

**Guilford County
Planning Board
JANUARY 9, 2013**

The Guilford County Planning Board met on Wednesday, January 9, 2013 at 6:30 p.m., Old Guilford County Courthouse, County Commissioner's Meeting Room, Second Floor, Greensboro, North Carolina. There was a brief Business Meeting prior to the regular session.

Members Present: Ms. Bailey, Chair; Mr. Westcott, Alternate; Mr. Nelson, Alternate; Mr. Leonard; Mr. Wood; Mr. Derrickson; and Mr. McKinney. Mr. Deal was also present to conduct the nomination process to elect a new Chairman and Vice-Chairman of the Guilford County Planning Board.

Also, Present: Les Eger and Tonya Hodgin, Planning Staff.

Mr. Leonard moved to reappoint Mr. Eger as the Recording Secretary of the Guilford County Planning Board, seconded by Mr. Wood. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Bailey, Westcott, Leonard, Derrickson, McKinney, Wood, Nelson. Nays: None.)

Chair Deal asked for nominations for the positions of Chairman and Vice-Chairman.

Mr. Derrickson moved to nominate Ms. Bailey as Chairwoman of the Guilford County Planning Board, seconded by Mr. Leonard. The Board voted 6-0 in favor of the motion. (Ayes: Westcott, Nelson, Leonard, Wood, Derrickson, McKinney. Nays: None.)

Chair Bailey moved to nominate Mr. Derrickson as Vice-Chairman of the Guilford County Planning Board, seconded by Mr. McKinney. The Board voted 6-0 in favor of the motion. (Ayes: Westcott, Nelson, Leonard, Wood, Bailey, McKinney. Nays: None.)

Members thanked Chair Deal for his service to the Board and contributions to Guilford County.

APPROVAL OF MINUTES:

Mr. Wood moved to approve the minutes of the December 12, 2012 meeting, as submitted, seconded by Mr. Derrickson. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Bailey, Westcott, Leonard, Derrickson, McKinney, Wood, Nelson. Nays: None.)

ROAD RENAMING:

CASE #12-12-GCPL-05162: Renaming a portion of previously named Hagan Stone Park Road to a new name: **Hagan Court (APPROVED)**

Mr. Eger stated that this is a request to rename a portion of Hagan Stone Road to a new name, Hagan Drive. The request came about by the closing of that portion of Hagan Stone Road that accesses onto U.S. Highway 421 due to realignment of U.S. Highway 421 and reworking of the interchange. Surrounding property owners have been notified.

Chair Bailey asked if there was any one present wishing to speak either in support or opposition of the proposed road renaming.

Jerry Coble, office of the Guilford County Fire Marshall, stated his approval of the name change.

Jerry Field, 5626 Hagen Stone Park Road, asked the Board to consider changing the proposed Hagan Drive to Hagan Court to alert drivers that it is a dead-end road. He noted that tractor-trailers unsuccessfully attempt to turn around in the drive and a hazard is created. He felt that changing the name to Hagan Court would be less confusing to drivers.

In the matter of Case #12-12-GCPL-05162 to rename a portion of previously named Hagan Stone Park Road, Mr. Wood moved that the road be renamed Hagan Court, seconded by Mr. Westcott. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Bailey, Westcott, Leonard, Derrickson, McKinney, Wood, Nelson. Nays: None.)

Chair Bailey explained the policy and procedures to be followed by the Board for all cases coming before them. Appeal of any decision is due within fifteen (15) days to the County Commissioners. Speakers from both sides will be allowed twenty (20) minutes, regardless of the number of speakers and all speakers must be sworn in.

REZONING:

CASE #12-12-GCPL-05031: AG & CU-HB to CU-LI

Located on the southwest side of Alamance Church Road 600 feet northwest of Thorny Road in Clay Township, being Guilford County Tax Parcel #0121287, approximately 9.25 Ac.

(APPROVED)

Mr. Eger stated that the use in this rezoning case would be limited to sales and rental of portable toilets and septic services. The general layout sketch map of the request is shown in agenda packets distributed to members. Light Industrial zoning would require that the area be fully screened from public road right-of-way. The applicant would like to add additional conditions to the request, which is allowed with a Conditional Use rezoning. Currently this property houses a vacant garden center that closed down several years ago. The property to the north is a nonconforming auto salvage business that has been operating for a long period of time. Properties to the south, east, and west are low density residential. The Alamance Creek Area Plan recommends agricultural and moderate commercial uses for this parcel. The plan does not support this request for industrial uses; however, with the nature of the request and the conditions limiting it to sales and leasing of portable toilets and subject services, the commercial intent of the Land Use Plan for the area is being met. If approved, a site plan and the general zoning standards will require that all outside storage, equipment, and portalets be fully screened from the right-of-way and lighting that backs up to adjacent properties will be minimized or reduced completely. If this change is to go into place, traffic flow onto the property will be reduced from the higher intensity commercial uses that are currently permitted on this property. The overall intensity of uses will be reduced from a commercial facility to a service-type facility. With the above-mentioned factors in mind, staff feels that this request is consistent with the intent of the Alamance Creek Area Plan, it is compatible with the surrounding uses, and the conditions are in the public interest. Staff recommends approval of the request.

Chair Bailey asked if any one was present to speak in support of the request.

Bill Young, 5061 Foxburrow Road, is the applicant. He has been in the current family-run business for five years and there have been no complaints from adjacent neighbors. Five individuals are employed in the business.

Mr. Young purchased this property under the belief it was already zoned CU-AG but later determined his type of business did not fall under that category and the land should be rezoned to CU-LI. He felt that CU-LI zoning would have less impact on the community and surrounding properties than the current zoning. He does not plan to sell products out of the location but it will be a service and rental business. Very few customers come to the location and approximately 99 percent of orders are placed either on the internet or by phone. He described the strict regulations surrounding the disposal and cleaning of portable toilets. He assured the Board that there will be a natural visual barrier around the property. In addition, empty portable toilets will be stored on site for rental along with equipment used for septic repair and installation. There are six trucks on site inspected daily by the driver. He hopes to use the property to expand his business. They are currently leasing a smaller piece of property that limits their productivity and growth.

Chair Bailey asked if any one was present to speak in opposition to the request.

Ronnie Jenkins, 4450 Thorny Road, described the boundary of his property. He stated that the garden center on the proposed property moved because the septic tank system failed and Guilford County would not allow the owner to repair it. He indicated there could be drainage issues on the property. He was concerned with the contamination of ground water resulting from leaks or spills and safety hazards from additional traffic on Alamance Church Road.

Chris Fay, 4757 Melvina Road, owns property located one mile from the zoning request. He recently spoke with six adjacent neighbors and only one was aware of the request. Unfortunately, that neighbor has the flu and cannot be present. Mr. Fay learned of the request when he saw a sign on the street that was posted on December 19, 2012. Referring to photographs distributed to members, Mr. Fay expressed concerns about the proposed rezoning. He felt that trucks leaving the site would create traffic hazards.

Lisa Musco lives approximately 200 feet from the driveway of the proposed site. She felt the ecosystem should not be disturbed more than it already has been. She cited traffic accidents that have occurred at the site. Ms. Musco was concerned that she and her husband appear to be the only neighbors to receive a letter about the rezoning.

In rebuttal, the applicant, Bill Young, stated that he has obtained all the required permits allowing septic tanks at the business. He addressed the two traffic accidents and pointed out that one was due to drunk driving and the other occurred 2.5 miles from the site while it was raining. Mr. Young pointed out that the waste is not considered hazardous and everything is contained in tanks and storage. He explained that one truck leaves in the morning and returns in the afternoon while a second truck delivers the portable toilets as per demand. Additional service trucks are also in use as needed.

Responding to questions from members, Mr. Young described hours of operation and the process for emptying and cleaning the portalets. He indicated that the portalets going out and coming in are clean. He also stated that the facility will be over 100 feet from the creek line and two "T-2" lights will be installed at the site. He estimated that 100 portalets are stored on site in the winter and between 30-50 units during the summer.

Mr. Eger pointed out that lighting and the buffer are covered under the Ordinance.

In opposition rebuttal, Chris Fay expressed his concern that the value of surrounding homes would be lowered.

Lisa Musco reiterated her concern for traffic safety when pulling out of the site. She also felt more neighbors should have been notified of the rezoning request.

Mr. Derrickson asked staff to describe other uses that could occur in the current HB zoning. Mr. Eger indicated that doctor or veterinarian offices, convenience stores with or without gas pumps, and garden centers can occur. The current conditions have the site as retail, nursery, and garden center only. Straight HB zoning would allow for more uses without the conditions.

Mr. Eger clarified that the requested CU-LI rezoning takes into consideration that there may be surrounding residential uses. The LI district has additional standards above just the basic conditions offered. The site would have to be fully screened from the road and the units would be fully screened from ground level view or public streets. Site plan submittal and approval is required. Before the business can be opened, the owner must prove he is in compliance with all the LI standards plus conditions offered in the request.

Mr. McKinney moved that in the matter of Case #12-12-GCPL-05031, the Guilford County Planning Board believes that its action to approve this zoning amendment located on Guilford County Tax Map #0121287, from AG & CU-HB to CU-LI, to be consistent with the adopted Alamance Creek Area Plan and considers the action reasonable and in the public interest for the following reason: (1) It is generally consistent with the land use category indicated for the property on the Alamance Creek Area Plan Future Land Use Map, seconded by Mr. Derrickson. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Bailey, Westcott, Leonard, Derrickson, McKinney, Wood, Nelson. Nays: None.)

Mr. Wood amended the motion to read as follows: That the motion to approve, although inconsistent with the adopted Alamance Creek Area Plan but for the conditions stated, the Guilford County Planning Board considers the action reasonable and (2) Although the request is inconsistent with the adopted Alamance Creek Area Plan, it has been determined that zoning the property to CU-LI is compatible with the surrounding area and uses.

Mr. McKinney accepted Mr. Wood's amendment.

SPECIAL USE PERMITS:

CASE #12-12-GCPL-05117: AG to AG-SP

Located on the south side of Alamance Church Road approximately 1000 feet west of Southmont Drive in Greene Township, being Guilford County Tax Parcel #0110843, approximately 37.9 Ac. **(APPROVED)**

Mr. Eger stated that the next two cases are special use cases that although stand side-by-side, they must be heard as two separate cases.

The first case, #12-12-GCPL-05117, is a request for approval of a special use permit to operate a solar facility as shown on the site plan included in packets distributed to members. The applicant on this property is Victoria Troxler. The land uses on the property are vacant residential structures and a vacant farm. Planned uses to the south are low density; southeast and west are low-density, residential, and vacant tracts of land. There is a historic structure, Pinedale Elementary School, a half mile away. There would be no impact on the structure from this request. There is no land use map plan for this area to follow; therefore, general zoning patterns of the area are taken into consideration.

Mr. Eger stated that granting a special use permit is based on the following findings of fact:

The proposed use requires a special use permit; the proposed conditions meet the Development Ordinance requirements; the use as proposed or the use proposed subject to additional conditions that could be offered by the applicant or interjected by the Board, is consistent with the purpose of the District and compatible with surrounding uses; the use will not materially endanger the public health or safety if located where proposed and developed according to the submitted plan; the use will not substantially injure the value of adjoining properties, or the use is a public necessity; and the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and general conformity with the plan for the area.

In AG zoning, solar facilities are permitted with a special use permit. The plan meets the conditions for a solar facility with a special use condition per Chapter 6 of the Guilford County Development Ordinance and the facility meets the intent within the AG district with a special use permit.

Individuals were sworn in as to their testimony in this matter.

Chair Bailey asked if any one was present wishing to speak in support of this request.

Mike Fox, attorney with offices at 100 North Greene Street, distributed presentation booklets to members describing components of the project. He asked the Board to consider the addition of a condition to the request to limit the height of the panels not to exceed 12 feet.

Referring to the distributed material, he noted that several board members have heard the information before; therefore, an abbreviated version will be given in the interest of time.

Keith Colson, Sunlight Partners, stated that Sunlight Partners is the solar division for Cape Street Capital Company. He said that maintenance is performed on solar facility sites two or three times a year. In addition, he described the decommissioning process. He does not believe that solar farms have any negative impact on the environment. He noted the positive value of tax revenues from a personal property standpoint on the equipment installed at the site.

Responding to a question from Mr. Wood, Mr. Colson stated that there is a 15-year power purchase agreement contract with Duke Power. He also described details of the landscape buffer.

Brad Randall, Sunlight Partners, handles contracts and real estate issues for the company. He has experience in real estate valuations and is a licensed attorney in North Carolina. He stated that his research shows no evidence that there is a substantially negative impact from solar farms to property values. He stated factors that could negatively impact property values are pollution, excess traffic, odors, or offensive uses of property. Solar farms do not have any of these issues.

Tommy Cleveland, professional engineer at North Carolina Solar Center, has worked with solar technologies since 2004. He referred to information and photographs contained in the presentation material distributed to members and described the installation, materials, and technology associated with solar panels. He stated that there is no evidence of negative impacts to public health and safety associated with a solar farm. He explained that solar panels are environmentally safe and have no emissions.

Keith Broderick, President of Civil Designs, was contracted to develop a preliminary site plan to conform to the Guilford County Development Ordinance. Mr. Broderick confirmed that the use conforms to requirements for AG zoning, there are no residential structures within the 100 feet setback requirement, the height of the arrays is within the 25 feet maximum allowance, required screening will be provided, and required parking space allowances will be met.

Mr. Fox noted that the property owner who lives next door to the site, Ms. Vicki Troxler, is present in support of the application.

Chair Bailey asked if there was anyone present to speak in opposition to this case.

Ms. Jayme Williams, 6004 Hepler Lane, Julian, North Carolina, stated that since receiving the notice 11 days ago, she has done extensive research on solar facilities. She felt that the proposed solar facility location is not in harmony with the surrounding area and that there are health risks associated with solar facilities. Her research has shown solar farms are more compatible with an industrial use. She pointed out that the solar arrays are manufactured using glass and toxic chemicals. They are used to manufacture energy, not for an agricultural use. Farm Bureau officials also consider solar facilities to be an industrial use. The Environmental Protection Agency recommends that these sites be located on old landfills, unused industrial sites, and other locations where no other alternative use exists in order to protect open spaces. Ms. Williams stated that this project will be misplaced, will not be in harmony with the area, and will not be in conformity with plans for the community.

Ms. Williams felt that a solar facility would impact the health of the surrounding community. The panels contain toxic materials and the batteries contain lead. Referring to sources, she said the panels contain hazardous materials that are sealed but there is potential for environmental contamination if damaged or disposed of improperly upon decommissioning. Battery leakage can also result in lead contamination. In addition, in the event of fire, hazardous fumes may be released. Ms. Williams questioned the quality of solar panels to be used at the facility. She also pointed out that there is no decommissioning agreement in place.

Ms. Williams stated that she could provide copies of the factual information obtained from her research.

Donna Carr, 5628 Baptist Assembly Road, Julian, North Carolina, stated her concern with safety hazards from electromagnetic impulses generated by the solar facility and the silicone dust associated with solar panels.

Mr. Derrickson stated that hard evidence was required in order to make a case against the request.

Mr. Fox said that because this is a quasi-judicial hearing, the evidence presented must be competent evidence given by an expert. The evidence to be considered should be qualified to be heard in court. He said that hearsay evidence or information pulled from the internet is not qualified to be considered. He stated the Board has an obligation to disregard any evidence that was not competent. Mr. Fox felt that the applicant has presented competent evidence that meets all the requirements of the Ordinance.

Responding to a question from Mr. Westcott, Mr. Cleveland described the function and use of silicone in the solar panels.

Mr. Broderick responded to questions about the natural buffer around the site. He described requirements for a Type B Planting Yard and other requirements reflected in the Ordinance. A final landscape plan will be submitted to the Planning Department for their review and approval.

Mr. Cleveland said that at most solar farms, the solar panels are cleaned about once a year with soap and water or a mild detergent to remove the pollen. There is very little washing of solar panels in the eastern part of the country due to higher rainfall. He stated that he does not have personal experience with the cleaning of solar panels but could answer the question through his knowledge of the industry.

In opposition rebuttal, Jayme Williams stated that it was unfair to expect those in opposition to have experts present when they were only notified of the meeting 11 days ago. She would have arranged for experts to be present if time had allowed. She is an appraiser and stated that property values would be impacted. Ms. Williams explained that solar farms are a recent concept and she has proof of litigation occurring in California where solar farms are located adjacent to neighborhoods. During further discussion of her research, Ms. Williams referred to a letter from a tax assessor's office in Arizona stating that values would be decreased for properties in an area around a solar facility.

Mr. McKinney stated his concern with the issue of impacted property values. There are no comparative values available to evidence that property values will not be diminished.

Chair Bailey closed the public hearing.

Chair Bailey reminded Board members to consider just the findings of fact in regard to this motion.

In the case of Special Use Permit #12-11-GCPL-05117 from AG to SU, after considering the evidence presented in regard to the application for this special use permit, Mr. Wood moved that the Guilford County Planning Board find from the credible evidence that the special use permit should be approved, subject to the site plan and all applicable conditions including the one offered by the proponent that the solar array be limited to a height of 12 feet and in support of this decision, the Board makes the following findings: (1) as stated by Mr. Eger, the proposed use requires a Special Use Permit under the Development Ordinance; (2) as stated by Mr. Eger, the proposed conditions meet or exceed the development standards found in the Development Ordinance; (3) that the use as proposed and/or agreed to and/or as the Planning Board may impose, is consistent with the purposes of the district and compatible with surrounding area uses; (4) that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan; (5) that the use meets all the required conditions and specifications; (6) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and (7) that the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs; therefore, Mr. Wood moved that this request for a Special Use Permit with all applicable conditions and subject to the site plan and applicable law be approved, seconded by Mr. Derrickson. The Board voted 6-1 in favor of the motion. (Ayes: Westcott, Nelson, Leonard, Wood, Derrickson, Bailey. Nays: McKinney.)

CASE #12-12-GCPL-05119: AG to AG-SP

Located on the south side of Alamance Church Road approximately 1000 feet east of Old Julian Road in Greene Township, being Guilford County Tax Parcel #01110947, approximately 278.75 Ac. **(APPROVED)**

Mr. Eger stated this is a special use permit request on 278 acres; however, the solar facility will sit on an area approximately 30 acres in the center of the property. The land use on the property is residential and vacant structures. Surrounding land uses are low-density residential farming and vacant lands. This case, as with the first case, is in a portion of the county where there is no land use plan. There are five findings of fact that need to be followed in making any decision as follows: The proposed use requires a special use permit; the proposed conditions meet the Development Ordinance requirements; the use as proposed or the use proposed subject to additional conditions that could be offered by the applicant or interjected by the Board, is consistent with the purpose of the District and compatible with surrounding uses; the use will not materially endanger the public health or safety if located where proposed and developed according to the submitted plan; the use will not substantially injure the value of adjoining properties, or the use is a public necessity; and the location and character of the use, if

developed according to the plan submitted, will be in harmony with the area in which it is to be located and general conformity with the plan for the area.

Individuals were sworn in as to their testimony in this matter.

Mike Fox, attorney with offices at 100 North Greene Street, distributed presentation booklets to members describing components of the project. He explained that some parts of his presentation will be identical to that of the last case. The testimonies of Mr. Colson, Mr. Randall, and Mr. Cleveland will be the same, as they will be talking about the company, the real estate values, and the safety of solar facilities.

Chair Bailey asked Mr. Fox to present the issues that are different in this case. Mr. Fox referred to the presentation booklet and pointed out that this site is different from the previous case in that there are no adjoining properties to the solar farm. The solar farm will be located in the middle of the parcel and the terrain makes it difficult to see into that area.

Keith Colson, Sunlight Partners, stated that only one house was visible from the site. He spoke with the owner of the visible house who indicated his support for the solar farm. They also went into a neighborhood located in a cul-de-sac and informed them of plans for a solar farm. He confirmed that the solar farm will be located on a site of approximately 30 acres. The owner will have control over the rest of the acreage surrounding the site.

Mr. Fox asked the Board to consider the addition of a condition to the request to limit the height of the panels not to exceed 12 feet.

Eloise Jones, property owner, stated her support for the solar farm. She confirmed that no one can see into this tract of land from adjacent properties.

Chair Bailey asked if any one was present to speak in opposition to the request.

Ronnie Jenkins, 5846 Cadiz Road, Julian, North Carolina, lives across the street from the proposed solar farm. He expressed concern that surrounding property values would decline if the solar farm was built.

Kyle Kirkpatrick, 5824 Cadiz Road, Julian, North Carolina, asked the Board to consider continuing this case to allow opponents time to secure an attorney and present professional evidence.

Kathy Jenkins, 5846 Cadiz Road, Julian, North Carolina, stated that she would like to hear facts that the solar farm would not cause health issues or cause property value to go down. In addition, she was concerned that a six-foot fence would not keep a child or dog out of the high voltage area. She received the letter of notification two days ago and asked the Board to continue this case.

David Goodman, 5842 Cadiz Road, Julian, North Carolina, expressed health concerns resulting from solar farms.

Jason Shinn resides at a property that adjoins the proposed solar farm. He stated that he was present to obtain more information. He questioned what will happen to the equipment when it becomes outdated and if the solar farm is found to be harmful, who will be responsible for the clean up. He also questioned the necessity of the facility.

Mitch Williams, 6004 Heplar Lane, Julian, North Carolina, pointed out that there will be a solar farm producing five kilowatts of power located less than one-eighth of a mile from the proposed location. He felt that positive or negative effects from the new solar farm should be evaluated before a decision is made to build another one. He questioned if another facility was needed within the small area.

Kyle Kirkpatrick asked the Board to postpone their decision. He felt that the matter was predetermined. He said that residents were not told that a decision would be made at this meeting. In addition, they were not told they needed to bring representation. He urged the Board to consider Mr. McKinney's reservations.

Members responded that the matter has not been predetermined. Legal notice was sent out according to the law and an appeal can be made following the Board's decision.

Mr. Eger reiterated that although citizens can speak either for or against the request, the applicant is responsible to supply the necessary information to support the findings of fact.

Ronnie Jenkins stated that he was not made aware of the letter until this past Monday. He said it was difficult to secure evidence to present in such a short period of time.

Mr. Wood explained to Mr. Jenkins that the applicant brought an attorney and experts because the law requires him to prove the findings of fact.

Mr. Jenkins asked the Board for more time to prove that property values would depreciate if the solar farm was built.

Jayne Williams, 6004 Hepler Lane, Julian, North Carolina, identified the location of her house on the map at the request of Chair Bailey.

Responding to a question from Ms. Williams, Mr. Westcott clarified the process to meet findings of fact.

Ms. Williams discussed her opinion that the applicant did not present evidence that the proposed solar facility is a public necessity, that it will not impact the value of surrounding properties, that it is consistent with the surrounding agricultural and residential uses, and that it does not endanger health. She has proof that the electromagnetic field does endanger health. In addition, she has appraisal evidence of an impact to property value and evidence from a tax appraiser's office. Ms. Williams stated that she is a certified general appraiser in North Carolina. She presented copies of appraisal information to members. She expressed concern with disposal of the equipment as there is no decommissioning agreement in place.

Mitch Williams, Kathy Jenkins, Ronny Jones, and Donna Carr voiced their concerns and objections to the proposed solar facility.

Speaking in rebuttal, Eloise Jones, property owner, described the area and said that it would be very difficult to see the solar panels from surrounding properties.

Chair Bailey closed the public hearing.

Mr. Westcott moved to continue this case until the next meeting, seconded by Mr. Leonard. The Board voted 4-3 to deny the motion. (Ayes: Leonard, West, McKinney. Nays: Bailey, Nelson, Wood, Derrickson.)

In the matter of Special Use Permit #12-11-GCPL-05119 from AG to SU, after considering the evidence presented in regard to the application for this special use permit, Mr. Wood moved that the Guilford County Planning Board find from the credible evidence that the special use permit should be approved, subject to the site plan and all applicable conditions including the one offered by the proponent that the solar array be limited to a height of 12 feet and in support of this decision the Board makes the following findings: (1) the proposed use requires a Special Use Permit under the Development Ordinance; (2) the proposed conditions meet or exceed the development standards found in the Development Ordinance; (3) that the use as proposed and/or agreed to and as the Planning Board may impose, is consistent with the purposes of the district and compatible with surrounding area uses; (4) that the use will not materially endanger the public health or safety if located where proposed and developed according to the site plan; (5) that the use meets all the required conditions and specifications; (6) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and (7) that the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs; therefore, Mr. Wood moved that this request for a Special Use Permit with all applicable conditions and subject to the site plan and applicable law be approved, seconded by Mr. Derrickson. The Board voted 5-2 in favor of the motion. (Ayes: Bailey, Nelson, Leonard, Wood, Derrickson. Nays: Westcott, McKinney.)

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 10:07 p.m.

Respectfully submitted,

Donna Bailey, Chairwoman

Les Eger, Secretary to the Board

LE/sm:jd