

MACON COUNTY PLANNING BOARD MINUTES

February 15, 2005

A meeting of the Macon County Planning Board was held on February 15th, 2005 at the Macon County Environmental Resource Center. The meeting was called to order at 3:00 pm.

CALL TO ORDER:

Planning Board members present were Ronnie Beale, Lamar Sprinkle, Larry Stenger, Alan Marsh, Mark West, Mike Decker, Evelyn Southard, Eric Pierson, Commissioner Charlie Leatherman, and Planning Assistant Christy Cabe. County Attorney Rick Moorefield was also present.

APPROVAL OF MINUTES:

Allen Marsh made the motion to adopt the January 26th minutes. Larry Stenger seconded the motion and it passed unanimously. After the approval of minutes Ronnie asked the board if the next meeting dates were still applicable. Board members agreed meeting dates and times would remain unchanged for March the 9th and March 23rd.

UNFINISHED BUSINESS:

Ronnie at this time commended the board members for showing restraint toward comments made by members of the public opposed to the High Impact Ordinance. Ronnie also told the board he appreciated all their work and efforts. He then stated that the board's goal was to present the High Impact Ordinance to the Commissioners in April. At this time Ronnie gave the floor to Rick Moorefield for comments on the High Impact Ordinance.

PUBLIC SESSION:

No one chose to speak.

NEW BUSINESS:

Rick took the floor to review the High Impact Ordinance. The language in the introduction was the first item discussed. Rick recommended removing the terms "objectionable" and "stipulates" from the introduction so that the ordinance could maintain objectivity. This would help diminish some of the discretion for the administrator so the ordinance could be upheld in court.

The definitions were discussed next. Rick recommended drafting the definitions so that there were no exceptions. An example of this in the ordinance is the definition for sawmills. He suggested making the definitions account for the scale/intent of operation. Ronnie stated that the intent of the ordinance was in fact for the high impact not for the general hobbyists. Stenger suggested adding commercial to the introduction section of the Ordinance to more clearly define High Impact. Rick suggested defining commercial. Rick questioned the board what scale of operations they wanted to cover in the ordinance because he was unsure how to address. Rick also asked the board how they came up with this specific list. Ronnie responded by stating that there were several factors that the board took in consideration before deciding on a specific list (1.) The board held community meetings, (2) The board wanted to address impacts that are more likely to affect our County, (3.) The board also narrowed down a much larger list to a smaller, more workable list that the board could define and mitigate to and that could be presented to the Commissioners.

Rick questioned the time restraints put on sawmills. Lamar stated that the 6 month time restraint was for portable sawmills only. Marsh then questioned whether helicopter sight seeing could be banned altogether. Rick stated that you can not ban or prohibit anything that is Federal or State regulated. If it's a lawful business you can not prohibit Radioactive, Chemical, or Waste facilities. Leatherman questioned whether we could regulate the direction of where these facilities were placed. Rick stated that the provisions are state regulated. Beale stated that the board would rework the language and separation/setbacks for solid and nuclear waste.

The next item addressed was airstrips. Rick stated that these were regulated by the FAA. Rick stated that you could not regulate the runway length. Rick recommended deleting 1 & 3 from this section. Ronnie stated that his concern was for the smaller air craft. Rick suggested researching airfields.

Next in discussion was the section on asphalt plants. Rick recommended putting definitions to the establishments discussed under the Separation section (1.); Churches, daycares, schools, hospitals, etc. Rick said he would provide these definitions for the board.

Rick polled the board on who the ordinance administrator would be because the ordinance referred to this position often and in order to enforce the ordinance this position would need to be filled. Decker recommended that the county appoint some one to this position.

Rick recommended that more discussion was needed under the following articles and sections. These read as follows: Article V (page 22) Safety Fencing, Article VI Pre-Existing High Impacts section 1.) Grandfathering, Article VIII Appeals and Variances, Section 5.) Application of the Variance Power.

Rick also suggested to the Board to add a penalty provision to the ordinance. He also noted that this provision would need to be added under the building permit process also.

UNFINISHED BUSINESS:

The Board asked Rick to attend the March 9th meeting to address the grandfathering issues and the radioactive/solid waste issues.

The meeting adjourned at 4:55 p.m.

Stacy J. Guffey, Clerk/Secretary

Ronnie Beale, Chairman