

**HENDERSON COUNTY PLANNING BOARD
MEETING SUMMARY
April 20, 2023, at 5:30 PM**

Planning Board Members Present:

Steve Dozier, Chair
Jim Miller, Vice Chair
Robert Griffin
Trey Ford
Rick Livingston
Linda Bradley
Jared Ownbey

Planning Board Members Not Present:

Bruce Hatfield
Hunter Marks
Bill Lapsley, BOC Liaison

Staff Present:

Autumn Radcliff, Planning Director
Russ Burrell, County Attorney
Janna Bianculli, Senior Planner
Chris Todd, Business and Community Development Director (remote)

Meeting called to order: Mr. Steve Dozier called the meeting to order.

Roll Call: Roll Call was taken.

Informal Public Comment: Six members of the public signed up for public comment concerning rezoning application R-2023-04. The Chair moved the public comment to occur following the presentation of this item.

Adjustment of Agenda: The Chair adjusted the agenda and moved item #8 (R-2023-04) to the first item of discussion.

March 16, 2023, Meeting Summary: No change to the meeting summary was noted.

#R-2023-04, Ronnie Gray Rezoning Request: Ms. Autumn Radcliff stated that rezoning application R-2023-04, submitted on March 1, 2023, requests that the County rezone approximately 26.67 acres of land from the Residential One (R1) zoning district to the Regional Commercial (RC) zoning district. The zoning map amendment application is for a portion of PINs: 9651-54-5337 and all of PIN: 9651-44-8562, located off Rugby Drive (SR 1417). The property owner is Ronnie Pete Gray and the agent is Shane Laughter. The Technical Review Committee (TRC) reviewed the application on April 18, 2023, and made a motion to forward the application to the Planning Board. The TRC would review and approve the major site plan for the existing use following the BOC decision on the rezoning application.

The Planning Board heard from six members of the public in opposition of the rezoning request. The community was concerned about the potential uses allowed under the RC zoning, the RC district extending back and adjacent to existing residential development, concerns with the proximity to the church and potential uses that impact the church, traffic, and concerns with the amount of floodplain in the back portion of the property.

The Planning Board also heard from the applicant's agent. The applicant currently has a fill permit for the property. The applicant plans to address the existing zoning violation of the storage lot by rezoning the property and seeking major site plan approval. If the rezoning is not approved, the applicant will have to relocate the existing storage lot to the front portion of the property along US 25N, a major site plan is still required. The applicant is also filling a small area off Rugby Drive for probable future residential. The Planning Board asked several

questions of the applicant and was concerned that there was an existing code enforcement issue and violation that the applicant was not addressing but seeking a rezoning to remedy the issue.

Follow some discussion, Mr. Robert Griffin made a motion to send forward a favorable recommendation to rezone the front parcel along US 25 N that is currently split zoned to RC, and not the back parcel that extends into the floodplain. Mr. Jared Ownbey seconded the motion. The motion passed 6-1 with Mr. Trey Ford voting against the motion due to the existing violation that prompted the rezoning request.

Continued Discussion on Text Amendment #TX-2023-02, Primitive Campground: Ms. Autumn Radcliff stated the planning staff received an application for a text amendment (#TX-2023-02) to add a specific use for primitive campground that would include a definition and SR standards. The Land Development Code (LDC) does not specify primitive campgrounds from other campground types. This use would allow for small campgrounds that are strictly primitive in rural areas. She stated that the Board discussed this last month and tabled the item for further review. She stated that the TRC discussed the proposed amendment and had several concerns with a new use, as this type of campground is already permitted in the LDC with a SUP. The TRC did not think an amendment was necessary since the applicant could submit a major site plan and application to the ZBA. The TRC did have some of the same concerns as the Planning Board around enforcement and safety. The Planning Board also heard from the applicant.

The Planning Board still had several questions and asked staff to revise some of the proposed language and bring back to the Board in May. Mr. Jim Miller made a motion to table the item until the May meeting. Ms. Linda Bradley second the motion. All voted in favor.

#R-2023-03-C, Princetonia Development (Conditional Rezoning): Ms. Autumn Radcliff stated that rezoning application #R-2023-03-C was initiated on February 23, 2023, and requests that the County conditionally rezone approximately 2.7 acres of land from Residential One (R1) to a Conditional District (CD-2023-03). The project contains all of PIN 9587-03-4418 that has direct access to Princetonia Dr. The property is owned by Robert and Jennie Francis who are also the applicants.

The applicant is proposing to add an additional structure with 4 dwelling units. The subject area already contains two existing structures with a total of 13 dwelling units. The development is required to be approved as a conditional rezoning due to the number of multi-family units. Conditional rezonings allows for the Board of Commissioners to place conditions on the property to address community concerns and make the proposed development compatible with adjacent uses. As required by the LDC, a neighbor compatibility meeting was held on Wednesday, March 29, 2023, in the King Street Meeting Room. A copy of the meeting report is attached to this agenda item.

The Technical Review Committee (TRC) reviewed the application on April 4, 2023, and made a motion to forward the application to the Planning Board with conditions as discussed. A copy of the conditions required by the TRC are listed in the staff report.

Follow discussion, Mr. Trey Ford made a motion to send forward a favorable recommendation on the rezoning request with the conditions stated and noted in the staff report. Mr. Jim Miller seconded the motion. All voted in favor.

Text Amendment #TX-2023-03, Cryptocurrency Mining: Ms. Autumn Radcliff stated that many jurisdictions throughout the United States, including Cherokee County, have been dealing with cryptocurrency mining facilities and their impact to the community. As a result, several western North Carolina counties are in the process of developing regulations to address the issue and concerns with these types of uses. Currently, the Henderson County Land Development Code (LDC) does not specifically address the operation of cryptocurrency mining operations. This proposed amendment will establish locations where cryptocurrency mining operations may be located and the supplemental requirements that must be met to protect the public health, safety, and general welfare of county residents.

The purpose of the amendment is to mitigate the negative effects of cryptocurrency mining operations. This includes, but is not limited to, very high energy usage, noise pollution, and the disposal of electronic waste.

Ms. Janna Bianculli provide the Board with an overview and presentation about cryptocurrency and the mining process and related issues with this type of mining. The Board had a detailed discussion on the information and the Chair suggested that the Board take some time to review the information and research the topic. Ms. Radcliff noted that the BOC will hold a public hearing on May 1st to consider a moratorium on cryptocurrency mining for 60 days which will give the Planning Board time to discuss the issue next month.

Mr. Jim Miller made a motion to table the item until the May meeting. Mr. Jared Ownbey second the motion. All voted in favor.

Staff Updates: There were no staff updates.

Adjournment: With no further business, the meeting was adjourned at 7:59 pm.