

**Town of Seven Devils
Board of Adjustment
Regular Scheduled Meeting/Organizational Meeting
April 28, 2015**

Call to Order

The Seven Devils Board of Adjustment met in regular session on Tuesday, April 28, 2015, at Town Hall. Present were members Bill Wilkinson, George Ehlinger, Bobbye Hurlbrink, and Butch McLean. Member Lois Dodson and Alternate Sarah Manning were absent. Also present were Town Attorney Rob Angle, Town Engineer David Poore, and Town Manager Ed Evans. The minutes were recorded by Sara Miller, Town Clerk.

Administration of Oath—New Alternate Member—Butch McLean—Town Clerk Sara Miller administered the Oath of Office to new alternate member Butch McLean.

Roll Call—Manager Evans initiated Roll Call, showing Bill Wilkinson, George Ehlinger, Bobbye Hurlbrink, and Butch McLean to be present. Lois Dodson and Sarah Manning were absent.

Elect Chair and Vice Chair

Town Manager Ed Evans opened the floor for nominations of Chair and Vice Chair.

Member Ehlinger nominated Bill Wilkinson as Chair. Member Hurlbrink seconded the nomination. There were no more nominations. Member McLean closed the nominations. The nomination was put to a vote and the results were as follows:

4 – Ayes

0 – Nays

Member Hurlbrink nominated George Ehlinger as Vice Chair. Chair Wilkinson seconded the nomination. There were no more nominations. Member McLean closed the nominations. The nomination was put to a vote and the results were as follows:

4 – Ayes

0 – Nays

Manager Evans turned the meeting over to Chairman Wilkinson.

Old Business—None

New Business—Conditional Use Permit Application—Open Public Hearing and Chair’s Statement—

Chair Wilkinson: First, make sure all cell phones are off. Second, there are some questions to ask the Board—Has there been any ex parte communications?

Board: No from all four members.

Chair Wilkinson: Any conflict of Interest?

Board: No from all four members.

Chair Wilkinson: Is anyone bias?

Board: No from all four members.

Chair Wilkinson: I would like to remind everyone that this is a quasi-judicial board, and if anyone wants to make a statement they must sign in and be sworn in before speaking during the public hearing. Everyone will be sworn in at one time. While everyone is signing in, I would like to go ahead and open the public meeting. Remind everyone that in this particular case, a majority vote passes or fails. Normally in a special use permit you’d have to have 4/5 majority, but in this case, we only need a majority. WE only have 4 members, so we need 3 for a pass/fail result.

While people are signing in, I would like to open the public meeting, so do I hear a motion to open the Public Meeting?

Town Clerk: Ed, we need to approve the Minutes before continuing on.

Chair Wilkinson: Let me get out my agenda. We need to have a motion to approve the May 28, 2013 regular meeting minutes.

Member Ehlinger: So move.

Chair Wilkinson: Second. All in favor? (All four Board members vote Aye)The Minutes are approved. I will now make a motion to open the Public Hearing.

Member Hurlbrink: I second that motion.

Chair Wilkinson: All in favor? (All four Board members vote Aye). The motion passes and the Public Hearing is now open. I would like to make a statement before we start testimony. This application is for a Conditional Use Permit that is covered under our Table 5.1 in the Unified Development Ordinance. It is in our Ordinances, it is zoned General Business, the area is approved for a septic system, and that is basically what we are here to decide. At this time I

would like to ask Town Manager Evans, our Zoning Administrator, to make a finding of fact statement. He should be sworn in.

Town Clerk: Do you, Ed Evans, swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Manager Evans: I do.

Zoning Administrator Findings—

Manager Evans: As the zoning admin, I have duties to complete whenever anyone submits an application for a conditional use permit. It is well said in the Findings of Fact submitted in the agenda packet, so I will be reading a good majority of it.

The Town of Seven Devils received an Application for a Conditional Use Permit from Mr. Ronald Sayles, delivered to Town Hall on March 27, 2015. The application was complete and was accompanied by the \$500 fee and all required documentation. The application pertains to property in the Town of Seven Devils that was annexed in 2013 along Aldridge Road, just off NC Hwy 105. The property is located diagonally across from the old Carlton Gallery. The property consists of 1.011 acres and is zoned GB, General Business. The Watauga County Tax Parcel ID is 1878-53-8778-000. There are no improvements on the property at the current time.

Wastewater treatment plants are not allowed by right, but are instead allowed only by the granting of a Conditional Use Permit by the Board of Adjustment. For Private Utilities use, this conditional use applies to all zoning districts in Seven Devils. The conditional uses applicable to a GB – General Business district are named in Table 5.1 on page 5-3 of the Unified Development Ordinance (UDO) and include Private Utilities/Wastewater Treatment Plants.

A Public Hearing notice was advertised and was scheduled for April 28, 2015 in accordance with NC General Statutes. It was advertised in the Watauga Democrat Newspaper as required within the time required by Statute. Additionally, the notice and a packet of information about the proposed use have been advertised publicly on the Town's website, and a sign was erected on the property announcing the consideration of the proposed use and the date of the public hearing. The application and all pertinent information was received at least fourteen days prior to the regularly scheduled Board of Adjustment meeting on April 28 as required.

As Zoning Administrator, I have reviewed the application package and find it to be complete, received in time, and consistent with the Conditional Use Permit requirements.

The Town, nor the Board of Adjustment, has any say in whether the applicant can legally construct a Wastewater Treatment Plant; that decision is made only by the North Carolina Department of Environment and Natural Resources, Water Quality Division. The Board of Adjustment's decision is one that relates only to the permissibility of the use according to the Town's Unified Development Ordinance. That decision is based upon the following, "Does the UDO zoning district allow the proposed use and what, if any are the conditions?" All conditions must relate to public health, safety and welfare.

The applicant intends to house the Wastewater Treatment Plant within a metal building on the property. Our UDO does not require that a wastewater treatment plant be contained in a building specifically, but it is a gesture by the applicant to voluntarily contain the Plant within a building for aesthetic reasons.

The building that will house the Wastewater Treatment Plant is proposed to be a ribbed metal building that is approximately 50' x 100'. This is actually supposed to state 150', sorry about that. A photographic representation of the proposed building is included in the packet of information, and I will show that in a moment. The applicant proposes to add stone to the front façade of the building for aesthetic purposes and to help make the building more consistent with the appearance of other commercial buildings, rather than the appearance of a wastewater treatment package plant. There will be a gravel parking area at the front of the building. The building and site will be required to meet the Community Design Standards as outlined in the UDO, Article VIII, which provides requirements for the appearance of building exteriors, roof slope, buffers to adjoining properties, parking areas, exterior lighting (if any), fences (if any), landscaping, and tree removal.

Prior to the construction of the building that will enclose the package plant there must be a pre-construction conference between the applicant, contractor, engineer, and myself.

In accordance with the UDO, the following may be required in connection with the construction: zoning permit, tree removal

permit, grading permit and plan, sedimentation and erosion control plan and permit, driveway permit, building permit, plumbing permit, electrical permit, sewer system construction plans, and landscape plan.

The request for the proposed conditional use as outlined in the applicant's package is, in my opinion, consistent with the Town's UDO. I'm making no statements about suitability that is totally for the Board to make a decision. I simply present the facts to you.

Chair Wilkinson: Would you please put the design onto the screen to view?

Manager Evans: That is not "the" building, but it is an example of a metal building. Along the front façade the proposal is to have stone around the doorway, about 4' up the front. This is in order to look not like a waste-water treatment plant, but more like a commercial building. I'll state again, our ordinance does not require that, but it is something the applicant said he wishes to do. If you look at waste-water treatment plants, how many of you recognize that building? Do you know what it is? I didn't before the town engineer told me, that it is a waste water treatment plant. It is behind the Linville Post Office. We have two more in Town, one is right beside the Resort Club, and another on the slope at Hawksnest, below HRV and Fifth Fairway condos. Well, unless Mr. Chairman has any other questions for me, I will sit down.

Swearing in of Witnesses—

Chair Wilkinson: No I do not. At this time, I would like to go ahead and swear in all the witnesses that have signed up and wish to make a statement. Can you swear them all in at one time?

Town Clerk: Yes I can.

Chair Wilkinson: If everyone would stand up and repeat the Clerk.

Town Clerk: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God? (Addressing all standing witnesses).

Witnesses: I do.

Chair Wilkinson: Please be seated. At this time it is the Applicants time to present his case.

Applicant's Presentation—

Charlie Clement: Chairman—ladies and gentleman, my name is Charlie Clement, and I have lived here for a long time, since 1971. I moved my family up here, lived in Avery county and since 1975 lived in VC.

Dutch Creek Rd. In 1972 I represented Mrs. Mrs. Crevasse, and wanted a divorce. Her family owned property and a home at the base of Seven Devils Mountain. You can see the remaining chimney on the property next to the Wilco station. Her husband had just killed her son. The son was totally dependent on Mr. Crevasse, had special needs and had terminal cancer. He couldn't take it anymore, so he killed his son. Mr. Crevasse was arrested at 92. I ended up buying 9 acres of land from the Crevasse family in 1973, and have owned it ever since. We have cut locus trees for firewood, rented the home on the property. And then the occasion came along to buy the Foxx property, who lived in the mobile home right at the corner of Seven Devils Rd., where the Hess station is now. The rest of the property I bought was a 2 acre tract that came all the way down along highway 105.

In 1985 hired architect to commence to design a shopping village for the property along 105. The first would be a convenience store. They applied for a permit from NC DENR for a 35k gal per day sewage discharge/treatment plant. The application was granted, and I have kept the permit active since 1985. The Exxon station was then constructed. Once the station was done, they applied to be annexed into the Town of Seven Devils. They felt it was the right thing to do.

The Exxon one acre tract was eventually sold off to Mr. Williams, of Williams Oil Company, in 2007. The septic system behind the convenience store was also sold to Williams Oil Company. Within a year or two, the system failed and was never successfully rebuilt. So, for the last several years, Mr. Williams has been forced to pump and haul away the sewage waste to a separate off-site plant. This would no longer be necessary if the proposed plant is successfully built on Aldridge Rd.

That kind of gives you the background, about why I am so invested in this. About a year ago, Mr. Sayles came to me with a proposition—that the sewage treatment plant planned to be built on the lower end of Mr. Clement's property, be built down Aldridge Rd. The only difference between the permitted plan that I had approved by DENR and what Mr. Sayles planned, was that the plant would be on Aldridge Rd., instead of along Highway 105. I have entered into a verbal agreement with Mr. Sayles that he and I would work together to build this plant. It would be monitored as a public utility, meet requirements of Seven Devils and NC DENR, and also the Utilities Commission. Meeting all of these requirements are conditions of our verbal agreement to put this together. I'm told that once the plant is built, it would be

monitored once a day by a qualified inspector from NC DENR or the Public Utility Department. I believe that concludes what I wish to say.

Ron Sayles:

Good evening ladies and gentlemen, my name is Ron Sayles, and I am the applicant with respect to this CUP. Mr. Clement has pretty much summed up what we're trying to accomplish. We control the piece of property which was the old Carlton Gallery which is currently under construction. It will be used as a restaurant and will need proper sewage treatment to do so. That requires 4,000 gallons per day. We need to treat that amount of sewage and we can't do it with ground water. As Charlie has told you, our agreement is to get rid of the problem with the Hess station. They are currently pumping, and that is not a good solution. Our intention is to tie them into the proposed system, as well as the restaurant, and the rest of the 18 acres that are to be developed. That's basically it. Any questions you may have that are technical please address them to Patrick Warren, our engineer. If you have any questions of me, I'm glad to answer them. And as Charlie and Ed have mentioned we are going to enclose the facility in a building, which is not a requirement. It is a considerable expense, but we want to make sure the area stays as good looking as possible to everyone.

I would like to turn things over to Patrick, our engineer at this time.

Charlie Clement:

Mr. Chairman, I would like to ask the engineer a few questions, is that permissible?

Chair Wilkinson:

Yes sir.

Charlie Clement:

Please state your name.

Patrick Warren:

James Patrick Warren.

Charlie Clement:

Where do you work and live?

Patrick Warren:

I work in Blowing Rock and I live in Hickory

Charlie Clement:

Tell us a little bit about your credentials regarding what you do, and how you can contribute to this particular system.

Patrick Warren:

I have been a licensed civil engineer since 1990, licensed in NC since 1993. My background is primarily in private developments with water, sewer, roads, treatment plants, and well systems— construction of that nature.

Charlie Clement: Have you designed and supervised or overseen construction on plants similar to the one in question today?

Patrick Warren: Yes.

Charlie Clement: Care to tell us when and where you have done so?

Patrick Warren: One is at Willow Valley golf course, and at least three or four along the Watauga River.

Charlie Clement: Now, can we discuss the use and design of this proposed plant, and your professional opinion.

Patrick Warren: My professional opinion is that we are not endangering the public's health, safety, and general welfare. The Plant will be monitored by the State, by a certified operator. They would come in every day, and have monthly reports sent to the State for quality and performance. There will be a complete flood analysis to make sure we can construct a building in that area based on the computer modeling from NC Department of Emergency Management in Raleigh. It will be enclosed in a building, and as Ron and Mr. Clement have stated, it is for aesthetic reasons, and will also help keep the plant at a constant temperature. In my opinion it will improve long-term maintenance and performance of the plant.

Chair Wilkinson: I do have one question. How many gallons besides the 4,000 gallons for the restaurant and the gas station needs—how many other buildings or restrooms could this 35,000 gallons a day treatment plant support?

Patrick Warren: It really depends on the use. Right now the use of that plant is slated for the Wilco, the restaurant, and the proposed development on the Clement property only, at this time.

Chair Wilkinson: And the proposed development is General Business?

Patrick Warrren: It is General Business and Residential. Typically Residential units require 120 gallons per day per bedroom. That's 360 gallons per day per house. So it could serve almost 100 houses.

Member McLean: Do you have an estimated total amount of gallons from the possible buildings would generate, that the plant would treat?

Patrick Warren: The permit for the plant is for 35,000 gallons. When you approach 80% capacity of that plant, the State is going to ask what you plan to do to remedy that. There are no more uses allowed at that plant because there are 8 factors built in. You have to have safety

measures built in, and the plant cannot be operated at 35k per day as a standard demand, it has to have a safety factor built in.

Member McLean: So a 20% cushion?

Patrick Warren: Yes, approximately 20%.

It will be enclosed in a building and will have landscaping around that. We will be eliminating a public safety issue by connecting the Wilco to the plant. The Wilco pumping its waste was not a long-term solution and was very expensive.

In my professional opinion, it will not interfere with existing uses on other adjoining properties. Since it will be enclosed in a building, if you ride by you will not know it's a treatment plant. I think Mr. Evans stated, there are lots of commercial metal buildings along Highway 105, and it will look very similar to those buildings, in my opinion. In my opinion there is no undue burden on public uses in that area. And the only public use I know of in that area is the highway. And basically a certified operator comes to this plant once a day to check on it. It is also required that it is hooked to telephone and internet, so if there are any alarms, the operator is notified in all ways possible, home, cellphone, or to another land-line. And once every six months, solids are pumped out and moved to a solid waste treatment plant, like in Banner Elk.

Charlie Clement: The use of up to 35,000 gallons a day has built into it a reserve, and also the ability to serve additional commercial property in Seven Devils?

Patrick Warren: Yes.

Charlie Clement: This is just the first step along the way..this permitting request. Even though there's a permit for 35k a day, you still have to get plans submitted and approved to DENR and Water Quality and NC Utilities commission.

Patrick Warren: Correct.

Charlie Clement: So this is not an easy task to complete.

Member Hurlbrink: Will 35,000 gallons be the limit? Can that ever be increased?

Charlie Clement: No. That is the limit

Member McLean: What are some of the contingencies in case of a catastrophic failure?

Patrick Warren: This is what they call a dual clean system. There are redundancies in the system itself, so you can switch sides in case of failure. This is required by the State of North Carolina. It will be elevated above flood elevation as per FEMA regulations, to make sure the flood goes around it. I will issue non-impact certification, so that there is no impact either upstream or downstream, in the construction of that building. If there was a 500-Year-Flood or Act of God, there would be down time, but we would get it online by using temporary pump-off to get the wastewater to a treatment plant.

Member McLean: I'm assuming you use the data for 100-Year-Flood.

Patrick Warren: Yes, it is required by the State, and it is a computer modeling that was done in 2010. That is the most current data available.

Charlie Clement: The criteria that you mentioned that is critical to this meeting and to these people, it is something that is required for you to get approved by the State.

Patrick Warren: Yes sir, it is required by NC DENR and also they require a back-up generator for emergency power. This can generate up to 48 hours of emergency back-up power. In my professional opinion, in an evaluation of surrounding properties, I have seen that when sewer is provided to an area, it increases property values, especially in commercial areas, such as this along 105. I'll be glad to answer any further questions the Board may have.

Member Hurlbrink: How many houses would your plan accommodate?

Patrick Warren: Mr. Clement had the master plan developed. So he can answer that.

Charlie Clement: I may be able to answer part of it. My plan has always been to do, and this property calls for, commercial property development along the front. With some residential/mixed used behind. How many residential units we can put on there, depends on the commercial use on that end. For example, there could be a commercial use that could require a lot of the usage, like a hotel. That could require a large amount of gallons of that plant usage, which could cut down on the residential usage/units. So, for that reason, I can't answer your question with more specificity than that. But I know that residential development is based on so many gallons per bathroom, the restaurant is based on the number of seats, and a commercial use like a hotel is based on number of bathrooms. It just depends on how the use checks out. Does that answer your question?

Member Hurlbrink: Yes it does, thank you.

Member McLean: One more question. Utilizing 50% capacity of this system, what is the life expectancy of the plant?

Patrick Warren: This plant could be anywhere from 30-50 years, depending on the type and amount of wastewater treated. Typically the metal has a life expectancy of 50 years. Pumps that are used in this type of system have an expectancy of 15-20 years. There are different parts in the system that would be replaced along the way, which have different life expectancies.

Attorney Definition of Standing—

Chair Wilkinson: At this time I would like Attorney Rob Angle to define Standing.

Attorney Rob Angle: Standing. You have to standing to speak to the merits of this case. You have to have a sufficient connection to, or have harm that could occur to your property by the proposed action, to have standing. It's the same standing to appeal any action of the Board regarding the matter.

Presentation of Arguments & Applicant Rebuttal—

Chair Wilkinson: At this time we can hear from the people who have signed in, and have been sworn in, that have any arguments for this proposal.

Manager Evans: If you plan to speak, please walk to the podium and clearly state your name and address.

Henry Vaughn: My name is Henry Vaughn, 442 Aldridge Road. It seems to me, Mr. Sayles, that you've put your wagon before your horse. What you're going to do to your poop should have been addressed before you started working on your building.

Attorney Rob Angle: Excuse me, when people speak, can you tell us where your property is, Is it adjacent?

Henry Vaughn: I'm about a quarter mile up Aldridge Road from the river.

Chair Wilkinson: That's not adjacent property.

Attorney Rob Angle: I would think it would be in your discretion. I don't know how that's standing from any legal perspective. But as far as hearing from community members, that's something you all may want to do.

Chair Wilkinson: Well technically you have to have some standing, and you're too far away.

- Henry Vaughn:** Does not use of the highway that travels adjacent to it, give standing?
- Attorney Rob Angle:** That would be the State. Basically what we're saying is that you need to be a neighbor to the property.
- Henry Vaughn:** So I have no say in this matter?
- Chair Wilkinson:** That is correct. Who has been sworn in and wishes to speak? Please go up to the podium sir, state your name, where you live, and where your property is relating to the property in question.
- Johnny Townsend:** My name is Johnny Townsend, 273 Aldridge Road. My property joins with Mr. Sayles property in the middle of the river. What I'm concerned about, not as much a building, as the waste water that will be pumped into the Watauga River. Nobody wants waste water or a sewer plant at their front door. This will be within 200 feet of my front door. This will devalue my property. And if it does devalue my property, whoever issued the permit will be held responsible.
- Chair Wilkinson:** Did you have an appraiser tell you that your property will be devalued because of this plant?
- Johnny Townsend:** No, but that is common sense. All of us knows that no one wants property that has a sewer plant in the front yard. So that would be left up to a lawyer, if I were to pursue that avenue. And also the building itself, that has been turned down twice. It will not perk—the County has turned it down twice. So, if it won't perk, there shouldn't be a sewer plant there, with discharge going into the Watauga River. And also where it's at, and I've not trespassed on your property, I've stood looking on my property, the building will be under the power line of Blue Ridge Electric. Blue Ridge Electric will not give you a permit to put a sewer line or septic system under their line. I just finished giving a man an easement to get his line in, because BREMCO would not let him put it on his land, because it would be under their right-of-way. I gave him a 10ft easement, so he could get his field line in. Not on this property, but property behind the church. And that is one of my concerns. Another, I bought that property to have a place that I could, and my son and grandkids would have a place to fish. I can go down and stand on that rock at my property line in August, and you have to hold your nose to stand the smell, when the water is low. There are 22 plants on that river, from Shulls Mills Church to Invershield. There are 22 septic systems going in that river now, if this is put in, I'm sure someone is gonna have to pull some strings somewhere. That's all I have to say.

- Chair Wilkinson:** Mr. Clement, do you have any comment?
- Ron Sayles:** I can address the BREMCO questions. BREMCO is bringing three phase power down Aldridge Road. The line that goes across our property was never given an easement. They are moving the line. There is no issue there.
- Johnny Townsend:** Are you talking about the line that feeds all the houses?
- Ron Sayles:** Yes, they are moving it to Aldridge road. They are coming down the road, and the line is being moved to the other side of the stream, off your property.
- Chair Wilkinson:** Does anyone else want to speak? Have you been sworn in?
- Robin Townsend:** Yes I have been sworn in. I am here representing my mother-in-law, Mildred Townsend who has property adjacent, 320 Aldridge Road. My address is 324 Aldridge Road. I'm addressing the flood issue. Mr. Sayles' property that he wants to put the plant on is in a flood way. It is not in the 100 year flood, it is in the flood way—that means floods can be imminent. We had 3 inches of rain last week, and it flooded the whole bottom. It didn't go across his whole property, just some of it. I have pictures. As far as moving the power line, if you move it across the street, you're moving it over on her MIL property. If you move it over the bridge, it will be on her bridge. So where is the power line going from there?
- Ron Sayles:** No, it will be moved onto my property. The power line won't be changed on that side of the road. It's going to come across to the other side of Aldridge Road, up the road, and back across again. It is just bypassing the lot, that's all their doing. They are getting rid of the line that's on the property.
- Robin Townsend:** Where will the pole be to feed ours?
- Ron Sayles:** It will be on the corner of MY property.
- Chair Wilkinson:** This information is really irrelevant as to what we're talking about.
- Robin Townsend:** OK, I have a question now. You've got Mr. Sayles property, the building itself sat for a long time in at least 3 foot of water, by a beaver pond. When hurricanes Ivan and Charlie came through, it washed out that road across an 8 foot section of that road, 4-5 feet deep, over onto the property that you want to put the plant on. If a catastrophic flood hits this area, it can and it will, where is all of that going when that building is sitting in 3-4 foot of water? Are you going to put it on 10-foot poles?

Chair Wilkinson: All of this information is in the engineering report. The Department of Natural Resources has approved the permit, and if that land floods out, all 22 of the other plants along the river will flood out. We have floods up here, and we all have to deal with them. Do anything else?

Robin Townsend: It's just that people along that river depend on it for their drinking water, ground water, and spring water. No, I guess not.

Chair Wilkinson: Would anyone else like to speak? Charlie, would you like to approach any rebuttal?

Charlie Clement: No, I don't think so, but I would like to say one thing, and I know it won't make this easier, but I understand their points of view. They have been my clients and friends, and I understand. But the law is pretty clear as to what your responsibility is, and for that I respectfully close my argument.

Patrick Warren: Mr. Chairman, as I stated before, I have to do a complete flood analysis, to make sure this building does not risk flood above or below stream, and I have to seal that document. And I take that very seriously, it is a legal document filed with the County.

Member Ehlinger: So what do you propose they do?

Patrick Warren: Well, I am waiting on a cross section from the surveyor. You have to run a cross section of the ground, to run in the computer models to see what the impact of flooding will do.

Member Ehlinger: Are you going to raise it up?

Patrick Warren: Yes we are.

Member Ehlinger: How many feet?

Patrick Warren: Well the 100 Year Flood criteria is 35-39, so I have to be—which is above the bridge. The bridge does flood. Sorry, the numbers are 31-39. So the minimum floor elevation has to be 31-40.

Charlie Clement: Let me ask you this question Mister Engineer. This Board is not charged with the responsibility of determining how high the plant goes, and you are. And you are a certified engineer?

Patrick Warren: Yes I am.

Charlie Clement: You are licensed by the State. And you are the engineer that started this project, and anything that you present is sealed by you, and certified by you to be accurate?

Patrick Warren: Yes.

- Charlie Clement:** And without that, you cannot obtain the permits for your client, can you?
- Patrick Warren:** That is correct.
- Charlie Clement:** So however high it needs to be and those requirements and whatever it takes to build it, is all a part of the engineering that follows the issuance of all the permits that follow this permit. You don't have all of those yet, but you know you have to have it, correct?
- Patrick Warren:** Yes.
- Chair Wilkinson:** Is there anyone else at this time that would like to speak? If not, I'm closing the Public hearing. Motion to close the Public Hearing.
- Member Hurlbrink:** Second.
- Chair Wilkinson:** All in Favor?
- All Members:** Aye.
- Chair Wilkinson:** The Public Hearing is officially closed.

Decision—

Chair Wilkinson proceeded to state that there was a series of six questions to be asked of the Board, regarding the application presented. Chair Wilkinson explained to the Board that they would need to answer each question with a yes or no answer.

Chair Wilkinson read through each question, which are as follows:

1. The application is incomplete.
All four members voted "no" in response to this question.
2. The proposed use will be located, designed, and/or operated in a way that will endanger the public health, safety, or general welfare.
All four members voted "no" in response to this question.
3. The proposed use will seriously interfere with existing uses on adjacent properties, with the character of the area, or with the purpose of the zone in which it is proposed.
All four members voted "no" in response to this question.
4. The proposed use will impose an undue burden on any public improvements, facilities, utilities, or services available to the area.

All four members voted "no" in response to this question.

5. The proposed use will substantially injure the value of adjoining or abutting property.

All four members voted "no" in response to this question.

6. The proposed use will not be in general conformity with the Vision Statement, Comprehensive Land Use Plan, or other plan officially adopted by the Town Council.

All four members voted "no" in response to this question.

Chair Wilkinson, with a vote of "no" on all six questions, stated that the Board approved the conditional use permit presented. The only condition of the approval would be the completion of the proposed building for the treatment plant.

Administration of Oath- Chair and Vice-Chair—Clerk Sara Miller administered the Oath of Office to Chair Bill Wilkinson and Vice-Chair George Ehlinger.

Board Member Comments—None

Adjournment

Chair Wilkinson made a motion to adjourn at 6:40 pm. Member McLean seconded the motion. The members agreed unanimously.



~~Bill Wilkinson~~, Chairman 10/24/2017
George Ehlinger - Chairman



Sara Miller, Town Clerk

Robert Angle, Town Attorney