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Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF A PUBLIC HEARING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
DECEMBER 5, 2011**

The Jackson County Board of Commissioners held a Public Hearing on December 5, 2011 at 1:30 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present:	Jack Debnam, Chairman	Chuck Wooten, Interim County Mgr.
	Doug Cody, Vice Chair	Evelyn B. Baker, Clerk to Board
	Joe Cowan, Commissioner	J. K. Coward, County Attorney
	Mark Jones, Commissioner	
	Charles Elders, Commissioner	

Chairman Debnam called the public hearing to order and stated the purpose was to receive public input on proposed amendments to the Subdivision Ordinance.

Gerald Green, Planning Director, gave a brief overview of the proposed amendments recommended by the Planning Board.

(1) The goals of the revisions are standards that reflect characteristics of Jackson County, reflecting county goals, protect current and future property owners, assure access for emergency vehicles, provide for some flexibility in the application of standards (planning board approval), and permit development at reasonable costs. The planning board considered the environmental costs, the costs to the County on a long-term basis, costs to the developer and to current and future property owners within subdivisions.

(2) The major issues addressed by the revisions are:

(a) Private road standards for roads not to be dedicated to NCDOT, approval of modifications to standards, phasing of subdivisions (time period for completion up to 10 years) upon approval by the planning board.

(b) Roads may be public (dedicated or maintained by NCDOT) or private. Public roads must be built to NCDOT standards. If the new subdivision road is to be dedicated as public, a certificate of approval must also be obtained from the NCDOT District Engineer as required by N.C. G. S. 136-102. Private roads must be built to county standards as provided in the ordinance. Road design must be approved as a part of the preliminary plat approval. The standards for NCDOT roads are provided in NCDOT's Subdivision Roads Construction Standards manual. The planning board developed a tier of standards for private roads based on the number of lots served within a subdivision with different road and right of way widths. Roads must be designed by registered professional engineers or professional land surveyors as provided by N.C.G.S. 89C03. Following construction of roads, the designer (engineer or surveyor) must certify that the roads were constructed as designed.

(c) Authority for approval of modifications is delegated to the planning board. Modification requests to be considered during the review of the preliminary plat. Modification requests will be considered when strict compliance with the provisions of the ordinance would cause unusual and unnecessary hardship or would result in greater environmental degradation. The standards for granting modification are: physical and./or topographic conditions, lesser impact on the physical environment, will not be a detriment to the public health, safety and welfare or injure other property; or will result in equal or better performance.

(d) Phasing of subdivisions: subdivision development could be phased over a period of 10 years. A phasing plan must be approved as a part of the preliminary plat approval. Each phase must meet all County ordinance requirements. Roads and other infrastructure in each phase must be adequate to serve all proposed development.

(e) The standards also address other relatively minor issues: All the standards to be put in place are to make the ordinance more applicable to Jackson County and its unique characteristics.

Commissioner Cody asked Mr. Green if it was his opinion that the Board of Commissioners is “wholesale gutting” the ordinances? Mr. Green responded that it is his professional opinion that the proposed amendments do not lean in any one direction and the proposed Subdivision Ordinance is one of the more balanced ordinances he has worked with during his 29 years working in planning in western North Carolina. The Planning Board worked very hard to balance the rights of the property owners, environment, future property owners, and the developers because all are involved.

Public Comments:

1. Chairman Jack Debnam questioned the requirement that the Planning Director approves all paving materials (page 8). He recommended that “Planning Director” in paragraph “e” (Maximum cut slope, page 9) be changed to “Code Enforcement”. He recommended that paragraph j (page 9) be revised to reflect continuity.

2. Marie Leatherwood of Sylva stated the ordinance standards should not be dismantled and disagrees with raising the grade standards and permitting roads to be designed by a land surveyor. The changes appear to favor the developer. Also, DOT standards are being removed so there could be no future road maintenance. The amendment increases the phasing time to 10 years with planning board approval, but how many years, possibly 20 years, could a developer have to cut and dig with heavy equipment causing continued land disturbance. She disagreed with raising the grade percentage. The board of review should not be removed.

3. Roy Osborn of Cullowhee stated the important things to keep in mind are the environment, citizens and future subdivision property owners. He questioned whether a land surveyor has the necessary expertise to design roadways. Further, the minimum design criteria should include a roadway engineer and not just the planning director or planning board to allow variances.

4. Roger Clapp, Director of the Watershed Assoc. of the Tuckasegee River, stated rural mountain roads supply the mud to streams first and foremost. The proposed amendments tend to favor the developers. The maximum for all subdivisions should be 18% instead of the more lenient 20%. WATR recommends adding a stipulation for road maintenance agreements for small subdivisions as required by homeowner associations for larger subdivisions.

5. Carl Iobst of Cullowhee stated he disagreed with the proposed amendments. Tourism is the number one economic and tax generator. Sediment is the number one polluter, thus the longer land is uncovered and disturbed the longer sediment will run into the river and streams. The absolute maximum for land disturbance should be seven years.

6. Commissioner Cowan stated the proposed amendments appear to put the developer first and potential homeowners and environment second. The ordinance should be “watered” down.

There being no further comments, Commissioner Cowan moved that the public hearing be adjourned. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

Attest:

Approved:

Evelyn B. Baker, Clerk

W. J. Debnam, Chairman