

**IREDELL COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
AUGUST 7, 2007**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, August 7, 2007, at 7:00 p.m., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

**Board Members Present**

Chairman Marvin Norman  
Vice Chairman Sara Haire Tice  
Steve Johnson  
Ken Robertson  
Godfrey Williams

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Deputy County Manager Susan Blumenstein, and Clerk to the Board Jean Moore.

**CALL TO ORDER** by Chairman Norman

**INVOCATION** by Commissioner Johnson

**PLEDGE OF ALLEGIANCE**

**ADJUSTMENTS OF THE AGENDA:** Planning Director Ron Smith said a rezoning applicant had requested the withdrawal of the following two cases:

*Case No. 0707-3:* Applicant Jan Woodside, on behalf of Owner Tsumas Family Limited Partnership, Requests to Rezone Parcels from Residential Agricultural to Single-Family Residential (R-12) Conditional Use District – Planned Unit Development (PUD)  
(Location: 945 Bell Farm Road, Statesville, NC)

*Case No. 0707-4:* Applicant Jan Woodside, on behalf of Owner Tsumas Family Limited Partnership, Requests to Rezone Parcels from Residential Agricultural to Multi-Family Residential (R-8A) Conditional Use District & Shopping Center (SC) Conditional Use District  
(Location: Salisbury Highway & Bell Farm Road in Statesville, NC)

**MOTION** by Commissioner Johnson to approve the agenda as requested and to grant the two rezoning withdrawals.

VOTING: Ayes – 5; Nays – 0.

Note: On case 0707-4, the applicant will have to wait at least six months before re-submitting the request.

**APPOINTMENT BEFORE THE BOARD**

**Dr. Julie Schopps, Director of Access Care for Iredell County (Managed Care Oversight):** Dr. Schopps was scheduled to make a presentation; however, she was unable to attend the meeting.

**PUBLIC HEARINGS**

**Consideration of an Economic Development Incentive for Carolina Beer & Beverage, LLC:** Economic Developer Melanie O'Connell Underwood said Carolina Beer & Beverage was considering a \$6.5 million expansion, and the new investment would make the company eligible for a \$115,700 economic development incentive.

Corporate Executive Officer Michael Smith said 80 people were currently employed, but at peak times, this number increased to 120. He said 25 new positions would be created by the expansion.

No one else chose to speak, and Commissioner Tice made a **motion** to approve the economic development incentive of 115,700 (over a five-year period) for Carolina Beer & Beverage based on the \$6.5 million investment.

VOTING: Ayes – 5; Nays – 0.

**Consideration of an Economic Development Incentive for the Busch Race Shop:** Economic Developer Melanie O’Connell Underwood said Kyle Busch Racing planned to move its shop in Concord, NC to the Talbert Business Park in Mooresville. She said the company, that employed six people, was proposing a \$6 million investment which would make it eligible for a \$106,800 economic development incentive.

No one else chose to speak, and Commissioner Robertson made a **motion** to approve the economic development incentive of \$106,800 (over a five-year period) for the Busch Race Shop based on the \$6 million investment.

VOTING: Ayes – 5; Nays – 0.

**Consideration of an Economic Development Incentive for the Rubbermaid Company:** Economic Developer C. Michael Smith said the Rubbermaid Company, a Fortune 500 Company, planned an investment of up to \$40 million at the Statesville Airport. He said 20 new jobs would be created.

No one else chose to speak, and Commissioner Johnson made a **motion** to approve the economic development incentive for the Rubbermaid Company in an amount between \$356,000 and \$712,000 (over a five-year period) based on an investment in Iredell County of not less than \$20 million and up to \$40 million.

VOTING: Ayes – 5; Nays – 0.

**Consideration of an Economic Development Incentive for the Amesbury Company:** Economic Developer Mike Smith said Amesbury was planning a \$4.5 million expansion that would create 36 new jobs.

Amesbury Plant Manager Rich Duston said an existing facility in Graham, Texas was being phased out, and Statesville was in competition with another site in Rochester, New York for the project.

No one else chose to speak, and Commissioner Tice made a **motion** to approve the economic development incentive for the Amesbury Company at \$80,100 (over a five-year period) based on a \$4.5 million investment.

VOTING: Ayes – 5; Nays – 0.

**Consideration of a 60-day Suspension of New Telecommunications Tower Reviews and Approvals Pursuant to NCGS 153A-340(h) & More Specifically within any Area Located within Ten (10) Miles of the Statesville Regional Airport, Exclusive of the Planning Jurisdictions of the City of Statesville, Town of Troutman, & Town of Mooresville:** Planning Director Smith said the Statesville Airport Commission had requested the suspension of new wireless telecommunication towers in order to allow the staff adequate time to amend the Airport Hazard Overlay Ordinance.

Commissioner Johnson (also the Chairman of the Statesville Airport Commission) said Bill Maslyk, with the NC Department of Transportation/Division of Aviation, had actually made the recommendation.

Jim Freeland, a private pilot, mentioned the dangers of having large towers in the airport area.

No one else desired to speak, and Commissioner Johnson made a **motion** to adopt the moratorium ordinance as presented.

VOTING: Ayes – 5; Nays – 0.

A copy of the ordinance is as follows:

**IREDELL COUNTY, NORTH CAROLINA  
SUSPENSION OF NEW WIRELESS TELECOMMUNICATION TOWER APPROVALS  
ORDINANCE**

*WHEREAS, Iredell County, as a part of the greater Charlotte region, has experienced rapid growth in recent years leading to significant increases in the County's population and employment growth; and*

*WHEREAS, the Statesville Regional Airport has also experienced changes as a response to this growth in the form of major expansion in order to meet the growing needs of a larger county population and airport client base; and*

*WHEREAS, the Statesville Regional Airport has expanded physically through the addition of property for runways, hangars, and related infrastructure; technically through the addition of sophisticated instrumentation equipment; and in their customer/client base by adding additional long-term tenants, including the Lowe's air facility; and*

*WHEREAS, Iredell County and the City of Statesville have made substantial economic investments in said improvements through local, state, and federal financial contributions; and*

*WHEREAS, the Statesville Regional Airport provides a substantial economic benefit to the citizens of Iredell County in the form of economic development and increased tax base; and*

*WHEREAS, it is an essential role of local government to protect its vital public resources, inclusive of the Statesville Regional Airport; and*

*WHEREAS, Iredell County and the City of Statesville have acted to protect the Statesville Regional Airport by concurrently adopting an Airport Hazard Overlay Ordinance in 2004; and*

*WHEREAS, the State of North Carolina, in the Model Airport Zoning Act, authorized local governments to adopt regulations designed to protect the health, safety and general welfare of their citizenry by passage of said ordinance; and*

*WHEREAS, the County is authorized by North Carolina General Statute 153A-340 to prepare, adopt, and amend land use related administrative regulations and ordinances, as necessary; and*

*WHEREAS, the County intends to adopt upon completion of its review process, an updated and revised Airport Hazard Ordinance; and*

*WHEREAS, the Airport Hazard Ordinance, in its current form, may not adequately address the concern for public protection due to changes in aircraft technology; and*

*WHEREAS, the County has determined that wireless telecommunications towers within the Airport Hazard Overlay may have a detrimental effect on public safety; and*

*WHEREAS, the County has determined that a temporary suspension of the approval of wireless telecommunication towers within a ten mile radius of the Statesville Regional Airport is necessary during the period of the temporary suspension; and*

*WHEREAS, the County Planning Staff, in consultation with City Staff and airport consultants, will undertake research and prepare the necessary draft revisions to the Airport Hazard Ordinance; and*

*WHEREAS, the new Airport Hazard Ordinance will better protect and promote the general welfare of the citizens of Iredell County; and*

*WHEREAS, North Carolina General Statute 153A-340 (h) requires that the following points be clearly addressed prior to adopting said temporary suspension:*

- 1. "A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the county and why those alternative courses of action were not deemed adequate."*

*The Statesville Regional Airport has recently undergone major improvements to allow for precision approach landings on Runway 28 (approach from the east). This necessitated the amendment of the Iredell County Airport Hazard Ordinance in 2004 to insure the protection of*

*the associated approach zone. Some individual aircrafts are now equipped with instruments that will allow this same type of approach on Runway 10 (approach from the west). Therefore, the same type of approach zone is needed for that runway. This particular type of approach path is longer, but at a lesser grade than that currently in effect for the western approach zone.*

*The County has recently had a request to review a site plan for a wireless communications tower at the end of Runway 10. This tower is located within the Airport Hazard Overlay, however it lies beneath the height threshold and therefore is not affected by that ordinance. However, if the approach zone is changed to reflect a longer, more gradual approach, this particular tower location would be close enough in height as to cause concern to some aircraft.*

*As the Statesville Regional Airport continues to grow, and as the airport contributes to the economic development, property tax, and employment base of Iredell County, it is necessary to protect the investments of both the City of Statesville and Iredell County. Therefore, during the time of the suspension it will be necessary to amend the Iredell County Airport Hazard Ordinance to address situations such as this.*

*The adoption of a suspension to postpone the review of new telecommunication tower applications will allow the County to address the specific problem at hand. There is no other way to insure during the amendment process that new towers that may have a detrimental effect on future changes to the westward facing approach zone will be identified and stopped before they are constructed.*

*2. "A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium."*

*Site plan approvals for all new wireless telecommunication towers within ten miles of the Statesville Regional Airport will be affected by this ordinance. These structures are typically the tallest permitted by the County, and are generally congregated within areas close to the interstates. The possible extension of the approach zone would include areas around interstate 40. The moratorium will provide the necessary time for the County to research and evaluate needed changes to the Airport Hazard Ordinance.*

*3. "An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium."*

*A sixty day period from the date in which the moratorium is adopted will enable the County staff a sufficient period to consult with the City of Statesville, airport consultants, and the County Attorney in the drafting of new provisions to address needed changes. The termination of the moratorium shall be on Friday, October 5, 2007.*

*4. "A clear statement of the actions, and the schedule for those actions, proposed to be taken by the county during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium."*

*The County will begin working immediately with all parties to amend the Airport Hazard Ordinance. A new map of the Airport Hazard Overlay will be drafted, and will be taken to the Board of County Commissioners for review and approval. The sixty day period will allow the staff to develop these proposed changes and present this to the Commissioners at a public hearing while meeting the statutory requirement for notification.*

*NOW, THEREFORE, be it ordained that the Board of Commissioners of Iredell County, North Carolina, hereby adopts this Suspension of New Wireless Communication Tower Approvals.*

*\* \* \* \* \**

**Case No. 0703-1: Owner/Applicant Harry Phillip & Louise McLain Along with Charles Michael & Janet McLain Request to Amend the Iredell County Land Use Plan and to Rezone a Portion of Property from Single Family Residential (R-20) to Heavy Manufacturing Conditional Use District (M2-CUD):** Planning Director Ron Smith summarized the staff report, as follows, for this case:

**CASE NO. 0703-1**

<b>OWNER:</b> Harry Phillip & Louise McLain	Charles Michael & Janet McLain
594 Snow Creek Road	832 Snow Creek Road
Statesville, NC 28625	Statesville, NC 28625
(704) 871-7468	

LOCATION: The property is located at 964 Snow Creek Road, in Statesville, NC; more specifically identified as PIN# 4729-73-0708. Directions: Take Wilkesboro Highway north from Statesville; turn right on to Snow Creek Road, property is approximately 1 mile on left.

REQUESTED ACTION: Rezone a portion of subject parcel from R-20, Residential to M2-CUD, Heavy Manufacturing Conditional Use District and amend the Iredell County Land Use Plan.

- ♣ Use limited to bio-diesel manufacturing.
- ♣ Commercial truck deliveries limited from 7am-7pm Monday thru Saturday.
- ♣ No animal rendering shall take place on the property.
- ♣ A fire extinguishing system, approved by the Iredell County Fire Marshal's office, shall be required.
- ♣ All outside storage tanks and loading facilities shall be located at least 100' from any residence.
- ♣ Dikes shall be required, and must meet the requirements of SR 42. E. of the Iredell County Zoning Ordinance.
- ♣ Tank maintenance must meet the requirements of SR 42. F.
- ♣ The gravel driveway shall be located in accordance with the requirements of NCDOT and will be moved to the west from its current location.
- ♣ A chain link fence, with screening that meets the requirements of the Zoning Ordinance shall be provided between this property and that located directly to the east.
- ♣ A 30 foot, undisturbed buffer, must be maintained between this property and adjacent residential properties.
- ♣ All applicable approvals must be obtained before commencing operation, the agencies that must be consulted include, but are not limited to, the following: Iredell County Fire Marshall, Iredell County Inspections, NCDENR, EPA, and NCDOT.

PROPOSED USE: Bio-diesel fuels manufacturing.

SIZE: 7.88 acres.

EXISTING LAND USE: Farm with crop cultivation.

SURROUNDING LAND USE: Residential uses are located along Snow Creek Road to east and west of site, farmland adjoins property along east, west and north.

WATERSHED REGULATIONS: The subject parcel is located within the South Yadkin Protected Area.

TRAFFIC: This section of Snow Creek Road had an average of 670 vehicles per day in 2005.

ZONING HISTORY: The subject parcel has been zoned R-20 since 1998 when a large non-owner petition was brought before the County and subsequently approved. The area was previously zoned Residential Agricultural when countywide zoning took effect in 1990. The surrounding area is largely rural farmland with scattered housing, although suburban styled housing patterns are encroaching into this area.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for future residential development. This entire area is zoned either R-20 or RA.

As property becomes more expensive, local farmers are examining options to sustain their way of life. This proposal is an extension of the McLain's large

farming operation. Staff feels it is important to slow the conversion of farmland to residential suburban development and supports the use of existing agricultural resources of Iredell County to provide a more direct market for farm-related products. However, in this situation the potential for problems exists. This operation, in the opinion of the staff, is located too close to adjacent residences. The types of materials that will be utilized and/or produced on the property are potentially hazardous, and are not generally found in or within close proximity to residential areas. The potential for fire or other hazards is also increased due to the type of facility we are reviewing.

With the right restrictions (including a setback of at least 500 feet from residentially zoned property) this type of facility could be located in a rural area. However, because of the geographical location of this proposal, the staff feels that the potential risks are too high, with relatively few conditions. If the proposed facility were located in an area that was not in close proximity to houses, it would pose less potential hazards and would therefore be looked upon more favorably.

**PLANNING BOARD ACTION:** On March 7, 2007 the Planning Board voted 10-0 to recommend approval for both the Land Use Plan amendment and the rezoning request.

### **SPEAKERS**

**Phil McLain (owner/applicant):** *My name is Phil McLain. This is a joint venture. This is a family project that our family is putting together. I'm in partnership with my brother, Mike, who is behind me, and my son, Phillip. I have some things here that I'd like to submit to the board. If it's okay. It gives some background and some information. Would it be all right to submit those to you at this time?*

**Attorney Pope:** *We do not know what it is.*

**Phil McLain:** *It is a package of information that tells about the people who are going to give testimony. It is also about the process ..... there's a schematics in here ..... there's information ..... there's tank quantities. It's gives what types of chemicals are being used. It's just everything about it that we could think of to assemble for you to peruse as we are talking about things tonight.*

**Attorney Pope:** *Are you prepared to identify each document in there to verify the contents?*

**McLain:** *Sure.*

**Attorney Pope:** *All right. When you've done that we will consider that.*

**McLain:** *Okay. Can I present these now?*

**Attorney Pope:** *Yes.  
(Materials are distributed.)*

**Phil McLain:** *Mr. Chairman. May I have a clarification please? About giving testimony. I have subject matter experts here tonight and they can give testimony. I was going to introduce them as I did my 15-minute thing, but since I have 5 minutes now, should I introduce them and let them take their two to three minutes? And then me continue after that or how would you want me to proceed?*

*(Chairman Norman conferred with Commissioner Robertson, the timekeeper.)*

**Commissioner Robertson:** *I thought we were waiting for them to start.*

**Chairman Norman:** *Okay. We'll go ahead. I don't have a problem as long as they realize they have three minutes each.*

**Phil McLain:** *It's going to make it harder for you to keep up with my minutes, but I'll be glad to do it any way that you want me to.*

**Chairman Norman:** *They'll have three - you've got five (minutes).*

**Phil McLain:** *Well again, ladies and gentlemen of the board. I'm so happy to be here tonight ..... finally. I think we can all agree, here in the room tonight, is that we'll all be glad when this is over. There's been a lot of speculation, and there's been a lot of interesting facts going around. And I'm glad that we were sworn-in tonight. Because everything that I'm going to offer you tonight is going to be right much different from what*

*we've read in the papers and what people are saying. And what I'm going to give you are the facts and you don't have to believe me. You can believe the subject matter experts that we have here. Their resumes are in there so that you can see that they've got over 30 years of experience. And so what I'm talking about tonight is not conjecture at all. It is all known quantities. One of the members in the community told me that we simply do not know what's going to happen with this. Well, we do. It's already being done in adjoining counties. I also have a subject matter expert here tonight. His name is Randy Dellinger, and he owns a facility in Caldwell County. He will have an opportunity to come up. We also have someone here from DENR ..... Patrick Grogan, who will talk about issues of the permits that we'll have to do, and everything like that. So, I'm just going to address the things that I need to address and let them address all safety issues, dyking, things like that ... matters about chemical questions and so on. Some of the things that I need to talk about is why ..... first of all ..... I think the question has been asked. Well it's been said it doesn't belong there. It's the first one I want to respond to. This is an agricultural situation. On this very farm, my grandfather owned this farm, and he had a cotton gin. And he also had an alfalfa dehydration plant. They were doing value added a long time ago. We are really just following in principle the things we've always done in Iredell County. And we're just continuing that. The difference is back then, they didn't have the requirements that we have now and so we have to follow those. But, these are products ..... it's not going to be any bigger than six million gallons. We've talked about 20 million in the paper and in other places, but it's not 20 million gallons. It's six million. That's the most my plant can produce ..... our plant and the experts here will testify to that. If we do that, then that keeps things down to a much smaller level. In the beginning we may not use anymore than what we can produce on our own farm. Probably at least half of what we'll use on the start will come from our crops. This will directly benefit us to bring a product to the market that will give us more value and agriculture. We in agriculture have worked hard for years to try to get closer to the consumer. We've been encouraged to do this by the federal government, and its being done all over the land. It's done everywhere. And we're just trying to follow suit. The benefits, economically, to the community will be fantastic. It's not just going to benefit us, it's going to benefit our neighbors. Our neighbors who are farmers that grow crops, if they grow soybeans and sell them to our processing plant they'll gain 50 cents a bushel by not having to take them to Raleigh. If they buy the soybean mill or canola mill they don't have to drive all the way to Raleigh to pick up that mill. So, dairy farmers and poultry farmers can save as much as \$12 a ton. So, that money all remains in Iredell County, and if there are any profits that come from this project, and I'll be honest with you, I don't know if this is going to be a profitable business. The reason that we've gotten into it is because we are concerned about the future. Are we going to run into a crisis in the future, where we have a disruption in our fuel chain. And we've seen that already just from a hurricane in New Orleans. I do think this is going to happen more and more in the future. This country is not very loved in the world, and our Achilles heel is petroleum. They've got us over a barrel, so to speak. I think someday we're going to see some real problems because of that. If we have a biodiesel facility in Iredell County, and those disruptions occur, then there's an opportunity for us to be able to continue because we're producing biodiesel at that facility. So, it's a security issue more than it's a profit issue, and that's why our family wanted to get into it. And everybody in the community, if there's a problem like that, we would be glad to help our neighbors out if they got into a crunch like that. So that's one of the other reasons. Another big issue that comes up is truck traffic. We're going to add 26 trucks to the road if we go completely to 6 million gallons ..... that includes the processing part, and the biodiesel part. Twenty-six loads means 13 coming in and 13 going out. And there's just less than 700 already now so that's not a big issue. Some of the other issues we need to talk about are the safety issues.*

**Bryan Leach (opponent)** *(Shared PowerPoint slides as he spoke.) I live adjacent to the proposed location on Snow Creek for the biodiesel plant, and yes, I'm against it. I would just like to show some slides here on where we live and make some comments on what Mr. McLain has stated. This is Snow Creek Road, and I'm just trying to figure out what part of M-2 fits into R-20. I really don't think that heavy manufacturing district should go into a single family residential district that we have as a community out there. I don't know if you're familiar with Snow Creek but here's an aerial photo of what Snow Creek looks like now. The arrow is the proposed location for it to go there. This is the industrial park in Statesville. This is where I think it should be with the rest of industry. It's a better fit there, the fire department is better to handle it there. The truck traffic is already there. The roads are there for everything. Mr. McLain is stating that they can produce 6 millions. I figured at 3,744,000 gallons that it would take 936 tractor trailer loads. That's 18 trucks a week. I can't give you hard statistics coming in and out because I don't know his by-products coming in. Don't know where it's going to go, whose going to get it. If it's farmers coming to get it, but I can tell you the traffic on Snow Creek Road is going to go up at least 40 to 60%. I see a number of trucks now, but the number of trucks to be added will be greatly increased. This is a picture of the plant that's there now that came out of the newspaper. The entrance in the proposed location right now that they have is the entrance driveway on the top of the hill beside my driveway on Snow Creek Road. But before you get there, there is a blind curve to the entrance that you can't see at all. You come around that curve and you have less than 290 feet before you get to my driveway. This is the driveway for the location. The entrance now ..... there's the proposed location at 100 feet away from the existing entrance. In this next picture, it will show you all three driveways. Mine is the 956 Snow Creek driveway. The McLain farm entrance now is directly beside mine or 2700 feet away, and the proposed entrance is 100 feet away. This is coming from the other direction on Snow Creek. You can't even see the proposed location for the driveway. Would you like your child waiting on a bus in all that traffic? This is my son standing beside the road. This will be a school bus stop for my kid to go to school and all this diesel fuel and methane coming by everyday. This is the Bridges' residence which is the neighbor in the curve. This is what their view is from their front yard from Snow Creek Road to show a proximity to where the plant would*

be. This is from my house. It is 291 feet to the building of the proposed location. This is the distance between my driveway and the existing driveway that's there. It is 90 feet from my outbuilding to the facility now. From my guest house, where my mother-in-law lives, it is 182 feet from her front door. It is 192 feet from the driveway to her front door. A special-use permit, on item #4, says 'The special use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.' You think with a diesel fuel plant in my backyard that I'm going to be able to sell my house for its appraised value? There's the appraisal right there. My house is appraised at \$220,000. If this plant were to go in, do you think I could sell it for that? We moved there to be in the country -- not an industrial park. These are just some pictures to show you what Snow Creek Road looks like from one end to the other. They (structures) are all houses on Snow Creek Road. I don't see a single manufacturing facility on Snow Creek Road. Also, we have a pond across the street. (Inaudible part) runoff to eventually wind up in the Catawba River -- eventually. There's the sign for the school bus stop ahead but after you go over the hill you couldn't even see the bus over there. That's just the proposed location. There's the building the equipment is in. And there's the McLains (home). Would they like it beside their house?

**Jay M. Railey (on behalf of McLain family):** I am a registered professional engineer in the State of North Carolina, and the owner of an engineering company that specializes in process engineering of these types of facilities. The facility will use various materials as outlined in your packet. The material safety data information is enclosed. I can assure the county commissioners that these types of facilities are designed to intrinsically safe conditions as dictated by the National Fire Prevention Association and National Electrical Code. There will be several construction permits required to do anything like this and as a part of the normal approval process your local fire marshal and local building inspection office will have final interpretation of any such regulations. We've designed these types of operations to national guidelines. Final approval is local building inspection dictated.

**Patrick Grogan (on behalf of McLain family)** I'm Patrick Grogan and I'm a representative of the North Carolina Department of Environment and Natural Resources. I'm a one-stop permit coordinator. I've been working with Mr. McLain since the spring on all environmental permits that will be needed. Based on the calculations from his consultant engineers he will be below the minimum requirements for the air quality permits for the state. You do not need an air quality permit until you get over five tons of pollutants and he is well below that. All the tanks will be required to have spill prevention counter control measures which is the dykes that you are hearing about which will contain the volume of that tank if it were completely full and had a complete eruption ..... which all of the liquid would spill out. They are required to have that containment. We've gone through all the other environmental permits through the state, and as I'm getting new information, if permits will come up, he will be required and regulated through the state to get those before production has started.

**Randy Dellinger (on behalf of McLain family):** My name is Randy Dellinger. It is a pleasure to be here. I am a managing partner in Foothills Bio-Energies, which is a biodiesel production facility in Caldwell County. I'm here to speak tonight about the esthetics of a biodiesel production facility. In terms of a chemical processing facility, it falls fairly low on a totem pole in terms of hazardous materials and so forth. So if its constructed within the electrical, and fire marshal codes and so forth, they are fairly benign plants to operate and maintain. There are some concerns. He is working with a very good engineering and design firm, and I'm sure that they'll take all those things in consideration. My doors are open for any of you guys to come visit and get a tour of our plant. I have another engagement that I have to be at shortly tonight, but feel free to contact me. My contact information is available in the packet or through Phil. I know the gentlemen, or the design firm working with Phil, and I can speak highly to their credentials.

**Bill Pitt (opponent):** My wife and I own the land directly across Snow Creek Road from the proposed rezoning site, and I certainly appreciate the opportunity to appear before you and make the case for not approving the zoning change from R-20 to conditional use heavy manufacturing. It must be said that renewable fuels in general need to be a part of our country's future energy plans and biodiesel fuel should be a part of that future. But the materials and processes used in the production of biodiesel and the waste products generated as a result of the biodiesel reaction makes the proposed site unsuitable. The process itself is called transesterification, and in its rendered animal fat or soy or canola oil is mixed with an alcohol, typically methanol in the presence of a catalyst, typically lye, or potassium hydroxide. The mixture is heated to approximately 140 degrees and stirred for two hours. A chemical reaction takes place producing glycerin and biodiesel. After the chemical reaction, the biodiesel is submitted to a wash step in which water in the amount of 50 to 100% of the biodiesel volume is added, gently agitated, then the mixture is allowed to settle ..... so it can separate from the fuel taking left over methanol and lye with it. The intended volumes of the petitioner's plant at six million gallons per annum would require roughly 24,000 gallons per day output on a 250 day working year and approximately 2800 gallons of methanol and approximately 240 gallons of lye input. If lye is the catalyst, 50% more methanol then the formula rate calls for is used to achieve a high rate of conversion of the oil to biodiesel. If potassium hydroxide is used as the catalyst, 100% more methanol is used. Any of these capacities will require tanker truck loads and lots of methanol, multiple drum load deliveries of lye or potassium hydroxide and safe storage of them as well as suitable and substantial storage capabilities for in-processed biodiesel, finished biodiesel, biodiesel wash water, and glycerin. While you consider the challenges of safely transporting, storing and handling these volumes of materials at this site, and specially, in view of the fact that

it is in an important watershed for Iredell County, let's look a little bit at the outputs of this process. At a run rate of 6 million gallons per annum, approximately 12 million lbs. of glycerin and 3 to 6 million gallons of wash water will be generated and will need to be stored. These products, especially, the glycerin will be laced with lye and methanol. How are these materials and these volumes going to be dealt with safely? What do the storage facilities look like? Are they appropriate for volatiles ... like methanol, or caustics ... like lye?

**Steve Ward (opponent):** I live on Wilkesboro Highway about a half to three quarters-a-mile from the proposed plant. I have lived in this area since 1979. Most of you know me, but for the ones that don't, I am a retired North Carolina State Trooper. I retired with 30 years of trained experience in traffic and accident investigation. I have been certified in court cases as an expert. The road width in this area, where the proposed site is going to be, is 8' 6" and this is a one-travel lane. The shoulders range from 3 to 5 feet. There is an average of 920 vehicles traveling the road a day. The last traffic count on this road was done in 2005. There are five school bus routes on Snow Creek Road. School buses will be traveling this road in the morning and afternoon. There are school bus stops near the prepared site. When school takes in, the risk of accidents increases tremendously because of the school traffic which includes parents taking children to school in the morning, and in the afternoon. School buses also travel this road with numerous inexperienced drivers of school age. By adding more truck traffic, the risk of accidents increases. If this site goes into full operation, there will be as many as 20 trucks a day entering this site. Going east on (inaudible) road is a distance first (inaudible) out of the curve on the proposed driveway is approximately three-hundred feet. If an automobile driver traveling on Snow Creek Road at 55 mph sees a hazard it takes them 255 feet to stop. This is called a panic stop. A vehicle traveling 55 mph is crossing 80 feet a minute per second. Two vehicles going in opposite directions will cover 160 feet per second. A school bus traveling at 45 mph is traveling 66 feet per second and if it were an automobile it would take 189 feet to stop. Trucks traveling this road going to the site and hauling animal waste, for grease, will most likely be spilling liquid on the road, especially near the driveway ..... are required to cover ..... the trucks are required to cover the road but you can't keep the smell under the cover. If a truck wrecks, the spill is multiplied. I have been on these wrecks. I know the smell. It is multiplied twice if it is on the ground, and the cleanup time takes longer. There have been numerous accidents on Snow Creek Road, and at least two fatalities, at or near, where the proposed driveway is to be.

**Jerry Mishoe (opponent):** I, and my wife Becky, live at 1044 Snow Creek Road. Our property does join the McLain property. Our upper property line is approximately 500 feet from where the proposed biodiesel site will be. At any particular time, if you look out of my family room, our kitchen, our side yard, we have direct view to this site. We have a view of where the proposed truck entrance will be and where the present one is. I would like to enter into evidence, if I may, my credentials and I will tell you what they are ..... I take issue with what is safe and what is not safe. I am certified by the North Carolina Department of Labor as a certified MSHA instructor. That is Mine Safety Health Administration. I am certified by TIA (Tire Institute of America) in explosions of contained vessels. I'm safety director for a service facility and a trucking division. I'm here tonight not in opposition to a biodiesel facility, but in opposition to rezoning R-20 land to M-2. These two zoning requirements are at opposite ends of the spectrum. We are 100% for the greening of America. We are for biodiesel. We are for renewable fuel sources, but only in an approved M-2 industrial site. And I think these M-2 industrial sites were approved by the commission here and are in the Iredell County Land Use Plan. There was some talk about the opposition a little earlier when the McLain family, who are friends of mine, and are neighbors of mine -- when the Lowes Corporation was coming to northern Iredell County, Phil led the opposition against Lowes Corporation in trying to combat the M-1 zoning. That was an industrial facility. Inadvertently, it was approved. Mike led the charge in the R-20 zoning which was passed at much displeasure to the Snow Creek community. I don't understand, once we have the zoning in place, why it needs to be changed again. As you saw from the slides, this is a residential community. There will be no benefit for myself, or the property owners there, we will have to subsidize their operation with decreased value of our property. I have grave concerns for our safety. The safety of our livestock, the safety of our land, and the safety of our water supply. There are three basic chemicals involved in the biodiesel production. They alluded to the MSDS (inaudible) I presented to you copies of the MSDS sheets. I take direct opposition as a person with some expertise in these fields in discussing these chemicals with you. Sodium hydroxide, methanol -- methanol is a highly flammable gas.

**Raymond Odom (on behalf of McLain family):** I went to school in the great state of Louisiana. I'm a chemical engineer with over 30 years experience in this business. I've worked alternate fuels in California trying to make ethanol from sugar beets. I've dealt with methanol over 100s of thousands of gallons stored (inaudible) with the Borden Chemical Company. It is highly protected by dykes and by fire protection systems. I take offense (inaudible) methane in this process. Methane is a gas, and there's no methane in this process. It's preferred catalyst is sodium methoxide - not caustic anymore because (inaudible) actually water. There's no wash water in this process. If you see the process flow diagram, it shows an exchange system. There's a lot of processes out there that use wash water to purify the biodiesel. Mr. McLain will not do that. We will give him a system that will have no wash water anywhere in the system. The only water he will have is water from his cooling system when his vacuum pumps ..... which has to be a pump and haul permit, if he prefers to do it that way. I've been doing this an awful long time and I'll answer any questions. There is value added to this. Also, the methanol is also not a gas, it's a liquid.

**Mike McLain (owner applicant):** I thank you for this forum to express our views. I am a fourth generation farmer. My home is on the farm we are proposing to rezone. My wife, Janet, and I, have two five-year-old kids. We have a vested interest in this community just like our neighbors. Our well is 400 feet deep, and we use the same water our neighbors use. The prevailing wind blows from west to east. The proposed site is west of us. We smell the same odors from the west -- just like our neighbors. Our proposed facility will not contaminate our water or the air we breathe. I'm certain my family and neighbors will be totally safe from this venture. There are a few things that have come up with the 500 ft. setback. We will agree to the 500 foot setback and move this facility up the hill to accommodate our neighbors. Also, we will move the driveway from its present location and move it further west. One comment I have about truck traffic. Yesterday we were harvesting corn silage and we chopped 85 truck loads. Each truck load went on Snow Creek Road and most of it was hauled after everybody had gone to work. I don't it -- if everybody saw those trucks. I'm sure they probably saw some before they went to work, and they saw some when they got home. But, each load that got on the road was off of the road, before the next one got back on. So there is plenty of time between trucks, and that's 85 trucks in one day.

**Janet Hall (proponent):** I live on the Snow Creek Road. I lived in town before marrying and moving to the farm. Residing among those who make their living by farming gives one a newfound respect for agriculture and how much we depend on these individuals. I quickly realized that farming is a high-risk occupation. Most people do not have their income based on the weather - working more than 12 hours a day, with no overtime, or weekends off. Farmers do not have a guaranteed paycheck with benefits. People who move to the country sometimes think that it is all quiet with birds and wildlife that abound. We need to remember, when we move to the country, it is not a country club, a residential development, or a hunting preserve. Farming is a business that provides our food and raw materials for consumer goods. All of this takes machinery, and most of all, we need to remember the farmers were in the country before anyone decided to move to the country for the quote unquote Good Life. The biodiesel production proposed is being done by a farmer family that has been good neighbors and stewards of the land for the past 26 years that I have lived there. Agri-business must keep up with the times by implementing new ideas. If farmers do not find ways to make a profit, the land becomes too expensive and usually the next things you see growing are housing developments. Biodiesel has been developed to expand the use of agriculture products as an environmentally safe method of alternative fuels. I applaud the McLain family for forward thinking to keep farming one of the leading industries in Iredell County. In keeping with the slogan of Iredell being the Crossroads of the Future, I encourage the commissioners to support sustainable agriculture in Iredell County.

**Randy Bridges (opponent):** I live at 991 Snow Creek Road with my wife. You have heard many of the reasons why my neighbors and I believe that this biodiesel refinery should be located in an industrial park. Let me reiterate that the issue that you will be deciding tonight is not the merits of biodiesel. The true issue is simply whether the proposed site is appropriate and whether its location will, in the words of the conditional use zoning ordinance, 'materially endanger the public health or safety if located where proposed, and that the location and character will be in harmony with the area in which it is to be located.' As to the character of our geographic area, an area lying between Highway 901 to the north, and Sullivan Farm Road and Fort Dobbs Road to the south, and lying between Highway 115 to the west and Jennings Road and Highway 21 to the east, there are 39,000 plus acres, and there are only 129 acres zoned for any type of commercial use within that boundary. I would like to introduce the zoning map as evidence to that. Our neighborhood has been stable. In fact according to the Iredell County Building permit records, for the last 10 years there have been 25 building permits. One was a modular home that replaced a dwelling that was torn down. There were many decks and remodels. There were no net increases in dwellings on Snow Creek Road in the last 10 years. I have a copy of a report prepared by Steve Warren to that effect that I would like to introduce. How can the petitioners ask the Leaches, the Pitts, the Mishoes, the Wards, the Reavises, the Bridges, and all the other farm families to subsidize the cost of the refinery by plummeting property values and increased insurance rates due to the proximity of an industrial site. I also would like to introduce the disclosure form required at the sale of a residential property by North Carolina General Statute 47(e) that requires you to disclose commercial or industrial use. It says, 'noise, odor, smoke, etc. affecting the property.' Of critical importance to all citizens of Iredell County is in that approval of this petition will set a legal precedent of industrial sites in residential communities. On what grounds then will the commissioners be able to deny future petitions for heavy industry in any other residential neighborhood.

**Juanita Bridges (opponent):** I'm Juanita Bridges, the wife to Randy. You know, the other evening we were out on our patio, and we've lived on Snow Creek Road for 30 years. It's our home -- it's a good home. We've raised two fine sons there, and our grandchildren visit and play in our yard almost every week. It's a magical place to live with all the stars twinkling and a full moon. We have a little frog pond that's right outside, and the bugs flit around it. We listen to cicadas and their music. How lucky can we be? But overshadowing this idyllic setting was the thought that this may be our last year to enjoy our little piece of heaven. We feel safe in our own home and comfortable with our grandkids playing in the yard. Why? Because we've read all these reports of explosions of biodiesel plants, of raging fires that fire departments are not equipped to control, and the evacuations of surrounding homes. We've researched the respiratory problems caused by exposure to even minute quantities of dust from the sodium hydroxide used in the process. We've read of the necessity of full biohazard suits, gloves, and respirators when handling these chemicals. We dread the tanker trucks coming in and out at all hours of the day to transfer the methanol and caustic chemicals from truck to tank and tank to

the truck. We've watched the runoff from the thunderstorms thrust down from the field from this site, under the culvert, and it blows across our yard just inches from our well. If the plant goes across in our front yard, we are not going to be able to live there. We do not know how long it will take to sell our home, nor do we know how many tens of thousands of dollars that we may lose to sell it. Perhaps someday, our home will become an office for an industrial park. I don't know, but I do know this, I love my family. I love my neighbors and I truly care about my home. I truly care about our community and Iredell County. I trust and pray that you do too. If you do, I'm confident that you will preserve this little part and parcel of what makes Iredell County great. This is the very heart and soul of the Snow Creek Road community.

**Harry Watt (opponent):** I live in the Trinity Fire Department area, a few miles south of the Snow Creek Road. I work in the wood products industry and a lot of factories. We use things like methanol in our finishes. What I would like to talk about today is fire issues and fire hazards. For ten years, I was a fireman at Trinity Volunteer Fire Department, and I put out a lot of fires. In a rural area like the Trinity fire district, we have trucks that may produce -- we can pump say 1500 gallons a minute through one of our trucks, but we always had difficulty trying to feed water to them. In this particular location on Snow Creek Road, as I understand it, there's hydrants on Snow Creek Church Road that will produce 900 gallons a minute. And that will feed sprinkler systems unless they are overloaded, but it won't feed but one fire truck. I was at the site 25 years ago when we had a big silo fire in one of the silos and even though we had 20 trucks there, it's sometimes inadequate for what actually happens, and things get out of hand quickly. I do want to present as evidence -- here in Statesville we did have a biodiesel plant that caught on fire in 2006. It was not in somebody's back yard. It was in a 10,000 square foot building. So these things can have fire hazards and I'd like to present this to the board. Also, I'd like to present just a few cases of some biodiesel plants burning, and they do burn. If you'll remember in the last two years here in North Carolina, we had serious fires at Morganton and Apex, North Carolina. These caused huge problems. The whole plants burned. There were explosions. The whole success depends on maintenance and quality control. Even though I came from a farm background, farming and chemical processing is not the same thing. Chemical processing is quality control, engineering, and consistent attention to detail. Farming is a lot of, get her done, move fast, keep moving, get it close, and an industrial site in a residential area -- I don't think is appropriate.

**Nelson Riddle (advocate):** My family and I run a dairy - probably less than a half-a-mile from this proposed site. When I first heard about the biodiesel, I had just read an article about the dairy farmers being able to benefit from the biodiesel plant as far as using the by-products such as the soybean mill type product to feed to their cows. Right now, I'm getting about two hours away of having to pay to haul it in. So that was a plus for me as far as using a product like that to feed the livestock. I think it will be good for the farming community in general. As Phil mentioned a while ago, the buying and selling markets that I could buy it locally -- some of the by-products to feed to the cows. It also provides a selling market for the people selling the soybeans, the canola, and sunflower and all that stuff. Another thing I wanted to talk about is environmental regulations that they'll have to adhere to. I can attest to that -- back when hog lagoons down east and cattle places got hit too. We have gone through a lot environmental regulations, things we have to deal with, things we have to keep in code ..... regulations and inspections both. We get inspected state, federal for cow manure -- we get inspected for milk quality -- just milk producing. Trust me, these inspectors -- they are going to be picky because they like their jobs, and they want to keep their jobs. They are real strict people on what they do. In the final, I want to say we've worked with the McLains for several years now, and I've found them to very good operators, very professional in how they do business. They basically run a first class organization. That's my experience I've found with them.

**Chris Cartner (proponent):** I live at 2436 Old Mocksville Road, and my business is Country Boy Landscaping Inc., located at 429 Old Mocksville Road. I come here tonight to ask your support for the environment, small business, and agriculture by allowing the construction of the biodiesel facility on Snow Creek Road. I understand through personal experience, through my Old Mocksville Road facility of the importance of proper zoning and a separation of business and residential areas. However, I believe the applicants' current stewardship of the land along with their current investment of personal residents adjacent to the proposed facility bear evidence to the relatively low impact on residential and agricultural properties of the proposed facility. The proposed facility will increase overall environmental stewardship and provide economic opportunity for Iredell County. With your approval, Iredell County can take another step forward in leading North Carolina's changing agri-business landscape. The consequences of approval are enhanced environmental stewardship and economic prosperity. I urge you to support this endeavor.

**Dale Brown (proponent):** I, too, am a fourth generation farm owner out in that Central community. I knew their grandfather, J. Hugh and father, Harry. I've known these guys ... this family has set a standard for agriculture way beyond what we've seen in this county before and the integrity is there. I honestly believe with them living there ... with their attempt to provide a market which is so needed in this community. I know my grandfather operated a water wheel mill on the river down there which was a market for the grain and the wheat to make flour and so on. This market for the agriculture community is so needed. We have a cattle market over there that provides a source for farmers to sell their cattle. We need a market like this to provide a resource locally for grain instead of taking a discount to ship it elsewhere. With this restricted size that he is taking on -- it's certainly controllable. I think someone made the comment that he's going to be dealing with chemicals and so on -- well those guys are dealing with more chemicals everyday than most anyone

around here. And you look at the fields they cultivate. They're beautifully done. They do everything in a first-class manner. I just want to endorse them. They are here to stay. They didn't just arrive yesterday to try and push something over on us. Look at tobacco farmers. They are closing down. They are needing other things to do. This will provide another resource that we did not have before for these people to move to. I appreciate what they're trying to do.

**Lorraine Watt (opponent):** I'm a land owner in the area. I'm very much for alternative fuels. I think there's a need, and Iredell County should be involved in this. My concern is -- think about it -- it requires all these permits -- special tanks, special ditches, special safety systems. This implies that there's some inherent safety issues with a biodiesel plant and because of this, I think the appropriate place for this type of plant is not in a residential area but in an industrial park. Iredell County has industrial parks. I think this is where this plant should go. As a resident of the area -- I don't have children, but I'm very concerned about truck traffic. I'm concerned with the school buses. They said trucks would travel from 7 a.m. to 7 p.m., that involves all the time the school buses are on those roads. North Iredell High School is in the area. All the teenagers who are learning to drive. There's a lot that travel on Snow Creek. I'm concerned about that. Personally, I'm a bicycle rider. I love north Iredell. I get to go out and ride my bike. I ride that on Snow Creek. I don't want to come around a curve and see one of those tanker trucks so I'm concerned -- not just for myself but for other bicyclers -- other drivers. I'm very much for this plant but not in the residential area. I think we can find another place to put it.

**Becky Mishoe (opponent):** I live next to the site. We've heard some experts testify that the dangers are fairly benign. Fairly benign doesn't reassure me. Fairly benign shouldn't reassure anyone. The question is: Do we take a chance? Do we take a chance with our children? All of our lives we've had fatalities on our road. I echo the sentiments of Ms. Watt who said she's for the biodiesel fuel plant. I just haven't heard, other than monetary reasons, why we have to have it on our road. Why we should?

**Jim Freeland (opponent):** I've got some newspapers here that talk about how dangerous biodiesel is. (inaudible) two pages of that. Plant fire in Idaho proves deadly - biodiesel. Domestic production of biodiesel health and safety warning. The Newell Energy Group says (inaudible). What I want to know is -- last count I heard. I'm a member and owner operator (inaudible) out of Oak Grove, Missouri, and according to that organization it's taking a dollar gallon subsidy from the U.S. government to make these things break even. So that's going to get into my pocket through my taxes. If this thing won't carry itself, why do we need it?

**Ronnie Wooten (proponent):** I live at 406 North Chipley Ford Road which is approximately two miles from the site we're discussing tonight. I am in favor of granting this petition to the McLains. I know we've heard a lot of things here tonight, and I think that on each side we could probably refute and rebut each one back and forth all night long. One thing that's for sure is that myself and everybody sitting in here just about are neighbors and we're going to be neighbors after the vote. But, the thing that comes down to me making a decision on which side of the room I was sitting on was trust. Mr. Brown, who spoke earlier, alluded to the fact that the type of operation that the McLains run and I think we have to look back at the history of their farm and see what type of job they've done with their farm. Will they continue that in their new endeavor? I think they will. I know they will. Do we trust them that they'll stay in compliance? Do we trust them that they'll run a safe operation? I know that we can because they are people of integrity as you've heard several people tonight allude to. Living within a mile of Phil and Louise and Mike and Janet for the past 30 years, I can tell you that on serving on committees with them, and being neighbors with them, that what they say, they will do. They wouldn't have brought you facts tonight that are not true. They wouldn't have brought you facts tonight that are maybe(s). If you look at the operation that they run as described in the Record and Landmark and our other weekly paper here in Statesville, you'll see that they do an outstanding job in what they do. They know their facts and they're prepared when they go into business. So, it's with no reservations tonight that I come to you, each of you, and ask you that you support their rezoning request and hope that you'll take that in consideration of your decision.

**Sam Dobson (advocate):** I'm a representative of Dobson Farms and also the Snow Creek community. Over 200 years ago, I know my family showed up in the Snow Creek community to establish a vision. Establish a vision for their families, to provide a place to live and have a farm. To grow families, educate their children, and grow a community -- build a church. After hearing the testimonies of all the people tonight, I think the vision of the mission is accomplished. It was kind of ironic, I was coming home from Washington, D.C., after listening to congressmen talking about alternative fuels and the future of agriculture with words like direct marketing, niche, organic biotechnology, biopharmaceuticals, bio fuels. When I came I opened the Statesville Record & Landmark only to see the McLain Farms' proposal for the biodiesel facility. I was very excited to see the farmers in our community were being proactive in advancing in technology in securing the future of agriculture and our homes. However, as time went by, I heard the concerns of the community as we're hearing tonight. People that meant something to me as I grew up in the Snow Creek Church. People that I call friends and family. So I wanted to look into this situation further, myself, to make sure the neighbors that I've loved all my life were taken care off. After meeting with Phil McLain, at the proposed site, and understanding that they were willing to move the facility back to the top of the hill, I was 100% convinced that this site would be safe for our children, our grandchildren, and the future to come. The McLains have always done a wonderful job as you've heard the testimony tonight of going into things planned, and this is no different. As far as the

changing of agriculture -- it's something we'll have to change. We've changed with the development that we've seen all over the communities. We deal with it everyday with increased traffic and things of that sort. I won't sit here and say that there will not be an accident. I won't sit here and say there won't be something that will happen in the future of my lifetime, because if I could tell the future in that way, I'd get paid a lot more money than I get now. I can assure you of that. But, I will say this, that if the communities are willing to work together and adjust to this change .... agriculture is changing, and we have to adjust to this change and we have to meet these needs to secure this beautiful rural landscape that we've enjoyed for generations. If our farm families are not allowed to adjust to these concerns, and these needs, and these markets, then you're going to see a lot more zoning problems than you're seeing tonight. I'm heavily for the proposed site and I'm sorry that it's brought concern to our neighborhood. But I know that in the future, after this project is complete, that we'll be able to live in harmony and everybody will enjoy the rural infrastructure and the rural life that for generations our families have worked hard to create. Also, before I leave tonight I think heavy industrial and heavy manufacturing are not fair to these proposals, for this proposal. Yes, there'll be some more trucks, but it's not anything in the magnitude that you'd see at the Lowes Distribution Center or something of that sort. I hope in the future that the leadership of our communities, and the leadership of these counties, will set up some zoning for ag-business to better help it grow for our businesses and families.

**Jeff McNeely:** I'm Jeff McNeely, owner of G & M Milling. We manufacture livestock feeds. Also, I happen to double as being on the planning board of Iredell County. I will come to you in two facets and try to come as quick as I can. I really didn't intend to speak on this tonight. You're actually going to hear me on another case tonight. First, I come to you on the manufacturing side of livestock feeds. We're going to bring a product or products a lot closer to the consumers. Iredell County is one of the largest consumers of feedstuffs because we're one of the largest counties that has more cattle than any other county anywhere around. Also we have probably about as many chickens as almost anywhere around. Unfortunately, most of the facilities that we pull these products, similar to what they're going to make, are in Raleigh, NC or Kershaw, SC or other parts away that are not in our local commerce. I think by keeping these products in our local commerce, we're going to increase our economic development of agriculture and make it more profitable -- not just the McLains. And biodiesel works for all people in general who are in agriculture with livestock. This is very critical. Because right now, livestock farmers aren't making much money. I don't know if you've noticed, but it hasn't rained a whole lot. So, odds are they are going to make less, and they're going to have to purchase more feedstuffs, and I'm hoping from G & M Milling. But that might not be the case but in whatever case, these animals have to be fed or be sold. And when the farm animals are sold, the farm goes next, and then development comes. When this case came before me as a planning board member, I felt like, yes, this is a very rural community, but true to what Sam Dobson just said, we probably have some flaws and some loopholes or some places we don't have in our zoning ordinances for agri-business. And, agri-business is growing in size. It's not shrinking to the small family farm with two cows that someone is milking in the back of a shed. We've got 1,000 cow dairies in the county. We've got all types of things going on in the county as far as growth. We're having to get closer to the consumer, we're having to get larger to compete and this is just one example of a farm that's already fairly large taking some horizontal integration to grow even larger to compete. Cause we're not just competing in Iredell County, we're not just competing in North Carolina, we're not just competing in the United States, we're competing in the world. To do that we're going to have to change the way we think, especially in agriculture. That's basically all I got to say. I'm for the zoning.

**Jane Burris (opponent):** I live on Snow Creek Road. Thankfully, I don't live as close as some of the neighbors you've heard tonight speak. I don't have anything prepared, didn't really intend to speak. We've heard of all the profitable, wonderful things, the flowery families that have been there for hundreds of years. Mine has too, I was a Cowan. I still don't see how you can expect those property owners immediately around there to accept the devalued property that they are going to have. I don't believe, and I don't think if you're being honest with yourself that you can say, their property is not going to be greatly devalued. At an informational meeting, Ron Smith, himself, said he would not want to live beside a biodiesel plant. He also said, had this been in Mooresville, we wouldn't be here tonight because it would have never gotten this far. Jeff or Jim McNeely, I'm sorry I didn't catch your first name, and I don't know you personally, but as a member of the planning board, is that not a conflict of interest? That he would profit from it. Should he not have recused himself? And (he) offered to not only approve it very quickly, if you've read the minutes from the planning board, but to extend the hours from five days to six days and from 10 hours to 12 hours. I think that's a conflict of interest, and I do oppose it.

**Ed Pressly (attorney for opposition):** I present into evidence four of five pages of a petition that has been passed and signed that reads: 'We the undersigned residents of Snow Creek Road, and immediate and surrounding area, hereby petition that the proposed rezoning of and to heavy manufacturing conditional use be denied,' bearing the name, address, and telephone number of 138 residents in that area. I would like to show who all is here who is opposed to this. Would everyone (opposition) here, please stand up, so we can have a count?

(Randy Bridges then counted the audience members in opposition. He reported there were 72 individuals.)

Pressly continued: We are not here tonight to vote the McLains as good people. They are. We are not here tonight to vote whether alternate fuels are needed. They are. We are here tonight to decide where the

appropriate place in Iredell County should be. You're the gatekeepers. You'll decide where this biodiesel manufacturing facility will be sited. What is going to come? Do we decide to place it in an R-20 zoning, the most restrictive zoning we have in Iredell County and place it in an M-2 zoning district, which is the least restrictive from one end to the next polar end. Do we put that in an R-20 or do we put it into an industrial site? There's been testimony tonight that there are plenty of industrial sites here where this can go. If it's placed in an industrial area all of the same positive considerations that have been talked about tonight -- first starting out by the engineers and the experts, and then by the people who have studied this and the farmers who want it. All those apply. All those will still be served if this is sited in an industrial area. If you allow this request, eight acres in the middle of whatever Randy's count was -- 39,000 acres -- you're going to constitute what the law calls a spot zoning. Spot zoning is defined by (a) Is the entity owned by a single ownership? You've got the McLain family and it is. (b) Will your action free the McLains in this area of restrictions that now restrict the neighbors? That's favoritism. That is -- could Jerry Mishoe on the east, Bill Pitt on the southeast, Bryan Leach on the east, Randy Bridges on the south put up their own plant? They couldn't because they are restricted against it. Your action here, if you allow the McLains to do it is favoritism. This law is designed so that a board cannot feather the nest of its own selective friends. The third element (c) Is the site to be rezoned, eight acres in this instance, surrounded by uniformly zoned area? In this case, it is, it's R-20. It's the most restrictive zoning that we have in the county. The McLains led the fight for the R-20 classification, and they got it. Improper zoning will be struck down by our court system if it passes here. It's been done in Davie County, next door, and Davidson County, next door.

#### Questions from the Commissioners

**Commissioner Johnson:** Directed to the McLain family - During the course of previous discussions someone mentioned the fact that they might be willing to locate this facility 500 feet from the nearest ... was that from the property line or the nearest neighboring residence.

**Phil McLain:** It's 500 from the nearest property line. It's even further from residents.

**Commissioner Johnson:** I've got a couple of questions, and Mr. McLain you can choose which one of your expert witnesses you have with you who would be the most appropriate to respond. The question I have is the last few days I've read more about biodiesel fuels than about anything else. One of the safety measures that I've encountered is a nitrogen blanket. Has either of your experts ever heard about this process and could they describe it and their assessment? Is it worthwhile?

**Jay M. Railey:** Yes sir, it is. A nitrogen blanket is a change in the natural atmosphere above one of these chemical substances by introduction of nitrogen which is a natural inert. It's a completely non-reactive material and the purity of those streams is typically 99.9% nitrogen in argon.

**Commissioner Johnson:** Then ten of that is to keep down vapors from the methanol. Is that right?

**Jay M. Railey:** That is to prevent a flammable mixture of material to be in any existence of the vapor space above the liquid.

**Commissioner Johnson:** Do you think that that's a good enough idea to incorporate it into this facility. If you don't, why not? Do you think a nitrogen blanket is necessary in this type of operation? What I've come to understand is that there's certainly more than one process by which you can make biodiesel fuel. Is this incorporated under this? Is it necessary? If it is your opinion that it's not necessary, then why is not necessary?

**Jay M. Railey:** It's my professional opinion that it is necessary and it's normally incorporated into any design that our company would be proposing for this type of storage system.

**Commissioner Johnson:** Have you ever heard of a company called FM Global Insurance?

**Jay M. Railey:** Yes, Factory Mutual Global. Yes sir.

**Commissioner Johnson:** What's your knowledge of them?

**Jay M. Railey:** They are an insurance underwriter sir. They would underwrite the insurance of a facility like this.

**Commissioner Johnson:** What's your opinion of their requirements?

**Jay M. Railey:** Their requirements are typically industry standards. In my professional opinion, some of their hazard analysis studies are based upon outdated information that's sometimes incorrect. But it is a requirement of the insurance industry that they are a consultant to the insurance industry.

**Commissioner Johnson:** I understand. The engineering world is full of opinions. There's an old saying about engineers that if you ask them for their phone numbers they'll give you an estimate. Let me ask you something else. How about a methanol detector?

**Jay M. Railey:** There is such a thing as a combustible gas detector that's based upon infrared or ultraviolet light sensing systems.

**Commissioner Johnson:** Is that incorporated into the design of this facility.

**Jay M. Railey:** Typically not.

**Commissioner Johnson:** Why not?

**Jay M. Railey:** Typically not required.

**Commissioner Johnson:** Do you think that's an unnecessary expense or do you think that it could add to the safety of the process?

**Jay M. Railey:** Typically, Mr. Johnson, the requirements for those types of safety systems are dictated by the insurance underwriters rather than the local fire marshal requirements.

**Commissioner Williams:** I would like to ask Lloyd Ramsey, the fire marshal ..... in case of a fire at this facility which fire department would respond as a first call?

**Lloyd Ramsey (Iredell County Fire Marshal):** The first alarm would go to Trinity Fire Department.

**Commissioner Williams:** Do they have a mutual assistance pact?

**Lloyd Ramsey:** Yes, absolutely. We have automatic aid for this type of fire. You would have Central, Trinity, probably Harmony and Ebenzer would be the next two.

**Commissioner Williams:** How many gallons of water can Trinity provide from its location.

**Lloyd Ramsey:** Are you saying haul -- how much they can haul to the scene?

**Commissioner Williams:** Right.

**Lloyd Ramsey:** I would say Trinity could probably put 6,000 gallons on the scene. I don't know that exactly, but I would say probably 6000 gallons.

**Commissioner Williams:** Is that adequate for a fire of what you could expect from a fire of this type to be?

**Lloyd Ramsey:** Well, that's hard to say, because I don't know the sizes or quantities.-- that type of thing. Probably to completely extinguish this type fire, probably not. But there's a lot of information about quantities and size that I don't have yet.

**Commissioner Williams:** Would that be from a single hydrant there or would it be from multiple hydrants?

**Lloyd Ramsey:** Oh, it would definitely be a water haul type operation. I think the hydrants in that area -- just kind of a rough figuring -- I talked to the chief up there and he said that area -- generally they are looking at what he felt were like 750 to 800 gallons a minute.

**Commissioner Williams:** Would a turbo draft on this facility help? If a pond was located on the site?

**Lloyd Ramsey:** If it was accessible enough. Yes, it could be.

**Commissioner Robertson:** Is this a batch or continuous process?

**Jay M. Railey:** We have a combination. We have a batch process at the front of the facility. That is a transesterification reaction, without water wash. Minimal wastewater from the facility followed by a continuous methanol recovery and ion exchange cleanup of the biodiesel material. It's a semi-continuous process. Batch in the front, continuous in the back.

**Commissioner Robertson:** Okay. The methanol is going to be mixed with the catalyst prior to mixing with the oil. Correct? When do you put the catalyst in?

**Jay M. Railey:** Last.

**Commissioner Robertson:** *The methanol isn't pre-heated. Correct?*

**Jay M. Railey:** *The methanol is batch fed to the reactor following the RBD -- triglycerides -- the oil and then catalyst is last. The resulting contents are brought up 60 degrees centigrade for the reaction to occur, and it's an endothermic - the reaction consumes heat. If you take heat away, it stops.*

**Commissioner Robertson:** *So the methanol is never heated up alone?*

**Jay M. Railey:** *No.*

**Commissioner Robertson:** *And that's when methanol is most combustible and would create the highest pressures. If you would heat it up alone.*

**Jay M. Railey:** *That is correct.*

**Commissioner Robertson:** *What sort of pressures are we looking at in your reactor vessel?*

**Jay M. Railey:** *Atmospheric pressure or lower because the resulting materials are removed under vacuum.*

**Commissioner Robertson:** *So we don't have a pressured vessel that's likely to go boom then?*

**Jay M. Railey:** *No sir. And it has an ASM (American Society of Mechanical Engineering) coded vessel with specific safety relief devices on it to keep it from overpressuring.*

**Commissioner Robertson:** *All right. There is usually some residual methanol in the glycerin by-product. You say you're going to be running an ion exchange ....?*

**Jay M. Railey:** *The methanol is recovered from the biodiesel material post reaction and post separation of the glycerin and then the biodiesel is cleaned with a resin that absorbs residual catalyst salt, a trace of glycerin, a trace of triglyceride that's there to make a product that can be put in engines.*

**Commissioner Robertson:** *So the glycerin by-product that has to be -- it's a by-product -- it's not a waste cause ...*

**Jay M. Railey:** *It's a by-product that is commonly used in the cosmetics industry, it's an edible material. It does have methanol in it when it exits the reactor and that is removed as part of the process. Then the resulting crude glycerin would then be re-refined to recover it at another location.*

**Commissioner Robertson:** *So would that stored glycerin have -- what sort of methanol content would be in it at that time?*

**Jay M. Railey:** *It's actually removed prior to storage.*

**Commissioner Robertson:** *So there is none at storage.*

**Jay M. Railey:** *No sir.*

**Commissioner Robertson:** *This facility is going -- the plan is to use soybeans, hopefully, in the future its supposed to convert over to some higher yielding oil seed stocks like sunflower, canola. But also oils or fats or whatever as animal by-products are going to be used as a source material in this facility as well. Correct?*

**Jay M. Railey:** *Any fat can be used as a raw material. The raw material design for right now is for soybean oil, canola oil, sunflower seed oil. With proper pretreatment, yes. Animal fat could be re-used -- yellow grease.*

**Commissioner Robertson:** *And those require different manufacturing process.*

**Jay M. Railey:** *The same manufacturing process but they may require initial removal of what's called free-fatty acids prior to the introduction of the reaction. It makes too much water, and mess up the catalyst if those materials are allowed to stay in there -- not typically done.*

**Commissioner Robertson:** *So you've made accommodations to run two different -- basically to have a pre-treatment if you're running animal fats.*

**Jay M. Railey:** *Yes.*

**Commissioner Robertson:** *What limits your capacity? We've heard the figure tonight of 6 million gallons. Usually there's a choke point or a bottleneck that makes that a 6 million gallon annual facility. What is that bottleneck in this process?*

**Jay M. Railey:** A human resource in handling. The reaction can only occur so fast. You can only put so much material into this size reactor, which is about 5,000 gallons capacity and really 6 million gallons a year is a real stretch. Complete utilization of the equipment at hand.

**Commissioner Robertson:** So, it's the reactor vessel then?

**Jay M. Railey:** It is.

**Commissioner Robertson:** The only way they could push more volume through there is if there were 26 hours in day.

**Jay M. Railey:** Or more reactors, or .....

**Commissioner Robertson:** Operate on Sunday.

**Jay M. Railey:** Yes.

**Commissioner Robertson:** So as long as they are operating on hours defined then that 6 million is a max.

**Jay M. Railey:** That is an absolute max. Yes sir.

**Commissioner Robertson:** Mr. McLain, for you to make a million gallons of biodiesel and let's assume you're not using any animal fats -- how many acres of soybeans would it take to get you to a million gallons a year?

**Phil McLain:** More than we could buy. Five hundred thousand bushels would give us about 700,000 gallons. So we are going to start out very slow, and we would have to buy soybeans from adjoining counties. Canola would double the amount of oil that we would get so you would get twice the oil per canola acre as you would soybeans. So I could double that if we purchased only canola but we would be able to purchase everything.

**Commissioner Robertson:** Right now, canola and sunflowers - those aren't common crops.

**Phil McLain:** They're not common. We have grown them and we're growing them now.

**Commissioner Robertson:** So for you to go to maximum capacity right now that means that you would need 300,000 bushels a year of soybeans. Correct?

**Phil McLain:** To go to maximum?

**Commissioner Robertson:** Right.

**Phil McLain:** Probably 300 million. It's more than we'll be able to do. You can figure just a little over a gallon per bushel -- soybean. So if you want 6 million gallons, you're going to have to have about 5 million bushels. We raise about 30 or 40 million bushels in North Carolina and that's not exact. It's a ballpark.

**Commissioner Robertson:** So the chances of you going to six million gallons a year ....

**Phil McLain:** Very unlikely.

**Commissioner Robertson:** But if you used a mixture of soybeans and other seed oils.

**Phil McLain:** Still very unlikely.

**Commissioner Robertson:** What about adding the animal fat?

**Phil McLain:** Now the animal fat would make it more likely. But the good thing about the animal fat is that it cuts way down on the trucking, because you're bringing in the oil and you don't have all that processing going on. Another thing about the animal fat, we're not rendering animal carcasses. It's already been refined before we get it. There's hardly any smell associated with that.

**Commissioner Robertson:** What temperature is the reactor running at?

**Jay M. Railey:** 60 degrees C or 140 F.

**Commissioner Robertson:** What sort of odors do you expect if you're using animal fats inside the plant and what sort of methods would you use to keep it from going outside?

**Jay M. Railey:** There would be none. The resulting vapors are processed under vacuum and they're run through a solid scrubber. There is a seal liquid system on the vacuum pumps that generates 3 to 4 gallons an hour of water that is a seal fluid but it's under very high vacuum.

**Commissioner Robertson:** So the off gases .....

**Jay M. Railey:** The off gases are scrubbed. They are absorbed on carbon.

**Commissioner Robertson:** Are there any plans for lab facilities on site to make sure that the process is running as designed?

**Phil McLain:** Yes, we are talking about doing that. There are certain things that we can do in a small amount and until we get the lab there we can hire out. There are labs locally that we can use, because we have to produce an ASTM fuel.

**Commissioner Robertson:** The process that has animal fats has higher free-fatty acids and it usually means you have to remove a lot more water. The ion exchange still can handle the process at that point.

**Jay M. Railey:** Yes, it can.

**Commissioner Robertson:** So no matter what your feed stock is, we don't have a waste water issue as far as big septic tanks or pump trucks.

**Jay M. Railey:** It would be a material that would be pump and hauled. It will have to be characterized because I'm sure we would talk to the Statesville sewer district about possible discharge there, but it's a pump and haul situation.

**Commissioner Robertson:** I'd gotten a letter from someone and they'd asked about the sulfuric acid and the process. The only place I could find that in the literature was that it was used in the neutralizer. Do you have that in the process?

**Raymond Odom:** We typically use glacial acetic acid which is strong vinegar ..... basic quenching and killing the process and neutralizing the salt.

**Commissioner Robertson:** And that's all recovered in the ion exchange?

**Raymond Odom:** Yes, that's all gone in the reaction system.

**Commissioner Williams:** Do you have documentation that Statesville will accept the wastewater?

**Raymond Odom:** No sir, we haven't approached that point of the operation yet. That would be with the permitting process with DENR and the natural resources and aquifers. We haven't gone through that process yet.

**Phil McLain:** It's dependent upon the size of the waste water.

**Raymond Odom:** The waste water in the system is basically the one to four gallons an hour out of the cooling system. The reaction is basic - all of the water consumed within the process. If we use a catalyst, it's a 30% sodium methalate methoxide catalyst -- there is no reaction water. A little bit of water. If anyone is familiar with parts per million - 20 hundred parts per million is a lot of water. Five hundred parts per million is very little BBs in a big boxcar.

**Commissioner Williams:** I believe this board moved on a process where the same question came up about waste water disposal. The same response was that it would be entered into the Statesville system. Suppose they won't accept it. Even though it may only be 55 gallons. Where is it going?

**Raymond Odom:** : Well then it would have to be addressed with Mr. McLain (inaudible) wants to haul it off as .... typically as a t ox in a Hasway system somewhere.

**Commissioner Robertson:** Do you know where the waste in Caldwell County goes?

**Raymond Odom:** No I do not. But to address the water issue -- when the permitting process occurs we will have to approach the City of Statesville or the County of Iredell to see if they would accept the waste. If not, then other options would have to be pursued.

**Commissioner Williams:** You would have to have that in order before it could be permitted.

**Raymond Odom:** Yes sir. You cannot build a facility without somebody accepting the waste or air permits or whatever.

**Commissioner Tice:** Question directed to Attorney Pressly: If this project were moved 500 feet up the hill from the property line, would that be more acceptable to your clients.

**Attorney Pressly:** It's not the amount of distance there. The distance won't control the amount of traffic. It's still uphill from the neighbors. The methanol products are all heavier than air. They flow downhill to the neighbors. The same issues regarding water quality. The five bus routes in the morning, the five bus routes in the evening coming. So it's still in sight. You still have the same property value loss. This exhibit that was introduced into evidence -- every time a homeowner sells his house, he has to go through this checklist and there are two numbers there where you will you have to disclose that I live next to this plant and it affects the quality of life here.

**Commissioner Tice:** I was serving on the board in 1998 when the county commissioners approved a request from this neighborhood to rezone this property to R-20 to guarantee that this type of operation would not infiltrate their community. How do you feel about that?

**Attorney Pressly:** Well, we've heard a whole lot about the technology and about this system itself, but really no reason to put it here. The minutes reflect that at the planning board meeting that Mr. McLain wanted to use it because there was a barn there and he wouldn't have to replace his building. If you talk about moving the distance beyond that barn then that desire is gone. If the only reason is to let him use his own property - he bought this farm to farm and he has been farming it. Why can't he go to an industrial site and put this same plant up? As I read the minutes of the planning board and the minutes of the 1998 rezoning, the McLain family was instrumental in getting it rezoned to the R-20. The most restrictive we have, and yet here, how ironic it is, they come back and ask for the least and it gives them again as property owners privileges to do something to generate money on their property that the neighbors cannot do.

**Commissioner Robertson:** Question directed to Mr. McLain. Why don't you build this in an industrial park?

**Phil McLain:** That's a good question. We have limited funds. To purchase the land and the building, the existing buildings that we already have, it would be in excess of a million and a half dollars. There's more than just a barn at concern here. There are several buildings. There's some upright silos that are glass-lined that are air tight that could be used for storage of the oil. There's a huge barn there that we could put the mill in. There's the grain bins to store the grain. It would cost in excess of a million and a half to build that and to purchase the land. This is a private venture. We applied for some money but the money didn't come through as far as the grant money we applied for. That's why we had the initial delay. We thought we could get some grant money and take it somewhere else. When we found out that wasn't possible, then we had to come back to this site. For us not to be able to do it at this location, we will not be able to do this project. So it's not a vote about where it moves somewhere, it's really a vote about whether it's done or not.

**Commissioner Johnson:** I need someone to go over the by-products again .... the glycerin.

**Jay M. Railey:** The by-products are glycerin and glycerin is typically handled ..... it's a raw material used in soap products. It's ingestible. It's used in making everything from suppositories to face creams but it has to be refined. It cannot be used in its raw form.

**Phil McLain:** He's talking about the biodiesel portion of it. There's the soybean and canola processing and that's where the majority of the by-products are coming from. So, from soybeans, 80% of it is soybean mill. The rest of it is oil, so we'll be selling that 80% into the community. So, that is also a by-product, too, that's separate from the biodiesel.

**Attorney Pressly:** Questions directed to Planning Director Smith: The proposal allows 7 am to 7 pm Monday through Saturday. Is that correct?

**Ron Smith:** Yes.

**Attorney Pressly:** And the proposal by the McLains at the planning department was 7 a.m. to 5 p.m. Monday through Friday. Is that correct?

**Ron Smith:** I believe the number has changed. I can't say exactly what it was.

**Attorney Pressly:** The minutes that are attached to this would reflect that? Is that correct?

**Ron Smith:** I think so.

**Attorney Pressly:** And this proposal says no animal rendering will take place on the property. Does that mean that no animal parts will be used. Is this allowed?

**Ron Smith:** The fat that they are proposing to bring in would not be rendered on the property from a carcass to the actual fat that would be used in the facility.

**Attorney Pressly:** This proposal does not identify any fire extinguishing system yet. Is that correct? It's something that has to be figured out later.

**Ron Smith:** Yes sir.

**Attorney Pressly:** It doesn't limit the number of storage tanks? Is that correct?

**Ron Smith:** That's correct.

**Attorney Pressly:** Doesn't limit the number of buildings that can go up?

**Ron Smith:** Correct.

**Attorney Pressly:** Doesn't limit the size of the facility?

**Ron Smith:** No.

**Attorney Pressly:** Dykes come with it and that just controls liquids. Is that correct?

**Ron Smith:** That's correct unless there's some other regulation from the fire marshal's office that we're not aware of.

**Attorney Pressly:** Okay, dykes are immaterial in regards to gas flows?

**Ron Smith:** That's probably a question for one of the other experts.

**Attorney Pressly:** The removal of the driveway -- is not identified on where it's going to go?

**Ron Smith:** We have a letter on record from the NCDOT and they have worked out a proposed location, but it's not specifically designated in this.

**Attorney Pressly:** And that's just on the entrance to the road itself.

**Ron Smith:** Yes sir.

**Attorney Pressly:** And it has no regulations on how the driveway will be moved from the neighbors. The only requirement would be the 30 front undisturbed buffer in which the driveway cannot be located.

**Ron Smith:** Correct.

**Attorney Pressly:** And right now it's cleared land.

**Ron Smith:** There ..... adjacent to the Leach property the driveway is in that buffer. Yes.

**Attorney Pressly:** So that doesn't allow for the planning of any screening -- any plants -- anything to that nature.

**Ron Smith:** You can put that in the buffer -- that's a requirement that we would have in addition to that. The buffer is facing and screening is an actual visual.

**Attorney Pressly:** Okay. Well, your screening regulation calls for a 6 foot chain-link fence.

**Ron Smith:** Well, actually there should be six feet in vegetation or an opaque fence or berm or some combination.

**Attorney Pressly:** Okay. The regulations deal with industrial sites don't they?

**Ron Smith:** I've pulled these from an industrial section of this ordinance. Yes.

**Attorney Pressly:** Is it true there's no industrial sites, such as this, that's been put into a residential area anywhere in Iredell County?

**Ron Smith:** Not a biodiesel. We do have other M-2 properties in the middle of large residential areas. We do.

**Attorney Pressly:** All right. When was the last time this was done?

**Ron Smith:** We had one earlier this year. Several months ago.

**Attorney Pressly:** South Iredell area?

**Ron Smith:** No, in north Iredell.

**Attorney Pressly:** What was that?

**Ron Smith:** On Friendship Road.

**Attorney Pressly:** A what?

**Ron Smith:** A sawmill.

**Attorney Pressly:** Okay. When you give your recommendations to the board do you use precedents on those recommendations?

**Ron Smith:** In many cases, yes. They are all case-by-case basis.

**Attorney Pressly:** What would be your response if one of these neighbors wants to put a similar facility on their own property?

**Ron Smith:** We would review it on the merits of that individual case.

**Attorney Pressly:** If it came up equal with this, then you would give it an equal recommendation?

**Ron Smith:** If the situation arose that it was the same as this in all ways, yes. Otherwise, we would have to consider it case-by-case.

**Attorney Pressly:** The land use plan now is in effect. Is that correct?

**Ron Smith:** Correct.

**Attorney Pressly:** And the land use plan has this area designated for what?

**Ron Smith:** Residential.

**Phil McLain:** I have no questions but I do have quite a few statements. This really isn't what everybody is afraid of. It's much smaller in scale than what everybody is afraid of. It's much smaller in scale than what people realize. It does not pose the threat and danger that people want to assume. You can pull off Internet articles and read about explosions in Idaho, in Oregon. My experts reviewed those and what happened was because people were doing things that were not on the same scale as what we are going to build. A lot of home brews are being done and things are happening and mistakes are being made because people aren't doing what they are supposed to be doing. We are going to do what we are supposed to do. We are going to do everything within our power -- to give what other setbacks -- to do whatever greenery -- to make it as invisible in the community as we can possibly make it. We're moving it up the hill and it's going to cost us more money to do that because we're going to have to build a building now that we already had existing. We are willing to make that a concession. It's going to go up there between two other buildings and you're hardly going to be able to see it. The tanks that we were going to erect are much smaller than the silos that remain there now. So as far as eye appeal to the neighbors, they are not going to see much difference. The truck traffic is not going to be as heavy as everybody thinks that it is going to be. We're going to add 13 trucks to the road if we go to 6 million gallons, but we've made it clear we don't know if we'll ever get half way there. Frankly, if we can get to a million, I think we've done pretty good, but I have to go to the extreme limit so that if something happened very good then we would be well within what we are supposed to do here. We want to be good neighbors so we are going to do all those things. The methanol scares everybody to death, but my experts here attest to the fact that the propane tanks that we have in our yards to heat our houses are more explosive than what we are going to put on our farm. We're going to have much protection around them than what we have around the propane tanks in our own yard. You open a valve and you start a flame. You don't do that in this process. We are not hitting any flame in this process. So it's much, much, safer. It's unfortunate that this has to be classified as M-2. This is not an M-2 classification but we didn't have anything else that we could classify under. And as you have heard tonight in other testimonies, we need to have a classification for agri-business that can do the things that they need to do. And so it was unfortunate that we had to come to this type of application that doesn't really describe it and I hope the commission or the planning department will look at a different use in the future so that agriculture will have the opportunity to do the things they need to do. Another thing that was mentioned was that people seemed to look back at past history as far as

zoning in the community and why have you changed your mind or why did you lead the battle in that. Again, when we tried, and we didn't lead the battle in either one of the skirmishes that we had in the past, we joined them. I didn't lead it and my brother didn't lead it. We just joined on. It was a zoning issue to try to protect our community, but again, the zoning wasn't exactly what we needed for our community. You had to either go this side or that side. And so, we went this way. And yes everybody will have the same opportunity to rezone their property just like I have. And, if it's a good thing to do then they'll get to do what they want to do. If it's bad, then they won't get to do it either. And so, we all have the same opportunity here no matter how it's zoned. That's basically in the nutshell all I wanted to say except we are fourth generation farmers and we love the Snow Creek Road community. We have more invested in that community and more to lose by devalued properties than anybody else in this room. We've been there for over a hundred years. My grandfather owned that property, and my parents owned the property over the hill. We were blessed that we could buy it back after my family had to sell it because our grandparents went into the rest home. So, we have it back. It's beautiful out there ladies and gentlemen because we've worked hard to buy it back at development prices. And, it's only beautiful out there because we've bent over backwards to buy it. If we hadn't of bought it, there would probably be a hundred to two hundred houses on it right now and that would put more than 16 more vehicles on the road I can assure you. And there are other things that we can do if we don't get to do this. We could build other things that would involve animals that would involve waste and would involve more trucking.

**Commissioner Johnson:** Mr. McLain, we are still in the process of making our minds up here, but to allay the concerns of your neighbors, you said that you didn't see anyway that you'd ever get to six million gallons. Would you consider that as a further condition that you would limit your operation to six million gallons.

**McLain:** We would do that.

**Commissioner Robertson:** (Question directed to Ken Vaughn) When we put fertilizers and pesticides on our crops ..., are those materials that are basically hazardous ..... if they come in contact with humans in the wrong quantities.

**Ken Vaughn (Cooperative Extension Service):** Can they cause a problem?

**Commissioner Robertson:** Yes.

**Ken Vaughn:** All of your pesticides, which would include herbicides and insecticides, et cetera, that are used for crops are supposed to be and I think our farmers are responsible to use at recommended rates or approved rates and therefore do not present that type of problem. If they are used excessive or in some cases there is a withdrawal period before harvest, say 30 days or 60 days, or something like that assuming the regulations are followed, the labels followed, then there should not be a problem.

**Commissioner Robertson:** Is it safe to say that most of our large scale agricultural operations have pesticides that are stored on site?

**Ken Vaughn:** Yes.

**Commissioner Robertson:** And they are transported to the site?

**Ken Vaughn:** Yes.

**Commissioner Robertson:** Could I get a clarification? So we've modified the conditional use ..... I did have another question. On outside storage of waste, were you going to store the glycerin by-product? Is that going to be stored in 55-gallon drums or was that going to be in a tank and pumped from a tank for further processing.

**Raymond Odom:** It's supposed to be stored in bulk tank to be hauled off by truck. It's my understanding that there's no 55-gallon drums storage onsite of the glycerin product.

**Commissioner Robertson:** So it would be consistent if we said no outside storage in drums as a condition of use. That would be consistent with what you've got planned. Correct?

**Raymond Odom:** That would be consistent with the typical process. Yes.

**Commissioner Robertson:** How are these different conditions that have been added tonight to be worded? I know that we've run into trouble doing that before?

**Commissioner Tice:** It would be a part of the motion.

**Commissioner Johnson:** You could make a motion with the conditions as presented by the staff, with the following conditions, and you can add as many conditions as you like. You can remove conditions if that's your desire.

**Commissioner Tice:** They (conditions) have to be accepted by the applicant.

**Chairman Norman:** You've mentioned moving it back 500 feet. Isn't that correct?

**McLain:** Yes.

**Commissioner Johnson:** And he has agreed to the 6 million gallons.

**McLain:** Yes, and we would be willing to go even lower than 6 million if it would make a difference. I would be willing to lower it to 4 million gallons. We are trying to work with you.

**Commissioner Robertson:** We talked about the driveway being moved. How does that get worded?

**Ron Smith:** Well, we have that in here now (staff report). He read it as follows: 'The gravel driveway shall be located in accordance with the requirements of NCDOT and will be moved to the west from its current location.' They have designated a spot that they feel is adequate for the relocation of the driveway.

**Commissioner Robertson:** Should we put a number of feet on that? Or, are we not prepared to do that?

**Ron Smith:** If we put the condition in place, and it's not necessarily where they have designated, then we could potentially have problems.

**Commissioner Robertson:** So, if we said to DOT specifications that would be adequate, or that would not add any value.

**Ron Smith:** I think it would be adequate -- primarily based on the fact that they issue driveway permits and have the ultimate authority as to where that will go anyway.

**Commissioner Robertson:** Mr. Pope, an additional condition? Would that be in the first part of the motion or the second part?

**Attorney Pope:** The second.

**Commissioner Johnson:** Mr. Chairman, I know we don't look like we know what we are doing up here, but one thing that has -- I think everybody I've served with will have to agree that rulings on legislation that do not permit us to talk to petitioners or opponents to conditional use districts prior to the public hearing makes our jobs extremely more difficult. It confines us to a very sharp learning curve and whatever we can get on our own. I know that some people I spoke with were offended that we wouldn't speak to them. I heard a fellow commissioner make a similar statement ..... that folks were (offended) because they felt we wouldn't take the time to talk with them. We are legally bound by statute not to do so. It makes it more difficult on the front end in trying to gather information and makes it difficult to craft a motion because you're having to cut bait as you fish. It's a difficult process.

**MOTION** by Commissioner Robertson to amend the Iredell County Land Use Plan.

VOTING: Ayes – 4; Nays – 1 (Tice)

**MOTION** by Commissioner Robertson to approve the proposed zoning map amendment and to make a finding that approval is consistent with the adopted Iredell County Land Use Plan and that said approval is reasonable and in the public interest due to its consistency with the Iredell County Land Use Plan; as a result, said approval furthers the goals and objectives of the Iredell County Land Use Plan. Additionally, the following conditional uses are added:

- a) The facility be located at least 500 feet from the nearest adjacent property line
- b) The facility be limited to 4 million gallons of biodiesel fuel per year
- c) That no outside storage of waste products and drums be allowed
- d) The driveway be moved from its current location to a location that is west and would meet North Carolina Department of Transportation specifications.

VOTING: Ayes – 4; Nays – 1 (Tice)

Commissioner Tice said the reason she couldn't vote for the motion was due to the agreement among the neighbors to protect their property with a non-owner petition back in 1998 and to rezone the property to R-20. She said, "The county commissioners voted to approve the 1998 action. I can't in good conscience tell these folks now that that was all in vain."

Commissioner Johnson said he had also been consistent. He said that in 1998 he voted against the R-20, and the reason was because he felt it infringed upon other people's personal property rights. Johnson said, "I'm in favor of individual property rights."

Tice said, "I'm also in favor of individual property rights, and I feel that's why the neighbors came together in 1998 to protect their property."

**Case No. 0707-1: Applicant A.J. Modi for Owner Sumat LLC Requests to Rezone a Portion of Property from Residential Agricultural to Neighborhood Business:** Planning Director Ron Smith explained the following staff report for this case:

**CASE NO. 0707-1**

<u>OWNER:</u> Sumat LLC 2159 Old Mountain Road Statesville, NC 28625	<u>APPLICANT:</u> Alex Modi 2159 Old Mountain Rd Statesville, NC 28625
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LOCATION: 2159 Old Mountain, more specifically a portion of PIN# 4704-55-3986.  
Directions: I-40 east north on Old Mountain Road site on left at corner of Island Ford Road.

REQUESTED ACTION: Rezone the rear portion of the property from RA, Residential Agricultural Zoning District to NB, Neighborhood Business Zoning District.

PROPOSED USE: Convenience store and gas station

SIZE: The portion of the property for rezoning is 1975 sq. ft.

EXISTING LAND USE: Convenience store and gas station

SURROUNDING LAND USE: Commercial and residential

WATERSHED REGULATIONS: This property is in the WSIV-CA watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Old Mountain Road is 12,000 vehicles per day and 8,000 for Island Ford Road. In 2005, the estimated daily traffic count for Old Mountain Road was 4,700 vehicles per day and 1,500 vehicles per day for Island Ford Road.

ZONING HISTORY: This property has been zoned NB/RA since countywide zoning went into effect in 1990. The property that adjoins this lot to the south was rezoned to HB-CUD in September 2006 with the following conditions: 1) No outside storage except for the dumpster and 2) Extend the Leyland cypress tree buffer on the south side to the front of the proposed building. The property to the west has been RA since countywide zoning went into effect in 1990.

STAFF COMMENTS: The area around this intersection has been developing commercially over the past couple years. On the north side of Island Ford Road there is a new Food Lion shopping center. To the south of this property a Dollar General is under construction. The Iredell County Land Use Plan identifies this area as suitable for commercial use. The applicant has chosen to expand an already existing NB District. Across Island Ford Road and Old Mountain Road lies GB zoning. This strip of land the applicant is requesting the rezoning for is approximately 25' wide. With the 30' zoning setback requirement between commercial and residential uses this piece will essentially become part of the required rear buffer. Based on the location and the Iredell County Land Use Plan planning staff recommends in favor of this request.

PLANNING BOARD ACTION: On July 11, 2007, the Planning Board voted 9-0 to recommend approval of this request and to advise that it is consistent with the County Land Use Plan.

No one else desired to speak.

**MOTION** by Commissioner Robertson to approve the zoning map amendment and to make a finding that the approval is consistent with the adopted County Land Use Plan and that said approval is reasonable and in the public interest due to its consistency with the County Land Use Plan; as a result, said approval furthers the goals and objectives of the County Land Use Plan

VOTING: Ayes – 5; Nays – 0.

**Case No. 0707-2: Applicant James Allen Edmiston Jr., Anne Edmiston, Mary Tolbert, and Ethel Edmiston Request to Rezone Property from Residential Agricultural to Highway Business:** Planning Director Ron Smith shared the following staff report for this case:

**CASE NO. 0707-2**

<u>OWNERS/APPLICANTS:</u>	James Edmiston Jr. 120 Shady Cove Road Troutman, NC 28166	Anne Edmiston 3295 Amity Hill Road Statesville, NC 28677
	Ethel Edmiston 189 Hamilton Road Troutman, NC 28166	Mary Tolbert 2509 Amity Hill Road Statesville, NC 28677

LOCATION: Amity Hill Road, more specifically PIN# 4742-85-2318.000. Directions: South I-77 exit 45 north on Amity Hill Road site on right across from Murdock Road.

REQUESTED ACTION: Rezone the property from RA, Residential Agricultural Zoning District to HB, Highway Business Zoning District.

PROPOSED USE: All HB uses

SIZE: The property for rezoning is 7.16 acres.

EXISTING LAND USE: Vacant

SURROUNDING LAND USE: Commercial and residential

WATERSHED REGULATIONS: This property is not in a watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Amity Hill Road is 8,000 vehicles per day. In 2005, the estimated daily traffic count for Amity Hill Road was 1,800 vehicles per day.

ZONING HISTORY: This property has been zoned RA since countywide zoning went into effect in 1990. The property is bordered by I-77 on the east and Amity Hill on the west. To the south lies a parcel of land that was recently annexed by Statesville. To the north there is a vacant RA zoned lot. Across Amity Hill Road to the southwest is RO zoning that was rezoned in 2000 and HB zoning from the countywide zoning in 1990.

OTHER JURISDICTIONAL INFORMATION: This is a speculative rezoning. Utilities would be provided by the City of Statesville. The property is located within their portion of the recently developed annexation agreement. When development occurs, the applicant will likely utilize the City's utilities, and would therefore be subject to annexation and in the least, the City's development standards.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for commercial uses. The exit 45 area is starting to transition from a rural interstate interchange to a developed interchange. Both Statesville and Troutman are extending their jurisdictions into this area, with Statesville being the primary service provider. Staff is recommending in favor of this request due to the proximity to exit 45 and the Iredell County Land Use Plan.

PLANNING BOARD ACTION: On July 11, 2007, the Planning Board voted 9-0 to recommend approval of this request and to advise that it is consistent with the County Land Use Plan.

Owner/Applicant Jim Edmiston announced that he was present if the board members had any questions.

No one else requested to speak.

**MOTION** by Commissioner Williams to approve the zoning map amendment and to make a finding that the approval is consistent with the adopted County Land Use Plan and that said approval is reasonable and in the public interest due to its consistency with the County Land Use Plan; as a result, said approval furthers the goals and objectives of the County Land Use Plan.

VOTING: Ayes – 5; Nays – 0.

**Case No. 0707-5: Applicants Michael & David Johnson, on behalf of Owner Anita Johnson, Request an Amendment to the Iredell County Land Use Plan and to Rezone a Parcel from Residential Agricultural to Neighborhood Business Conditional Use District & Multi-Family Residential (R-8A) Conditional Use District:** Planning Director Ron Smith summarized the following staff report for this request:

**CASE NO. 0707-5**

OWNER: Anita Ritchie Johnson  
323 Walnut Street  
Statesville, NC 28677

APPLICANT: Michael or David Johnson  
323 Walnut Street  
Statesville, NC 28677

LOCATION: 2370 Shelton Avenue in Statesville, NC; more specifically PIN# 4732-67-0884.  
Directions: Highway 115 south, property is on the right past Iredell Memorial Gardens.

REQUESTED ACTION AND CONDITIONS: Amend the County Land Use Plan and rezone the property from RA, Residential Agricultural Zoning District to **R-8A, Multi-Family Residential Zoning District and NB CUD, Neighborhood Business Conditional Use Zoning District** with the following conditions:

- Permit all uses in the R-8A and NB districts, with the exception of service stations with and without gas,
- Stub outs to be provided on both sides of the property to the large adjoining tracts,
- RPO (Roadway Protection Overlay) standards to be met along Shelton Avenue (Highway 115),
- All parking for the business uses shall be located to the rear of the non-residential buildings, and
- Only 2 driveway cuts to be allowed per NC DOT approval.

PROPOSED USE: Multi family and neighborhood retail and office project.

SIZE: The property is 21.7 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: This property is primarily surrounded by residential uses, with some limited commercial in the area, and an industrial facility within ½ mile to the north.

WATERSHED REGULATIONS: This property is not located in a watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Highway 115 is 10,500 vehicles per day. In 2005, the estimated daily traffic count for Highway 115 was 8,900 vehicles per day.

ZONING HISTORY: This property has been zoned RA and NB since County-wide zoning went into effect in 1990. The Champ property to the north was zoned M-1 in 1991.

OTHER JURISDICTIONAL INFORMATION: This request has been reviewed with the City of Statesville Planning Staff. The staff agrees with the conditions proposed by the County, and is generally in favor of the request. This property is located within Statesville's portion of the newly crafted annexation agreement with Troutman, and therefore would be considered for annexation if requested.

**GROWTH IMPACT:** *The following section analyzes the effects this development will have on the three major types of infrastructure schools, traffic/roads, water and sewer:*

1. **Schools.** Students located in this development will attend Troutman Elementary and Middle and South Iredell High Schools. The capacity of each of these schools is listed below, along with the estimated impact that this development will have on each.

School	Capacity	# of Students 2006-2007	New Students
Troutman Elementary	727	788	26
Troutman Middle	572	427	13
South Iredell High	1101	880	17

The school system is currently in the second phase of a three phase Capital Facilities Program. Under this program, the capacity of Troutman Elementary will increase to 800 (effective Summer 2007).

The school system is also examining options for new elementary school locations in the general vicinity and options for the expansion and potential construction of a new middle school. If a school site is secured for the elementary, it will allow the school system to build a new school within the next two to three years.

2. **Traffic/Roads.** The estimated number of average daily trips per household is approximately ten. Based on the allowable density, this will equate to 390 trips at 39 lots and 1,740 trips at 174 units.
3. **Water and Sewer.** There has been no commitment from the City of Statesville to provide water and sewer to this property. However, discussions with the City Planning staff indicated that there should be no problem in getting a commitment from the City for the utilities. A water line is located on this property along Shelton Avenue. There has been some discussion of putting a pump station on this lot to accommodate the sewage.

**STAFF COMMENTS:** The property is currently zoned for single-family residential and neighborhood business uses. However, the proposed use in the County Land Use Plan is residential. The project has access to an existing water line and will most likely get approval on the sewer from the City of Statesville. The proposed project would increase the NB zoning from approximately 3 acres to approximately 8 acres, with the remainder of the property to be designated as R-8A. Table 1 breaks down the number of units that could be built under the current RA zoning district versus the number of units that could be build under the proposed R-8A zoning district.

**Table 1**

	Zoning	Acreage	Number of units
Currently	RA	18	39
Proposed	R-8A	13	174

The current NB zoning allows for commercial uses along the highway. Although this is not designated in the Land Use Plan for commercial uses, the impact of expanding the current NB zoning would be limited. Future requests for additional NB zoning would be limited due to the barriers on either side; a neighborhood to the south and a cemetery to the north. Although the current Land Use Plan calls for residential uses, the plan is slightly out-dated and seems to have not taken into account the neighborhood business designation along this road. With some reservations, the planning staff recommends in favor of this request. Although the property is partially zoned for commercial uses and has access to water and sewer, it does not comply with the Land Use Plan. However, it is likely that this property will not develop under the County’s jurisdiction and will eventually be annexed into the City of Statesville as a result of the water and sewer service.

**PLANNING BOARD ACTION:** On July 11, 2007, the Planning Board voted 7-2 to recommend approval of amending the County Land Use Plan and voted 7-2 to recommend approval of this request and to advise that it is consistent with the County Land Use Plan.

Michael Johnson, a representative for the property owner, said the request had been made to “clean up the zoning.” He offered to answer any questions the board members might have.

No one else requested to speak.

**MOTION** by Commissioner Tice to 1) Amend the County Land Use Plan, 2) Approve the zoning map amendment and to make a finding that the approval was consistent with the adopted County Land Use Plan and that said approval was reasonable and in the public interest due to its consistency with the County Land Use Plan; as a result said approval furthers the goals and objectives of the County Land Use Plan, and 3) approve the Conditional-Use Findings-of-Fact.

VOTING: Ayes – 5; Nays – 0.

**Case No. 0707-6: Applicant Matthew Wilson with Landcraft Management LLC, on behalf of Owner Shiloh Farms, Inc., Requests to Rezone a Parcel from Residential Agricultural to Single-Family Residential (R-12) Conditional Use District:** Planning Director Ron Smith reviewed the following staff report for this request:

**CASE NO. 0707-6**

**OWNER:** Shiloh Farms, Inc.  
1201 Odell School Road  
Concord, NC 28027

**APPLICANT:** Matthew Wilson  
Landcraft Management, LLC  
1435 West Morehead Street, Suite 135  
Charlotte, NC 28208

**AGENT:** Nicole R. Storey  
ESP Associates, P.A.  
PO Box 7030  
Charlotte, NC 28241

**LOCATION:** 431 Westmoreland Road in Troutman, NC; more specifically PIN# 4659-49-7258. **Directions:** I-77 south to exit 42, south on 21, left on Westmoreland Road site on left at corner with Houston.

**REQUESTED ACTION:** Rezone the property from RA, Residential Agricultural Zoning District to **R-12-CUD, Single Family Residential Conditional-Use District** with the following conditions:

1. Water and sewer must be provided and the subsequent development policies of the Town of Troutman concerning water and sewer service must be followed (*see attachment A*),
2. The total number of lots that can be developed is 224.

**District Comparison**

	<b>RA (Residential Agriculture)</b>	<b>R-12 (Single Family Residential)</b>	<b>Proposed</b>
Acreage	103.55	103.55	103.55
Less Undevelopable Land	90	90	----
Lots per Acre	2.178	3.63	2.16
<b>Total Possible Lots</b>	<b>196</b>	<b>326</b>	<b>224</b>

3. No private driveways will be permitted to access Westmoreland Road

**PROPOSED USE:** Residential community with an amenity center and recreational area.

**SIZE:** 103.55 acres

**EXISTING LAND USE:** Vacant/Agricultural Land

**SURROUNDING LAND USE:** Agricultural and residential

**WATERSHED REGULATIONS:** This property is not in a watershed.

**TRAFFIC:** The traffic capacities for Westmoreland Road and Houston Road were not specifically addressed in the 1993 Iredell County Thoroughfare Plan. However, based on similar roads within the County, it would appear that the design capacity would be between 8,000 and 9,000 ADTs. Westmoreland Road is currently paved for only a portion of its length. As part of the approval from the Town of Troutman, the road will be completely paved. In 2004, the estimated daily traffic count for Westmoreland Road was 650 vehicles per day and 470 vehicles per day for Houston Road in 2005.

**ZONING HISTORY:** This property and surrounding properties have been zoned RA since the countywide zoning went into effect in 1990.

**GROWTH IMPACT:** *The following section analyzes the effects this development will have on the three major types of infrastructure schools, traffic/roads, water and sewer:*

1. **Schools.** Students located in this development will attend Troutman Elementary an Miiddle and South Iredell High Schools. The capacity of each of these schools is listed below, along with the estimated impact that this development will have on each.

School	Capacity	# of Students 2006/2007	New Students
Troutman Elementary	727	788	34
Troutman Middle	572	427	17
South Iredell High	1101	880	22

The school system is currently in the second phase of a three phase Capital Facilities Program. Under this program, the capacity of Troutman Elementary will increase to 800 (effective Summer 2007).

The school system is also examining options for new elementary school locations in the general vicinity and options for the expansion and potential construction of a new middle school. If a school site is secured for the elementary, it will allow the school system to build a new school within the next two to three years.

2. **Traffic/Roads.** The estimated number of average daily trips per household is approximately ten. Based on the allowable density, this will equate to 2,240 trips at 224 lots and 3,330 trips at 333 lots.
3. **Water and Sewer.** The Town of Troutman will be providing water and sewer service to this development. A letter from the Town, labeled “Attachment A” is attached to this staff report.

**OTHER JURISDICTIONAL INFORMATION:** This request has been reviewed, and endorsed, by the Town of Troutman. The Town has agreed to provide water and sewer service to the development. In return, the developer must agree to adhere to the development standards detailed in the letter from the Town of Troutman, dated June 20, 2007.

**STAFF COMMENTS:** The recent growth study has established several new policies to consider when dealing with new development. This proposal is subject to much of that study due to the implications of the request for higher density development. Several core issues have been considered by the staff, and should be considered in your deliberation of this request.

1. **Impact on schools.** Higher density equals more children. The schools that will serve this development are either near, or over capacity. The developer currently has the right to develop on this property under the current RA zoning. By limiting the number of lots, the developer is agreeing to wait until the school system has had adequate time to plan for the new students. In this particular case, a new elementary/middle school combo is being planned that will serve this development.
2. **Intergovernmental Cooperation.** The Growth Study recommended that the County work closely with the municipalities to prepare for growth. The County Planning Staff has worked closely with Troutman on this request and understands the Town’s financial needs as they relate to water and sewer (see below). Because this request is endorsed by the Town, and is a prudent approach to development, we have tried to be as cooperative as possible with Troutman.
3. **Urban Service Areas.** The Growth Study recommended studying USAs as a way to cooperate with the municipalities and to funnel growth into areas that can handle it (i.e. water and sewer and roads). Although Troutman does not have an established USA, it does have a detailed Capital Improvement Plan for water and sewer. This area is currently served by these utilities, and would be included in the USA if it were adopted.
4. **Water and Sewer Connectivity.** It was apparent through the study that development with municipal utilities was preferred where possible. Because this area is served by utilities, it makes sense to connect. However, it also makes sense to allow higher densities when municipal utilities are available due to economic reasons, it benefits

the Town as well as the development community. There are also positive environmental impacts that come with connection to utilities.

This request, with the associated conditions, is a balance between the impact on schools and roads, and the promotion of development practices that utilize the systems currently in place. Staff feels that the impact on the schools is offset by the conditions of the request, primarily the lot limitation, and that the core principles of the Growth Study are being met.

Based on all of these issues, staff recommends approval of the request.

PLANNING BOARD ACTION: On July 11, 2007, the Planning Board voted 6-4 to recommend approval of this request and to advise that it is consistent with the County Land Use Plan.

Agent Nichole Storey, with ESP Associates said the request had the full support of the Town of Troutman, and within two years, the property would be in this municipality's jurisdiction.

(Matthew Wilson with Landcraft was also present, but he chose not to speak.)

Jim Morrow (opposition) said approval of this request would create a "horrendous" traffic problem.

Sara Nestler (opposition) a resident on Cardinal Lane said traffic was already an issue. She said, "The county is hemorrhaging and we need a tourniquet." Nestler said 224 homes on 90 acres were too many.

Jeff McNeely said he was a concerned citizen, and this proposed development had no infrastructure to support it.

Nichole Storey (advocate) said the planning staff and planning board had recommended in favor of the rezoning.

**MOTION** by Commissioner Tice to approve the zoning map amendment and to make a finding that the approval is consistent with the adopted County Land Use Plan and that said approval is reasonable and in the public interest due to its consistency with the County Land Use Plan; as a result, said approval furthers the goals and objectives of the County Land Use Plan.

VOTING: Ayes - 3; Nays – 2 (Williams & Robertson)

**Case No. 0707-7: Applicant E & J Development, LLC, on behalf of Owner Howard & Associates LTD Partnership and Tom & Wendy Shadrix Request to Rezone Parcels from Residential Agricultural to Single-Family Residential (R-12) Conditional Use District:** Planning Director Ron Smith described the staff report for this case as follows:

**CASE NO. 0707-7**

OWNERS: Howard & Associates LTD, Partnership  
400 Avinger Lane Apt 347  
Davidson, NC 28036  
Tom & Wendy Shadrix  
8704 Stage Ford Road  
Raleigh, NC 27615

AGENT/APPLICANT: E & J Development, LLC  
227 Hideaway Lane  
Mooresville, NC 28117

LOCATION: The property lies between Overcash and Houston Road, more specifically PIN#s 4750-87-1673 and 4750-84-4557. Directions: I-77 south to exit 42, south on 21, left on Westmoreland Road site at end across Houston Road.

REQUESTED ACTION: Rezone the property from RA, Residential Agricultural Zoning District to **R-12-CUD, Single-Family Residential Conditional-Use District** with the following conditions:

1. Water and sewer must be provided and the subsequent development policies of the Town of Troutman concerning water and sewer service must be followed (*see attachment A*),
2. Phasing will be required based on the following:
  - a. The proposed development will be permitted to develop to the density standards of the RA district for the first two years beginning on the date of the approval of the rezoning. The

number of lots that will be allowed during that time shall be no more than **336** (*this number has been determined by subtracting 0.8% of the overall acreage for streets, and 0.5% of the overall acreage for undevelopable land, then multiplying the net acreage by 2.178, the density allowed in the RA District*).

- b. Upon the expiration of the two year period mentioned above, the remaining lots that would be permitted by utilizing an R-12 density shall be allowed to begin (**i.e. final subdivision plats may then be submitted**).
- c. All lots created subsequent to the rezoning may adhere to the minimum standards of the R-12 District.

**District Comparison**

	<b>RA (Residential Agriculture)</b>	<b>R-12 (Single Family Residential)</b>
Acreage	177.63	177.63
Less Undevelopable Land	154.53	154.53
Lots per Acre	2.178	3.63
<b>Total Possible Lots</b>	<b>336</b>	<b>565</b>

- 3. No private driveways will be permitted to access Overcash or Houston Roads.

PROPOSED USE: Single family residential housing

SIZE: 177.63 acres

EXISTING LAND USE: Vacant/Agricultural Land

SURROUNDING LAND USE: Agricultural and residential

WATERSHED REGULATIONS: This property is not in a watershed.

TRAFFIC: The traffic capacities for Overcash Road and Houston Road were not addressed in the 1993 Iredell County Thoroughfare Plan. However, based on similar roads within the County, it would appear that the design capacity would be between 8,000 and 9,000 ADTs. In 2004, the estimated daily traffic count for Overcash Road was 680 vehicles per day and 470 vehicles per day for Houston Road in 2005.

ZONING HISTORY: This property and surrounding properties have been zoned RA since the countywide zoning went into effect in 1990.

GROWTH IMPACT: *The following section analyzes the effects this development will have on the three major types of infrastructure schools, traffic/roads, water and sewer:*

- 1. Schools. Students located in this development will attend Troutman Elementary and Middle and South Iredell High Schools. The capacity of each of these schools is listed below, along with the estimated impact that this development will have on each.

School	Capacity	# of Students 2006/2007	New Students
Troutman Elementary	727	788	50
Troutman Middle	572	427	25
South Iredell High	1101	880	32

The school system is currently in the second phase of a three phase Capital Facilities Program. Under this program, the capacity of Troutman Elementary will increase to 800 (effective Summer 2007).

The school system has purchased a site for a new elementary school locations in the general vicinity and options for the expansion and potential construction of a new middle school. If a school site is secured for the elementary, it will allow the school system to build a new school within the next two to three years.

- 2. Traffic/Roads. The estimated number of average daily trips per household is ten. Based on the allowable density, this will equate to 3,360 trips at 336 lots and 5,650 trips at 565 lots.
- 3. Water and Sewer. The Town of Troutman will be providing water and sewer service to this development. A letter from the Town, labeled "Attachment A" is attached to this staff report.

OTHER JURISDICTIONAL INFORMATION: This request has been reviewed, and conditionally endorsed, by the Town of Troutman. The Town has agreed to provide water and sewer service to the development. In return, the developer must agree to adhere to the development standards detailed in the letter from the Town of Troutman, dated June 20, 2007 (Attachment A).

STAFF COMMENTS: The recent growth study has established several new policies to consider when dealing with new development. This proposal is subject to much of that study due to the implications of the request for higher density development. Several core issues have been considered by the staff, and should be considered in your deliberation of this request.

1. Impact on schools. Higher density equals more children. The schools that will serve this development are either near, or over capacity. The developer currently has the right to develop on this property under the current RA zoning. By phasing the development and limiting the number of lots over the next two years, the developer is agreeing to wait until the school system has had adequate time to plan for the new students.
2. Intergovernmental Cooperation. The Growth Study recommended that the County work closely with the municipalities to prepare for growth. The County Planning Staff has worked closely with Troutman on this request and understands the Town's financial needs as they relate to water and sewer (see below). Because this request is endorsed by the Town, and is a prudent approach to development, we have tried to be as cooperative as possible with Troutman.
3. Urban Service Areas. The Growth Study recommended studying USAs as a way to cooperate with the municipalities and to funnel growth into areas that can handle it (i.e. water and sewer and roads). Although Troutman does not have an established USA, it does have a detailed Capital Improvement Plan for water and sewer. This area is currently served by these utilities, and would be included in the USA if it were adopted.
4. Water and Sewer Connectivity. It was apparent through the study that development with municipal utilities was preferred where possible. Because this area is served by utilities, it makes sense to connect. However, it also makes sense to allow higher densities when municipal utilities are available due to economic reasons, it benefits the Town as well as the development community. There are also positive environmental impacts that come with connection to utilities.

This request, with the associated conditions, is a balance between the impact on schools and roads, and the promotion of smart development that utilizes the systems currently in place. Staff feels that the impact on the schools is offset by the conditions of the request, primarily the delay in development, and that the core principles of the Growth Study are being met. The two year delay for the additional lots will give the school system the opportunity to plan and deal with the growth in this area (an elementary school sight currently being sought).

Based on all of these issues, staff recommends approval of the request.

PLANNING BOARD ACTION: On July 11, 2007, the Planning Board voted 6-4 to recommend approval of this request and to advise that it is consistent with the County Land Use Plan.

Lee Easter (advocate) said discussions had been occurring with the Iredell-Statesville School System, and two schools, with a possibility of three, might be placed on the acreage.

Elizabeth Mills (opposition) said the traffic situation needed to be corrected before approval of the request.

Commissioner Robertson asked what Phase (school construction plan) included the proposed new school.

Smith said Phase III.

Deputy County Manager Blumenstein agreed -- it would probably be in Phase III.

Commissioner Robertson voiced concerns about the number of homes and the projected number of new students.

Chairman Norman asked if the projected student enrollment counts had been obtained from the school system.

Smith said yes.

Commissioner Williams said construction costs for the three needed schools would be a hundred million dollars.

**MOTION** by Commissioner Johnson to approve the zoning map amendment and to make a finding that the approval is consistent with the adopted County Land Use Plan and that said approval is reasonable and in the public interest due to its consistency with the County Land Use Plan; as a result, said approval furthers the goals and objectives of the County Land Use Plan.

VOTING: Ayes – 3; Nays – 2 (Williams & Robertson)

CONSENT AGENDA

**MOTION** by Commissioner Tice to approve the following eleven consent agenda items.

VOTING: Ayes – 5; Nays – 0.

(All requests were presented during the agenda briefing.)

**1. Request to Call for a Public Hearing on September 4, 2007 at 7:00 PM, Regarding a Release of Zoning Jurisdiction to the Town of Mooresville for Property in/around the Area Identified as 275 Cornelius Road, Mooresville, NC**

**2. Request for the Updating of the Iredell County Plat Review Officer List by Adding Elinor Hiltz, Ron Smith, Michael Harper, and Lauren Page:** The corrected list will be as follows:

IREDELL COUNTY PLAT REVIEW OFFICER LISTING

<b><u>IREDELL COUNTY:</u></b>	Steve Warren William Allison Rebecca M. Harper Elinor Hiltz Ron Smith Matthew Todd Barry Whitesides
<b><u>TOWN OF MOORESVILLE:</u></b>	Timothy D. Brown Craig Culbertson Michael Harper Jim King
<b><u>CITY OF STATESVILLE:</u></b>	David Currier Sherry Ashley Elaine Anthony
<b><u>TOWN OF TROUTMAN:</u></b>	Emily Jackson Lauren Page

**3. Request for Approval of a Permanent Utility Easement at the new Mooresville Intermediate School:** As was explained by David Dutton, the Director of Business Services for the Mooresville Graded School System, this will be a permanent utility easement (50'-0") and temporary construction easement for the educational village site.

**4. Request for Approval of Renewal Leases with Crossroads Behavioral Healthcare for the Hwy. 21 North/Turnersburg Road Facility and the 231 Twin Oaks Road Site:** Both leases will be for a five-year period commencing on October 1, 2007 and ending on September 30, 2012.

**5. Request for Acceptance of the 2006 Annual Tax Settlement and the Issuance of 2007 Tax Orders for the Tax Collector and Sheriff:** Tax Collector Bill Furches summarized the following settlement in accordance with N.C.G.S. 105-373.

**2006 Taxes:**

Real & Pesonal Levy	\$65,205,273.69
Motor Vehicles	6,298,933.76
Add: Discoveries	1,215,569.35
Deduct: Releases & Write offs	(362,749.70)
	\$72,357,027.10
Collections	<u>70,038.899.95</u>

2006 Outstanding Taxes	\$2,318,127.15
<b>Collection Rates:</b>	
All Property	96.80%
Excluding Motor Vehicles	97.58%
Motor Vehicles	88.54%
<b>Delinquent Taxes:</b>	
Collections	\$1,832,266.64
Delinquent Taxes Outstanding	\$2,747,540.78
2007 Taxes Collected	\$ 328,125.44

**The Numbers**

Collected \$8,173,115 more in Iredell County taxes than previous year - up 13.2%

Collected \$1,876,072 more than was budgeted - 102.66% of budget

Collected for all jurisdictions \$112,791,283 - up 13.5% -- \$13,420,185 more than previous year

**Tax Collection Actions**

Vehicle Tags Blocked	27,179	Tax Statements	3,223
Credit Agency	2500	EBT Setoff	1,868
Garnishments	1,371	Payment Arrangements	231
Lien Holder Letters	82	Bank Attachments	62
Foreclosures Processed	26		

**Tax Collection Problems**

Bankruptcies	221 for \$791,255	Foreclosures	900
Vehicle Taxes	8.65% of total levy – 30.9% of delinquencies - \$717,277		

STATE OF NORTH CAROLINA	(	)
	( ORDER )	
COUNTY OF IREDELL	(	)
TO: THE SHERIFF OF THE COUNTY OF IREDELL		
You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Tax Assessor and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Iredell, and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.		

STATE OF NORTH CAROLINA	(	)
	( ORDER )	
COUNTY OF IREDELL	(	)
TO: THE TAX COLLECTOR OF THE COUNTY OF IREDELL		
You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Tax Assessor and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Iredell, and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.		

**6. Request for the Appointment of Shannon Lester as a Deputy Tax Collector with a term extending through June 30, 2008:** Lester has completed the Fundamentals of Property Tax Collections course through the School of Government. This appointment will allow Ms. Lester to sign her own work (garnishments and bank attachments).

**7. Request for Approval of a Contract with Interstate Credit Collections:** Tax Collector Bill Furches recommended approval of this contract. He said the method differences used by this company compared to other companies were that delinquent taxpayers would have their accounts reported to the three credit agencies (Equifax, Experian, and Trans Union). Furches said Interstate would also have the capability of tracking delinquent taxpayers who lived out of state.

**8. Request for Approval of a Three-Year Service/Maintenance Contract for the DSS Building's HVAC System:** Facility Services recommends Johnsons Controls for the elevator service at a cost of \$4,747.50 per quarter (total annual cost \$18,990).

**9. Request for Approval to Enlarge the Animal Grievance Committee by Adding an Alternate Position:** At the present time, this committee has five members. Due to not having a meeting quorum occasionally, an alternate position was added.

**10. Request for Approval of a Proclamation Recognizing Mr. James Keith Journey:** The following proclamation was approved. (Mr. Journey will be recognized on Sunday, August 26, 2007, at Friendship United Methodist Church and the proclamation will be presented to him at that time.)

**Proclamation  
Recognizing  
James Keith Journey**

**WHEREAS**, one of the greatest pleasures provided to the Iredell County Board of Commissioners is the opportunity to recognize citizens who have distinguished themselves and provided service to their country; and

**WHEREAS**, one such individual worthy of recognition is Mr. James Keith Journey, a true member of what has been coined, "The Greatest Generation;" and

**WHEREAS**, James Keith Journey has amassed over 25 years of honorable and commendable service in the United States Army; and

**WHEREAS**, James Keith Journey has notably and courageously served his country not only in World War II, but also in the Korean War, and the Vietnam War; and

**WHEREAS**, during Mr. Journey's military career he was awarded the World War II Victory Medal, the American Campaign Medal, the Asiatic-Pacific Campaign Medal, the Philippine Liberation Ribbon, the Korean Service Medal, the United Nations Service Medal, the Master Army Aviator Badge, the Armed Forces Reserve Medal, the National Defense Service Medal, the Vietnam Service Medal, the National Defense Service Medal with one Oak Leaf Cluster, the Republic of Vietnam Cross of Gallantry with Palm, and 21 Air Medals.

**NOW, THEREFORE, BE IT PROCLAIMED**, that the Iredell County Board of Commissioners takes pride in recognizing James Keith Journey for his admirable military service, his significant accomplishments during his career, and his personal sacrifices in contributing to the greatness of the United States of America.

**11. Request for Approval of the July 24, 2007 Minutes**

-----END OF CONSENT AGENDA-----

**ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS**

Adult Care Home Community Advisory Committee (1 announcement)

Nursing Home Advisory Committee (1 announcement)

**APPOINTMENTS TO BOARDS & COMMISSIONS**

**Mooresville Planning Board (ETJ) (1 appointment)** **MOTION** by Commissioner Tice to postpone this appointment until the August 21, 2007 meeting.

VOTING: Ayes – 5; Nays – 0.

**Statesville Planning Board (ETJ) (1 appointment):** MOTION by Commissioner Johnson to postpone this appointment until the August 21, 2007 meeting.

VOTING: Ayes – 5; Nays – 0.

**Troutman Planning/Zoning Board (ETJ) (1 appointment):** Commissioner Tice nominated Paul Hultberg.

MOTION by Chairman Norman to appoint Hultberg by acclamation.

VOTING: Ayes – 5; Nays – 0.

**Adult Care Home Community Advisory Committee (2 appointments)** No nominations were submitted, and Commissioner Tice made a motion to postpone the two appointments until the August 21, 2007 meeting.

VOTING: Ayes – 5; Nays – 0.

**Nursing Home Advisory Committee (4 appointments):** No nominations were submitted, and Commissioner Williams made a motion to postpone the four appointments until the August 21, 2007 meeting.

VOTING: Ayes – 5; Nays – 0.

**Animal Grievance Committee (2 appointments):** Commissioner Williams nominated Buddy Hemric and Grant Miller (alternate) to this committee.

Chairman Norman closed the nominations and made a motion to appoint Hemric and Miller (alternate) to the committee by acclamation.

VOTING: Ayes – 5; Nays – 0.

**Recreation Advisory Board (1 appointment):** Commissioner Williams nominated Mike Tsitourus.

Chairman Norman made a motion to appoint Tsitourus by acclamation.

VOTING: Ayes – 5; Nays – 0.

**ADJOURNMENT:** Commissioner Tice made a motion to adjourn the meeting at 10:50 p.m. (NEXT MEETING: Tuesday, August 21, 2007 at 5 and 7 p.m. in the Iredell County Government Center, 200 South Center Street, Statesville, NC.)

VOTING: Ayes – 5; Nays – 0.

Approved: \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board