

Macon County Planning Board Minutes

November 17, 2011

Call to Order: Vice Chairman Larry Stenger called the meeting to order at 5:03 pm.

Members: Mike Grubermann, Mark West, Alan Marsh, Karl Gillespie, Jimmy Tate, Larry Stenger, Al Slagle, Bobby Koppers, Jimmy Goodman, Susan Ervin, Lamar Sprinkle

Staff: Matt Mason, Jack Morgan, Derek Roland

Media: Macon News, Franklin Press, Thunder Pig

Approval of Minutes: Alan Marsh made motion to approve minutes from October 20, 2011 meeting, Lamar Sprinkle seconded this motion.

Liaison Reports:

Susan Ervin commented that the Watershed Council had met in the month of November. The construction standards will be incorporated into the Sedimentation and Erosion Control Ordinance once approved by the commission. The council will then incorporate those into the revised ordinance and submit the ordinance as a whole for legal review. Koppers commented that the commission had agreed to this.

Commissioner Koppers reminded the board that the vote taken by the board regarding subdivision plats was the official position of Macon County. The only people allowed to speak on behalf of Macon County for the planning board, according to Koppers, is the Chairman of the Planning Board, following a vote and the County Planner. Everything else is a conversation between two citizens.

Ervin and Slagle commented that they each have written responses to address the allegations made about them at the November 9, 2011 County Commissioners meeting.

New Business:

Franklin to Fontana Watershed Plan

Andrea Leslie, Watershed Planner for NC DENR. Leslie described to the board the Franklin to Fontana Watershed Plan, a three year planning effort that works to protect streams while addressing local or community concerns.

Review of Final Plat for Clubhouse/Cabin Phase of the Wildflower Subdivision.

Roland Summarized the document he had distributed to the Planning Board titled *Wildflower Clubhouse Phase Final Plat Review, November 17, 2011*. Roland then opened up the floor for discussion.

Susan Ervin questioned whether gravel and crushed stone roads in the subdivision were less than 10% in grade except for reaches of 200 ft. and paved roads were less than 16% in grade except for reaches of 200 ft.? Mason commented that all gravel roads were 10% or less and all paved roads were 16% or less with the exception of 1 road to the left of the Frigo and Longley lots as shown on drawing number 4196 by Smoky Mountain Surveying.

Al Slagle commented that more information was contained on the preliminary plat than on the final plat which was being presented. Slagle went on to say that things such as "Road Typical" had been left out. Slagle also commented that water lines had not been shown on this plat. Slagle felt that the systems in Diamond Falls were community systems, and the water lines should have been shown, and the sizes addressed. Roland commented that Community Water System was not defined in our ordinance. Roland then gave the Community Water System definition provided by NC DENR, and commented that in the absence of a definition, the administration would continue to use the state definition for Community Water System which applies to 15 residences or more. At this time, no lot within this phase of the subdivision, meets this definition.

Sprinkle commented that the intention when creating the subdivision ordinance was not to include "all of this information" i.e. water lines, road typicals, and other information as per 159.56, on the final plat. The intention was to show these things on preliminary and as-builts. The only things according to Sprinkle, that should be shown on the final plat is the information necessary to deed lots.

Gillespie felt that the plat before us tonight needed to be approved based on the ordinance as it exists now. While concerns brought up tonight are important, they should be addressed in the subdivision ordinance review.

Following discussion, Roland commented that the Planning Department recommended full approval for the final plat of "Wildflower" Clubhouse Phase if the following conditions were met.

1. Final plat review fee of \$120.00 be paid to the Macon County Planning Department.
2. Developer must provide evidence that the Clubhouse Phase references the existing Homeowners Association in Place for the “Wildflower” Development.
3. Gate be programmed to accommodate emergency vehicle access.

Lamar Sprinkle made a motion that the final plat be approved if the aforementioned conditions were met. Jimmy Goodman seconded this motion. Motion carried unanimously.

Sprinkle commented that the commission should rescind the subdivision ordinance until the issues in this ordinance were addressed. Sprinkle felt that the ordinance, as it exists is creating hardships for people in the county.

Unfinished Business

Continue review of Subdivision Ordinance

Roland distributed to the board information on vested rights and suggested that prior to continuing the discussion vested rights, a land use attorney should be consulted. Ken Fromnecht, a land use attorney, commented that vested rights exist in the law whether an ordinance addresses them or not. Fromnecht, then commented that a land use attorney does need to be present as vested rights are discussed.

Mark West felt that the ordinance at present, does not reflect the ordinance as it was originally passed by the Planning Board. Koppers felt that this issue should be addressed and any changes made by the county attorney should be relayed to the planning board before the ordinance is passed, if this indeed has happened in the past.

Roland will try to bring a land use attorney to the next meeting who will discuss with the board vested rights issues. Koppers felt that a land use attorney, and Chester Jones should be present as the discussion on Vested Rights continues. Roland felt an attorney should also be present when discussing the bonding issue.

Starting at the first of the year, the Planning Board will begin meeting bi-monthly. Morgan commented that, the board should also be considering a date for the annual planning board/commission retreat.

Public Comment: Agenda was amended to move public comment to the beginning of agenda, immediately before approval of minutes. No comments were made.

Next Meeting Date: December 15, 2011. Meeting will be held at the Macon County Health Department in meeting room(s) A & B located at 1834 Lakeside Drive.

Meeting Adjourned: Alan Marsh made motion to adjourn meeting at 6:41 pm.
Mark West seconded this motion. Motion carried unanimously.