

Madison County Regular Planning Board

Meeting Minutes

Date: 8/16/2022

Location: Marshall Public Library

6:40 PM: Madison County Planning Board Meeting Called To Order by Chair Jered Silver.

Members in Attendance: Jered Silver, Allan Wyatt, Mary Rice, Daniel Rice, Sue Keener, Jackie Ball & Kevin Morton.

Absent: Josh Norton

***Quorum was confirmed with seven Voting Members in attendance.**

Planning Director Terrey Dolan made note that no past Pl. Bd. Meeting Minutes were to be approved until the September Planning Board Mtg. He also stated this meeting is a Regular Monthly Meeting.

He proceed to inform the Board that the scheduled Agenda Item related to the "Gid Flynn" Special Use Permit petition was requested by the applicant to be delayed until the September 20th Regular Mtg. Terrey Dolan stated he had already given the applicant permission for the delay, seeing no issues with the request, but it should be formally put to a vote by the Board. Chair Jered Silver called for a Motion to Delay the application, with Mary Rice making the Motion, and seconded by _____.
Vote was 7-0 to allow the delay until the Regular September 20th Meeting.

General Public Comments (not related to a specific agenda item):

None noted.

Agenda Item One: "0 Grandview Road": Required "**Sketch Plan Review**" for a 16-Lot single family residential sub division along the western leg of Grandview Road.

This is the first step in the required approval process of a "major" residential sub division in Madison County, pursuant to the Madison County) Sub Division Control Ordinance. Mr. Glenn Taylor, (Rhino Site Developers, LLC, Raleigh, NC) is the applicant wishing to develop a +/-34 acre single-family lot sub division, and Mr. Will Huyler, P.E. (Carolina Land Design) is the site's civil engineer.

Both attended the meeting.

Terrey Dolan gave a brief overview of the proposed residential community project along Grandview Road, walking the Board through the required regulations for approving the Sketch Plan Review. Mr. Huyler provided responses to a few questions by the Board.

Items discussed;

- Proposed Loop Road Concept: Still need to ensure the Fire Marshall finds it adequate for safe access for all fire vehicles and equipment. Project shall meet all NCDOT road design standards and obtain the required NCDOT Driveway permits, as the project has vehicular access onto Grandview Road, an NC Public Roadway.
- Adequacy of all 16 Home Sites... Min. lot size is 1 acre, and the avg. lot size is approx. 1.4 acres.
- Several general comments and questions were asked by the public and appeared to be adequately addressed by the applicant.

However, near the end of the presentation Mr. Glenn Taylor, (applicant) made several general comments, and mentioned that he was possibly retaining a range of 6 to 9 of the home sites for use as short term vacation rentals homes (STVR's). John Noor, (Legal Counsel for Madison County) then immediately requested a short break to review legal statutes pertaining to vacation rentals in regard to the June 28th County Commission-enacted **Temporary Land Use Moratorium Ordinance**.

He concluded, and informed the Board, that a **Sketch Plan Review** falls under the definition of "Development Approvals", and any number of STVR's over three is prohibited until further notice, pursuant to the Moratorium Ordinance. This was understood by the applicant and his engineer, and the hearing item was then "tabled" until further notice.

Agenda Item Two: Continued Land Use Ordinance Text Amendment Revisions

Terrey Dolan again presented and discussed with the Planning Board the remaining three "tabled" items from the original list of nine potential Land Use Ordinance "text amendments" that the Board would have to evaluate, and then provide recommendations to the County Commissioners for a final vote.

Board discussion with Terrey Dolan continued. It was concluded that none of the three tabled items would receive an approval of the Board to pass to the County Commission.

In summary, all staff text amendment suggestions were approved by the Board with the exception of:

1. Did not approve the recommendation of the general transfer over to the Madison County Board of Adjustment of all current Planning Board Review duties for a) Special Use Permits and b) The required reviews of residential sub divisions (pursuant to the S/D Control Ord.).
2. Denied suggestion of additional fees being charged to applicants for paying a fair share of Legal Notice posting fees with newspapers.
3. Denied the staff-suggested setback of fifty (50') for vacation rentals from a property boundary line; and retain the current 20' setback regulation.

The Board then made several recommendations for future consideration at the October Planning Board Mtg. (Oct. 18th):

1. Discuss the potential to reduce the required minimum overall lot size in the Residential/Agricultural ("R/A") Land Use District from 1 Ac. And reduce it to $\frac{3}{4}$ acre or possibly less.
2. Discuss short term vacation rentals further
3. Discussion of a possible implementation of a future Junk Ordinance for Madison County.

Agenda Item Three: This was the Discussion Continuation of the August 2nd Mtg. issue for Bio Mass, providing for input for the development of possible specific regulations in our county Land Use Ordinance.

The Board listed and discussed several topics that should be reviewed for any future Bio Mass Land Use Regulations:

- Site Specific Reviews
- No "harm" (i.e. additional regulatory burden) to be placed upon any existing saw mills.
- Similarly, no additional regulatory burden to be placed upon our existing local industries by the approval of a Bio Mass facility in the county.
- Keep any future Bio Mass facilities on a smaller scale.
- Provide clear and succinct definitions in the Land Use Ordinance language.
- Provide a recommendation to the County Commission to provide for, and enact a temporary moratorium on any form of Bio Mass facilities being submitted for review until after new Land Use Regulations for these types of facilities are implemented within the Land Use Ordinance.

At this point, it was discussed that a "Temporary Bio Mass Moratorium" would be drafted by our legal counsel, John Noor, to present before the Board of County Commissioners (as soon as possible), but hopefully at their upcoming September 19th Meeting.

Planning Board Motion made by Chair Jered Silver, to endorse the creation of a "Temporary Bio Mass Moratorium", and have Legal Counsel draft the document for consideration by the County Commissioners, Seconded by Daniel Rice.

Vote was 6-0 to approve the Motion, (with Board Member Kevin Morton having departed during discussion).

General Public Comments on Bio Mass: (**The Chair allowed prior August 2nd Mtg. Bio Mass speakers to once again speak for up to three minutes on this topic and provide more input):

1. Elaine Robbins: Keep prohibition on heavy, industrial-sized facilities. Concerns about potting soil and composting businesses being "gathered" into any future definition of Bio Mass, as she is confident this is certainly not the intent of the Board.

2. Jenny Eby: Advocated that these facilities be restricted to the Industrial Land Use Districts, only. Deferred her remaining time to Mr. Jim Tibbets.
3. Jim Tibbets: Encourage the use of site-specific "*Special Use Permits*". Keep exclusively within the Industrial-Zoned lands of the county. Prohibit the shipping of wood pellets to other outside locations. Chair Jered Silver at this point mentioned that it is his goal with any new regulations that they do not negatively impact "local folks".
4. Vickie Hollifield: Please come up with definitions first, and be sure to protect our community residents.
5. Allan Basist: Wanted to mention how impressed he was with the manner and order of the proceedings and the county efforts.

End of Public Comment.

For now, the Bio Mass item remains as a *Discussion Item* for the Planning Board's Benefit, and no further discussion shall be placed on the monthly agenda until further notice.

Having no further business to discuss, the Chair asked for a *Motion to Adjourn*. Vice Chair Allan Wyatt made the Motion, and was seconded by Daniel Rice.

Vote: 6-0 to Adjourn the Meeting at 8:45 PM (with Board Member Kevin Morton having departed during earlier discussions).

Signed: _____

Terrence S. Dolan

Director of Planning & Zoning

Madison County