

**Madison County Special Planning Board**

**Meeting Minutes**

**Date: 8/2/2022**

**Location: Marshall Public Library**

**6:30 PM: Madison County Planning Board Meeting Called To Order**

**Members in Attendance:** Jered Silver, Allan Wyatt, Mary Rice, Daniel Rice, Sue Keener, Jackie Ball  
**Absent:** Josh Norton and Kevin Morton

\*Quorum was confirmed with six Voting Members in attendance.

At 6:35 PM Chair Jered Silver called the meeting to order. And the meeting minutes of May 17<sup>th</sup> were approved. Planning Director Terrey Dolan made note of the meeting being a Special Meeting due to the lack of quorum for the cancelled July 17<sup>th</sup> scheduled meeting.

As well, he informed the Board of the County Commissioners approving the minor text revision to the Sub Division Control Ordinance (i.e. Min. 100' distance req. eliminated for tangents of road curves) at their June 28<sup>th</sup> Mtg.

Agenda was approved with the one noted change that "Gid Flynn's" Special Use Permit petition be delayed until the August 16<sup>th</sup> Regular Mtg.

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

1. Elaine Robbins made comments about requesting the county look to enhance the standards for issuance of SUP's, specifically under Section 8.2.1 and Section 11.3 of the Land Use Ordinance.

**Agenda Item One: Long Ridge Heights Single Family Home 29-Lot Sub Division "Sketch Plan Review":**

Dev. Services Director Brad Guth briefly presented the item to the Board and made several general comments about the project. Planned for 29 Homesites at Long Ridge Road, near the intersection of Forks of Ivy Road, with private potable wells septic systems for each home site, minimum one acre lots per the R/A Land Use District criteria. Bob Grasso, consultant for the project made a brief presentation describing the topographic challenges of the property:

- Creating double fronting lots to decrease clearing of forested areas.
- Project shall meet all NCDOT road design standards, with the only exception being the turning radius issue (50' vs. the required 90' radius) still needing to be resolved to the Fire Marshall's approval. Terrey Dolan informed the applicant that the NCDOT Driveway permit would need to be approved prior to submitting the Preliminary Plat, as the required next step by the Planning Board.
- Project shall utilize a low impact drainage design with roadside swales.
- Several general public comments/questions by community in attendance that were all addressed (question about possible shared wells, site views form I-26, drainage questions and possible blind spot along Long Ridge Road at entrance)

Motion then made by Jackie Ball to approve the Sketch Plan for long Ridge Heights, Seconded by Allan Wyatt,

**Vote was: 6-0 to Approve the Sketch Plan.**

Next step shall be the request to approve the Preliminary Plat, with no *date certain* given for the Planning Board's review.

**Agenda Item Two: Land Use Ordinance Text Amendment Revisions**

Terrey Dolan presented and discussed with the Planning Board a 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.

Most of these recommended text amendments are to clarify Land Use Ordinance language to improve the regulations.

All 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 **1) Special Use Permits and**

- 2) The required reviews of residential subdivisions (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.

**Break from 8:25 PM till 8: 35 PM**

The next Agenda Item to be presented was a Board and General Public Discussion regarding the matter of placing specific Land Use Ordinance regulations (into an amended Ordinance) for dealing with any possible future Bio Mass facility, which may take many differing forms.

Presently, there are no specific regulations for this type of land use in the Madison County Land Use Ordinance. Both Terrey Dolan and Brad Guth discussed the recent past inquiries, only receiving somewhat general and somewhat vague (i.e. lacking any specific site details) information from potential applicants seeking to review the county's regulations for constructing some form of a facility. No candidate sites have been offered.

Staff prepared a "White Paper" detailing how Bio Mass Facilities could be a stand-alone regulated land use, with thoroughly vetted review and approval procedural regulations set-forth within our Land Use Ord.

**General Public Comments:**

1. Elaine Robbins: Only have this use allowed within the Industrial Land Use Dist. She liked the idea of requiring that all state and federal environmental permits must first be in-hand prior to applying to the county for a possible Special Use Permit. Wanted the county to retain the ability to re-review these forms of facilities on an annual basis to ensure compliance with all permits and conditions set-forth in the SUP. Worried about significant adverse environmental impacts, as many articles have been published in recent times on problems with Bio Mass facilities.
2. Carl Batchelder: Define Land Use Ord. Glossary Terminology clearly, have different definitions and conditions for approval for all forms of possible Bio Mass facilities that the county would be willing to approve.
3. Louis Zeller: (Former Exec Dir. of the *Blue Ridge Environmental Defense League*): Suggested using separate criteria for various forms of Bio Mass facilities: "*Bio Mass is part of the problem, not the solution*".
4. Jenny Eby: What has been provided so far is vague in her opinion. We need to know what a Bio Mass Facility is!
5. Jim Tibbetts: Discussed the various types of Bio Mass facilities that "*could*" come about, and be applied for in Madison County. Expressed major concerns about the tons of by-waste products as a result. He noted the *Southern Environmental Center* recommends that these facilities only be sited in *Heavy Industrial*-zoned sites.
6. Tony Ponder: "We need industry in Madison County"; "However, we need to study where it would be viable to site these types of facilities"; Feels "*Bio Mass is a fly by night option*"!
7. Ken Kasuba: There are less than 200 acres of Industrial-zoned property in Madison County. Feels this *may* have been done on purpose, and that we should keep industrial use very small scale.
8. Aileen Payne: Quoting the *Southern Environmental Law Center*: "The Wood Pellet Industry does not contribute to any NC Industries.
9. Monica Olzhausen: No Bio Mass plant is needed here. Only making things worse!

General tools recommended: **Conditional Zoning** become required, Site Specific with Board of Commissioners' approval required.

**End of Public Comment.**

For now, the item is only a *Discussion Item* for the Planning Board's Benefit, and shall be continued at the August 16<sup>th</sup> Regular Meeting, per Board Chair Jered Silver.

Having no further business to discuss, the Chair asked for a *Motion to Adjourn*. Allan Wyatt made the motion, Second by \_\_\_\_\_?

Vote: 6-0 to Adjourn the Meeting at 9:32 PM.

Signed: \_\_\_\_\_

Terrence S. Dolan

Director of Planning & Zoning

Madison County