

# Macon County Planning Board Minutes

August 18, 2011

**Call to Order:** Chairman Lewis Penland called the meeting to order at 5:01 pm. in the Macon County Health Department

**Members:** Lewis Penland, Mark West, Alan Marsh, Karl Gillespie, Jimmy Tate, Al Slagle, Bobby Koppers, Jimmy Goodman, Susan Ervin, Lamar Sprinkle

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

**Media:** Franklin Press, Smoky Mountain News

**Approval of Minutes:** Alan Marsh made motion to approve minutes from August 2, 2011 meeting, Karl Gillespie seconded this motion. Motion carried unanimously

## **Liaison Reports:**

**MCWC-** Group is still awaiting legal review of the revised Sedimentation and Erosion Control Ordinance.

**Comprehensive Transportation Plan-** Koppers notified board that public hearing has been held, and the document is currently in the approval process.

## **New Business:**

**Review of Wildflower Creek Preliminary Plat-** Roland discussed the review process undertaken by the Planning Department regarding the Wildflower Creek Preliminary Plat. Following discussion, a motion was made by Jimmy Goodman to conditionally approve the Preliminary Plat for Wildflower Creek. Karl Gillespie seconded this motion, motion carried unanimously. Prior to full preliminary approval by the Planning Department, the following conditions must be met. 1) A \$100 review fee for Phase 1 preliminary review must be submitted. 2) A master Plan for phases 1&2 must be submitted and contain the information set forth in 159.55 of the Macon County Subdivision Ordinance. Roland then explained to Mr. Coram that a Preliminary approval only authorizes him to begin making improvements to the land. Prior to selling a lot, Mr. Coram must have a final plat come before and be approved by the Technical Review Committee.

## **Unfinished Business: Discussion of Recommendations for Slope Ordinance:**

Penland opened the discussion by reading two articles published in the most recent copy of the Smoky Mountain News, one of the articles dealt with Haywood County pursuing Slope Maps, and the other with the Commissioners authorizing the planning board to table the slope ordinance and begin discussing construction standards. Penland felt these articles were relevant to the work currently being done by the board. Discussion then ensued among board members on the contents of the articles.

Kuppers then reminded the Planning Board that on Tuesday, August 9<sup>th</sup> the Macon County Board of Commissioners agreed without objection to the motion passed 9-0 with one abstention by the Macon County Planning Board at the August 2, 2011 meeting: ***Al Slagle made a motion to begin discussing the construction standards proposed by the workgroup with the aim of eventually presenting them as recommendations to the County Commission to be added to the Sedimentation and Erosion Control Ordinance. Susan Ervin seconded this motion. This motion passed 9-0 with Sprinkle declining to vote.***

Kuppers felt that this motion should guide the discussions of the Planning Board, and the Commission would like to have a final product, representative of these discussions by September.

The board then began discussing the construction standards contained in the recommendations from the proposed slope development ordinance. **These standards are the only part of the proposed recommendations being discussed, as the remainder of the document has been tabled.** The construction standards are contained on page 5 of the document titled ***Proposed Steep Slope Regulation*** with the latest revision date being 7-21-2011, under the heading of ***General Requirements for all site categories***. The following is a summary of the board's discussion:

A motion was made by Jimmy Tate to replace the existing language in the existing Sedimentation and Erosion Control Ordinance with #1 from the aforementioned document which reads as follows: *The area to be excavated or upon which fill is to be placed shall be stripped and grubbed, and all organic material shall be removed from that area.* Alan Marsh seconded this motion, motion carried unanimously.

Numbers 2,3&4 are contained in the existing Sedimentation and Erosion Control Ordinance, therefore will not be included in the recommendations presented from the Planning Board to the Commission.

Jimmy Goodman made a motion to eliminate Number 5 from the document which reads as follows: *Structural Fill materials shall be suitable for compaction to the standards contained herein.* Lamar Sprinkle seconded this motion, motion carried unanimously.

Number 6 was moved after number 8.

Number 7 reads: *For cut slopes between 8 feet and 30 feet in vertical height, the maximum allowable Slope is 1.0 vertical to 1.5 horizontal (1.5:1).* Jimmy Goodman made motion to approve number 7 as written, Jimmy Tate seconded this motion, motion carried unanimously.

Alan Marsh made a motion to approve number 8 as written: *For Fill Slopes between 5 feet and 30 feet in vertical height, the maximum allowable Slope is 1.0 vertical to 2.0 horizontal (2.0:1).* Al Slagle seconded this motion. Motion carried 7-1 with Sprinkle opposing.

Number 6 was moved between positions 8 and 9 on the original recommendations. Alan Marsh made a motion to approve this recommendation with the following wording changes: *The Land Disturbing Activity shall not contain any graded or Structurally Stabilized Slope in excess of 30 feet in vertical height in cut areas and 30 ft in vertical height in the fill areas.* Mark west seconded this motion. Motion carried 6-2 with Sprinkle and Goodman opposing.

*\*\*originally refers to the number as it was before #6 was moved between 8 & 9\*\**

Susan Ervin made a motion to approve the recommendation which was #9 originally, with the following wording changes. *Structural Fill material must be placed in lifts not greater than 8 inches in thickness, and compacted to a minimum of 92% Standard Proctor Density The compaction will be verified at the discretion of the Administrator.* Alan Marsh seconded motion, motion carried 6-2 with Sprinkle and Goodman opposing.

Alan marsh made a motion to approve #10 originally, with the following wording changes: *A minimum 10 ft. wide bench shall be constructed into the natural slope at the toe of the fill. One additional 5ft wide bench shall be cut in to the natural slope for every 10ft. increase in vertical height.* Karl Gillespie seconded this motion. Motion carried 7-1 with Sprinkle opposing. The original recommendation read as follows: *A bench with a minimum width of 5 feet must be constructed at the toe of any Fill greater than 5 feet in vertical height. Fills greater than 10 feet in vertical height must have a bench at the toe of the Fill with a minimum width of 10 feet, and an additional 5 foot wide bench for each 10 feet in vertical height.*

Alan Marsh made a motion to approve #11 originally, with the following wording changes: *These General Requirements may be modified by a Design Professional in the related field provided acceptable technical justification is submitted to the administrator.* Mark West seconded this motion. Motion carried unanimously.

Matt Mason is to follow up with legal counsel on how to proceed with making the responsible party liable for repairing a slope in the event that it does fail.

Roland is to provide the Planning board via e-mail with the definitions contained in the original document titled ***Proposed Steep Slope Regulation***, that pertain to the construction standards approved at this meeting. The board will then correspond and

discuss whether or not to include these definitions with the final document they send to the County Commission prior to the September 13<sup>th</sup> meeting of the Commission. There is a high probability that a special meeting will be called at which the board can further discuss the definitions.

### **Final Recommendations for Construction Standards as approved on August 18, 2011:**

- 1. The area to be excavated or upon which fill is to be placed shall be stripped and grubbed, and all organic material shall be removed from that area.*
- 2. For cut slopes between 8 feet and 30 feet in vertical height, the maximum allowable Slope is 1.0 vertical to 1.5 horizontal (1.5:1).*
- 3. For Fill Slopes between 5 feet and 30 feet in vertical height, the maximum allowable Slope is 1.0 vertical to 2.0 horizontal (2.0:1).*
- 4. The Land Disturbing Activity shall not contain any graded or Structurally Stabilized Slope in excess of 30 feet in vertical height in cut areas and 30 ft in vertical height in the fill areas.*
- 5. Structural Fill material must be placed in lifts not greater than 8 inches in thickness, and compacted to a minimum of 92% Standard Proctor Density. The compaction will be verified at the discretion of the Administrator.*
- 6. A minimum 10 ft. wide bench shall be constructed into the natural slope at the toe of the fill. One additional 5ft wide bench shall be cut in to the natural slope for every 10ft. increase in vertical height.*
- 7. These General Requirements may be modified by a Design Professional in the related field provided acceptable technical justification is submitted to the administrator.*

### **Definitions for Discussion extracted from *Proposed Steep Slope Regulation*:**

**Administrator:** The person appointed by the Macon County Department of Planning, Permitting and Development to determine the Category of Slope and other slope related duties or a duly appointed designee of said Department.

**Cut Slope-** A slope exposed by excavating earth materials

**Design Professional:** A Civil Engineer, Geotechnical Engineer, Land Surveyor, Architect, Landscape Architect, or Professional Geologist currently registered in the State of North Carolina.

**Excavation-** A land disturbing activity by the mechanical removal, placement, or other movement of earth material, including soil and rock.

**Fill-** A deposit of earth or other natural or manmade material placed by mechanical means.

**Fill Slope-** A slope, any part of which is composed of fill

**Land Disturbing Activity-** Any artificial change to the surface of the earth that involves clearing of trees and other vegetation or alteration of the present topography by grading, excavation, or filling of land, including, but not limited to, road building and building construction. The term land disturbing activity does not include such activities as home gardening, home maintenance, home landscaping, home landscaping maintenance, or firewood cutting for personal use.

**Slope:** A deviation of the earth's surface from a horizontal, level plane. The method for quantifying the Slope is specified herein. Percent Slope is a means of specifying the magnitude of the slope at a point and is the ratio of the vertical rise to the horizontal run multiplied by 100.

**Structural Fill:** Fill upon which, roadways, parking lots, driveways, building foundations or other structures are proposed to be constructed. The compaction standards contained herein apply to Structural Fill.

**Structurally Stabilized Slope:** A modified Slope retained by any of several approved structural methods, including but not limited to retaining walls, soil nails, and tie backs.

**Of these definitions, the following are already contained in the current version of the Sedimentation and Erosion Control Ordinance and read as follows:**

**Land disturbing Activity-** Means of use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

**Slope-** Means the description of the angle of the land being disturbed with respect to horizontal. For example, a 2-1 slope would have a vertical rise or fall of 1-foot for each 2-feet of horizontal distance.

**Public Comment:** Ben West felt the board should break up construction standards into home sites and road sites. Furthermore, West stated that a 2:1 fill slope on roads could be too restrictive, as there are many miles of road in Macon County built on a 1.5:1 that are stable. West commented that a 2:1 fill slope would increase the amount of dirt moved which in turn would compromise stability. West also questioned what the engineering costs on these projects would be.

**Next Meeting Date:** TBD and to be held in Meeting Room(s) A&B of the Macon County Health Department located at 1834 Lakeside Drive.

**Meeting Adjourned:** Alan Marsh made motion to adjourn meeting at 7:15 pm. Jimmy Goodman seconded this motion. Motion carried unanimously.