

BANNER ELK PLANNING BOARD MEETING
MONDAY, 05 JUNE 2018
MINUTES

Members Present: Aaron Barlow, Allen Bolick, Martha Laura Miller, Meredith Olan, Joel Owen, Penny VonCanon

Staff Present: Zoning Administrator Cheryl Buchanan, Town Manager Rick Owen

Chairman Joel Owen called the meeting to order at 6:02 pm. Mr. Owen opened with the pledge of allegiance to the flag.

Consideration of the May 2018 Minutes

Martha Laura Miller motioned to approve the minutes for the May 2018 meeting as submitted. Allen Bolick seconded. The vote was unanimous and the motion carried.

New Business

Sawmills Discussion

Zoning Administrator Cheryl Buchanan told the Board that Brad Underwood had come to her office to ask about the possibility of putting a small sawmill operation at a location along Highway 184. The location currently is leased from Buck McLean by Boe Barinowski and Mr. Barinowski operates a produce stand there. Additionally, Ms. Buchanan told the Board that Mr. Underwood currently operates at a location off of Orchard Lane and that the parcel he currently is located at is not in the Town's limits or ETJ, therefore, he could do whatever he wants to at that location. The Zoning Administrator expressed concern for noise and sawdust pollution and how that might affect the neighboring properties. In researching this type of operation, Ms. Buchanan said that most of these types of operations are done in either an industrial or rural setting. She also referenced Avery County's High Impact Industry Ordinance and how they address the use of sawmills in their ordinance. Since this particular use is not listed in the Table of Uses in the Zoning Ordinance, Section 307 states that any use not listed in the tables are considered conditional and require a conditional use permit.

Ms. Buchanan introduced Mr. Underwood and told the Board that he had asked to speak with them about his request for this operation. Mr. Underwood began by referencing a section of our ordinance about allowing this type of operation for 45 days in a 6-month window. Ms. Buchanan asked him about the reference and he cited book 420, page 1008. Ms. Buchanan clarified that this was part of Avery County's High Impact Industry Ordinance, not Banner Elk's Zoning Ordinance. Mr. Underwood stated that the mill would be portable and showed the Board members pictures of the machine he was looking at purchasing.

Penny VonCanon said she sees this as a service and not an industry type use. Mrs. VonCanon stated that she felt this was needed as she noted she had not seen so many trees down since she's lived here. Mrs. VonCanon asked Mr. Underwood what he planned to do with the sawdust and debris from this operation. Mr. Underwood said that he had a person he gave the sawdust to and he would probably get a burn permit and burn the debris a couple of times a week.

Ms. Buchanan asked Mr. Underwood why he didn't just operate on his current location. Mr. Underwood said he wanted the exposure that Boe Barinowski's location would give him. Mr. Barinowski stated that this operation would not be going on while he was selling produce and that he opens at 10:00 am. Meredith Olan said that he would also have to operate within the confines of the noise ordinance. Joel Owen asked Mr. Barinowski exactly where on the property he planned to operate this machinery. Mr. Barinowski said he would allow him to display his wares under the metal carport and he would allow him to place the machinery out front where the coffee shop building had been.

Joel Owen expressed some concern for the wind and where the sawdust might blow. Boe Barinowski said the wind flows in the same direction as Highway 184. Joel Owen observed that this operation appeared to be more artistic than operational. Mr. Underwood said that his goal was to increase his business with the exposure he would get at Mr. Barinowski's property.

Aaron Barlow asked if his operation was going to be a short term operation. Mr. Underwood said that he would be functional from April through October. Mr. Underwood also mentioned that the machine would also be rented out to other users and may not be parked there all the time.

Ms. Buchanan reiterated that this would be a conditional use and that Mr. Barinowski would need to amend his current conditional use permit to allow this at his location. Additionally, Mr. Barinowski would need to get written permission from Mr. McLean since he leases from Mr. McLean. Martha Laura Miller wanted to know how many CUP's you could have per person. Ms. Buchanan clarified that CUP's go with the land and not with the person. As long as the use remains the same, it can be perpetual. Any changes to a use would then require an amendment to the current CUP for that change of use. Ms. Buchanan outlined what would be required for a CUP amendment and said she would get the paperwork to them after the meeting.

Old Business

There was no old business for this meeting.

With no further business, Aaron Barlow moved to adjourn with a second by Martha Laura Miller. The vote was unanimous and the meeting came to an end at 7:01 pm.

Respectfully submitted,
Cheryl Buchanan, Zoning Administrator, Town of Banner Elk