

JACKSON COUNTY PLANNING BOARD

MINUTES

Date: November 8, 2018								
Time Begin: 6:00 p.m.								
Time End: 6:40 p.m.								
Location: Jackson County Department on Aging, Heritage Room								
Members	Present	Absent		Present	Absent		Present	Absent
Bonnie Claxton	X		Julie Painter	X		Scott Ogle	X	
Sandy Davis		X	Ken Brown	X		Steven Johannessen		X
Jeremy Hyatt	X		Mark Letson	X		Tommy White	X	
Jim Mincey		X	Kirk Stephens		X			

Staff Present:

Michael Poston- Planning Director
John Jeleniewski- Senior Planner
Heather Baker- County Attorney
Allison Kelley- Administrative Assistant

Call to Order and Quorum Check

Bonnie Claxton called the meeting to order at 6:00 p.m. and a quorum was present.

Public Comment

There were no public comments.

Approval of the Agenda

Scott Ogle made a motion to approve the meeting agenda. Mark Letson seconded the motion, and it carried unanimously.

Approval of the Minutes

Ken Brown made a motion to approve the meeting minutes from September 20th, 2018. Jeremy Hyatt seconded the motion, and it carried unanimously.

New Business

a. UDO Discussion

Mike Poston presented to the Board one of the components they had previously discussed for staff to review and improve how the ordinances read by reducing the conflicts within the ordinances. He stated multiple ordinances have been developed over time that do not align and conflict with other ordinances. When these types of situations arise, staff has to make a determination the best course of action based on the evidence that presents itself.

The Planning staff is in the current process of reviewing the Environmental section of Article V and working to resolve the conflicts within this section. The current issue staff is concerned about is impervious surface and grading limits. Both impervious

surface and grading limits are included in different ordinances and impact development. The Mountain Hillside Development Ordinance (MHDO), Watershed Ordinance, Water Recharge Ordinance, and Zoning Ordinances contain language of impervious surface that do not align with one another. Mr. Poston stated the Zoning Ordinance language might be reflecting "design" due to each zoned area being limited districts. Staff plans to start the process of going through the Zoning Ordinances with the appropriate Planning Councils. This will allow staff to understand the current standards better and if they need to be more stringent based on the type of development. The Planning staff typically deal with Multi-family housing districts and Single-family home builds.

Mike Poston stated one of the most significant conflicts staff has already changed in the Water Recharge Ordinance is in Exemptions Section (Sec. 10-705). Within this section includes an exemption to the construction of Single-family homes. In section 10-707 of the Water Recharge Ordinance is a table that indicates the maximum allowance of impervious surface for Single-family dwellings. The language in both these sections conflict and the Planning staff is in the process of tidying up both sections to better reflect one another. Therefore, staff has removed the Single-family residential limitation on the impervious surface from the table and decided to enforce the exemption of construction of Single-family homes. The reason staff decided this course of action is because the ordinance also exempts any lot recorded before the adoption of the ordinance in 2013. In addition, any lot created as a minor subdivision before the adoption is exempt.

MHDO (Sec. 16) includes the requirements for the construction of buildings. Within this section includes the language of the building and grading envelope and the amount of impervious surface that can be developed on a piece of property. Based on the language of the Water Recharge Ordinance, if the property is in a watershed, the state of North Carolina does not limit the amount of square footage of impervious surfaces. Staff plans to look at how this will impact Single-family development. Staff believes that the limit of grading not exceed 10,000 square feet on a Single-family lot will be problematic. The issue could potentially be that the new state building code requirements may require more grading of the land. The MHDO does not apply to all lots of record. Therefore, staff is treating each ordinance a little bit differently.

John Jeleniewski presented to the Board a visual display of a piece of property in Jackson County with the applied impervious surface standard. He stated that this is a standard lot, the ordinance removes the impervious surface requirements for driveways due to the grading envelope could potentially exceed the 6,000 square feet limit.

Mike Poston states another issue staff must be aware of in the Water Recharge Ordinance is to ensure to allow for the water to flow into the aquifer, streams, and surface water. He stated the Planning staff makes an effort to balance the issue of Water Recharge and expectation to build a Single-family home or any other type of development (the same restrictions will apply). If the build is in the Watershed District, the ordinance only regulates lot size. However, the state of North Carolina does not control how much a Single-family build can grade. In this area, exceeding the grading limit does not usually happen with Single-family homes because it is expensive. In urban areas, it is more common to see exceeded grading limits due to the zero lot lines that have more open space.

Tommy White asked staff if the property shown met the ordinance standards. Mr. Poston stated if staff applied the MHDO standards, they could potentially determine that

it is unfit to build on the particular property. The MHDO does not consider property acreage, and if this specific standard applies in this situation, staff will treat that impervious surface in the same manner regardless of the amount acres.

Mr. Poston stated the language in section 16.2 & 16.3 of the MHDO states, if the build is non-residential, the building and grading envelope and impervious surface shall be the minimum necessary to develop the property for its intended use. For example, a non-residential structure (church, or Dollar General), the ordinance states not to grade more than necessary to put the intended use on the property. The Planning staff will limit the required minimum grade to place the proposed use on the property. Staff is more restrictive on a residential use than commercial use. A commercial use will require more impervious surface and grade, as a result of the building footprint (required to have parking, handicap accessibility, etc.), therefore will be a more significant impact.

Bonnie Claxton inquired from her understanding is staff has not necessarily been enforcing impervious surface or the grade limit on Single-family homes, and that is the Planning staff's intention is for the UDO to reflect both.

Mike Poston stated he believes it will be challenging to enforce 10,000 square feet for anyone to build on. Furthermore, there are inconsistencies within the ordinances of how staff is to enforce. The issue staff foresees when putting all the different ordinances together, in some cases, some people will not be able to build a 2,000 square foot home. He believes if that happens it will be difficult to answer questions from the public as to why someone cannot build a Single-family home on a Single-family home piece property.

Mr. Poston stated staff would recommend that similar language from section 16.3 of the MHDO be applied to all development, stating that staff will allow the minimum necessary for any build. Staff has Erosion Control oversight on sites. At the last meeting, Tony Elders reported a change was made to the ordinance that requires any building (Single-family, commercial) to have an erosion control inspection before a footing inspection to ensure proper grading. The MHDO language would align with the Watershed, and Water Recharge Ordinances and how staff enforces Single-family home builds.

Tommy White asked staff if they are limiting the size of the house someone can build. Mr. Poston stated that staff would not be limiting house size based on the language of the Water Recharge Ordinance. However, if staff relies more on the MHDO language, it could potentially lead to limit the house size. He asked the Board to consider the language within the ordinances that does not specify square feet, but allows grading as necessary to build the proposed structure, much as we do for commercial.

Ken Brown raised concern that the minimum necessary grading limit is very wide open. He believes it does not limit anything at all in his mind, and that is dangerous. Mike Poston stated staff would work on the conflict of square feet as well as the minimum necessary grading limit for Single-family home builds to better determine how to address this issue.

Ken Brown stated he believes the Board should recommend in the Planning process for people to consider impervious payment. Mr. Poston stated staff would look into that. For this process, staff has limited new language and/or changes within the standards and removed the inconsistencies within the ordinances. Mr. Poston stated when the UDO is a final draft and has been adopted by the Commissioners, staff will then be

able to implement new policies such as outdoor lighting. Mike Poston informed the Board they would discuss Article V and hold a Public Hearing for a Zoning Text Amendment from the 441 Corridor in the December meeting.

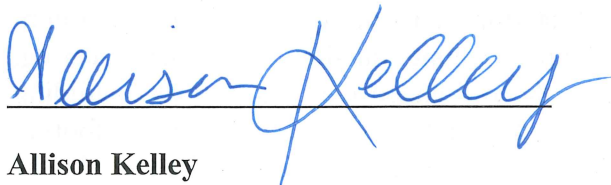
Bonnie Claxton asked the Planning staff when they believe the UDO draft will be complete. Mike Poston stated staff has a physical copy of the UDO draft they have been reviewing. The Planning staff has had several conference calls with their consultants (Stewart) to make certain the language aligns before presenting it to the Board. Mr. Poston believes the UDO draft will most likely be forthcoming to the Board at the beginning of 2019.

Mike Poston informed the Board there are eleven members and five of the seats (Jeremy Hyatt, Julie Painter, Steven Johannessen, Jim Mincey, and Mark Letson) will need to be filled or reappointed in the beginning of 2019. Chairman Kirk Stephens is term-limited on December 31, 2018. He asked the Board members that are up for reappointment and are interested in serving another term to contact staff so they can pass on the information to the Commissioners.

Adjournment

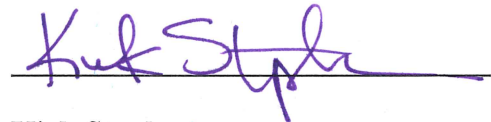
With no further business, Bonnie Claxton entertained a motion to adjourn. Julie Painter made a motion to adjourn the meeting at 6:40 p.m. Mark Letson seconded the motion and it passed unanimously.

Submitted by:



Allison Kelley
Administrative Assistant – Planning

Approved by:



Kirk Stephens
Planning Board Chairman