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Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF A SPECIAL MEETING
AND PUBLIC HEARING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
FEBRUARY 27, 2007**

The Jackson County Board of Commissioners held a Public Hearing on February 27, 2007 at 6:00 p.m., Myers Auditorium, Southwestern Community College, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman
Joe Cowan, Vice Chair
Tom Massie, Commissioner
William Shelton, Commissioner
Mark Jones, Commissioner
Kenneth L. Westmoreland, County Manager
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the public hearing to order and stated the purpose is to receive public input on the following proposed Ordinances: (a) Ordinance Instituting a Moratorium on the Creation of Certain Subdivisions, (b) Ordinance Establishing the Requirement for a Land Development Compliance Permit Prior to Undertaking Development Activities, and an (c) Ordinance Establishing a Process for the Establishment of Vested right. He announced that each speaker will be allowed three minutes and time may not be yielded to another speaker.

Linda Cable, Planning Coordinator, stated the following: The Planning Board has been charged with development of an ordinance regulating subdivision development in Jackson County. The Planning Board is currently considering the more substantive issues of the ordinance such as regulations related to open space, flood prone areas, road construction, stream buffers, design standards, steep slope standards, and maintenance of common areas. When a revised draft ordinance is completed, it will be updated on the county planning website, written public comments will be accepted and evaluated, and then the Planning Board will recommend a final draft to the Commissioners for consideration. A public hearing will then be scheduled for additional comments on the proposed ordinance. One of the reasons for a moratorium is to allow the Planning Board the time necessary to develop an ordinance and the Commissioners made the choice to consider a moratorium on the subdivision of land for a limited period which is deemed the minimum necessary to adopt subdivision regulations. A number of exceptions are included in order not to work a hardship on certain type of subdivisions not expected to have an adverse impact on the county's natural resources and manmade infrastructure. Further, N.C.G.S. 153A-340(H) allows county governments to place a moratorium on development problems or conditions of concern. A moratorium requires a public hearing and must include certain statements of facts: (a) a clear statement of the problems or conditions necessitating the moratorium; (b) a clear statement of development approvals subject to the moratorium; (c) an express date for termination of the moratorium; and (d) a clear statement of the actions and the schedules for those actions proposed to be taken by the county during the moratorium. A full description of those statements is included in the ordinance establishing a moratorium. This is not a moratorium based on an emergency condition. The NC General Statutes also allow for an emergency moratorium without any notice to the public or a public hearing on certain issues that would create imminent

and substantial threat to public health or safety. The problems or conditions in Jackson County occurred through the lack of basic regulations for subdivision development. Jackson County is one of the very few counties across the state that doesn't have regulations in place. The purpose is not to stop growth but rather direct and shape growth in a manner that is not detrimental to the environment, the existing infrastructure and to maintain the rural character. The problem is not that the county is growing, but that it is growing without land use, infrastructure and transportation policies to guide its development. The result is development that promotes sprawl, traffic congestion, environmental pollution and the loss of prime agricultural and forestland due to inefficient and excessive land consumption. Health and governmental services are struggling to keep pace with demand. Farmlands and pastures are disappearing and the once uninhabited mountain slopes and ridge tops are being developed. There are 467 subdivisions in the county and based on recording data, in January 2005 the county had 13,000 recorded subdivision lots by January 2007, and this total increased to 15,369 within two years. The five years prior to that there was an estimated 5,500 lots created. Of the 15,369-recorded lots, 7,145 or about 56% have structures. The county is expected to grow another 17% between 2000 and 2010. In response to the concern of economic impact to the county if a moratorium was adopted, Dr. James Smith, Professor of Practice with WCU was requested to offer an analysis. Dr. Smith's letter states that a moratorium of six months would have little, if any, economic consequence to the economy of the county. He further stated that his conclusion would be different if the moratorium was extended one or more years. Since the February 5, 2007 Commissioners' Meeting, plat maps and deeds have been submitted to the mapping office for recordation as usual and have been processed within 24 hours. All contractual documents have been placed in priority status and processed accordingly. Nothing has been turned down for recording.

Michael Egan, consultant, stated the following: A moratorium is one of the recognized tools that local governments can employ in fulfilling their solemn responsibility to administer to the public health, safety and welfare. Moratoria are intended to provide a respite, an opportunity, for counties to get a grip on pressing issues, such as, the unquestioned need to put in place basic rules concerning the subdivision of land. If one is not seeking to subdivide, then the moratorium would not apply. If one wants to purchase a piece of property and record a deed, the ordinance would have no effect. If one has been issued a building permit, the ordinance would have no effect. There is an exception for statutory vested rights which means that if anyone has a site-specific development plan that has been approved by a local government, they are vested for two years to develop that property in accordance with the site-specific development plan. Also excepted are common-law vested rights. There are a number of exceptions and limitations built into the moratorium ordinance and some are excluded by state law from the definition of a subdivision.

The most critical limitations will be those involving vested rights – either statutory or common law. The proposed Ordinance Establishing a Process for the Establishment of Vested Rights establishes an administrative process for the determination of vested rights. The proposed ordinance delegates to the planning director the authority to make this determination and also calls for the establishment of a vested rights advisory committee to assist the planning director when needed and provides standards to guide the planning director's decision. An applicant for vested rights must demonstrate either (1) a site-specific development authorization or (2) substantial expenditures made in good faith reliance on a prior administrative approval. If the applicant is not satisfied with the determination of the planning director, he or she is entitled to a quasi-judicial hearing before the planning board. The ordinance, if enacted, would result in valid applications for vested rights being approved in a matter of days or weeks as opposed to months. If an applicant is determined to be vested, then that person or entity will be exempted from the effect of the moratorium and will be able to continue have subdivision plats recorded. The proposed Land Development Compliance Ordinance is basically to serve as a clearinghouse or a

way for the planning department to insure that regulatory ordinances are being adhered to and simply requires that one obtain a land development compliance permit from the planning director which certifies that the activity being undertaken complies with all applicable county regulations.

The law recognizes that a moratorium is an extraordinary but sometimes necessary tool for local governments to use in carrying out their fundamental purpose of regulating the public health, safety and welfare. N.C.G.S. 153A-340(h) has both given its imprimatur to the use of moratoria and imposed safeguards to ensure that property owners are given due process and that any hardship imposed is necessary and temporary. The proposed ordinances meet those standards.

PUBLIC COMMENTS:

1. Tom Willson of Cashiers, real estate broker, stated that a good subdivision ordinance is needed, but does not see the need for a moratorium.

2. Bill Gibson of Sylva stated he supports a moratorium, subdivision ordinance and planned growth. Housing is a big engine in the local economy; however, development and housing are not controlling themselves.

3. Jerry Lorenzen of Sylva, development sales, stated he did not want jobs and money to be lost because of rash decisions and urged the Board to consider the long-term impact of new regulations.

4. Teryle Beye of Glenville stated he has invested in 40 acres and is of the opinion that a moratorium will cause a 30-40% detrimental impact on the value of his property. He stated he supports ridgeline, steep slope and erosion control regulations, but a moratorium will prevent the sale of his house for at least a period of six months.

5. Coleen Gottlob of Glenville, realtor, states she supports reasonable regulations, but does not support the proposed ordinances. It takes a community to plan and not two individuals.

6. George Rector of Cullowhee, teacher, stated that this region is being aggressively marketed and the lack of meaningful ordinances will cause the loss of the rural character. He supports a moratorium and the development of a meaningful subdivision ordinance free of loopholes.

7. Brian Renfro of Sapphire, realtor, stated that a moratorium is not a normal part of the process for enacting ordinances. 18,000 tax bills are mailed to addresses outside the county which represents \$4 billion in assessed values that pays 65% of county revenues. The absentee property owners use very few county services.

8. Buddy Smith of Cashiers, contractor, stated that a moratorium creates fear and will cause the loss of jobs and will have a devastating impact. A subdivision ordinance can be drafted without jeopardizing jobs. He stated he supports a good subdivision ordinance and land development compliance, but not a moratorium.

9. Thomas Crow of Tuckasegee stated that everyone should work together in good faith to come up with a planning process that will assure a sustainable future for a county and strike a balance that is good for all residents. Everyone should inform themselves of the facts and details. Local government should protect future development for the benefit of all citizens and commended the Board for its courage in considering responsible development for all of western North Carolina.

10. Philip Morris of Sylva stated he supports a moratorium if it stops new development. The stream in front of his house no longer sustains trout because of run off from the Balsam Preserve development and golf course and is muddy almost 24-7.

11. Bob Stafford of Cashiers, retired, stated the Board is on the right track and a moratorium is necessary. The main thing the county should be concerned about is roads even though the county is not responsible for them. DOT has allocated \$5.8 million for road improvements for 2007-08. A subdivision ordinance should have been enacted many years ago.

12. Audie Franks of Cashiers, mechanic, stated that a moratorium will affect not only his job, but also all employees of Toxaway Concrete.

13. Lucas Pitman of Cashiers, contractor, stated that in the short run his projects will continue; however, a moratorium will have an adverse affect on contractors. There are enough regulations in place. Erosion control should be enforced in order to protect streams.

14. David Brewin of Tuckaseegee stated that he is not opposed to development, but regulations are needed to govern future development.

15. Mike Clark of Cullowhee stated he is opposed to a moratorium because county agencies are doing a good job handling development issues, septic permits, etc. Preventing development will adversely affect the working man more than anyone. Arbitrary action by the Board will cause numerous lawsuits against the county because there is no proven emergency.

16. David Bock of Highlands, builder, stated he agreed with developmental control, but disagrees with a moratorium. He has invested substantial funds in developing a tract of land and a moratorium will hurt not only him but others as well.

17. Mack McNeely of Lake Toxaway stated that he works in Transylvania County. After 16 years of having a subdivision ordinance, building has basically stopped in the western end of that county. He suggested that the Board not enact a moratorium or other ordinances too fast. The county should just draft a good subdivision ordinance.

18. Peg Dawson of Tuckaseegee, small business owner, stated she supports a 3-month moratorium with a maximum of 6-months and that a subdivision ordinance be drafted immediately. The board should consider what does the county want to look like in 30 years.

19. Ray Trine of Cullowhee, realtor, stated that when developers purchase property, the sellers spend the check in the county, the realtor earns a commission, local surveyors survey the property, local appraisers appraise the property, local lawyers handle the closing, road builders and gravel haulers are local, home builders hire local people, materials are purchased locally and all spend monies locally for food, gas, cars, etc. All of these people have staffs and employees who live in the county who are more important than implementing new regulations because of a few bad developers. He opposes a moratorium.

20. Donald Fisher of Lake Toxaway, rental business, stated the moratorium is not based on an emergency situation. He stated he did not agree with the statements written by Mr. Smith of WCU concerning the economic impact because he did not have hard data and apparently his conclusion is based on experience and logic. He urged the Board to take the time and have a full economic impact study done because Mr. Smith could be wrong.

21. Jeremy Reid of Lake Toxaway, IT Ops Mgr., stated he opposes the moratorium which would have a negative impact on the county. His job will be affected by the adoption of a moratorium as well as his co-workers. He urged the Board to carefully look at what has happened in surrounding counties.

22. Michael McConnell of Cherokee, Interim Attorney General for Eastern Band of Cherokee Indians, stated he opposes the moratorium. The Tribe is planning to build a golf course development on county lands in the 441 Corridor. The Tribe is planning a \$650 million expansion of the casino facility and a \$130 million new school, both on trust lands. There are 750 tribal government employees, 1,800 casino employees (most of whom are not tribal members), and the casino expansion will add 1,000 jobs. Every month that the moratorium exists and construction cannot continue, the cost of construction materials increases.

23. Archie Watkins of Whittier stated he was not opposed to regulations, but a moratorium will have adverse effects. He started a development and construction business approximately a year ago and has 7 fulltime employees. He has already incurred expenses for a surveyor, septic permits, and road construction.

24. Avram Friedman of Dillsboro, Canary Coalition Director, stated the subdivision issue should have been addressed many years ago and he supports a moratorium. The environment must be protected from rapid and unbridled growth.

25. Dwight Ryals of Whittier, contractor/developer, stated that a couple of years ago he purchased property for development. The Board should work on a subdivision ordinance. A moratorium will hurt his business and affect his 2-fulltime and 2 part-time employees. A moratorium will stop progress.

26. Bill VanHorn of Franklin, member of Jackson-Macon Conservation Alliance, stated that unregulated development is harmful and once all available land is developed and if we do not get it right, we will have lost the tourism industry.

27. Russell Winchester of Whittier, business owner, stated the moratorium will hurt his business. He urged the Board to consider the economic impact to the county and how it will affect hardworking individuals. An ordinance can be enacted without a moratorium

28. Bill Thompson of Cullowhee stated he was opposed to a moratorium and everyone has the right to own property and move from place to place.

29. Tony Townsend of Sylva, business owner, stated he owns 50 acres in Ochre Hill and is opposed to a moratorium because it takes away his rights.

30. Sonja Himes of Sylva stated she supports a moratorium and a solid, well thought out subdivision ordinance. A moratorium will allow time to accomplish goals because the county does not need poorly designed subdivisions.

31. Vera Guise of Cullowhee, WCU instructor, stated she supports a moratorium. Progress does not always help everyone. Those who would be hurt the most must be protected from unbridled growth and greed.

32. Brian Bartlett of Asheville, surveyor, stated that a subdivision ordinance in Jackson County is long overdue; however, a moratorium is wrong. Other surrounding counties have adopted an ordinance without moratoriums. A moratorium will affect the economy.

33. Christian Collins of Sylva stated he supports a moratorium and a subdivision ordinance.

34. Travis Jones of Easley, SC, stated he works for his family owned business in Jackson County as a dispatcher and his family's income depends on construction. He stated he opposes a moratorium and if it remains in effect, he will have to lay off his drivers. Subdivisions roads are better than state roads.

35. Sue Burton of Cullowhee stated she is not opposed to growth and supports a moratorium which will give the Planning Board sufficient time to draft a subdivision ordinance. The county must also take into consideration the effect of growth on hospitals, public services, schools, nursing homes, etc.

36. Jim Caulderbank of Balsam stated he is opposed to a moratorium. At present, two of the top ten developers in the country (Bear Lake Dev. and Centex) are working in the county. If rules are now changed, they will bypass the county because they will fear the unknown. A tremendous amount of findings of fact must be made available for judicial review by people seeking relief, which may happen if the moratorium is passed.

37. Terry Thompson of Webster, mortgage lender, stated a moratorium is not necessary. A good subdivision ordinance is appropriate. His main concern was the letter from Mr. Smith of WCU stating there would be no economic impact from a moratorium. Since the moratorium was discussed two weeks ago, he knows of three people have had to back off considering loans. Lending institutions will not loan money on property when it does not know what is going to happen to the property.

38. Ethan Staats of Cashiers, landscape architect, stated he supports a moratorium if that is what is necessary to control certain developers who are injuring the environment. There must be regulations so that uncontrolled development will not ruin the county forever.

39. David Wheeler of Whittier stated he supports a moratorium; unrestricted development is not good for the county because large developers do not have a long-term interest in the county. The Board should consider what will the county look like for future generations.

40. Kathy Calabrese, of Whittier stated she supports the moratorium. Unchecked development should not be tolerated and the legitimate concerns on the economic impact, if any, will be minimal compared to long-term benefits. Best development practices make good environmental sense.

41. John Edwards, developer, stated he has built 34 houses in the county and some regulations are needed. He stated that \$1 million has gone outside the county on his last 3 houses primarily for subcontractors, contractors, supplies and services. He stated that the moratorium will not affect him and he is looking for workers. It is time that we look carefully at our county and future generations. Who owns the county – big businesses and special interests or the people who really have the right to have regulations that will protect them in the future.

42. John Ashcraft of Sylva, WCU computer specialist, stated he believes in protecting the environment and is not opposed to regulations, but is opposed to causing work to stop because of a moratorium.

43. Rick Monteith of Cashiers, business owner, stated that he hopes the Board's decision does not harm anyone or does not affect people who need to eat.

44. Merritt Newman of Cashiers, designer/builder, stated that a moratorium will affect the 20-30 year olds who have no other means of income and who live week to week. Most people can't afford to live or buy a house in Cashiers. It should not take 6 months to draft a subdivision ordinance.

45. William Owen of the Canada Community stated that the moratorium will have a tremendous impact because the only industry in his community is housing. The economic impact will affect local people and rural communities.

46. Roger Clapp of Bryson City, Director of the Watershed Assoc. for the Tuckaseegee River (WATR), a volunteer organization which seeks to protect water quality in the Tuckaseegee River and its tributaries. WATR works with contractors to make sure they know the rules and preserve water quality in streams. WATR supports a moratorium until a subdivision ordinance is put in place.

47. Steve Woodham of Greens Creek, self-employed, stated his vested rights started when he purchased several acres and a moratorium will detrimentally affect him. Regulate – but do not penalize.

48. James McCarthy of Dillsboro stated that a moratorium does not affect his vested rights and wanted to know when the study was done concerning a loss of jobs

49. John Lehotsky of Glenville, contractor, stated that it would take him two years to economically recover from a 6-month moratorium and would affect every citizen. The draft subdivision ordinance has too many constraints.

50. Joni Wavra of Cullowhee stated she opposes a moratorium; however, some rules and regulations are necessary but disagreed with the economic impact report from Mr. Smith of WCU because he had no data upon which to base his opinion. She suggested an economic study.

51. Jeanette C. Brown of Cullowhee stated that the U.S. Census reports that construction is a distant fourth behind tourism, healthcare and education in the county. 80% of western North Carolina farms have been lost to development. The Board must protect the economic future of the county. A moratorium is necessary.

52. Jack Stovall of Tuckaseegee stated that time is of the essence and recommended the utilization of an ad hoc committee or volunteers who are experts to assist the Planning Board and Commissioners in drafting the regulations. Land and water assets must be preserved.

53. Chris McMahan of Sylva, contractor, stated he supports protecting the environment and is a member of WATR. A subdivision ordinance should be developed without the necessity of a moratorium which will affect his job. He works in Haywood and Buncombe Counties and has had no problems complying with their regulations.

54. Roger Turner of Sylva stated he supports a moratorium and that landslides are attributable to over-development. He urged the Board to also adopt a steep slope ordinance.

55. Louis Spagna of Cullowhee stated he supports the moratorium and many citizens have been misled by purported detrimental effects. Building on steep slopes presents a danger.

56. Roger Plemens, President of Macon Bank, stated he is interested in preserving the integrity of the area and is not opposed to subdivision regulations; however, the construction industry is what drives the economy and slowing it down would have a ripple affect that would detrimentally affect the banking business and his bank has already lost a \$1 million transaction because of the unknown new rules. Very few businesses can afford to shut down for 6 months. The Board should consider the impact of an unrealistic 6-month moratorium on the local economy.

57. Richard Worth of Tuckaseegee, developer, stated he owns 100 acres and plans to build a model community that will have a positive affect on the land. Realistic rules and regulations are necessary to protect the mountains.

58. Reid Berglund of Cashiers, attorney/investor, stated he has a real estate law practice and owns two parcels that would potentially be affected by the proposed ordinances. He recommended that the Cashiers commercial zone be exempted from the 3 proposed ordinances. The Planning Board should be allowed to have reasonable input so that whatever it drafts is reasonable, fair and a normal process. He stated he opposes a moratorium because it is bad for the southern part of the county because the primary commerce is development. He stated he opposes unbridled legislation and the moratorium will not stand the legal test.

59. Michael Harris of Sylva, grader, stated he opposes the moratorium because it will devastate the area. The building industry fans out money and supports the county. Guidelines are necessary, but not moratoriums.

60. Bill Bethea, attorney for Balsam Mountain Preserve, stated he was not opposed to subdivision regulations that are proper constructive additions that would be of benefit to the county. Balsam Mountain Preserve is an example of excellent quality growth which was carefully designed and implemented in a professional manner.

61. Johnny Nicholson, Chief of Security for Balsam Mountain Preserve, stated that it provides 90 jobs in the community and approximately 90 contractors per day are checked into the development. The development provides many outreach programs and has placed 3,000 acres into a conservation easement. He requested that their jobs not be taken away.

62. Alice Mason of the Greens Creek area stated that she feels strongly about passing a moratorium and supports a subdivision ordinance that protects the mountain heritage. The county is facing environmental concerns.

63. Marie Leatherwood of Sylva stated that communities must be protected and something must be done concerning regulating long-term development.

64. Edith Lyons of Cullowhee stated that her research reveals that in 2006, 596 building permits were issued and 341 in just last six months - 86 for single-family homes, 6 commercial structures, and 17 multi-family homes. As of today, 94% of those are under construction and it takes over a year to build a house. She stated that no jobs will be lost because of a moratorium.

65. Marty Kimsey of Whittier, realtor, stated that the issue appears to be to stop development. Economics are important, but property cannot be taken without just compensation, and are regulations worth the price and are the freedoms given up worth what citizens are paying. Private property owners generally do a better job than government bureaucrats do.

66. Bill Hollands of Whittier, member of the Jackson County Board of Realtors, stated he was opposed to a moratorium. It is his understanding that if a person owns more than two acres and wants to sell a portion, the moratorium will prevent this from happening.

67. B. K. Jones of Cashiers stated he believes in property rights, but also believes in managed growth. In 1997, he started monitoring his spring which produced 38,000 gal. per day and this year it has steadily declined to 1,400 gal. per day. Major well drillers informed him they had observed that in 1997, on the average, they would drill 320 ft. to reach water and in 2007 it was 460 ft.

68. Don Niemesh of Whittier, developer, stated he has 15 employees and jobs will be lost if the moratorium is adopted. A subdivision ordinance is needed, but not a moratorium which would create an emergency for many citizens.

69. Perry Eury of Cullowhee stated that the county faces difficult challenges and regardless of any action, we are creating our legacy: acres of asphalt, signature golf courses, and mountainsides covered with mansions. History will be our judge.

70. Jay Coward of Sylva, attorney, stated he is not opposed to a good subdivision ordinance and is a strong believer in economic development. The Planning Board should be given all the time it needs to come up with a good ordinance; however, that board does not have enough representation from the building community, i.e., an architect, surveyor, attorney, developer, or a person involved with a subdivision. He urged that whatever is done be right and not just a rushed.

71. Robert Pressley of Glenville stated the proposed land development ordinances are absurd as well as a moratorium. He does not object to a well-thought out subdivision ordinance.

72. Wayne Kirkland of Whittier, carpenter and farmer, stated that land has become too valuable to farm and is favor of regulations such as a subdivision ordinance; however, a moratorium is not necessary. Development equals profit.

73. James McCall of Transylvania County, construction, stated he had seen good and bad developers; however, the majority is doing a good job. A subdivision ordinance will not attract developers.

74. Danny Paskell of Sylva, Sylva Rental, stated that he rents a lot items to contractors and does not understand the reasoning for a moratorium.

75. Marty Jones of Cashiers, realtor, stated he did and will continue to run full-page ads in opposition to a moratorium. He is a property rights advocate and believes in preservation. The loss of jobs in the southern part of the county is real. Only 23 (not 2,700) subdivisions were registered when Buncombe County starting discussing an ordinance and it did not adopt a moratorium and neither did Haywood County.

76. Charlie Jones of Glenville, safety manager for a company that has 150 employees, stated those jobs depend upon development. The proposed ordinances need to be studied because they violate property rights. He opposes a moratorium.

77. Kathy King of Sylva, realtor, stated she opposes a moratorium.

78. Kris Maree of Cullowhee stated she and her husband have a small construction business with 7 employees. A moratorium will take away the business the employees will lose their jobs. Subcontractors, realtors, concrete haulers, etc. will also be affected. She suggested that regulations be drafted without a moratorium.

79. Dale Maree of Cullowhee stated he opposes the moratorium because it will adversely affect his small business.

80. Travis Lewis of Sylva, member of Jackson County Property Owners Assoc., is opposed to a moratorium because it will have harmful affects on the economy and families who depend on the building industry. The organization is dedicated to preserving the mountains and property rights and could support a reasonable subdivision ordinance that is unique to Jackson County and not a carbon copy from another area. The planning period should not financially cripple the community. A moratorium is not the answer.

81. Wendell Ferry of Tuckasegee stated that the county needs to manage growth through good regulations. The county also needs a certified agency to advise it concerning building on slopes.

82. Cathy Garren of Cashiers, realtor and member of Highlands Cashiers Land Trust and Cashiers Board of Realtors, stated there should be a subdivision ordinance; however, she could not support a 6-month moratorium. Her research reveals that as of January 2006 there were 56 permits for new single-family residences and for January 2007 – 35 permits for new single-family residences for the entire county and a decrease of 21% of vacant land sales from 2005 to 2006. There is a decrease in the market – not an increase.

83. Mark Jamison of Cullowhee states he owns 67 acres and supports a moratorium and will help the community in the long run.

84. Myrtle Schrader of Cullowhee stated that tree experts have informed her that it takes 40 years for a tree to grow to maturity. Trees stabilize the soil and prevent erosion. Near her home is a 60-acre development for 40 homes is underway and all will be glaringly visible on the mountain slopes. She supports a moratorium if it means future development will need better plans both technically and aesthetically.

85. Carol Odom of Cullowhee, developer, stated that with the help of local professionals overall guidelines can be developed to help everyone. Moratoriums do not benefit the process because property rights must remain intact.

86. Jim Jones of Asheville, civil engineer, stated that he has been working with Mountain Brooks Development for two years. All development projects take a long time to plan and if a moratorium is enacted and one does not know the rules, people will be without work which will directly affect the economy. There is no reason not to continue the planning process without a moratorium.

87. Bill Lyons of Cullowhee stated that a moratorium is necessary to bring attention to the problem and if regulations are in place, everyone will be on the same playing field.

88. Gayle Woody of Dillsboro stated the developers must have a sense of responsibility and respect for other property owners. The county needs to evaluate the infrastructure.

89. Jason Kimenker of Sylva, business owner, stated he does not like moratoriums and the county should create a balanced regulation that works for the entire county. He urged the Board to use its best judgment on this issue because a lot of people will be affected in many ways.

90. David Bates of Glenville, representing the Jackson Macon Conservation Alliance, an organization which focuses on environmental issues, previously submitted a mountain protection resolution which states that within the past few years the rate and location of development has begun to adversely affect many of the natural resources that make living in the mountains attractive and unique. The Alliance urges the Board to consider measures that incorporate principles of sustainable development.

91. Jane Ebberts of Cashiers, broker, stated she is opposed to a moratorium and is in favor of reasonable regulations. The proposed ordinances are neither reasonable nor prudent.

92. Kim Coward of Cashiers stated she is opposed to a moratorium and personal property rights and freedoms must be protected. The proposed ordinances are too broad and over-regulating.

93. T. J. Walker of Dillsboro, tourist related business owner, stated he supports a moratorium. The unchecked development and growth will forever change the mountains. He suggested that a reasonable ordinance be in place by the summer.

94. Bill Wilson, attorney representing a local developer, stated that his client is in great fear that if the moratorium is adopted it will crush his business. Further, there is the potential that people will be negatively affected and cause the likelihood of litigation because any denial of vested rights will be decided by the courts. A moratorium will have a negative economic impact. Developers want reasonable ordinances.

95. Brandy Sullivan of Cashiers, builder, stated that because of the moratorium he has already lost one job. There are possibly 40 different trades involved in the building industry and about 100 people that walk through one of his jobs from start to finish. Subdivision roads are already the best in the county. He agrees that a subdivision ordinance is needed, not a moratorium.

96. Bill Coward of Cashiers, attorney, stated there is no emergency for a moratorium and shutting down private enterprises to fix a county problem is not necessary.

97. Zac Koenig of Cashiers, contractor and member of the Planning Board, stated there is a difference between guiding development and stopping it and does not see an emergency for a moratorium because many jobs will be lost.

98. Matt Nicholson of Cullowhee stated that he has a hydro-seeding business and his income depends on new road building. He opposes a moratorium and asked that his business not be put in jeopardy because what will happen in 6-months in the event a good plan is not ready.

99. Sherri Sherrill of Balsam stated that run-offs continue from a development behind her house and no one will do anything to correct the problems. At times, there is 8 inches of mud in her yard and water in her basement. Developers should be made to do things right.

100. John Pavey of Sylva, attorney, stated he is opposed to a moratorium because of the negative impact it will have on the county's economy. The economic study is inadequate and a moratorium will be devastating and some will go bankrupt. His firm will have to release at least one employee if the moratorium is approved. People have already lost jobs and more will be lost. Reasonable guidelines are needed, but potential lawsuits will come if a moratorium is enacted.

101. Mark Bakker, attorney, representing a client who has been disparaged as a developer, stated a moratorium will have a direct adverse impact on his client who hires builders, graders, gravel haulers, contractors, laborers, and buys materials locally. A moratorium is an extra-ordinary mechanism.

102. Gail Brown, representing the Phoenix Housing Group and NC Manufactured Housing Institute, stated that if a moratorium is enacted, it will prohibit the rights of home ownership in the \$90,000 -\$250,000 range. Her industry desires to protect the beauty of the county and supports a reasonable subdivision ordinance, but urged that growth not be stopped while an ordinance is being considered.

103. Andrew Gass of Whittier stated he has an excavation business and if a moratorium is passed, he will lose his business, land and home. He opposes a moratorium.

104. George Holmes of Cullowhee stated that Jackson County is in the same situation Buncombe County was 15-20 years ago. A subdivision ordinance should be expedited as quickly as possible in order to protect the mountains.

105. Jeanette Evans of Cullowhee, business owner, stated that the passing of a moratorium will take into consideration the quality of life and would prevent further environmental damage by new subdivisions. The moratorium provides time for the Planning Board to draft an ordinance. A subdivision ordinance will make the county a better place to live.

106. Bill Kirwan of the Canada Township stated he supports a moratorium while a subdivision ordinance is being drafted. He agrees with Dr. Smith's economic impact report. He stated that if even if dire consequences follow for a few months, what are the consequences when there is no more land suitable for development.

107. Carl Iobst of Cullowhee stated that destruction to the mountains has occurred for over 100 years. An ordinance should have been adopted years ago and urged the adoption of a moratorium.

108. Mary Jo Cobb of Tuckaseegee stated she supports a moratorium because development is out of control. Over development is affecting all streams and watersheds.

109. Frank Patrick of Tuckaseegee, a primary in Mountain Growth LLC developers in Tuckaseegee and Cullowhee, stated that his group is working on green developments. Not all developers should be judged based on what has been done by a few bad developers. Ordinances should be adopted, but should not cause work to be stopped.

110. Larry Moss of Cashiers stated that there are enough state, federal and watershed regulations in place and the proposed ordinances are ludicrous. A moratorium will shut down his stone business and other people will lose jobs also.

111. Adam Bigelow of Sylva stated present regulations are not being enforced especially run-off in the creeks being affected by development. He volunteered his services.

112. Berlin Middleton of Tuckaseegee, owner of U.S. Drilling & Blasting, stated he was opposed to a moratorium which has already caused him to lose a job that would have lasted two years. He wants to pass his business on to his grandchildren.

There being no further public comments, Commissioner Jones moved that the public hearing be adjourned. Commissioner Shelton seconded the Motion. Motion carried and the public hearing adjourned at 11:45 p.m.

Attested By:

Approved:

Evelyn B. Baker, Clerk

Brian Thomas McMahan, Chairman