

JACKSON COUNTY PLANNING BOARD

MINUTES

Date: November 9, 2023								
Time Begin: 6:00 p.m.								
Time End: 6:51 p.m.								
Location: Department on Aging, Heritage Room								
Members	Present	Absent		Present	Absent		Present	Absent
Emily Moss	X		Nathan Shepherd		X	Thomas Taulbee	X	
Sandy Davis	X		Ollin Dunford	X		Beverly Crespo	X	
Brian Barwatt		X	Joyce Cooper		X	Elmer Rhodie Humbert	X	
Adam Holt		X	Ken Brown		X			

Staff Present:

Michael Poston- Planning Director
Anna Harkins- Planner I

Call to Order and Quorum Check

Chairman Thomas Taulbee called the meeting to order at 6:00 p.m. and a quorum was present.

Approval of the Agenda

Elmer Rhodie Humbert made a motion with the addition to the agenda to add item b) Discussion about December Meeting under "New Business." Ollin Dunford seconded the motion, and it carried unanimously.

Approval of the Minutes

There were no minutes to approve.

Public Comment

There were no public comments.

New Business

a) G.S. Chapter 160D Discussion

Mr. Poston presented the interests that the board members sent in to staff:

- 160D-1119-Unsafe Buildings
 - Grant of power from the states, and is enforced by the County building department.
- 160D-910-Manufactured Housing
 - The statute does speak about location and architectural standards. This would require some discussion as the County is partially zoned and as we speak about where manufactured homes can go in the County that can be easily done to be regulated within a zoning jurisdiction, and if it is outside in an un-zoned portion of the County it would need to be zoned for such. The County would need to have a legal counsel to discuss architectural standards for manufactured housing. The state prohibited regulating manufactured housing based on the age of the manufactured house. If you were planning to put a manufactured house in a

regulated district it would need to be permitted use in the district, and they would need to obtain a zoning permit. If you were planning to put a manufactured house outside of the zoning jurisdictions within the County they would need to obtain a building permit and permits from environmental health for septic and sewer. If they are planning to put multiple manufactured homes on a property that would trigger the manufactured home park ordinance that has standards based on the number of units as to what type of road system, buffering, etc. is required.

- 160D-922-Erosion Control
 - We do have the authority to adopt a local ordinance; however, the enabling statutes require doing that in conjunction with the states erosion control program. The County has a local erosion control program that does conform to existing state regulations and there is some local choice built into the ordinance that the County has adopted. The states erosion control plan only requires an erosion control permit when you get to 1 acre of disturbed area. At the local level, the County was able to reduce that to 0.50 acre of disturbed area since either 2005 or 2006. They would need to discuss what the state would allow the County to do that would be more restrictive, and the Board has made some additional tools for the erosion control officers when they are enforcing these standards.
- 160D-923-Floodplain Regulations
 - They are not required to have floodplain regulations, but if you do have floodplain regulations, the community would not be eligible for the National Flood Insurance Program, which is subsidized by the government. The National Flood Insurance Program helps regulate and makes flood insurance affordable to property owners and they would need to adopt those regulations, and they do have some local choice and the County has done that before. The County adopted their floodplain ordinance regulations around 1988, and in the late 90s, early 2000s they adopted a freeboard standard where the state comes in and identifies all floodplains. The local jurisdictions do not have the authority to identify floodplains and it is done through hydrological studies called a flood insurance study that either is limited or full detailed studies on streams, creeks and rivers. The information for these studies provide the backbone of how we regulate floodplain areas, the state last mapped those areas in 2010 and the County adopted the new floodplain maps and updated the ordinance. When they come in to do the flood insurance study they will tell you what the base flood elevation is in a floodplain (1800 or 2400 feet above sea level, etc.). If you are planning on construction a building or dwelling in the floodplain, you can do that with proper permitting. The bottom floor of habitable space has to be at the base flood elevation, but as the local option, the County has required to build two feet above the base flood elevation, which has been enforced for over 20 years. The County GIS Department a few years ago produced maps that showed suitability for development and the locations of the areas that were difficult to develop versus locations of primary areas to develop, which has been included several times in the land use planning process.
- 160D-924-Mt. Ridge Protection
 - The County adopted the Mountain Ridge Protection ordinance in 1983, which is one of our earliest development regulations. The state had map makers come into the western counties and identified all the ridges that would meet the state definition of a protected ridge, which is 3000 feet in elevation, and more than 400 feet between the ridge and the adjacent valley floor. The mountain protection law regulates how and where to construct tall buildings above 40 feet in height, and it does not include TV antennas, cell towers or communication, radio antennas,

which are exempt from the state statute. The ordinance does not prohibit the building on ridges or even protected ridges; it provides some development standards for building on those ridges. The Mountain Ridge Protection and Mountain and Hillside Development Ordinance are prescribed how you build and under what conditions because if you were told that you cannot build on your property, the government is just taking your property without compensation. There is some ability to make local decisions and designate local protected ridges, and the County did that through adoption of the Mountain and Hillside Development Ordinance (MHDO) in 2007. The MHDO requires a protected ridge as 2500 feet in elevation, and more than 400 feet between the ridge and the adjacent valley floor. The protected ridges are in the southern end of the county, and the eastern area near Balsam and the Blue Ridge Parkway, and a lot of federal land is included in these protected ridge areas. In addition, in the northwestern portion of the County there are not as many protected ridges as it is our lowest lying area in elevation as the Tuckasegee River is flowing into Swain County.

- 160D-303-Historic Preservation
 - The County has a Historic Preservation Commission that was established in 2009 and it is a joint board represented by Forest Hills, Webster, Dillsboro, Sylva and jurisdictions. The Commission conducted a County Architectural Survey Update of Historic Resources from 1945-1975 in 2021. Ms. Harkins would speak at one of the board meetings in 2024 about the County's historic preservation programing.
- 160D-403-Development Approval Process
 - The Unified Development Ordinance Article 3 includes the language of the development approval process, which can be reviewed and modified as we add new features to our land development regulatory framework.
- 160D-912-Outdoor Advertising
 - The County adopted the Outdoor Advertising Ordinance in the early 2000s, and it has not been reviewed in a while. In addition, the outdoor advertising lobby is very active in Raleigh and they have gotten the state to modify what can be done locally. The County does not regulate on premise signage, and the County has been more concerned with regulating off-premise signage, which is when a sign is not located where your place of business is located. The Board can look into sign regulations for on premise signage to help set an expectation, and to address any concerns regarding on premise signage.
- 160D-960-Community Appearance Commission
 - Mr. Poston explained the Community Appearance Commission (CAC) topic that would pertain more to a small municipality, rather than a county. He stated there was a CAC that wanted to help identify zoning violations in the town he was in had 2500 homes, and he would receive 70 complaints from that commission a month. The Board can look into this to discuss if they are interested what their expectations are out of the Community Appearance Commission and if that helps us achieve the goals we are trying to achieve.
- 160D-402-Administrative Staff
 - Mr. Poston stated one comment he received was whether or not we need more staff to do more in the County. Depending on the type of policies the County adopts would dictate the need for additional staff. For example, if the County establishes a new program that may require additional staffing to enforce that would be considered prior to the adoption of the new policy.

- 160D-1130-Vacant Building Receivership
 - This comes back down to the building code, is already prescribed by the state and is given to the chief building inspector.

Mr. Poston stated out of these topics that the Board had interest in learning more about he believes it is worth it for us to discuss almost everything and for you to hear about what we are doing and how we enforce ordinances. In addition, he stated he believes that in some of these areas there are policy improvements that the Board could help the County with amending these ordinances. Mr. Poston highlighted the 160D items that are regulated by the building department Unsafe Buildings and Vacant Building Receivership and would reach out to the director Tony Elders if he would be available to come speak to the board in the New Year.

b) Discussion about December Meeting

The Board decided to not hold a December meeting due to the regular scheduled meeting space being unavailable and reserved and for the Holidays.

Adjournment

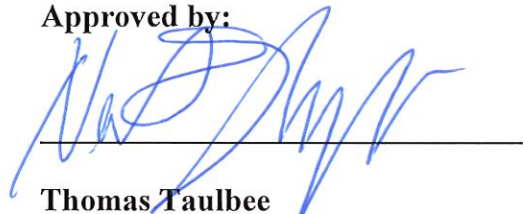
With no further business, the meeting adjourned at 6:51 p.m.

Submitted by:



Allison Kelley
Administrative Assistant – Planning

Approved by:



Thomas Taulbee
Planning Board Chairman