

**MINUTES OF THE
NASH COUNTY PLANNING BOARD MEETING
HELD TUESDAY, JANUARY 22, 2019 AT 7:00 P.M.
FREDERICK B. COOPER COMMISSIONERS ROOM
CLAUDE MAYO, JR. ADMINISTRATION BUILDING - THIRD FLOOR
120 WEST WASHINGTON STREET
NASHVILLE, NC 27856**

BOARD MEMBERS PRESENT

Leonard Breedlove, Chairman
Jeffrey Tobias, Vice-Chairman
Moses Brown
Harold Colston
Sandra Edwards
Chris Sandifer
Kevin Smith
Deleon Parker
Barbara Pulley

BOARD MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

Nancy Nixon, Planning Director
Adam Tyson, Senior Planner
Windy Braswell, Planning Technician
Jessica Flores, Planning Technician

OTHERS PRESENT

Dan Bell	Traci Moore
Kaye Boone	Tony Pickney
Frances Dorsey	Susan Rabold
James Elkins	Ron Sutton
Eddie Finch	Edward Viverette
Renee Harrell	Jack Watson
James LaPann	David Williams

1. Call to Order.

Chairman Breedlove called the meeting to order at 7:00 p.m.

2. Determination of a Quorum.

Chairman Breedlove recognized a quorum.

3. Approval of the Minutes of the December 17, 2018 Regular Meeting.

The minutes of the December 17, 2018 regular meeting were mailed to each member of the Board for review. Chairman Breedlove asked for any corrections or revisions. None were offered.

BOARD ACTION: Mr. Sandifer offered a motion which was duly seconded by Mr. Parker to approve the minutes of the December 17, 2018 meeting as submitted. The motion was unanimously carried.

Chairman Breedlove announced that Conditional Use Rezoning Request CU-190101 related to a 2.4 acre tract located on the west side of Manning's General Merchandise Store at 2739 S Old Franklin Rd, Nashville, NC 27856 to be rezoned from RC (Rural Commercial) to GI-CU (General Industrial Conditional Use) had been withdrawn by the applicant and would therefore not be heard at this meeting. Mr. Tyson added that any property owners who had received a notice regarding that agenda item would be notified again if and when the item was resubmitted.

4. General Rezoning Request Z-190101 Made by David Williams on Behalf of Williams Builders of Rocky Mount, LLC – the Property Owner - to Rezone Two Adjacent Tracts Totaling 4.51 Acres Located at the Northeast Corner of Winstead Crossroads at the Intersection of E NC Highway 97 and S NC Highway 58 from RC (Rural Commercial) to GC (General Commercial).

Chairman Breedlove recognized Mr. Tyson to present the staff report.

Mr. Tyson presented the staff report and supplemental materials related to General Rezoning Request Z-190101 as submitted to the Board in the January 22, 2019 Nash County Planning Board Meeting agenda document. He described the proposed change from RC to GC as permitting a wider range of commercial land uses than the current RC Zoning District and noted that it is intended for sites like the subject property which have access to major highways as well as to public water and sewer service. Mr. Tyson noted that this rezoning request was consistent with the recommendations of the Nash County Land Development Plan because of its location at the intersection of two major state highways with access to both public water and sewer service and not considered spot zoning because it involves more than one parcel already zoned for moderately intensive commercial development and its proximity to the already existing GC Zoning District directly across S NC Highway 58. He reported that the Nash County Technical Review Committee (TRC) considered General Rezoning Request Z-190101 on January 4, 2019 and recommended approval based on its determination that the request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not spot zoning.

Mr. Tyson offered to answer any questions from the Board.

There were no questions.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Brown to recommend the following consistency statement related to General

Rezoning Request Z-190101 for consideration by the Nash County Board of Commissioners:

General Rezoning Request Z-190101 is reasonable and in the public interest because:

- (1) The request is consistent with the recommendations of the Nash County Land Development Plan for this General Commercial Area because:**
 - (a) The subject property is located at the intersection of E NC Highway 97 and S NC Highway 58, two major state highways;**
 - (b) The subject property has access to both public water and sewer service along the highway rights-of-way; and**
 - (c) The proposed rezoning will mark the beginning of the transition of this area to the more intensive commercial development intended by the plan's Future Land Development Map.**
- (2) The request is not considered spot zoning because:**
 - (a) The subject property includes more than one parcel already zoned for moderately intensive commercial development;**
 - (b) The request is consistent with the recommendations of the Nash County Land Development Plan as established above; and**
 - (c) The subject property is located in close proximity to the already existing GC (General Commercial) Zoning District directly across S NC Highway 58 which currently includes the auto sales lot at 5184 E NC Highway 97.**

The motion was unanimously carried with Vice-Chairman Tobias abstaining.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Colston to recommend approval of General Rezoning Request Z-190101 to rezone 4.51 acres located at the northeast corner of Winstead Crossroads at the intersection of E NC Highway 97 and S NC Highway 58 from RC (Rural Commercial) to GC (General Commercial).

The motion was unanimously carried with Vice-Chairman Tobias abstaining.

- 5. Conditional Use Rezoning Request CU-190102 Made by Hunter Stone on Behalf of H & S Land, LLC – the Property Owner – to Rezone a 32.13 Acre Tract Located on the East Side of Barnes Hill Church Road (S.R. 1703) Between Oak Level Road (S.R. 1700) and Batchelor Road (S.R. 1704) From R-30 (Single and Two-Family Residential) to R-20-CU (Medium Density Residential Conditional Use) for the Development of Any of the Land Uses Permitted in the Standard R-20 Zoning District with the Specific Exception of Boarding and Rooming Houses, Congregate Care Facilities, Manufactured Homes, and/or Manufactured Home Parks Which Shall be Prohibited.**

Mr. Tyson presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-190102 as submitted to the Board in their January 22, 2019 Nash County Planning Board Meeting agenda document. He described the proposed change from R-30 to R-20-CU as not significantly impacting the types of land uses that may be developed there, but would increase the allowable density of future residential development by reducing the minimum required lot size by 10,000 square feet. He stated that the applicant has specifically excluded boarding and rooming houses, congregate care facilities, manufactured homes, and/or manufactured home parks from being included in this application and has anticipated approximately 44 new residential lots.

He reported that the Nash County Technical Review Committee considered Conditional Use Rezoning Request CU-190102 on January 4, 2019 and recommended approval subject to conditions and based on its determination that the request is reasonable, in the public interest, consistent with the Nash County Land Development Plan, and reasonable spot zoning.

Mr. Tyson concluded the staff presentation by offering to answer any questions from the Board.

Mr. Sandifer had questions regarding the exclusion of certain permitted land uses.

Mr. Tyson directed his attention to the conditions specified within suggested Motion #3.

Chairman Breedlove recognized Ron Sutton with Herring-Sutton & Associates, representing H & S Land LLC, the applicant, to address the Board.

Mr. Sutton stated that the applicant concurs with the TRC recommendations and that one of the reasons for the R-20 rezoning request is due to the availability of public water service. He noted that any land uses not consistent with an R-30 zoning district have been eliminated by prohibiting those uses in the rezoning request. Mr. Sutton stated that the developer's intent is that this property be developed as a single family, stick built development with homes comparable in size (1,500 to 2,000 square feet) to the already existing homes in that area. He informed the Board that the covenants for this development will also restrict modular homes and that final lot size would be dictated by septic tank requirements. Mr. Sutton finished by reviewing the suggested conclusions for the recommended issuance of the conditional use permit and explained how each conclusion has been met by the applicant. He then offered to answer any questions the Board may have.

Mr. Colston asked if the developer had considered the cluster development option.

Mr. Sutton explained that the only reason the developer could foresee the use of the cluster development option would be in configuring lots to accommodate septic tanks. There is no intent to use the cluster development option, but it would be a possibility if an area had problems with accepting septic tanks and repair fields. He noted that the Planning Board would have to approve any preliminary plat that included a cluster development.

Chairman Breedlove asked for any public input on the agenda item.

Renee Harrell addressed the Board, stating that she and her family were the first to move in to the Daniel Farm Development across the road from the proposed development. She expressed her concerns regarding safety. She indicated that the speed limit is too high and the addition of 100 or more cars daily would only increase the safety issues especially with regards to several small children in the neighborhood. She addressed the size of the homes that Mr. Sutton had proposed as not being comparable to the already existing homes which are all 2,000 square feet or greater.

Dan Bell addressed the Board stating that he and his family own most of the land to the south and southeast of the proposed development, including the field adjacent to this property. Mr. Bell expressed concerns regarding the cluster development option and he concurred that the size of the proposed homes would be less than what is currently built in that area. He requested that the Board consider removing the cluster development option from the rezoning request as well as to consider how many lots would actually be allowed in the development.

Mr. Sutton addressed the safety concerns by stating that anytime there is a driveway accessing a highway, it represents a point of conflict. The developers have tried to minimize that by having only one driveway/street cut. He pointed out that there are already several driveways accessing the main street and they pose a greater safety concern than the single access to the proposed development. Mr. Sutton also noted that the developers have no control over speed limits which are state regulated. The street cut will be permitted by the NCDOT, whose design recommendations based upon their review of the preliminary plans for the driveway connection will be adhered to by the developers.

Mr. Tyson explained that Mr. Sutton was referring to additional potential measures such as a deceleration lane, a turn lane, or other improvements to the existing Barnes Hill Church Road right of way which may be required by the NCDOT at the developer's expense prior to issuing that driveway permit.

Mr. Sutton stated that he had not verified the size of every existing house located along the roadway, but could comfortably assure the Board that any restrictive covenants regarding house size would be adhered to. The intent of the developer is to build homes comparable in size to the existing homes.

There was a discussion between the Board and Mr. Sutton regarding restrictive covenants and whether they actually exist for the surrounding development. Mr. Sutton stated that the cluster development option was left in the request as a possible solution to lot configuration issues should that become an issue when septic systems are applied for. He offered to include a condition in the request prohibiting the cluster development option from being utilized.

Mr. Sandifer expressed concerns regarding the enforcement of the restrictive covenant and asked that if a condition was included prohibiting cluster development, could something regarding compliance with the restrictive covenants be included also.

Mr. Tyson noted that Nash County had traditionally not been involved with requiring or enforcing minimum home sizes.

Chairman Breedlove stated that while the Board cannot mandate minimum square footage requirements, the developer would be obligated to follow the restrictive covenants already in place for the Castle Berry Subdivision.

The Board briefly discussed the size of the homes that could be placed on the lots as they exist now, noting that Nash County does not regulate the size of homes and that smaller lots in this subdivision would not be required to purchase and install wells due to their access to County water service. It was noted that access to public water and/or sewer impacts the value of the lots also.

Mr. Sutton pointed out to the Board and those present that every attempt is being made to create single family, residential, stick built dwellings comparable to the housing types that are currently found along this area of Barnes Hill Church Road. He noted that under the current zoning, this entire area could be developed with double-wide manufactured homes which are allowed in the current R-30 Residential Zoning District.

There were no further questions.

BOARD ACTION: Mr. Tobias offered a motion which was duly seconded by Mr. Parker to recommend the following consistency statement related to Conditional Use Rezoning Request CU-190102 for consideration by the Nash County Board of Commissioners:

- (1) The request is consistent with the recommendations of the Nash County Land Development Plan for this Suburban Growth Area because:
 - (a) The increased development density afforded by the R-20 Zoning District will help accommodate the residential growth anticipated by the plan for this Suburban Growth Area;
 - (b) The plan explicitly supports rezoning to the R-20 Zoning District in the Suburban Growth Area where public water service is available; and
 - (c) The condition proposed by the applicant to prohibit the development of any manufactured homes on the subject property is equivalent to the plan's recommendation that any residential rezonings within the Suburban Growth Area should be limited to RA districts only, unless both public water and public sewer service is available.

- (2) The request is considered reasonable spot zoning because:
 - (a) The subject property is already zoned for residential use;
 - (b) There is an already existing R-20 Zoning District located on the north side of Oak Level Road in the general vicinity of the subject property;
 - (c) The proposed zoning district will be more restrictive in terms of permitted land use types due to the condition prohibiting the development of manufactured homes which are allowed in the current R-30 Zoning District (Class A double-wides); and
 - (d) The request is consistent with the recommendations of the Nash County Land Development Plan as established above.

The motion was unanimously carried.

BOARD ACTION: Mr. Brown offered a motion which was duly seconded by Mr. Smith to recommend approval of Conditional Use Rezoning Request CU-190102 to rezone 32.13 acres located on the east side of Barnes Hill Church Road between Oak Level Road and Batchelor Road from R-30 (Single and Two-Family Residential) to R-20-CU (Medium Density Residential Conditional Use) for the development of any of the land uses permitted in the standard R-20 Zoning District with the specific exception of boarding and rooming houses, congregate care facilities, manufactured homes, and/or manufactured home parks which shall be prohibited.

The motion was unanimously carried.

BOARD ACTION: Mr. Sandifer offered a motion which was duly seconded by Mr. Smith to recommend the issuance of a conditional use permit for the development of the property that is subject to Conditional Use Rezoning Request CU-190102 based on the following suggested findings of fact, conclusions, and conditions:

FINDINGS OF FACT:

- (1) The subject property is a 32.13 acre undeveloped tract of land in the ownership of H & S Land, LLC as depicted on the subdivision plat titled "Final Plan, Castle Berry, Section One, Property of H & S Land, LLC" recorded in Plat Book 34, Pages 353-354 of the Nash County Registry and further identified as Nash County Tax Map PIN #382017109507 and Parcel ID #100749.
- (2) The subject property is located on the east side of Barnes Hill Church Road (S.R. 1703) between Oak Level Road (S.R. 1700) and Batchelor Road (S.R. 1704) within the R-30 (Single and Two-Family Residential) Zoning District of Nash County, North Carolina.
- (3) The subject property has access to an existing four inch Nash County public water line located along the Barnes Hill Church Road right-of-way.
- (4) An application for Conditional Use Rezoning Request CU-190102 was submitted by Hunter Stone on behalf of the property owner to request a rezoning of the subject property from R-30 (Single and Two-Family Residential) to R-20-CU (Medium Density Residential Conditional Use) for the development of any of the land uses permitted in the standard R-20 Zoning District with the specific exception of boarding and rooming houses, congregate care facilities, manufactured homes, and/or manufactured home parks which shall be prohibited.
- (5) The consistency statement adopted in relation to Conditional Use Rezoning Request CU-190102 established that the requested rezoning was reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and reasonable spot zoning.

CONCLUSIONS:

- (1) The application submitted for Conditional Use Rezoning Request CU-190102 is complete.
- (2) The proposed development will not materially endanger the public health or safety.
- (3) The proposed development will not substantially injure the value of adjoining or abutting property.
- (4) The proposed development will be in harmony with the area in which it is to be located.
- (5) The proposed development will be in general conformity with the Nash County Land Development Plan.
- (6) The applicant is entitled to the issuance of a conditional use permit subject to the following conditions.

CONDITIONS:

- (1) The subject tract may be developed for any of the land uses as permitted in the R-20 (Medium Density Residential) Zoning District in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance with the specific exception of boarding and rooming houses, congregate care facilities, manufactured homes, and/or manufactured home parks which shall be prohibited.
- (2) All residential subdivision lots developed on the subject tract shall be connected to and served by the Nash County Public Water System.
- (3) The cluster development option provisions of UDO 9-4.1(B) shall not be utilized in developing the subject tract.

The motion was unanimously carried.

6. Text Amendment Request A-190101 Made by James L. LaPann with Faulk & Foster Real Estate, Inc. on Behalf of Verizon Wireless to Amend the Nash County Unified Development Ordinance Article XI, Section 11-5, Subsections 11-5.1 (2) and 11-5.5 (f) & (3)(c)(ii) in Order to Increase the Maximum Permitted Height of Freestanding Non-Concealed Wireless Communication Towers Located in Residential Zoning Districts From One Hundred Fifty Feet (150') to One Hundred Ninety Nine Feet (199').

Mr. Tyson presented the staff report and supplemental materials related to Text Amendment Request A-190101 as submitted to the Board in the January 22, 2019 Nash County Planning Board Meeting agenda document. He stated that the Technical Review Committee considered Text Amendment Request A-190101 on January 4, 2019 and recommended approval. He noted that in 2014, the FCC mandated that all existing or future wireless telecommunications towers be allowed to be increased from their original permitted height by either 20 feet or 10 percent, whichever is greater, to accommodate the deployment or collocation of additional transmission equipment, provided the height increase does not constitute a "substantial change." The TRC cautioned that a 20 foot mandated height increase for an already 199 foot tower could result in a structure exceeding the 200 foot lighting requirement threshold in a residential zoning district.

Mr. Tyson concluded the staff report by referencing a CityScape report included in the agenda packet and introducing Susan Rabold of CityScape as well as James LaPann representing the applicant, Verizon Wireless. Mr. Tyson offered to answer any questions from the Board.

Mr. Sandifer had questions regarding the 20 foot extension.

Mr. Tyson explained that the tower owner could exercise their right to a 20 foot extension in height only in association with a change being made to the tower such as adding a new provider or changing out equipment, but there is little that must be demonstrated to the county as justification to exercise that right. He also noted that a height extension granted for an already 180 foot tower would trigger the requirement to illuminate that tower structure. He then recognized Ms. Susan Rabold of CityScape as a more knowledgeable source of information on the topic.

Ms. Rabold clarified that the FCC did make a nationwide change in 2014 to promote collocations and that all local governments must allow the industry to increase the height, width, or girth of a tower, provided that they don't meet the FCC's definition of substantial change. The change from an unlit to a lit tower was not specifically covered as a substantial change. Ms. Rabold acknowledged that it would stand to reason that this would be considered as a substantial change, but such a change has not been tested in a court of law. Ms. Rabold stated that because there has been no precedent set, CityScape cannot provide a recommendation on it. Ms. Rabold pointed out that the FCC granted extension is a one-time only deal. The tower owner could not have another change later and ask for an additional 20 feet or 10 percent increase. If the tower is concealed, then meeting the concealment strategy must be demonstrated. If raising the tower height does not maintain the aesthetic of the concealment strategy of the initial tower, then that is considered a substantial change and would not be allowed.

There was a general discussion between the Board and the staff regarding the potential impact that an illuminated tower might have on a residential area due to the height where the light would be stationed on the tower and whether it would be a steady beam or flashing light.

Ms. Rabold noted that there was no public opposition to the 45 foot tower height variance request at the previous Board of Adjustment meeting and Mr. Tyson concurred, noting that there has been less general public concern or opposition to cell tower applications over the past several years.

The Board and staff briefly discussed how the public's need and desire for improved wireless service appears to have surpassed its former concerns regarding the visual impact of the tower structures themselves.

The Board recognized Mr. James LaPann who identified himself as a zoning specialist with Faulk and Foster and, as such, he reviews the laws of communities in which communications towers have been proposed. He reiterated that the proposed tower on Fire Tower Road really needed the additional height in order to be effective for the surrounding community and high school. Mr. LaPann reported that he had conducted a study of the seven surrounding counties to determine their communication tower height limitations. Of the seven, three had no height limits, one county has a 200 foot limit, one has a 250 foot limit, and one had limits ranging between 199 feet, 250 feet, and 300 feet depending upon congestion. The remaining county had a 150 foot height limit, but it provided for an additional extension based on demonstrated need.

Mr. LaPann then provided a graph indicating an increase in data consumption of 45% annually. He stated that the data traffic generated by smart phones between 2016 and 2022 will increase 10 times. He concluded that the taller tower height is necessary in order to provide the needed coverage. He stated that the proposal to limit the tower height to less than 200 feet ensures that illumination is unnecessary and protects the aesthetics of the community.

Mr. Sandifer expressed concerns regarding tower owners exercising the FCC allowed 20 foot extension at a later date and thereby extending the tower to a height that would require illumination.

Mr. LaPann explained that most towers are designed to taper from broad to narrow as the height increases. This is based on specific calculations with regard to the structure's wind and weight-bearing stability. He stressed that to add an additional 20 foot of height as well as additional antennas would require design modifications in order to support the additions.

There was another general discussion among the Board members regarding the projected increase in wireless data consumption and the necessity for additional coverage.

Mr. Tyson attempted to narrow the focus of the discussion by asking: 1) If the Board would be agreeable to 199 foot cell towers in residential zoning districts, 2) If the Board had a serious concern regarding a lit versus an unlit tower located in a residential zoning district, and 3) If the FCC mandated extension was an actual or just perceived threat.

BOARD ACTION: Mr. Smith offered a motion which was duly seconded by Mr. Parker to recommend the following consistency statement related to Text Amendment Request A-190101 for consideration by the Nash County Board of Commissioners:

- (1) Much of the land in the County's planning jurisdiction currently zoned for lower density residential development (including the R-30, RA-30, R-40, and RA-40 Zoning Districts) is still dominated by a rural development pattern of large**

acreage tracts that have yet to transition to denser, more suburban-type subdivisions and the allowance for taller tower heights may be advantageous for the extension of broader wireless service coverage to these sometimes underserved areas.

- (2) Public opposition to the development of wireless communication infrastructure seems to have diminished in recent years as evidenced by the decreasing participation in public hearings held on proposed new tower sites, which may indicate a shift in local values placing the utility of wireless telecommunication service over concerns that were more prevalent in the past regarding the visual impact of cell towers.
- (3) Increasing the allowable tower height requirement may reduce the overall number of cell towers necessary to provide wireless telecommunication service coverage throughout the County.

The motion was unanimously carried.

BOARD ACTION: Mr. Smith offered a motion which was duly seconded by Mr. Brown to recommend approval of Text Amendment Request A-190101 to increase the maximum permitted height of freestanding non-concealed wireless communication towers located in residential zoning districts from one hundred fifty feet (150') to one hundred ninety nine feet (199').

The motion was unanimously carried.

7. Text Amendment Request A-190102 Made by Tony Pinckney with GESS International North Carolina, Inc. to Amend the Nash County Unified Development Ordinance Article IX, Section 9-3, Table 9-3-1 in Order to Permit Biogas Production as a Land Use in the GI (General Industrial) Zoning District.

Ms. Nixon presented the staff report and supplemental materials related to Text Amendment Request A-190102 as submitted to the Board in their January 22, 2019 Nash County Planning Board Meeting agenda document. The purpose of this text amendment request is to amend the Nash County Unified Development Ordinance in order to add a new use, "Biogas Production," as a permitted use (P) in the GI General Industrial Zoning District. This amendment would permit development of a utility-scale biogas production facility in a GI (General Industrial) district as a use by right. Ms. Nixon noted that the Nash County Technical Review Committee reviewed Text Amendment Request A-190102 on January 4, 2019 and recommended conditional approval of the addition of "Biogas Production" to the GI uses in the Table of Permitted Uses. She informed the Board that Mr. James Elkins, representing the applicant, was present and could offer a more informed discussion regarding the biogas process. She concluded the staff presentation by offering to answer any questions from the Board.

Mr. Sandifer questioned the content of the raw material and the volume of raw materials necessary for the process.

Ms. Nixon stated that the raw material typically consisted of manure and chicken litter which would be purchased by contract from various area farms and transported to the biogas production site.

Mr. Sandifer had questions regarding the manner in which the product would be injected into a system such as those operated by Duke Energy or Piedmont Natural Gas.

Mr. Elkins addressed the Board to explain how the raw products such as swine manure, poultry manure, and crop residue are processed via the anaerobic digesters and then the natural gas produced is extracted. He explained how farmers are paid for the resources such as manure and crop residue and how the anaerobic digestion process eliminates the odor generally associated with hog lagoons, which is currently how swine manure is typically disposed of. He noted the desirability of renewable natural gas and its importance to the future transportation market.

Mr. Sandifer questioned the amount and disposition of any residual waste by-product.

Mr. Elkins explained that the solid waste products are sold as either organic fertilizer or certified as a renewable fuel that can be used in power systems and the liquid waste is either sent to municipalities for wastewater processing once all nitrogen and phosphorus has been removed or will be sold as a mix for liquid fertilizers.

Mr. Sandifer questioned how many trucks would be on the road daily in relation to this operation.

Mr. Elkins responded that there will be around fifteen loads of slurry and twelve loads of biomass entering the site daily and that all the logistical information was included on a report in the Board's agenda packet.

There was a general discussion between the Board members and Mr. Elkins regarding where the initial manure and or chicken litter would come from and transportation of the initial material to the digester sites.

Mr. Tobias questioned how many of the other existing systems inject wet digestates into municipal sewer systems and what enhancements had to be made to those systems in order to accommodate it.

Mr. Elkins stated that all currently operating systems are utilizing municipal sewer systems and the only issues thus far have involved capacity which was handled by a regional wastewater treatment system.

Mr. Sandifer questioned the TRC recommendation regarding a site-specific public hearing review prior to a zoning approval.

Ms. Nixon explained that the text amendment request is for a "P" – meaning a land use permitted by right – which does not require a public hearing or conditional use permit. The TRC suggested that if the Board had concerns regarding this new land use, it may instead recommend a "C" – meaning a conditional use permit requirement – even though there is not currently a list of development standards specific to this type of facility.

There was a discussion among the Board members regarding the land uses currently permitted in the GI (General Industrial) Zoning District.

Mr. Sandifer stated his preference to require a conditional use permit for biogas processing.

Mr. Parker directed the Board's attention to the Table of Permitted Uses, noting that chemical processing plants, dog food plants, and sewage treatment plants are currently allowed without a requirement for the issuance of a conditional use permit and that, therefore, this proposed land use

should not require that level of review as it should be less intensive than the other, already-permitted operations.

BOARD ACTION: Mr. Parker made a motion which was duly seconded by Mr. Sandifer to recommend the following consistency statement related to Text Amendment Request A-190102 for consideration by the Nash County Board of Commissioners:

Text Amendment Request A-190102 is reasonable, in the public interest, and consistent with the Nash County Land Development Plan because:

- (1) The amendment is not inconsistent with the 2006 Nash County Land Development Plan, as the plan does not address this type of specific land use.**
- (2) The proposed use would support agriculture in Nash County by providing waste management options for farm operations.**

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Brown to recommend approval of Text Amendment Request A-190102 to amend the Nash County Unified Development Ordinance Article IX, Section 9-3, Table 9-3-1 in order to allow “Biogas Production” as a permitted land use by right (P) in the GI (General Industrial) Zoning District.

The motion was carried 6 to 2 in favor with Mr. Sandifer and Mr. Tobias opposed.

8. Other Business.

Mr. Tyson provided the Board members with a meeting schedule for the remainder of 2019.

He also reported that the request to amend Conditional Use Rezoning CU-160302 to rezone a 1.011 acre portion of a tract from A1 (Agricultural) to GC-CU (General Commercial Conditional Use) for the expansion of the existing 58 North Mini Storage self-storage facility located at 4671 N NC Highway 58, Nashville, NC 27856 had been approved by the Board of Commissioners.

9. Adjournment.

There being no further business, Chairman Breedlove adjourned the meeting at 9:34 p.m.