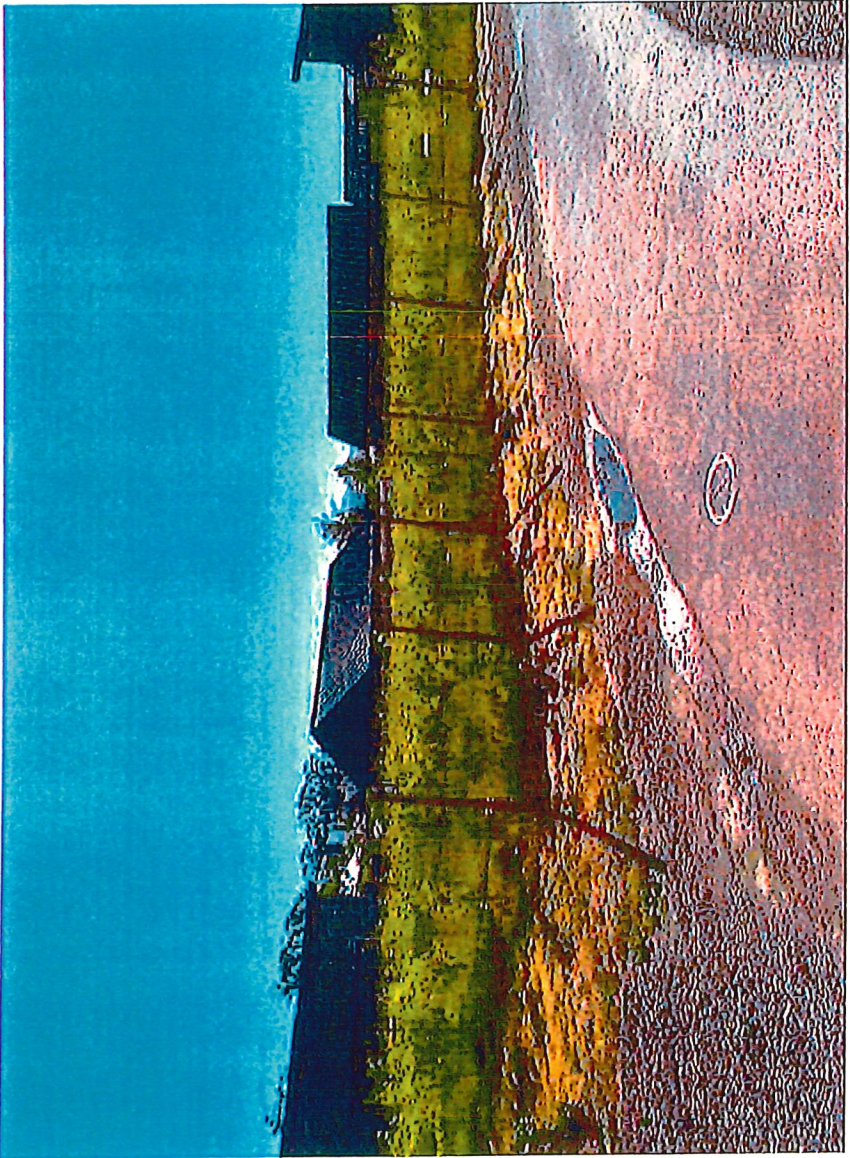
ATTACHMENT C



ATTACHMENT D



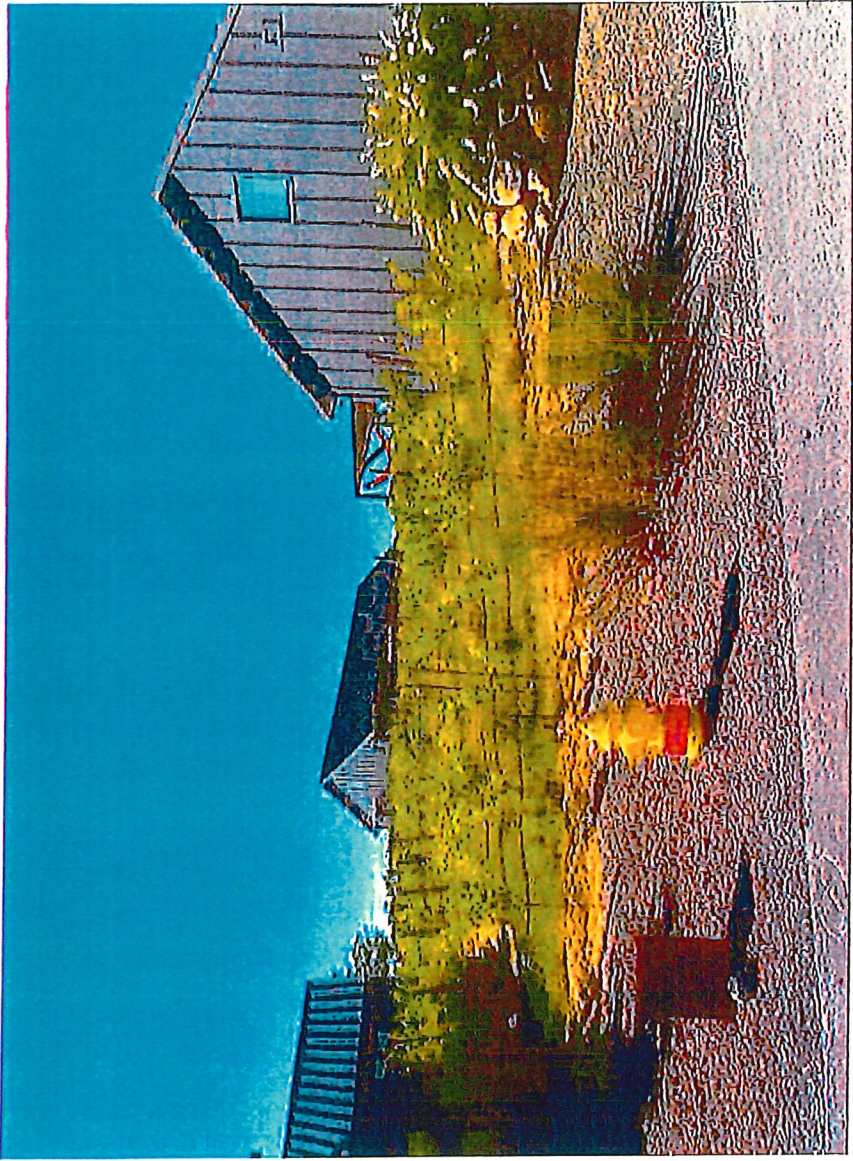


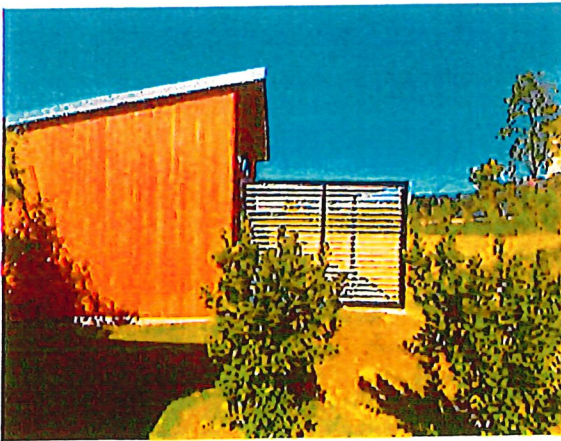
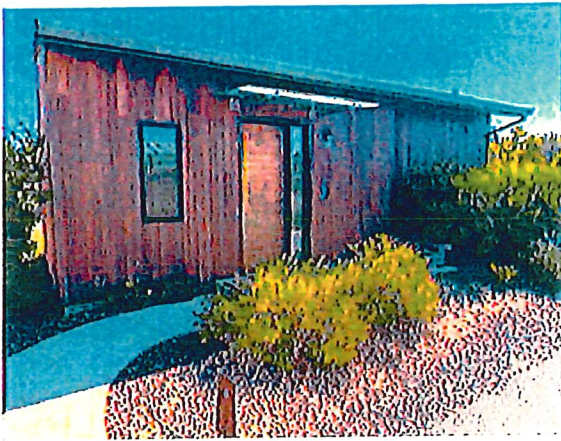










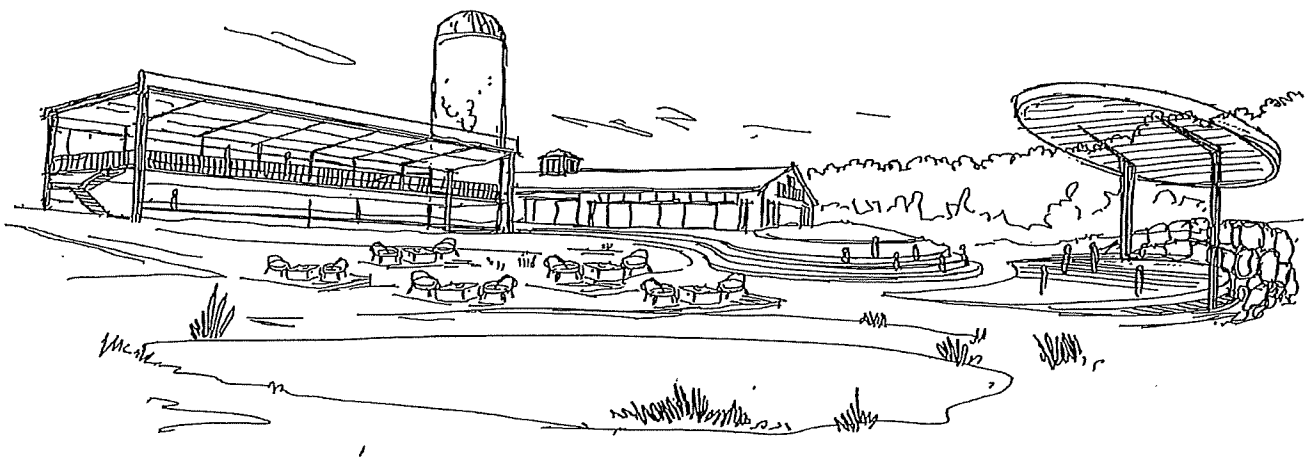


ATTACHMENT E



Distillery / Venue

Site Concept Sketch



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PREPARED FOR  
Union Grove Farm

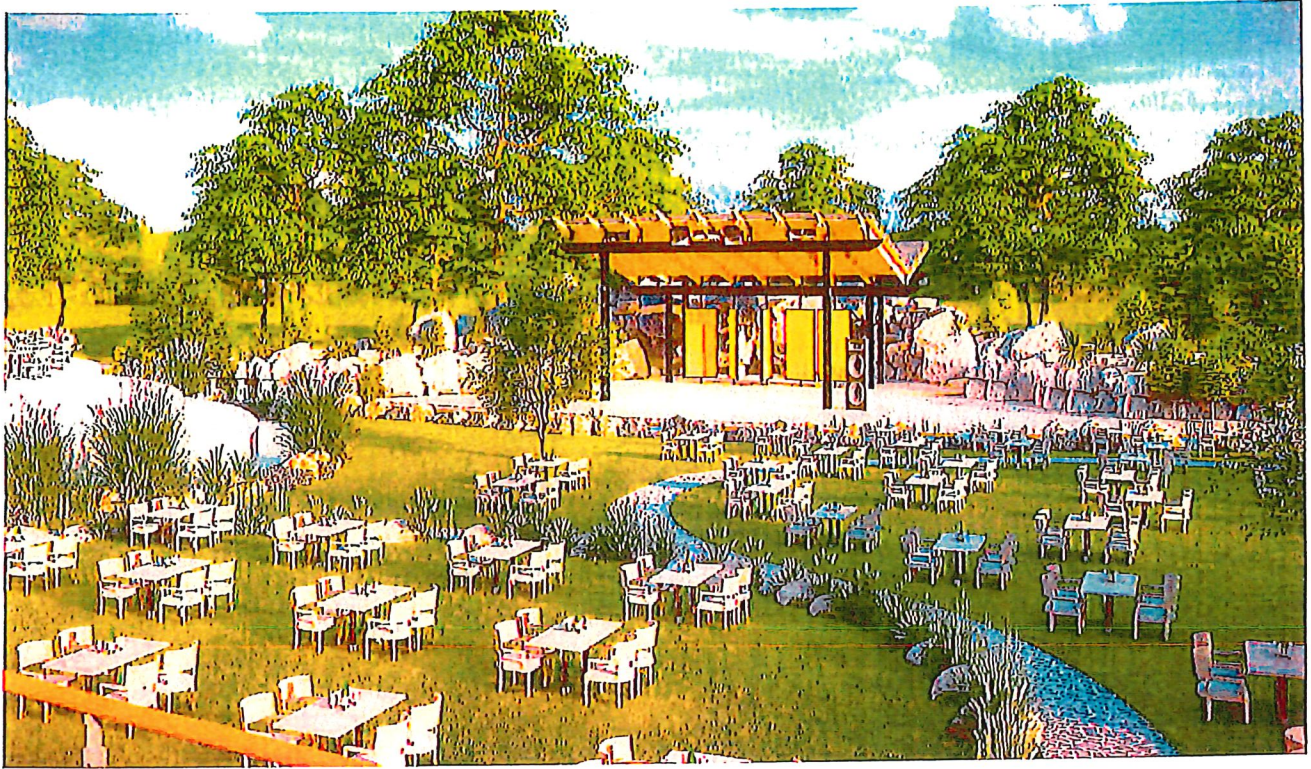
PREPARED BY  
Mainland Creative

PRESENTED ON  
Thursday May 16th, 2024

ATTACHMENT F





















June 4, 2025

Robert E. Hornik, Jr.  
The Brough Law Firm, PLLC  
1526 E. Franklin Street  
Suite 200  
Chapel Hill, NC 27514

RE: Final and Binding Determination Regarding the Proposed Uses of the Properties Collectively  
Known as "Union Grove Farm"

Mr. Hornik,

In a letter dated March 21, 2025, you requested a Final and Binding Determination on behalf of Bandit Farms II LLC, Bandit Farms III LLC, and Harper Grace, LLC/Eastwest Organics, LLC, regarding five (5) proposed uses and whether they may be considered bona fide farm and agritourism uses, and thereby exempt from Orange County zoning regulations, on four (4) properties with the following Parcel Identification Numbers (PINs): 9851-71-4716, 9851-81-3226, 9851-62-2001, and 9851-50-8662. The letter describes the current and proposed activities on Union Grove Farm and Inn, including regenerative farming and public engagement, and is supported by six (6) exhibits, including a Master Plan, accompanying illustrations, and a "Menu of Proposed Experiences at Union Grove Farm". A clarifying supplement to the "Exhibit C site plan" was sent by you on April 22, 2025, at my request.

The proposed uses subject to determination in this letter are described as follows:

- 1) A 3-acre culinary farm with a 2,000-square foot (s.f.) fruit and vegetable growing pavilion;
- 2) Overnight guest stay accommodations, including five (5) "Farm cottages", 5 "lake cottages", and a farm stay center ("25 Key Inn") featuring 40 rooms with overnight accommodations, a 70-seat restaurant, an outdoor pool and bar, and a 1,000-s.f. event space;
- 3) A regenerative distillery and associated parking;
- 4) A 2,500-seat amphitheater (aka "farm stage") near the distillery and working farm; and
- 5) A Center for Regenerative Agriculture at Union Grove Farm that will host education programming.

The Orange County Unified Development Ordinance (UDO) does not regulate uses for "bona fide farm purposes" or "agritourism" but defers to the North Carolina General Statutes, primarily 160D-903(a), on such uses and claims of use. This statute states that "[c]ounty zoning regulations may not affect property used for bona fide farm purposes." Accordingly, no zoning and use regulations found exclusively in the Orange County UDO can be applied to a bona fide farm, though State stormwater, stream buffer, and environmental health regulations do apply. The statute defines bona fide farm



purposes to "...include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture"; and notes that, among other uses, "[a] building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a [farm] property."

Agritourism is defined, as you note in your letter, with the following language: "...[A]ny activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting."

This determination takes no position on the established bona fide farm purposes on the properties for a vineyard and "regenerative farm". As described in the materials, "regenerative farming is an agricultural approach that focuses on restoring and enhancing soil health, biodiversity, and ecosystem functions through sustainable practices like crop rotation, cover cropping, reduced tillage, and livestock integration." This primary use is presumed throughout the interpretation and, per NCGS 160D-903(a), is uncontroverted as exempt from Orange County zoning. The County applies "Rural Buffer" zoning districts to all of the subject properties for all uses other than bona fide farm purposes. This zoning districts has a 87,120-s.f. minimum lot area and allows for 21 uses by right and 17 uses allowed with approval of a special use permit by the county's Board of Adjustment.

In formulating this Final and Binding Determination, I refer to the precedents in North Carolina of bona fide farm purposes, including agritourism, that provide clarity and guidance on statutory interpretation and appropriate application of the UDO to land use. The precedent of reference is *Jeffries v. County of Harnett* (COA17-729), in which the NC Court of Appeals evaluated whether a gun range qualified as a form of agritourism under the legislative intent and framework established by the State. In interpreting and applying the statute, the Court determined that a gun range primarily features "shooting activities" and is not a qualifying form of agritourism. The Court established qualitative considerations of evaluation to determine whether an agritourism event/use is:

- A) "...purposefully performed on a farm for the aesthetic value of the farm or its rural setting";
- B) consistent with the "...dangers or conditions that an integral part of an agritourism activity... and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations;" and
- C) "...squarely within traditional notions of... a "rural" activity [or] the category of a 'natural activity.'"

Furthermore, the Court's ruling against the gun range use as statutory agritourism held that "...activities that require the construction and use of artificial structures and the alteration of natural land, such as clearing farm property... share little resemblance to the listed rural agritourism activity examples or the same spirit of preservation or traditionalism." Though Union Grove Farm is not proposing a gun range

the proposed forms, structures, and uses of agritourism described and illustrated in the submitted materials will be primarily evaluated with the agritourism considerations established in *Jeffries*.

Each of the five proposed uses of the properties with PINs 9851-71-4716, 9851-81-3226, 9851-62-2001, and 9851-50-8662 are evaluated on the established considerations for agritourism established in *Jeffries*, and in reference to submitted materials and exhibits. Additionally, *Jeffries* was decided in 2018 prior to the recodification of land development authorities to NCGS Chapter 160D. In 160D agritourism is fully defined which puts into question whether the reliance upon NCGS § 99E-30(1) remains necessary. As such, I will apply both the *Jeffries* risk assessment test as the controlling case but also apply the statute as written and as you argue, namely that it is an activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities. Since the requested determination is prospective for proposed uses not yet occurring, **I will assume all facts as proposed with no further assumptions.** Accordingly, as Orange County Planning Director, I hereby offer the following analysis for each of the following five proposed uses with the Final & Binding Determinations for each contained in a double-lined box and non-binding advisory opinions in separate dash-lined boxes:

- 1) The 3-acre culinary garden with a 2,000-square foot (s.f.) structure ("pavilion") for year-round fruit and vegetable cultivation for educational and farm-to-table agricultural experiences. This use is identified by you as being solely on Parcel 9851-81-3226 and is shown on the "Union Grove Inn Master Plan" in Attachment A. It is established as a location where both a) fruits and vegetables will be grown year-round; and b) agritourism is provided in the forms of i) an educational experiences; ii) farm-to-table agricultural experiences; and iii) hosting "programmed events... revolving around the regenerative farming experience."

As evaluated:

- A) Is this an event or use that is "...purposefully performed on a farm for the aesthetic value of the farm or its rural setting"?

Yes, both the culinary garden and associated structure uses, described being a location where fruits and vegetables are grown year-round and a place to host educational and harvesting events, fulfill the statutory definition of a bona fide farm use; these are bona fide farm purposes. The activities and structure directly support "...the production and activities relating or incidental to **the production of crops, fruits, vegetables,** ornamental and flowering plants, [etc.]" and are an "activity carried out on a farm or ranch that allows members of the general public, for... educational purposes, to view or enjoy rural activities, including farming [and] harvest-your-own activities" (emphasis added).

- B) Is the use consistent with the "...dangers or conditions that are an integral part of an agritourism activity... and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations"?



Yes, all proposed activities and inherent dangers or conditions associated with the garden and structure are "...ordinarily used in farming and ranching operations." They are being used for production of vegetables and fruits and providing space to educate the public on cultivation.

- C) Is this use an activity that is "...squarely within traditional notions of... a "rural" activity [or] the category of a 'natural activity'?"

Yes, the cultivation of fruits and vegetables is a traditional farming and rural activity, as is the invitation of the public to participate and learn about such activities.

- D) Is the use an activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, as provided for by NCGS 160D?

Yes, both the culinary garden and associated structure uses, as described, fulfill the statutory definition of a bona fide farm purpose. The uses and structures directly enable an "activity carried out on a farm or ranch that allows members of the general public, for... educational purposes, to view or enjoy rural activities, including farming [and] harvest-your-own activities."

**FINAL & BINDING DETERMINATION as to the culinary garden and pavilion:**

As presented and described, this use is determined to be a bona fide farm purpose, as it directly involves the "production of crops, fruits, [and] vegetables... carried out on a farm or ranch" that creates a venue and activity to educate the public about farming. As such, it is not subject to Orange County zoning regulation.

- 2) Parcel 9851-81-3226 will feature ten cottages and a farm stay center (aka "25 Key Inn") with 40 rooms with overnight accommodations, a 70-seat restaurant, an outdoor pool and bar, and a 1,000-s.f. event space. These proposed structures are shown on the "Union Grove Inn Master Plan" (Attachment A, where the five "Farm cottages" are labeled "Garden cottages"), displayed on the site plan (Attachment C), and illustrated in Attachment D with architectural renderings, including surrounding landscapes. The 25 Key Inn is described as being "...available for individuals and groups participating in the educational and cultural activities and programs conducted on site". The inn is also stated to feature "...art and artifacts and furnishings connected with the history of the Farm and its surroundings", and, "to the extent possible", building materials will be "repurposed" from the farm or resourced from trees on the farm. The restaurant and bar also noted to "...feature food and beverages grown or processed from the surrounding community". As described in the letter, these



structures will be sited "...adjacent to or among the vineyards" but the exhibits show them separated from the vineyards. In the case of the Farm/Garden Cottages, should they be built, their access to the vineyards would be deprived by the farm stay center "25 Key Inn".

As evaluated:

- A) Is this an event or use that is "...purposefully performed on a farm for the aesthetic value of the farm or its rural setting"?

Yes, the inn and cottages benefit from being located on Union Grove Farm due to its active farm operations and rural setting. As described in the letter, overnight guests will have opportunities to enjoy a "restaurant and bar [*that*] will feature food and beverages grown or processed on the Farm and the surrounding community." The inn will feature "art and artifacts and furnishings connected with the history of the Farm and its surroundings," and will feature materials repurposed from the Farm "as much as possible." Both the narrative description and the supporting exhibits provide evidence that the overnight guest stays are being placed at Union Grove Farm due to "...the aesthetic value of the farm or its rural setting."

- B) Is the use consistent with the "...dangers or conditions that an integral part of an agritourism activity... and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations"?

No, there are substantial new dangers presented from the potentially 110 new guests and their vehicles using the property simultaneously for overnight stay and recreation purposes. There are no details on how the cottages and inn will accommodate these vehicles safely except for a basic driveway design and designated parking area. No detail was provided that the vehicles accessing the site have room to park and safely travel on the subject properties. Due to the distillery and bar uses on the properties, these guests may be intoxicated. There are likely dangers introduced, as well, from the combination of pedestrians who may be guests of the onsite overnight accommodations and the vehicles accessing the site solely for the events at the proposed Farm Stage. This is not a typical condition of farming or ranching operations.

The Orange County UDO provides standards for parking, circulation, and lighting that address safety concerns associated with the land use of a hotel/inn that ensure that there is adequate parking and circulation for all vehicles. The NC Department of Transportation also has safety measures to minimize dangers associated with site access, visibility, and congestion that can be addressed through a review of a sealed engineered Traffic Impact Analysis. In the absence of these regulatory reviews and the application of safety standards, the use of the site as described could create dangerous

conditions that are greater than those “ordinarily used in farming and ranching operations.”

The structures for the cottages and the inn present no new “dangers” that are unusual for a farm or ranch, as they will have to be permitted by the NC State Building Code since they are providing overnight accommodations.

- C) Is this use an activity that is “...squarely within traditional notions of... a “rural” activity [or] the category of a ‘natural activity’?”

No, the 25 Key Inn is described as having “...forty (40) rooms for overnight guests, a 70-seat restaurant, an outdoor pool and bar, and 1,000 square foot event space which will be used for exhibits, classes, seminars and other small gathering[sic].” The cottages are new structures that have no farm purpose, nor are they incidental to the farm purpose. The inn and cottages are hospitality structures and uses and not reflective of a rural or natural activity. There is not a direct relationship of the farm with these new structures, particularly the inn, which is not surrounded by the vineyards in either exhibit provided. These hospitality uses disrupt and degrade the rural setting with an intensive and transformative principal hospitality uses that are disruptive to the farm itself, consuming land for the structures and parking that could otherwise be used for a farm purpose, including agritourism that is integrative and compatible with the farm.

There is a recognition in the materials of the need to narratively connect the two primary uses of the farm and the overnight accommodations by integrating some of the farm's products into the construction of the cottages and inn and restaurant menus, as well as offering the inn as a venue partly for events related to the farm. However, no tangible, binding connection is established between the two principal uses, which remain separated both physically and in character from each other, with separate driveways, geographic orientations, and purposes. The “surrounding community” intended to be the resource for supplying restaurant, bar, and decorative materials is never identified. Without definition, this “community” could be broadly defined, including sourcing from locations out of the State of North Carolina. The inn's 1,000 square feet “event space,” does not meet the statutory requirement that “building[s] or structure[s] used for public or private events... are taking place on the farm because of its farm or rural setting,” as there is no evidence that it will interact with the inn's surroundings. The event space may have no windows and could conceivably be a generic conference room.

Both the site plan in Attachment C and the “Union Grove Inn Master Plan” shown in Attachment A display the Inn and cottages at locations separate from the rest of the farm and its operations, including a separate point of access. It therefore would be theoretically possible for a visitor to stay at the inn or a cottage and have no direct or

incidental interaction with" ...rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions".

The "educational and cultural activities and programs conducted on site" proposed for both are not tethered in any way to renting a room or cottage, nor is there any requirement for paying visitors to participate in farm activities. All proposed education materials in the inn and within the rooms require individual visitor behavior to compel interaction and can be ignored and disregarded.

Indeed, when assessed by the Court's consideration that "*...activities that require the construction and use of artificial structures and the alteration of natural land, such as clearing farm property... [and] share little resemblance to the listed rural agritourism activity examples or the same spirit of preservation or traditionalism,*" the 25 Key Inn and cottages fail to qualify agritourism. The construction, land disturbance, and externalities associated with this hospitality use are likely to disrupt the farm and its operations as well as the surrounding rural area. They are a distinct principal use from the farm and do not resemble "traditional notions" of farming or rural activities.

- D) Is the use an activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, as provided for by NCGS 160D?

No, though both the cottages and inn are described as being sited on these properties intentionally for their ability to "allow members of the general public to view or enjoy rural activities," they lack a connection that compels guests to interact with the farm or any rural activities. The uses are separated from the farm itself by a separate driveway access and there is no compulsion for a guest to actually interact with it or the rural landscape, should they choose not to. Effectively, the farm serves as an appealing bucolic backdrop to market these hospitality uses, and one that can effectively be ignored by an overnight guest who never leaves the inn's rooms, except to perhaps enjoy the restaurant and bar.



**ADVISORY OPINION (NON-BINDING, NO RIGHT ESTABLISHED, NO VIOLATION EXISTING)**

If not a Bona Fide Farm Purpose, then the proposed use of the overnight guest accommodations (25 Key Inn and 10 cottages) would either be an Assembly Use "Retreat Center" (Use 80) or a Service Use "Short Term Rental – Non-Host Occupied" (Use 62(K)), as permitted in UDO Section 5.2 "Table of Permitted Uses". The former is defined as "[a]n assembly land use operated as a commercial activity", and the latter defined as "[a] building or group of buildings which provides guestrooms for rental or lease but is not occupied by a Host." A "Retreat Center" use is permitted as a special use in "Rural Buffer" zoning districts by the Orange County UDO. The "Short Term Rental – Non-Host Occupied" use is not permitted in the RB zoning district and would require rezoning to either "Master Plan Development – Conditional Districts" and "Non-Residential – Conditional Districts," and likely subdivision of the subject properties.

**FINAL & BINDING DETERMINATION as to the cottages and farm stay center:**

The use is not a bona fide farm purpose because, as presented, there is no compelling evidence that this proposed use fulfills the statutory definition of a bona fide farm purpose. It does not fulfill the statutory definition of "agritourism", as there is no compulsion for guests to "view or enjoy rural activities."

- 3) A regenerative distillery on Parcels 9851-71-4716 and 9851-62-2001 is proposed to feature products made from grapes, "...many or most of which will be grown on the Farm," and that "[t]here will be regular tours and classes at the distillery where guests can learn the distilling process from the vine to the wine glass". More specifically, there will be "*...exhibits and demonstrations of the distilling process, where guests may observe various aspects of the distilling process and sample the end products of the process,*" and demonstrations on "*...how the 'spent' fruits and grains to be re-processed as the organic materials can be used on site, eliminating transport costs for the 'waste' products and instead using those products for other purposes at the Farm.*" It is also noted that the distillery may process "...other fruits and grains... grown on the Farm and others from local or regional sources".
- A) Is this an event or use that is "...purposefully performed on a farm for the aesthetic value of the farm or its rural setting"?

Yes, the distillery and associated parking, as described, fulfill the statutory definition of a bona fide farm use, as they are used for "...the production and **activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, [etc.]**"; and the statutory definition of "agritourism", as they are an "activity carried out on a farm or ranch that allows members of the general public, for... educational purposes, to view or enjoy rural activities, including farming [*and*] harvest-your-own activities" (emphasis added). The distillery will be using fruits and grains grown on the farm to produce distilled products and providing a space to educate the public on this process and related processes like reuse of "waste" products.

- B) Is the use consistent with the "...dangers or conditions that an integral part of an agritourism activity... and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations"?

Yes, all proposed activities and inherent dangers or conditions are associated with the production of vegetables and fruits into distilled products, including spirits and wine. While there are distinct and greater dangers associated with distillation than for most farm activities due to the use of highly pressured machinery, they are dangers associated with processing a farm product and will be a farm purpose regardless of public access to the site. The provision of space to educate the public on cultivation does not introduce any dangers, though, as farm structures, they will not be permitted by Orange County for compliance with NC State Building Codes.

- C) Is this use an activity that is "...squarely within traditional notions of... a "rural" activity [*or*] the category of a 'natural activity'?"

Yes, the production of fruits and vegetables into distilled products like wine is a traditional farming and rural activity, as is the invitation of the public to participate and learn about such activities. This established bona fide farm use and form of agritourism throughout North Carolina is acknowledged as such here.

- D) Is the use an activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, as provided for by NCGS 160D?

Yes, the production of fruits and vegetables into distilled products like wine is a traditional farming and rural activity, as described, and fulfills the statutory definition of a bona fide farm use. The use and associated structures directly enable an "activity carried out on a farm or ranch that allows members of the general public, for... educational purposes, to view or enjoy rural activities, including farming [*and*] harvest-your-own activities."



ADVISORY OPINION (NON-BINDING, NO RIGHT ESTABLISHED, NO VIOLATION EXISTING)

If the primary source of the materials for the distilling operation were to originate offsite, the County may re-evaluate any determination. Should it be determined that the distillery is not part of Union Grove Farm's activities or otherwise not a Bona Fide Farm Purpose, this "Manufacturing, Assembly, Processing, and Distribution Uses – Food" use may be permitted as a "Winery" (Use 27(F), UDO Section 5.2) and further defined as a "Winery with Major Events: A facility utilized for making wines for consumption on- or off-site with tours of the facility, tastings of the products produced on-site, and periodic events that are expected to attract more than 150 people to the site. Food services may be permitted under the conditional district or special use permit approval." This use is a permitted Special Use in the Rural Buffer zoning district of the subject properties. Alternatively, this use could be a featured element of a rezoning to any of the following conditional zoning districts: "Master Plan Development", "Agricultural Support Enterprise", or Non-Residential".

FINAL & BINDING DETERMINATION as to the regenerative distillery:

As presented and described, this proposed use is considered a farm use and an explicit form of agritourism, as defined and described in NCGS 160D-903, and, as such, is not subject to Orange County zoning regulation.

- 4) A 2,500-seat "Farm Stage" (aka "amphitheater") near the distillery and working farm, described and illustrated as an "open air venue" on Parcels 9851-71-4716 and 9851-62-2001, and situated in immediate proximity to "...barns, farm equipment, the vermicompost labs and other features of the working regenerative farm". The letter states that "[e]very event scheduled at the amphitheater will include an educational component describing regenerative farming practices and the benefits derived from them" (emphasis in original text). Furthermore, Attachments C, E, and F shows structures, seating, and a stage integrated among the historic farm buildings and among the working farm operations.
- A) Is this an event or use that is "...purposefully performed on a farm for the aesthetic value of the farm or its rural setting"?

Yes, the Farm Stage appears to be intentionally located on the property. As presented, it will be "...amidst other structures on the working farm, and one would not be able to miss the rural, agricultural setting as they sit at the open-air venue." The exhibits



consistently demonstrate this intent, as does the description, which makes commitments to include materials “originating onsite”, including stones, on the stage, and incorporate videos about the farm into every event held on that stage, whether that event is recreational, entertainment, or educational, as included in the statutory definition of “agritourism”.

- B) Is the use consistent with the “...dangers or conditions that an integral part of an agritourism activity... and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations”?

No, there are substantial new dangers presented by the traffic access and parking needs for a 2,500-seat amphitheater. At least 1,000 vehicles will need to access and park on site. Otherwise, the farm owners will need to otherwise provide for the transport of up to 2,500 people to this site from an offsite parking location(s). Both scenarios present numerous dangers related to onsite congestion management, driveway access, and the potential for vehicle accidents. Due to the distillery and bar uses on the properties, these guests may be intoxicated. These are not ordinary dangers of farming or ranching operations.

Both Orange County and NCDOT have safety standards to address these concerns that are applicable to this Assembly use. The Orange County UDO provides standards for parking, circulation, and lighting to ensure that there is adequate and safe parking and circulation for all vehicles. The NC Department of Transportation also has safety measures to minimize dangers associated with site access, visibility, and congestion that can be addressed through a review of a sealed engineered Traffic Impact Analysis. In the absence of these regulatory reviews and the application of safety standards, the use of the site by 1,000 – 2,500 vehicles will create dangerous conditions that are greater than those “ordinarily used in farming and ranching operations.”

- C) Is this use an activity that is “...squarely within traditional notions of... a ‘rural’ activity [or] the category of a ‘natural activity’”?

No, the use could be a rural activity, except that its scale removes it from being “squarely” within the traditional notions. Live music is a traditional type of “rural activity” and is a common form of recreation in many rural communities. A 2,500-seat concert venue, however, is not part of this tradition and not a form of agritourism. It introduces thousands of people, noise, traffic, and lighting that are consistent with an Assembly use and disruptive to both Union Grove Farm and the rural area.

A “2,500-seat Farm Stage” introduces noise, lighting, parking, stormwater runoff, and other concerns that are not identified with ‘rural’ or ‘natural activities’. The crowd attending these concerts can be disruptive in the noise and traffic they generate and

there is also the potential of the entertainers themselves to disrupt the natural and rural character of both the farm and the area. The Orange County UDO provides standards for lighting and landscaping that would minimize the impacts of this use to other areas of the farm and neighboring properties. That such externalities are of immediate concern for compromising the rural and natural character of the area in and of itself makes a case that this use is incompatible as a form of agritourism. They also exceed the concerns of the farm and the area, representing a substantial principal land use that is distinct from the farm and degradative to its operations and purpose, as well as the rural character of both the subject properties and the area.

Further, when assessed by the Court's metric that *"...activities that require the construction and use of artificial structures and the alteration of natural land, such as clearing farm property... [and] share little resemblance to the listed rural agritourism activity examples or the same spirit of preservation or traditionalism,"* the 2,500-seat Farm stage is not a qualifying form of agritourism. The construction, land disturbance, and externalities associated with this use are significant and are those of an entertainment venue or theater, and can be effectively regulated by the standards of the Orange County UDO. The theater is as a principal land use distinct from the farm and must be evaluated through zoning regulation.

- D) Is the use an activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, as provided for by NCGS 160D?

Yes, the Farm Stage appears to be intentionally located on the property. As presented, it will be "...amidst other structures on the working farm, and one would not be able to miss the rural, agricultural setting as they sit at the open-air venue." The exhibits consistently demonstrate this intent, as does the description, which makes commitments to include materials "originating onsite", including stones, on the stage, and incorporate videos about the farm into every event held on that stage, whether that event is recreational, entertainment, or educational, as included in the statutory definition of "agritourism". As an entertainment venue, it is within the statutory description of a use that "...allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities". As stated above, however, while submitted and described as "an activity carried out on a farm", it is a principal use distinct from the farm and should be considered and regulated accordingly.

ADVISORY OPINION (NON-BINDING, NO RIGHT ESTABLISHED, NO VIOLATION EXISTING)

If not a Bona Fide Farm Purpose, the amphitheater described would be an Assembly Use (Theater, Use 84) in the Orange County UDO Section 5.2, and defined as "A building or outdoor area in which performances are performed or shown. The term does not include structures primarily constructed to support the holding and/or staging of sporting events where outdoor performances may be held as an accessory use". It is not permitted in Rural Buffer zoning districts and would require rezoning and likely subdivision from the subject properties as a principal use.

FINAL & BINDING DETERMINATION as to the Farm Stage:

As presented and described, the amphitheater is not a form of agritourism as it is not "incidental" to the farm, but a principal use distinct from the farm and requires transformations of the property and creates potential dangers that are unrelated and possibly detrimental to the farm, contrary to a "traditional notion of a rural activity."

- 5) The Center for Regenerative Agriculture ("Center") at Union Grove Farm that will host education programming related to the farm and its products on Parcel 9851-50-8662. The programming that will be centered and focused upon at this structure is described in both the letter and in more detail in the "Menu of Proposed Experiences at Union Grove Farm". The letter generally describes the Center as being a venue for "...regular 'classes' or demonstrations where staff or guest presenters will teach practices such as cheesemaking, beeswax candle rolling and regenerative winemaking. There will be 'farms schools' - single- or multi-day courses for guests of all ages - where guests can be immersed in regenerative farming life. There will be tours of the vineyards, the apiaries, and fields, the equipment, the composting facilities, and other features of the Farm. There will be classes offering instruction about the economics of regenerative farming."

As evaluated:

- A) Is this an event or use that is "...purposefully performed on a farm for the aesthetic value of the farm or its rural setting"?

Yes, the Center, as described, fulfills the statutory language for both the definition of a bona fide farm purpose, as they are used for "...the production and activities relating or



incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, [etc.]; and the following language defining “agritourism”, as they are an “activity carried out on a farm or ranch that allows members of the general public, for... **educational purposes,**” and that “[a] building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, **demonstrations of farm activities,** meals, and other events that are taking place on the farm because of its farm or rural setting” (emphasis added).

- B) Is the use consistent with the “...dangers or conditions that an integral part of an agritourism activity... and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations”?

Yes, all proposed activities and inherent dangers or conditions associated with the Center are “...ordinarily used in farming and ranching operations.” It is providing space to educate the public on farm production and activities already occurring elsewhere on the farm properties.

- C) Is this use an activity that is “...squarely within traditional notions of... a “rural” activity [or] the category of a ‘natural activity’?”

Yes, all classes detailed in the Menu focus on farming activities, including creation of farm products for materials generated at the farm, and, as such, are reflective and consistent with traditional farming and rural activity, as is the invitation of the public to participate and learn about such activities. As a venue limited in description to those detailed in the letter and exhibits, the Center is consistent with the farm activities occurring on Union Grove Farm.

- D) Is the use an activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, as provided for by NCGS 160D?

Yes, the Center, as described, fulfills the statutory definition of a bona fide farm, as it is used for “...the production and **activities relating or incidental** to the production of crops, fruits, vegetables, ornamental and flowering plants, [etc.]; and the fo statutory definition of “agritourism”, as it is an “allows members of the general public, for... **educational purposes** to enjoy rural activities,” and that “[a] building or structure used for agritourism includes any building or **structure used for public or private events,** including, but not limited to, weddings, receptions, meetings, **demonstrations of farm activities,** meals, and other events that are taking place on the farm because of its farm or rural setting” (emphasis added).



PLANNING and INSPECTIONS

Cy Stober, AICP, Director | [cstober@orangecountync.gov](mailto:cstober@orangecountync.gov) | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

**FINAL & BINDING DETERMINATION as to the Center for Regenerative Agriculture use:**

As presented and described, this proposed use is considered a farm use and an explicit form of agritourism, as defined and described in NCGS 160D-903, and, as such, is not subject to Orange County zoning regulation.

Any additional uses or changes in use not discussed in this final and binding determination will require the appropriate review and permitting by Orange County, including those required by other departments. These determinations and advisory opinions apply to the letter and materials provided to staff as detailed herein and substantial changes from those materials will require additional review and would not be covered by this letter.

This letter does not replace the need to submit applications for applicable permits to Orange County or State agencies in the future but does reflect the Planning Department's Final and Binding Determination of the use of these subject properties as proposed and permitted by the Orange County UDO. As determined herein, eligible bona fide farm purposes do not require zoning approval, nor building permits unless otherwise noted. However, the activities represent a significant change in use of the farm in ways that are anticipated to affect the surrounding area, with potential changes in traffic volumes and patterns, and the number of individuals coming to the farm. I appreciate the courtesy of you and your client to share any information as the farm activities detailed in this determination proceed to be realized. Non-farm uses may be addressed with County staff as potential applications for a special use permit or zoning atlas amendment.

Please let me know if you have any further questions or concerns in this matter.

Sincerely,

  
Cy Stober  
Planning and Inspections Director

CC: Robin L. Tatum, Fox Rothschild, LLP  
LeAnn Nease Brown, Brown & Bunch, PLLC

Travis Myren, County Manager  
Caitlin Fenhagen, Deputy County Manager  
Patrick Mallett, Deputy Director, Development Services  
Perdita Holtz, Deputy Director, Long-Range Planning and Administration  
Michael Rettie, Chief Building Official  
Taylor Perschau, Current Planning & Zoning Supervisor  
James Bryan, Orange County Attorney Office

## North Carolina Farms practicing agritourism - including venues, music, food, sp

Farm Name	Location	Acres	Farm Stays
<u>Juneberry Ridge</u>	Norwood, NC	750	Yes
<u>The Vineyard at Old Mill Farm</u>	Durham, NC	14	No
<u>Zinc House Winery and Brewery</u>	Durham, NC	87	No
<u>Jeter Mountain Farms</u>	Hendersonville, NC	411	No
<u>Morris Farm Back 40 Live</u>	Barco, NC	40	No
<u>The Farm at 95</u>	Selma, NC		No
<u>Sideways Farm Brewery</u>	Etowah, NC	11	No
<u>The Farm at Old Edwards</u>	Highlands, NC	12	Yes
<u>Half Mile Farm</u>	Highlands, NC	14	Yes
<u>Summerfield Farms</u>	Greensboro, NC	600	Yes
<u>Rare Bird Farm</u>	Madison County, NC	98	Yes
<u>Rayson Vineyards &amp; Winery</u>	Mocksville, NC	35	No
<u>Carolina Heritage Vineyard &amp; Winery</u>	Elkin, NC	23	Yes
<u>Childress Vineyards</u>	Lexington, NC	70	No
<u>The Winery at Iron Gate Farm</u>	Wendell, NC	55	No

North Carolina U-pick + corn maze + farm activities and venues



## hirs and farm stays

### Wedding /

#### Corporate Venue Music

#### Restaurant/Food Trucks

Yes	Yes - Juneberry Jams Festival May 31, June 14, and June 28	Yes - scheduled seasonal dining experiences like farm-to-fork dinners, brunch, and farmer's lunches
Yes	Yes - 'Fridays at the Farm' music series	Yes - Scheduled food trucks
Yes	Yes - music concerts	Yes - food trucks
Yes	Yes - live music at the Cider Barn	Yes - permanent Smokehouse food truck and Orchard Coffee Shop
No	Yes - music concerts	Yes - ready-to-eat items, food trucks
Yes	Yes - concerts and jam sessions	Yes - food trucks
Yes	Yes - some occasional live music events	Yes - The Farm Restaurant
Yes	No	Yes - The Farmhouse Restaurant
Yes	Yes - live music	Yes - farm-to-table events only
Yes	Yes - live music	Yes - farm-to-table events only
Yes	Yes - live music and events	Yes - light snacks & food trucks
Yes	Yes - live music and events	Yes - light snacks & food trucks
Yes	Yes - live music and events	Yes - restaurant onsite
Yes	Yes - live music and events	Yes - light snacks & food trucks

Bar/Brewery/Winery		Capacity
Yes - features a fully licensed bar as part of its event offerings	1,500 attendees across its three Saturday concerts	
Yes - bar that serves local craft beer, cider, wine, and mead,	200	
Yes - wine, beer, cider	1,000	
Yes - Cidar Co. Taproom	multiple thousands	
Yes - bar on site	4,000	
	4,000	
Yes - brewery	100	
Yes - wines, craft beers, and cocktails	200	
Yes - wines, craft beers, and cocktails	50	
Yes - wines, craft beers, and cocktails	400	
Yes - beer, wine, and cocktails	200	
Yes - wine tastings	100	
Yes - wine tastings	150	
Yes - wine tastings	250	

## Description

festivals and concert series with 'unlimited seating' for their outdoor concerts

The Pavilion (3,300 sq ft), The Carriage House (5,700 sq ft), and the main winery/brewery building (14,000 sq ft with 7,300 sq ft of outdoor seating)

Practicing sustainable farming is our effort to protect the environment, as well as the wellbeing of our guests' health, our local community, and the environment. We have an outdoor venue with a capacity of 4,000, hosting concerts and events in a farm setting wedding and corporate venue and outdoor concert amphitheater restaurant, bar, food trucks and live music

A Luxury Country Inn in a Napa-style setting

Working farm and events venue with a focus on crafting memorable events, raising 100% grass-fed & grass-finished beef, growing certified organic vegetables, and raising award-winning wine



for space) with ongoing music series  
inity, and animal welfare.

ified organic produce, and encouraging our community to cultivate and enjoy a healthy lifestyle

<u>Phillips Family Farms</u>	Cary, NC	100	Over 70,000 people throughout the year
<u>Hill Ridge Farms</u>	Youngsville, NC	80	Hundreds of thousands of visitors during the year
<u>McKee's Corn Maze</u>	Rougemont, NC	40+	Thousands of visitors during the year
<u>Naylor Family Farm &amp; Corn Maze</u>	Fuquay-Varina, NC		Tens of thousands of visitors during the year

## Farms & Vineyards with Large Outdoor Stages / Amphitheaters Outside of NC

### The Gorge Amphitheatre

<b>Location:</b> George, Washington
<b>Farming Context:</b> Originally farmland along the Columbia River; redeveloped for entertainment
<b>Capacity:</b> 20,000+
<b>Highlight:</b> World-famous for scenic views, multi-day festivals

### Chateau Ste. Michelle Winery

<b>Location:</b> Woodinville, Washington
<b>Farming Context:</b> Vineyards and demonstration plots; main winery
<b>Capacity:</b> ~4,000 (lawn seating)
<b>Highlight:</b> Renowned summer concert series featuring major touring acts

### Wente Vineyards

<b>Location:</b> Livermore Valley, California
<b>Farming Context:</b> Historic family-owned vineyard, established in 1880
<b>Capacity:</b> ~2,000+ for the summer concert series
<b>Highlight:</b> Elegant setting combining wine, food, and music under the stars

### Arrington Vineyards

<b>Location:</b> Arrington, Tennessee
<b>Farming Context:</b> Working vineyard & farmland, co-owned by musician and farmer
<b>Capacity:</b> Can host hundreds to a few thousand during bigger events

Throughout the season, which runs roughly 10 weekends — suggesting attendance could average around 7,000+ people per weekend — of visitors per year, seasonal events like pumpkin patches and Christmas light displays and \$12.3 million in annual revenue during the fall season for their 12-acre corn maze

tors with year-round family activities including fall season corn maze

Region still agricultural

My grounds host concerts

My acts

He 1800s

the stars

Michael Kix Brooks  
its



d during peak times like fall and Halloween events

### Spyglass Ridge Winery

**Highlight:** “Music in the Vines” every weekend; hillside lawn seating

**Location:** Sunbury, Pennsylvania

**Farming Context:** Vineyard and farmland used for agritourism

**Capacity:** 2,000–3,000 for concerts

**Highlight:** Hosts national acts in summer concert series

### Chateau Elan

**Location:** Braselton, Georgia

**Farming Context:** Winery & vineyard estate, originally farmland

**Capacity:** Hundreds to 1,500+ for special outdoor events

**Highlight:** Culinary festivals, wine & music pairings

### Red Feather Winery & Distillery (Outdoor Amphitheater)

**Location:** Midwest USA (exact references vary)

**Farming Context:** Farm winery with on-site grape cultivation

**Capacity:** ~1,000 for open-air shows

**Highlight:** Tiered seating among the vines

### Marnie’s Pavilion at Eckert’s Farms

**Location:** Belleville, Illinois

**Farming Context:** Multi-generational orchard & produce farm

**Capacity:** Several hundred–1,000 on event weekends

**Highlight:** Seasonal concerts, orchard-based celebrations

## Farms & Wineries Outside of NC practicing agritourism

### Gentry’s Farm

## Old Baker Farm

**Location:** Franklin, Tennessee  
**Events:** Pumpkin patch, corn maze, fall festivals  
**Scale:** **Seasonal attendance often in the thousands**  
**Highlight:** Field trips for schools, emphasis on historical farm prac + Wedding Venue

## Tanaka Farms

**Location:** Irvine, California  
**Events:** Strawberry tours, pumpkin patch, holiday festivities  
**Scale:** Thousands per week in peak season  
**Highlight:** Beloved for U-pick produce, child-friendly tours

## Alstede Farms

**Location:** Chester, New Jersey  
**Events:** Apple picking, Easter & Halloween festivals, live music  
**Scale:** **Large weekend crowds, tens of thousands seasonally**  
**Highlight:** Renowned pick-your-own program and orchard-based e

## Vala's Pumpkin Patch

**Location:** Gretna, Nebraska  
**Events:** Pumpkin Harvest Festival, corn mazes, nightly shows  
**Scale:** **Hundreds of thousands over the season**  
**Highlight:** 50+ attractions, one of the region's largest fall destination



## Cherry Crest Adventure Farm

**Location:** Ronks, Pennsylvania

**Events:** Award-winning corn maze, “adventure farm” park

**Scale:** **Thousands weekly in summer/fall**

**Highlight:** Dozens of farm-themed attractions for families

## Cox Farms

**Location:** Centreville, Virginia

**Events:** Fall Festival, haunted “Fields of Fear”

**Scale:** **Tens of thousands each autumn**

**Highlight:** Giant slides, hay bale structures, multiple music stages

## Sweet Berry Farm

**Location:** Marble Falls, Texas

**Events:** Strawberry picking, fall pumpkin patch, “Harvest of Fall Fu

**Scale:** **Thousands of attendees during peak months**

**Highlight:** Emphasis on farm activities for families and children

## Schnepf Farms

**Location:** Queen Creek, Arizona

**Events:** Pumpkin & Chili Party, Christmas events

**Scale:** **Multiple weekend festivals drawing thousands**

**Highlight:** Vintage amusement rides, orchard U-pick, large concert

## Belvedere Plantation

**Location:** Fredericksburg, Virginia

**Events:** Fall Harvest Festival, bonfires, haunted attractions

**Scale:** **Tens of thousands of visitors in autumn**

**Highlight:** Pig races, live music, large play areas, big corn maze

## Liberty Ridge Farm

**Location:** Schaghticoke, New York

**Events:** Fall festival, haunted farm, weddings, summertime concert

**Scale:** Thousands of attendees on festival weekends

**Highlight:** Petting zoo, giant corn maze, multiple stages