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Posted By: Evelyn Baker
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**MINUTES OF A
WORK SESSION
OF THE
JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JULY 9, 2007**

The Jackson County Board of Commissioners met in a Work Session on July 9, 2007, at 6:30 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove 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
W. Paul Holt, County Attorney
Evelyn Baker, Clerk to Board

Chairman McMahan called the meeting to order and stated the purpose of the work session is to discuss the proposed Subdivision Ordinance and Mountain & Hillside Development Ordinance.

(1) PRIVATE SUBDIVISION ROADS MINIMUM CONSTRUCTION

STANDARDS: Michael Egan, Consultant, stated that DOT drafted the document and roads must be built to DOT standards if ultimately property owners want NCDOT to maintain them. However, most subdivisions have private roads and the standards will regulate that activity.

Victor Lofquist, Engineer, Lofquist & Associates, Inc., and Jonathan Woodard, NCDOT District Engineer, were invited to explain various aspects of the standards. The following revisions were recommended:

Page 4. Paragraph 3. *Acceptable Materials for Pipeline with Utilities Within the Rights of Way – Materials Not Listed Shall Be Reviewed by the county.*

Page 5. A. 4. Drainage. *Revise: Minimum Cross Pipe diameter is 15". . . .*

Page 6. B. Bridges. 1. *Structures, which are to span streams, shall be designed for hydraulic requirements in accordance with NCDOT criteria. Rip Rap will be required as recommended by the county.*

Page 6. 4.b. *For superstructures – pre-stressed concrete, reinforced concrete deck slab, structural steel I-beams with reinforced concrete deck, corrugated metal deck with asphaltic wearing surface, treated wooden glulam deck, or other materials approved by a Professional Engineer.*

Page 6. Roadway Dams. 1.B. *All pertinent data regarding the design of the embankment as an impoundment structure must be presented to the county for review.*

Page 7. Note. Subgrade: *No base course shall be placed on muck, pipe clay, organic matter or other unsuitable material. For poor subgrade soil types add 2" of ABC or 1" of B25.0B.*

Page 8. Traffic Control. *The construction of all subdivision road intersections including those with existing roadways shall be constructed using traffic control standards as designed in the “Manuals on Uniform Traffic Control Devices”. All signage shall meet the requirements of the “MUTCD”.*

Page 8. G. Minimum Design Criteria. *Note. Local Residential Roads shall serve no more than 8 homes. Roads serving more than 8 homes shall be considered Residential Collector Roads.*

G-G refers to face to face of standard curb and gutter section, bottom of the “V” to the bottom of the “V” for the valley types section. Other types will be reviewed by the county with the GG limits applicable.

After discussion, it was determined that steep roadways standards remain at 14’, but the county may allow reductions to a minimum of 10’ if adequate pull-offs are provided and public safety is not impaired. The planning board recommended that roadways of less than 18’ in width have pull-outs of at least 10’ in width and 100’ long at quarter-mile intervals. A provision addressing pull-offs will be added.

Page 9. Minimum Centerline Radius. *80’* See special detail for switchback curves*

(Mr. Lofquist suggested that the minimum radius be considered on a case-by-case basis).

Revise: Shoulder Section: *18’ to 16’ for collector roads at discretion of county.*

Minimum Shoulder Width: *4’ to 2’ for collector roads at discretion of county.*

Page 9. Maximum Grade. *It was suggested that a provision be added allowing a steeper grade for short distances on a case-by-case basis, but require paving on steep grades.*

(2) MOUNTAIN & HILLSIDE DEVELOPMENT ORDINANCE:

The following changes were recommended:

Section 3(a) *endanger the quality of surface water by increasing erosion, and stream sedimentation and storm water runoff.*

The Jackson County Board of Commissioners finds the following:

(a) *Steep hillsides are inherently unstable.*

(c) *Delete second sentence.*

(d) *Add at end of second sentence: “..and groundwater.”*

(f) *Revise first sentence: “Hillsides and ridgelines... “*

Revise last sentence: “Hills and ridges.....”

Section 5. Definitions: *Revise: Protected mountain ridges: All mountain ridges whose elevation is at least 2,500 feet and whose elevation is 400 feet or more above the elevation of an adjacent valley floor as defined in this ordinance.*

(Commissioner Massie presented maps depicting protected ridges. Mr. Egan stated that he is still working on a Hillside Dev. District Map).

Section 7.3. *Delete.*

Section 8.4. *Revise by adding to “...following provisions:” Section 14.2 Cut & Fill.*

Section 13.1. *Need to revise second sentence for clarification purposes.*

Sections 14.7, 14.8, 14.9. *Revised.*

Sections 16.2, 16.3, 16.4. *Revised.*

Section 17. *Add at end of paragraph: Where no public water is available to serve a development or subdivision, the Planning Director may, in the interests of public safety, require the establishment of ponds and dry hydrants to serve such development or subdivision.*

Section 18.8. Rooflines. *Delete.*

Section 18.19. Setbacks. New section.

Section 25.3 Rule-making. Revised.

Section 25.4 Violations;remedies. Revised.

Sections 25.5 Enforcement Procedures, Section 25.6 Criminal Penalty. Revised.

Section 25.7 Civil Penalty. Revised.

Sections 26, 27, 28, 29. New sections.

Mr. Egan will draft a Board of Adjustment Ordinance for Board approval.

(3) SUBDIVISION ORDINANCE: A draft reflecting the recommendations made by the Board at the last work session was presented.

Section 1.4 Definitions. Administrator. Revised.

Planning director. Deleted

Technical review committee. New definition.

Section 2.6 Aggregation. New section.

Section 3.2.14 Public Access. Revised.

Section 3.6.3.3 Revised.

Section 6.4.3 Penalties. Revised.

Section 6.5 Variances, Sections 6.5.1 and 6.5.2. Revised.

Section 6.6 Rule-making. Revised.

Section 6.7 Appeal. Revised.

Section 6.8 Procedures for Variances and Appeals. Revised.

Mr. Egan will add a provision addressing the Cashiers Commercial District open space requirements for commercial development only.

Commissioner Massie recommended that the ordinances be reviewed annually.

INFORMAL COMMENTS BY PUBLIC:

(1) **Phil Fowler** of Hamburg Township stated he owns property on Big Ridge and around Lake Glenville which may be affected by the steep slope ordinance and the proposed ordinances are very strict. The county has a good erosion control policy, but has insufficient staff for the enforcement of additional ordinances. The county also has a good ridge control policy, but it is not enforced. He asked why valley residents' views are more important than mountain residents who are looking down into the valleys. He recommended that the county reconsider the "50%" view. He stated there is discrimination against those who own steep slope property. Further, required screening around houses is going a little too far and it appears the ordinances are going to be a bureaucratic nightmare.

(2) **Michael Sanera** of The John Locke Foundation of Raleigh stated that it may be premature to go so far with this particular ordinance from an analytical point of view. He stated there are three main things that are going to flow naturally: (a) the amount of developable land will be limited and if the demand continues it will drive the prices sky high; the ordinance, first and foremost, limits the amount of developable land; (b) children and grandchildren of current residents will not be able to afford to stay in the county; people who work in the county, especially low skilled jobs, are not going to be able to afford to remain and will cause workers to drive into the county for jobs causing an increase in congestion and demand for new roads; (c) the county will be hearing from affordable housing advocates

demanding exclusionary zoning which will require developers to build a certain amount of affordable housing.

(3) **Michael Moore** of the Qualla Community stated he is in graduate school at NC State and interning with The John Locke Foundation. His grandfather is in the housing business and regulations will hurt his former schoolmates and affect their livelihood because the ordinances are too strict.

(4) **Carol Odom** stated she has an original subdivision ordinance which addressed land use regulations of a reasonable nature to deal with subdivisions, environmental protection and safety issues and just needed a little more work. She asked why it was not refined after three years of work by previous boards. She stated the board is going to the extremes, devaluing property and taking away property rights. The county does need regulations addressing basic concerns. She asked how new regulations were being considered during the moratorium period that was specifically designed for a subdivision ordinance.

(5) **Ron Arps** of Cope Creek stated he was concerned about the change in the stream buffer provision since water is one of the most critical issues and must be preserved and improved. The stream buffers as originally proposed should be maintained – 30’ on either side of a stream to be owned in common by homeowners in the subdivision because it is going to be extremely difficult to maintain buffers along streams when they are owned by individual property owners.

(6) **Mary Jo Cobb** of Tuckasegee stated she supports the ordinances.

Drafts of both ordinances will be available for public review on July 10 at 2:00 pm and a Public Hearing is scheduled on July 19 at 7:00 p.m. in Courtroom One.

There being no further business, Commissioner Massie moved that the work session be adjourned. Commissioner Shelton seconded the Motion. Motion carried and the work session adjourned at 8:30 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk

Brian Thomas McMahan, Chairman