

State of North Carolina

Minutes

County of Madison

The Madison County Planning Board met in regular session on Tuesday, August 15, 2023, at 6:30 p.m. at the Madison County Public Library Marshall Branch, 1335 N. Main Street, Marshall, North Carolina.

In attendance were Chairman Jared Silver; members Jackie Ball, Sue Keener, Mary Rice, Clayton Rice, Daniel Rice, Lee Wilde; County Planning and Zoning Attorney John Noor; Development Services Director Brad Guth; and Clerk Mandy Bradley. Members Kevin Morton and Wesley Keith were not in attendance.

The meeting was called to order at 6:30 p.m. by Chairman Silver.

Welcome

Chairman Silver welcomed those in attendance to the meeting.

Approval of the Minutes

Chairman Silver requested that the item be tabled.

Mr. Guth provided an introduction of Mandy Bradley who will serve as the Clerk to the Board and Clerk Bradley addressed members of the Board.

Public Address to the Board

Russell Blevins spoke regarding the County's Mountain Ridge Protection Ordinance and the manufactured home park provisions of the County's Land Use Ordinance.

Application for Land Use Ordinance Text Amendment

An application submitted on behalf of Joe and Bonnie McNally representing the MCS Corp of Pinellas for consideration of text amendments to Chapter 8.6.1(G) of the County's Land Use Ordinance that would remove the special requirement set forth for traffic and road design for residential vacation rentals was presented and discussed with members of the Board by Mr. Guth who noted that it would be his recommendation to grant the request and remove the provision from the Ordinance.

Counsel was provided by Attorney Noor who discussed the process that would be utilized for such amendment to be carried out and discussion was had by the Board regarding the current requirements of the section as well as consideration for an amendment to the requirements that would ensure appropriate access of emergency vehicles.

Chairman Silver opened the floor for public comment on the matter.

Attorney Larry Leake representing the MCS Corp of Pinellas addressed the Board to discuss the concerns of the Ordinance on behalf of his client noting that the current provisions of the Ordinance for roadbed width exceeds the road bed width of Puncheon Fork, the state maintained road that is used to access the petitioner's property. Mr. Leake also discussed topographical concerns due to the slope and grade of the area.

Applicant Joe McNally addressed the Board on behalf of the MCS Corp of Pinellas and answered questions from members of the Board.

Russell Blevins spoke regarding slope and grade concerns of the area and the area needed to allow for adequate access of emergency vehicles.

Carl Batchelder spoke regarding the creation of a provision of the Ordinance based on the number of vacation rentals on the property.

Counsel was provided by Attorney Noor who noted that the request is being heard by the Board in accordance with requirements as set forth by the N.C.G.S. and that consideration of consistency with the County's Comprehensive Plan should be taken into account.

Further discussion was had by the Board and Mr. Guth with counsel being provided by Attorney Noor regarding the development of amendments to the language contained in the ordinance to set forth special conditions that would apply to ensure access for emergency vehicles and to address the number of units developed, with the Board directing Mr. Noor to draft as appropriate for consideration of the September Planning Board meeting.

Application for Special Use Permit for Vacation Rentals

Counsel was provided by Attorney Noor who noted that the request would be continued until the next meeting of the Board in September pending the development of language for the traffic and road design text amendment of the Land Use Ordinance. Attorney Noor also discussed the process required for consideration of the application and answered questions from the applicant regarding the process and timeline.

Upon motion by Chairman Siler and second by member Mary Rice, the Board voted unanimously to continue the application for the special use permit for vacation rentals for Joe and Bonnie McNally until the September Planning Board meeting.

Planning Matters

a. R-B Legacy Zoning Districts

Mr. Guth discussed the need for a future amendment to the County's Land Use Ordinance to include R-B Legacy Zoning Districts back into the Ordinance, noting that when the Ordinance was amended in 2010, the district was inadvertently not included in the amended version with areas of the County currently being categorized under R-B zoning as noted on the County's zoning map.

Counsel was provided by Attorney Noor and discussion was had by the Board with Mr. Guth requesting a motion on behalf of the Board to move forward.

Upon motion by member Wilde and second by member Danny Rice, the Board voted unanimously to start the process.

b. Mountain Ridge Protection Ordinance

Mr. Guth presented and discussed a request from Russell Blevins for future consideration of amendments to the County's Mountain Ridge Protection Ordinance.

Discussion was had by the Board and comment was received from a member of the audience regarding State law governing Mountain Ridge Protection with counsel being provided by Attorney Noor.

c. Special Use Permit Procedures

No discussion was had.

d. Update of Biomass Moratorium Workgroup

An update from the Biomass Moratorium Workgroup was provided to the Board by Mr. Guth who discussed the process used to develop proposed amendments of the County's Land Use Ordinance to include biomass facilities and counsel was provided by Attorney Noor.

e. Update on Data Processing Moratorium

Mr. Guth discussed the development of a workgroup to facilitate proposed amendments of the Land Use Ordinance to include language for data processing facilities in conjunction with the County's current moratorium on data processing facilities and counsel was provided by Attorney Noor.

Other Announcements/Updates

No discussion was had.

Adjournment

Upon motion by member Danny Rice and second by Member Keener, the Board voted unanimously to adjourn at 8:03 p.m.

This the 15th day of August 2023.

MADISON COUNTY