

# Macon County Planning Board Minutes

## February 18, 2010

**Call to Order:** Chairman Lewis Penland called meeting to order at 5:05 pm.

**Members:** Al Slagle, Allan Marsh, Karl Gillespie, Larry Stenger, Mark West, Susan Ervin, Lamar Sprinkle, Bobby Koppers, Lewis Penland, Ronnie Beale, Mike Gruberman.

**Macon County Staff:** Derek Roland, Jack Morgan, Matt Mason

**Media:**

Macon County News, Smoky Mountain News

**Approval of Minutes:** Larry Stenger made motion to accept the minutes from the January 21, meeting. Bobby Koppers seconded this motion.

**Public:** Chairman Penland limited time to 3 minutes per each citizen.

**Bob Scott-** "We cannot continue to have the mountains ruined by developers who are out to make a quick buck. I urge the commissioners to adopt these regulations as soon as possible."

**Liaison Reports:**

**Environmental/ Land Use (Comp Plan)-** Committee has had excellent attendance. Roland reported as of the last meeting the committee has began to compile recommendations, using other plans as a format or guide.

**Transportation Steering Committee-** Koppers reported that this committee had not yet met.

**Slope Development-** Chairman commended the Slope Development committee for the work they have done. Slagle introduced the members of the sub-committee. John Becker, Susan Ervin, Reggie Holland, Paul Shuler, Stacy Guffey, Barry Clinton, and Al Slagle made up this committee.

**Macon County Watershed:** Committee did not meet last month. The last meeting of the Council was to discuss a letter of support for the Cullasaja Club stream restoration project.

**Housing/Transportation (Comp Plan)-** Susan Ervin commented that this committee has drafted the recommendations for transportation. At the next meeting the committee will proceed to develop recommendations for housing.

**Public Input (Comp Plan)-** Will be left open until march 1<sup>st</sup>.

**Economic Development/Public Services (Comp. Plan)-** Chris Hanners reported that progress has improved and attendance has increased dramatically.

**Health/Seniors/Childcare (Comp. Plan) -** Derek Roland is to meet with Tim Hubbs on Friday, February 19, 2010.

**Environmental/ Land Use (Comp Plan)-** Slagle commented that the group was making progress. Slagle felt that by the next meeting we would have a good idea of the direction we were heading. Roland felt this committee would have a rough idea of recommendations for the planning board at the Mach 18, 2010 meeting.

**Education and Recreation-** Larry Stenger has taken over this committee. Committee has 17 members with 5 scheduled meeting. Cecil Groves will address the committee at the next meeting.

**Unfinished Business:** N/A

**New Business:** Al Slagle presented the Slope Recommendations to the crowd in attendance. The committee met 10 times, toured the Wildflower Development in Macon County, and consulted numerous sources over the 8 month process: Rick Wooten of NCGS, ordinances from other counties, grading contractors, slope movement hazard maps, engineers, geologists, soil scientists and citizens from Macon County. The committee developed recommendations that would consider both the public safety and minimizing property damage. The recommendations were made as scientifically and technically correct as possible. The Committee concurred unanimously on the recommendations Slagle brought before the Planning Board. (See attached report for recommendations)

Following the presentation by Slagle, Penland asked if any member of the planning board had questions concerning the recommendations. Lamar Sprinkle questioned the cut slope and fill slope requirements of 1.5:1 and 2:1 respectively. Sprinkle commented that the secondary roads constructed by the DOT do not meet this requirement. Sprinkle was concerned that developers would be held to a higher standard than the state. Slagle answered by saying these standards do not mandate the cut and fill slope standards. If they do not meet these requirements, they must be engineered. Ervin added to Slagle's response saying the primary focus of the Slope Development Committee was safety.

Gillespie brought attention to the fact that none of these regulations prohibit development on any piece of property. Some parcels however, will require certification by a design professional if they are located in areas governed by the proposed recommendations. Stenger questioned the 30 ft. setback requirement and whether or not this requirement included road beds. Slagle responded by saying the 30 ft. requirement on each side of the stream would cover the "swath" of a debris flow in a landslide event.

Penland questioned where the Slope Development Committee came up with the cut and fill slope height requirements. Slagle notified Penland that these heights were arbitrary. Ervin also added to the discussion that the proposed regulations only concern disturbed area on a parcel, rather than the slope of the total parcel.

### **Public Session:**

Penland opened the floor to the public.

Questions from Audience:

- **Matt Mason-** What percentage of land in the county will this impact?  
Reggie Holland- Private Land (Down slope Hazard) - 18% in moderate or high  
Private Land (Stability Map) - 32% with 25% moderate and 7%  
in the higher levels. These were  
base on slope and soils.  
Holland estimated that less than half of private land will be under 30% slope and not affected by this ordinance.  
Josh Pope is working to come up with a concrete number for the percentage of land in the county that will fall under 30% slope.
- **Bill Vernon-** What happens if an engineer will not sign off on my property? You can't build there  
Would slope regulations have stopped Peaks Creek from happening? *It would have stopped the loss of life (Penland)*  
What is the total cost for this? *It will be site specific.(Penland)*  
Where is the problem? Where are houses sliding?

Vernon felt we cannot afford to add more regulations and County Staff in this economic downturn.

- **Jimmy Goodman-** The building industry is hurting and any future ordinances need to be looked at very closely. Goodman feels this industry has been regulated tremendously over the last few years. “Try not to further burden an industry that is about gone.”
- **Russ Stevens-** \$18,000 for geotechnical analysis (less than 1% of total building cost).  
Can developers use the soils on their site to gain the compaction requirements?  
*This compaction can be achieved on most soils. (Slagle)*

Would I have to hire someone to test my compaction? *One of the recommendations is for the county to hire an engineer who would test compaction. (Slagle)*

- **Ronnie Beale-** People are now asking the question of whether or not it is safe to build in the mountains. The work of this committee is a start. Steep slopes are one of the things we will have to address as we move forward. The county commission appreciates the work of this committee and will look at these recommendations seriously.
- **Bobby Koppers-** Thanked the slope committee for having the courage to take on such a daunting task. “Sooner or later we will have to deal with steep slopes. We can’t keep dodging hard issues just because they are hard.”
- **Stacy Guffey-** As lots continue to be developed in steep slope areas we will begin having more problems. We must look into the future and take into consideration not only the builder and the homebuyer but the costs passed down to the county and taxpayers as well.
- **Denny Ledford-** Mr. Ledford questioned the recommended heights for cut and fill slopes. *Slagle again responded by saying these heights can be exceeded with the proper certification.* Ledford then questioned how long are grading contractors responsible for what they do? Where does the responsibility leave the grading contractors? *Slagle responded that this was a maintenance issue.*
- **Paul Shuler-** Felt that the grading contractors who are playing by the rules are being penalized. Shuler felt that all grading contractors must come under the same set of rules. Grading contractors who do the job right should not be under cut by someone who will do sub-standard work and charge less.
- **Jimmy Goodman-** Do these recommendations apply to roads or houses? *They apply to all land disturbing activity. (Penland)*

- **Al Slagle-** We must have a way to track all projects and be sure we know what is going on at all times, and who is responsible if the rules are broken with respect to development on steep slopes.
- **Ken Murphy-** Are the different ranges recommended by this committee in the mainstream with other ordinances in the area? *The regulations proposed by this committee are moderate as compared to other ordinances. (Susan Ervin)*
- **Chris Hanners-** Do these regulations require hiring 3 professionals? Geotechnical, Soil Scientist and Structural Engineer. Keep in mind the costs associated with the decision being made. *Slagle answered saying we are not advocating three engineers. When dealing with cut and fill slopes we are only requiring a geotechnical engineer. In some cases a civil engineer could possibly be required.*
- **Larry Stenger-** We are trying to come up with steep slope development regulations that will level the playing field and protect our beautiful environment. If you live on a mountain and want a dependable road, this will come with a cost.
- **Chris Hanners-** Are there any examples of structures that have triggered landslides? *Penland commented that there are 2 specific instances within the Mill Creek development where structures have triggered landslides.*
- **Lewis Penland-** *Penland* closed saying that he too is for personal property rights but “your personal property rights end where mine begin.”
- **Jimmy Goodman-** The public would like to be notified whenever meetings are going on.

**Next Meeting Date:** March 18, 2010 @ the Environmental Resources Building

**Meeting Adjourned:** Allan Marsh made motion to adjourn. Meeting was adjourned at 6:40 pm by Chairman Lewis Penland.