

**Madison County Planning Board
Regular Meeting Minutes (Draft)
Date: 5/17/22
Location: Marshall Public Library**

6:35 PM: Madison County Planning Board Regular Meeting: Called To Order by Chair Jered Silver
Other Members In Attendance: Jackie Ball, Sue Keener, Mary Rice, Daniel Rice
Absent: Josh Norton, Allen Wyatt

* Quorum was confirmed with a minimum of four (4) Voting Members in attendance. Five members in total attended.

I. Welcome and Overview:

Chair Jered Silver welcomed the audience to the meeting and public hearing. Meeting Minutes from the last Planning Board "Special" Meeting (April 21st) were required to be approved. Daniel Rice made a *Motion to Approve*, and seconded by Mary Rice. **Vote 5-0 (unanimous) to Approve.**

Attorney John Noor then proceeded to advise the Planning Board Members on any possible ex-parte communications and potential conflicts of interest. Hearing none, he then proceeded to remind the Board of what comprised "Special Damages" by someone seeking "Legal Standing" in a Quasi-Judicial case.

II. Roam Farm Cabin Rental Complex –Special Use Permit (Final Order Approval)

John Noor provided the *Final Order* he had prepared, which is the Special Use Permit (SUP) language for the project that was approved by the Board at the April 23rd Hearing. Chair Jered Silver recused himself (as he had for the two hearings for the review of the proposal). He decided he would maintain this process, and continued to recuse himself for the approval of the Final Order.

John Noor indicated this Order reflects the approval of the Roam Farm with the exceptions that were noted. First, in Condition 33.7: The Order should be corrected to read that: "Only the commonly shared property line (with the neighboring cemetery-**Laurel Branch Cemetery**) shall be reinforced with sturdy "farm (pig) fencing" at Roam Farm's cost". Lastly, the Order's draft has an incorrect citation of **Section 1.2.1**, that should be revised to more accurately be referred to as: "**Section 12.1 (B) (6) (a-h)**", as properly cited. *Motion to Approve the Final Order* (subject to the revisions noted): Made by Jackie Ball, and seconded by Daniel Rice. Vote: 5-0 (unanimous) to Approve with Revisions.

III. North Side Estates Preliminary Plat Approval

This residential sub-division, per the **Madison County Sub-Division Control Ordinance (S/D Ord.)**, requires a quasi-judicial hearing for the approval of the subject **Preliminary Plat** (Section 7.6.2), by the Planning Board. At the April Mtg., the "**Sketch Plan**" for the 13 Lot Sub-Division was unanimously approved.

As a first step, Bd. Member Daniel Rice made a *Motion to Approve* that the sub-division applicant and his consultants had provide all necessary materials (timely) for approval. Motion was seconded by Sue Keener (pursuant to the requirements of Section 7.6.2 & Section 7.5.3.2), **Vote was 5-0 to Approve that those review conditions had been met.**

Next, General Public Comments: Only adjoining property owner, Ms. Dorothy Baker, requested that the applicant please notify her and her husband when site work is about to commence on the property.

Member Sue Keener made a **Motion to Approve the Preliminary Plat for North Side Estates**. Daniel Rice seconded the motion. **Vote: 5-0 (unanimous) to Approve the Preliminary Plat.**

IV. **Morlin Acres Drive Sub-Division Preliminary Plat Approval**

As with North Side Estates, John Noor again reviewed the requirements of Section 7.6.2 of the County's S-D Control Ord. to ensure that each portion of the Section had been properly reviewed by staff for the purpose of the Preliminary Plat Approval. Once that was confirmed by Terrey Dolan, Daniel Rice made a **Motion to Approve** that the requirement had been met. Seconded by Mary Rice, Vote was 5-0 (unanimous), confirming the Section's requirements had been met by the applicant. Then Section 7.5.3.2 (a-f) was discussed.

General Public Comments: **1.** Sheena Collins (396 Morlin Acres Drive): She noted traffic impacts on this road will be too much traffic when this sub-division is constructed, as there are walkers, daily school buses, and children playing in this neighborhood roadway. **2.** Tracy Donahue: Acknowledged that the county has very little say over this road since it is a *NC Road*, but echoed Ms. Collins' sentiments. John Noor then reminded the Board may only consider expert testimony from a qualified witness for traffic assessments (Chapter 160D-1402).

Mr. Wyatt Edsall, the applicant's engineer, then provided a brief review of the application proposal. He noted that, with the exception of purposefully *not* meeting the Madison County Sub-Division Control Ordinance's requirement for a *minimum of 100 linear feet between curves* (Section 8.9.5.4.c) for all residential roadways, this project meets all applicable NCDOT road design standards.

He alluded to the fact that later on in the evening the Planning Board shall be considering the elimination of this particular sub-division ordinance requirement, as nowhere in the surrounding eight counties where he performs engineering work does this particular requirement exist; nor does it exist in the NCDOT road design standards.

Hearing no further comments from the applicant or the general public, Chair Jered Silver made a **Motion to Conditionally Approve the Preliminary Plat** for the 34 single family lot Morlin Acres Drive Sub-Division. Discussion followed to clarify that should the Planning Board ultimately decide to eliminate this requirement (followed by a (required) and potential June 28th Hearing and approval by the Board of Commissioners), the "**Conditional Approval**" shall then automatically convert to a "**Full Approval**" of the project's Preliminary Plat.

Motion was then seconded by Mary Rice. **Vote: 5-0 (unanimous) to Conditionally Approve the Preliminary Plat for Morlin Acres Drive Sub-Division.**

V. **Jeff Wood's Four Cabin Complex (Short Term Vacation Rentals)**

Pursuant to the Madison County Land Use Ordinance, Section 8.6 (Vacation Rentals) any proposed number of *short term vacation rental units*, (in excess of one vacation rental unit), must go before the Planning Board for the approval of a **Special Use Permit**. Mr. Wood was sworn in by Chair Silver at 8:00 PM.

Mr. Wood provided a general overview of his project:

- Proposing four (4) (less than) 700 sq. foot cabin units on his and his wife's private residential 29 acre property, at the western terminus of

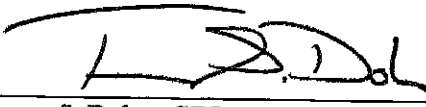
Higgins Branch Road. Each unit shall be approximately 200 feet away from the others. Each unit shall hold up to four individuals.

- Two parking spaces provided for each unit. Excellent natural forest buffering exists, and shall be maintained to address screening and buffering requirements.
- Lighting shall only be "very dim" (mostly just front porch lights), and not affect any surrounding cabins, or other off-site properties. He assured that all requirements in the Land Use Ordinance shall be followed. Contact information shall be provided to the Planning and Zoning Office. County's Noise Ordinance compliance was assured.
- Trash hauling shall be routinely conducted by the owner.
- The cabin units shall be constructed with wood (ship-lap siding), with metal roofs.
- All cabin units' fire pit rings shall have a minimum of 15' diameter with a gravel base, with a water source no further than 20 feet away.

With no further comments made by the applicant, the general public or the Board, Chair Silver made a **Motion to Approve the Special Use Permit**. Daniel Rice seconded the Motion. **Vote: 5-0 (unanimous) to approve the Special Use Permit.**

- VI. After brief discussion and exchange, the Board collectively decided to wait until their next regularly scheduled meeting to hear the proposal for Land Use Ordinance minor revisions and the potential addition of Bio Mass Facilities (only approved as a "Special Use").
- VII. General Public Comments: Only Ms. Elaine Robbins and Mr. Carl Batchelder made minor comments on procedural matters. Mr. Batchelder made comments on his interpretation of the Land Use Ordinance's language (ruling) as it impacts the ability of the Planning Board to revise the LUO's language (see Section 13.1 and 13.2).
Ms. Robbins encouraged the Board to consider more restrictive language (standards) to be implemented for the Land Use Ordinance.
- VIII. **Adjournment:** At 9:15 PM, having no further business to discuss, the Chair asked for a **Motion to Adjourn**; a Motion was made to adjourn by Jackie Ball and Seconded by Daniel Rice. **Vote 5-0 to Adjourn.**

Signed: _____


Terrence S. Dolan, CZO
Madison County Planning & Zoning