

Macon County Planning Board Minutes

June 16, 2011

Call to Order: Chairman Lewis Penland called the meeting to order at 5:05 pm. in the Macon County Health Department

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

Staff: Derek Roland, Jack Morgan, Matt Mason

Media: Franklin Press, Macon News, Smoky Mountain News

Approval of Minutes: Mark West made motion to approve minutes from May 19, 2011, Alan Marsh seconded this motion. Motion carried unanimously

Liaison Reports:

MCWC- Susan Ervin reported that the Watershed Council was still awaiting the County Attorney's review of the proposed changes to the Sedimentation and Erosion Control Ordinance.

Transportation Steering Committee- Commissioner Koppers reported that the Transportation Steering Committee, after some final revisions, approved the Comprehensive Transportation Plan to be taken before the Board of Commissioners.

New Business:

Commissioner Koppers to introduce "at large" board member candidates
Commissioner Koppers informed the board that he had sent an email to the students notifying them of this meeting.

Unfinished Business:

Discussion of Recommendations for Slope Ordinance

Chairman Penland asked that the board work together and put their personal feelings aside when discussing these recommendations. Commissioner Koppers then informed the planning board that Chairman McClellan wants them to “do their thing” and finish the conversation. Koppers then said both boards have three options concerning these recommendations: The Planning Board- Accept recommendations, change recommendations, or do nothing and explain to the commission why. The Commission can then pass the recommendations as is, change the recommendations, or do nothing and explain to the taxpayers why. Slagle requested that the members of the workgroup stay involved throughout the review process. Koppers then informed the board that the Commission would like to have the planning board approved slope document by their August meeting.

Chairman Penland then began reading the Proposed Steep Slope Regulation line by line asking members of the board to speak up whenever they felt discussion was necessary. The following items were discussed:

Planning Board Discussion

Definitions

- Mike Grubermann felt that **Fill Slope** should be defined.
- **Influence Zone-** Stenger questioned the intent of this definition. Haight informed the board that influence zone dealt with “anything that can be disturbed by your activities”. The influence zone *is not* limited to the subject property. Penland referenced the “Blossomtown Slide” as an example.
- **LiDAR-** West recalled that there was previous discussion in determining the accuracy of LiDAR. Sprinkle commented that the maps cannot be used for design purposes. LiDAR was one of the tools used in the making of the Landslide Hazard Maps according to Slagle. Sprinkle commented that the maps were prepared from 20 ft. contour intervals and interpolated to 4 feet. Slagle disagreed with this statement. According to Ed Haight the LiDAR maps are accurate to 1.61 ft. at the 95% accuracy level. Ervin commented that LiDAR was a “handy and inexpensive way” to determine slope category. The last sentence was removed from the definition of LiDAR and the most recent date will be referenced.
- **Site Category-** Language referencing the four site categories is to be added.

Category of Site Designated

- Ed Haight felt that the last sentence of the introduction was poorly written. He felt that the word *site* should be replaced with *influence zone*, and the last section that stated “the more stringent requirements shall govern” needed to be further discussed.

- Mark West- How do you make a determination if the site is in a category 1 and category 4? If category 4 site, it automatically requires engineering, according to Slagle.
- Jack Morgan- What decision would the planning department make on a five acre tract where only the house site was being built upon steep land, but the road to the house site was on flat ground? Al Slagle felt the intent of the ordinance is as follows: *if the house is in a category 3 and the road is in a category 1 then only the house site would be regulated as a category 3.*
- Karl Gillespie/Larry Stenger- If no part of house lies in category 4 but a portion of the graded area would be located in category 4 is the site still regulated as category 4? Penland felt the sub-committee should investigate how other counties have handled this situation. Ervin felt that the administrator should have the flexibility to make some of these calls.
- Stenger felt a definition of site would help resolve the aforementioned issue. The sub-committee will begin working to resolve this. Stacy Guffey felt the sub-committee could put together some visual examples of “site categories” that lie in more than one category on the maps.
- Gillespie asked how the sub-committee came up with the percentages that make up categories 1, 2 & 3. To some extent Slagle felt the numbers were arbitrary, but seemed to match up well with what other counties had in place. Susan Ervin stated that the majority of the High Risk areas were above 40%. “There is a fair correlation between high and moderate hazard on the Stability Index Maps and 40% slope” according to Slagle.
- The following represents the percentages of private land in Macon County and the percentage slopes upon which they are located. Jimmy Goodman commented that he would also like to see the percentage of land that lies in the category 4 down slope hazard areas. Goodman tentatively recalled seeing this number at 14% previously. Roland tentatively recalled seeing this figure at 17%.
 - 48% on less than 30%
 - 17% between 30% & 40%
 - 35% above 40%
- Gillespie felt these percentages could be massaged to leave more land unregulated by slope development regulations. For instance would it benefit more property owners if the 0-30% was moved to 0-32%? Goodman felt the percentages should be looked at closer by the board.

Slope Measurement

- 2004 was removed from LiDAR digital elevation to be replaced with most recent date.
- In the last sentence above *The Procedure for determining the Site Category (on pg. 3)*-“*Unless a design professional deems otherwise*” *should be added.*
- Under *Procedure for determining the Site Category (pg.3)*
- **1**

- Some board members felt information was redundant
 - Currently everything listed in a-e is already being done except for contour lines (b).
 - Some board members felt redundancy was needed.
 - See General Requirements for all site categories (bullet 1) for consensus on redundant items in proposed regulations.
 - A specified scale and sheet size is not needed.
- 3
 - Ed Haight felt explanation at the end of (b) was needed to assess what hazard levels mean.
 - (c) refers to changes after the current topo was flown.
 - 4
 - (c) Slagle felt went back to Gillespie's previous question of site. The board is in agreement that this issue needs to be addressed.

Standards

- *the* was changed to *all*

General Requirements for all site categories

- Goodman questioned why requirements such as #2 should be repeated. The board came to a consensus that repetition sometimes helps people to understand thus redundant items in the recommendations should remain.
- #3 upon completion was changed to *during*, and *temporary* was added before permanent. Mason then explained to the board how the ground cover regulations are currently enforced by the building department.
- #4 Parenthesis section was for an explanatory note according to Ed Haight. In #4 acceptable fill material will be changed to structural fill material, and structural fill material will then be defined.
- Goodman felt that language should be added to 5,6,7 & 9 stating that if a design professional was utilized someone could go above and beyond the requirements listed in these numbers.

Public Comment:

Stacy Guffey: Thanked the Planning Board for continuing to have the Slope discussion.

Chris Hanners: North Carolina Licensed P.E. for the past 10 years. Hanners has dealt with landslides, failed slopes and residences on failed slopes. Hanners made the following notes during the discussion:

Pg.1

Design Professional: Recognized as engineer or architect only by the North Carolina Department of Insurance.

North Carolina Building Code already covers many issues relating to retaining walls as well as other issues covered in the ordinance. Hanners submitted a page from the North Carolina Building Code specifically dealing with retaining walls for the record.

Pg. 2

Degree should be changed to percent on the definition of slope

Pg.3

Does 1(a) include trees and larges boulders to be drawn to scale?

Pg. 4

Where did 35 ft. on the influence zone come from? Hanners felt it was unnecessary for the influence zone to throw a site into the highest slope category when the site would have otherwise been unaffected.

Pg. 5

#4. Most design professionals according to Hanners, would spec that fill material does not exceed ½ of your lift. The ordinance specifies that Fill material should not be placed in lifts greater than 8 inches but allows fill material not exceeding 12 inches.

#5. It is very common to have to excavate for septic systems that are downhill from a building site in the mountains. Often times there is more than 30 ft. of vertical elevation change from the driveway to the site of excavation at the septic tank. The definition of grading reads as follows: Any alteration of the natural topography of the surface of the earth, including excavation, filling, cutting, and scraping. Hanners felt if the intent was to define the 30 ft. as a retaining wall or cut slope to do so.

LiDAR- Hanners provided the planning board with information from the NCDOT that states the LiDAR data was derived from 20 ft. contours. Guffey disputed this information saying the report he had stated the LiDAR data was derived from 2 ft. contours.

Victor Drummond-

Pg.1

Does the administrator have to be a county employee? The definition of the administrator needs to be looked at.

Can a Design Professional from Georgia practice under this ordinance? No

Pg. 3

(Site Categories)- How is a Category 3 site different from a Category 4 site? Slagle felt these definitions needed to be reviewed as well.

What can a Design Professional do to mitigate whatever danger is trying to be mitigated in a Downslope Hazard Area?

Next Meeting Date: Roland commented that a Major Subdivision could possibly be coming up for review prior to the next regularly scheduled Planning Board Meeting. At this time Roland will schedule another Planning Board Meeting. Ervin felt an additional meeting was needed to meet the Commissioners August deadline for the Slope Document. Roland will notify the Planning Board via email prior to the next meeting.

Meeting Adjourned: Jimmy Goodman made motion to adjourn at 7:17 pm. Alan Marsh second.