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Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF THE PUBLIC HEARING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JUNE 11, 2007**

The Jackson County Board of Commissioners held a Public Hearing on June 11, 2007, 7:00 p.m., Myers Auditorium, Southwestern Community College, 447 College Road, 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
Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the public hearing to order and stated the purpose of the Public Hearing is to receive public input on a proposed Subdivision Ordinance, Mountain & Hillside Development Ordinance and amendments to the Sediment Control Ordinance, and time for public comments will be limited to three minutes.

PUBLIC COMMENTS:

(1) Carl Iobst of Cullowhee stated that protection of water resources and at least 25% of open space must be preserved. Development on slopes of 26% or greater should not be permitted. He urged the Board to adopt the ordinances.

(2) John Pavey of Sylva stated he opposed the ordinances because the restrictions are offensive and, in some cases, ridiculous. Restrictions are being imposed on land that belongs to someone else and a complete disregard for the right of land ownership. He stated that a group of individuals with extremely limited experiences were requested to draft the ordinances which show a lack of leadership by appointing individuals who were simply not qualified. Further, the Commissioners do not understand the impact of what they are trying to thrust upon citizens, county leadership is quite appalling and urged them to tender their resignations.

(3) James Wallace of Cullowhee stated that the proposed ordinances are the result of many hours of work. The safety and welfare of citizens should be considered and urged the Board to approve the planning board's recommendations and supports the ordinances.

(4) Myrtle Schrader of Cullowhee stated that the Mountain & Hillside Development Ordinance, Section 8.5, Existing Lots of Record, conflicts with the purpose of the moratorium – exemptions beyond the vested properties should not be exempted. According to the planning office, of the 15,369 subdivision lots of record, 7,145 are listed as lots of record with improvements and 8,224 without improvements. If this section is included, more than 8,000 building lots would be exempted from the ordinances for at

least the next five years. The ordinance must emphasize the immediate benefits of re-vegetation with natural flora as critical to minimizing erosion and stabilizing the disturbed soil. The Sediment Control Ordinance requires a sediment control plan and, given the high percentage of steep terrain, the addition of large tracts of impermeable surface to these steep slope areas requires more rigorous measures for protecting water resources than are provided by the ordinance. She urged the Board to always consider the protection of the environment as the foremost objective in guiding the growth of the county.

(5) Clark Lipkin of Tuckaseegee stated that the current Sediment Control Ordinance is not being enforced and should be reviewed before new rules are enacted. It is not fair to impose burdensome regulations on everyone instead of just enforcing the present regulations and referred to the requirements of Sections 607, 608 and 1401A, but limiting building within 30 ft. of a stream is a good idea.

(6) Keith Shuler of the Addie stated that things in this area are changing very fast and the environment must be protected and supports the ordinances.

(7) Mary Jo Cobb of Tuckaseegee stated she was concerned about soil erosion caused by the development at the headwaters of Mine Creek and urged the Commissioners to stand strong with the planning board's recommendations because they are entrusted to represent citizens to keep the mountains safe for generations yet to come

(8) Wayne Cobb of Tuckaseegee stated that the ordinances are not chiseled in stone and will need changes, amendments, etc. and requested careful consideration of what the county needs because everyone wants the county to continue to be a place of beauty and a great place to live 100 years in the future.

(9) Richard Frady of Sylva and a member of the planning board stated common sense was used by the members who contacted experts and brought that information back to the group for further discussion. He stressed that the open space requirement under Section 3.6.2 of the proposed Subdivision Ordinance be changed to 30% which would allow 70% for water regeneration.

(10) Joe Ward of Wilmont and a member of the planning board stated that as a farmer he will not drive a tractor pulling a fertilizer spreader up or around a 30% slope. Prior to retirement, his career was in the construction and maintenance of railroads, pipelines, strip mines, and roads. One of the steepest grades east of the Mississippi River is outside of Asheville on Norfolk-Southern Railroad, 9% slope which computes to be 5.4 degrees and Cowee Mountain has a 7% slope which computes to 4 degrees.

(11) Elaine Zachary of Sylva stated she sells real estate in the Cashiers area. The provisions in Section 8.5 of the Mountain & Hillside Development Ordinance give her office five years to educate people to whom they have sold property and she wants to be responsible in working with purchasers.

(12) Melissa Smith of Sylva stated her husband is a residential contractor and she supports the proposed ordinances. The county needs to have over-development planning now. Growth is evitable, but should be done in a way so that future generations will be proud rather than regretful. Jackson County needs to set a good example for other western counties.

(13) Carlton Bostic of Big Ridge stated the development opposite Big Ridge Baptist Church is drastically changing the landscape, roads are being built on a slope that to his eye exceeds 35%, silt fences are partially protecting the small stream but soil

erosion is apparent; Glenville Lake is now surrounded by houses and many are on ridge tops. The most important asset is the beauty of the mountains. Clean air and the mountains should be preserved by limiting building on ridge tops because many builders are not being responsible. The county needs a strong steep slope ordinance to save the environment and keep the beauty of mountains and all the ordinances appear to be reasonable.

(14) Vicki Greene of Webster stated she supports the ordinances, growth and land use management; but language should be included to make buyers aware of water resources and encouraged the adoption of land use regulations.

(15) Cheryl Woodham of Green's Creek stated she has a problem with the definition that two or more lots is considered a subdivision and thus smaller landowners are being treated as big developers. She stated she should not be required to set aside 25% of her property for someone else to look at and asked if her taxes would be reduced 25%. She stated that Section 3.6.3 "Payment in lieu of required open space" of the Subdivision Ordinance is something that only the rich can afford and does not support the ordinances. The county should not regulate roofs or colors of houses.

(16) Steve Woodham of Green's Creek stated he was opposed to the ordinances. Developers should be required to repair the land or close them down.

(17) Phil Fowler of Hamburg Township stated he supports proposed amendments to the Sediment Control Ordinance. There are some good and some not so good things in the two proposed ordinances. He stated that 80% of his property is in the steep slope area and he will have less acreage for use if the ordinances, as written, are adopted. The slope density and open space requirements should be revisited. The color of houses should not apply. The county is on the right path, but should slow down and rethink some of the proposed regulations.

(18) Jim McCarthy of Sylva stated he supports the moratorium and does not want the mountains destroyed by the same developers that have destroyed Florida and something must be done for the overall good of the county and supports the ordinances.

(19) Kim Cowan of Whittier and member of the planning board stated that the goals of the ordinances were to insure open space in new developments; not just water recharge, but wildlife should also be protected and is opposed to an alternative of the requirement for open space. Rules are needed concerning building on slopes and he supports the ordinances which will work for the benefit of the county.

(20) Jeanette Evans of Cullowhee stated the 30% requirement is necessary for groundwater recharge because every year wells must go deeper and deeper for groundwater. Open space should be as close as possible to the natural environment, but not as restrictive as proposed. Tennis courts and clubhouses should be prohibited from being considered as open space.

(21) Ernest Hall of Green's Creek stated that regulations are squeezing local families out and there is no need to regulate the color of houses. Locals need some protection and requested that family transfers be exempt. Slope cuts are not appropriately addressed in the proposed ordinance. Another issue is streams and he supports clean water; however, putting the same regulations on small streams as the Tuckasegee River is unusual and should be based on flow. He requested that registered voters be allowed to vote on the ordinances.

(22) Joan Byrd of Speedwell stated she is concerned about water issues; preservation of groundwater recharge must be done; 25% open space is necessary and steep slope regulations protect watersheds. She stated she supports the ordinances which would be for the well-being of the county.

(23) George Rector of Cullowhee stated the ordinances are necessary to protect rapid growth. The population will increase but there are limited resources. There is a critical need to minimize environmental damage, protect watersheds and groundwater, and urged the Board to adopt the ordinances to protect the county's resources.

(24) Eddie Palmer of Little Savannah stated his concern is taking 25% of everyone's land. His firm represents a realty firm that lost a \$2.4 million contract for a 16-acre tract due to the moratorium and regulations because 8 acres is lake front property and 8 acres of ridge top. He asked if the property owners will be compensated and will they be required to continue to pay taxes. The ordinances are ultimately taking 25% of everyone's land. He urged the reconsideration of all aspects of the ordinances since it will affect people's lives forever.

(25) Patty Hooper Harley of Cullowhee stated that some time people need to be told how to take care of their land. Large subdivisions and steep slope development show damages. Restrictions are needed to protect the environment and it is our job as stewards of the land which is not here for abuse. He urged the Board to prevent development from destroying the county and implement regulations which protect the land and the people.

(26) Richard Wilson of Sylva and a member of the planning board stated he has had a lot of input from citizens concerning the ordinances. The ordinances are not perfect, but are a good faith effort to preserve the mountains, the safety and welfare of residents, and take care of water and other natural resources because everyone has the responsibility to protect them.

(27) Bill Lyons of Cullowhee Mountain stated that the Sediment Control Ordinance must be enforced more aggressively because waiting "30 days" is absurd. The proposed ordinances may not be perfect, but are great steps in the right direction.

(28) Gracia Slater of Frady Cove stated that the Board is going in the right direction with the proposed ordinances.

(29) Jennifer Krell of Addie stated Scott's Creek, because of the recent accident at Balsam Mountain Preserve, is now absolutely destroyed, covered with silt, sludge and ecologically dead. Balsam Mountain Preserve was supposed to be one of the more environmentally conscious developers in the area; however, no matter how good its engineers and intentions were, one cannot beat gravity. Ridge tops and steep slopes are not appropriate places for buildings or ponds. She urged the Board to create and enforce strict rules that prevents development on steep slopes and erosion control in order to protect resources.

(30) William Kirwan of Canada Township stated he supports the ordinances and thanked the planning board for its efforts.

(31) David McGuire of Sylva stated it is obvious rules are necessary, but does not agree with the "payment in lieu of open space" paragraph because that makes it appear that if one has enough money then the environment does not matter. Erosion regulations need to be enforced. He urged the Board to pass reasonable ordinances.

(32) Delos Monteith of Monteith Branch stated the proposed ordinances address the health and safety of county residents and supports the work of the planning board.

(33) Kathy Calabrese of Whittier stated she supports the ordinances in general. The natural environment and integrity of the mountains must be maintained. She prefers an increase in open space to at least 30% and not divide impermeable surfaces in that amount and the steep slope ordinance should put restrictions on slopes over 25% rather than 30%.

(34) Reuben Moore of East LaPorte stated that some land should not be touched or developed. The rights of the many outweigh the rights of a few and it is a good starting point for regulations in the county and development needs to stay in harmony with nature. One of the greatest threats is the growth of traffic and overloads on the highways. He encouraged the Board to continue with the ordinances.

(35) Cheryl Waters-Tormey of Sylva stated she is a geologist at WCU and the planning board did a fairly good job drafting the ordinances but there is no way an ordinance can address all issues and, as a scientist, she would make the regulations more restrictive.

(36) Roger Clapp of Bryson City stated he represents a watershed group (WATR). The proposed regulation concerning a proposed 30 ft. buffer on streams is state law for protection of the drinking water supply and trout waters and should be enforced by the state. However, by also making the requirement a local law, the whole standard will go up.

(37) Michael Sanera, Research director and Local Government Policy Analyst for the John Locke Foundation, stated that radical land use plans were presented in Johnson and Camden counties and in both cases, new restrictions would cause housing prices to skyrocket. He stated Jackson County faces the same pattern and that distorted and exaggerated data has been presented. The steep slope ordinance is problematic and a 9-acre parcel with a slope of 45% or one with 1.5 acres with a 30% slope cannot be used for homes because the minimum lot sizes are 10 acres for the first and 2 acres for the second. Thus, the land has been made worthless by the slope ordinance. He urged the Board to get alternative information from lawyers who can provide information on how much risk the county is undertaking. Basically, the homebuyer is paying and being forced, in a communal situation, to have 25% as open space – people should have free choices. If the extreme measures are taken, affordable housing will be affected.

(38) Adam Bigelow of Sylva commended the planning board. He stated the county is considering enacting the most strict and restrictive ordinances for environmental protection in the state; however, 25% open space is not enough and groundwater recharging capabilities should be reviewed. Everyone needs to think about how the county will look in the future.

(39) Paul Tapp of Ochre Hill stated his property was damaged by the Balsam Mountain Preserve dam break; his bridge has probably been compromised and his septic system is hand dug. A Subdivision Ordinance with moderation is needed.

(40) Blair Tormey of Sylva, geologist, stated there has been a long history of landslides in N. C. and it would be wise and prudent for the county to err on the side of caution.

There being no further public comments, Commissioner Shelton moved to adjourn the Public Hearing. Commissioner Jones seconded the Motion. Motion carried and the public hearing adjourned at 9:45 p.m.

Attested By:

Approved:

Evelyn B. Baker, Clerk

Brian Thomas McMahan, Chairman