

# US 441 GATEWAY DISTRICT PLANNING COUNCIL

## MINUTES

<b>Date:</b> May 3, 2018					
<b>Time Begin:</b> 6:02 pm					
<b>Time End:</b> 6:37 pm					
<b>Location:</b> Qualla Community Center					
Members	Present	Absent	Members	Present	Absent
Dora Robinson	X		Debby Cowan	X	
Michael Moore	X		Lyna Ferguson		X
Myra Cloer	X		Mary Moody	X	

**Others Present:**

Cleis Bonham, Administrative Assistant  
 Michael Poston, Planning Director  
 Caroline Edmonds, Planner I

**Call to Order and Quorum Check:**

Chairman Debby Cowan called the meeting to order at 6:02 p.m. and a quorum was present.

**Approval of the Agenda:**

The agenda was approved unanimously.

**Approval of Minutes:**

Michael Moore made a motion to approve the minutes and Debby Cowan seconded them.

**Public Comment: (3 minutes)**

There were no public comments.

**New Business**

**A.) UDO Update**

Mr. Michael Poston addressed the Council regarding articles I and II of the UDO project. The County manages and administers between Code Enforcement's office and the Planning Department's office. The UDO will merge all ordinances into one document, making it less cumbersome to find needed information. The first 2 articles had to be created from scratch and they cover the legal provisions, which is what gives the Planning Department its' authority from the state. This will align the purpose and intent from 22 versions into one, establishing the County's to govern zoning regulations and other development regulations. It is easy for people to believe that Jackson County (JC) does not have regulations, since JC does not have county wide zoning, but that is not true. There are actually many individual ordinances that have been made over time in order to address specific issues that have been brought up such as manufactured home parks, health communications, and adult establishments. This will bring all the ordinances under one roof to make it more manageable. The UDO is not being made in order to cause the

County to manage more than what the Count is already managing, but rather to make it easier to understand what and how they manage. The highest requirements stand. So, in the case that there are two different ordinances that say different things, the one with the highest standard is accepted. The zoning maps are adopted as part of the zoning ordinances. This language is necessary in order to have affect. The fourth zoned area is the Jackson County airport, and this is due to not being able to build tall structures near the airport. Article I also explains how a certain property is determined to be in or out of boundary, in other words, how to determine which zoning district a property should be in. There is a section on violations and enforcements. So, all zoned and unzoned districts will have the same enforcement rules and time frames. Unless you are exempt, like farm operations for example, then the state determines that zoning regulations cannot be applied to your property.

Article II is the administration section. This is where all of the boards and committees are established. This is where the commissioners assign roles and responsibilities for who is going to enforce the administrators, which is staff. In the 441 district, they establish the council, and they transfer some of the decision making, legislative, and quasi-judicial powers to the council. In previous years there was some confusion as to the roles and responsibilities between Code Enforcement and Planning Department. Over time those responsibilities were shifted according to staffing and the dictation of management, so due to the confusion, there is now a section that defines the responsibilities of the planning director. The Planning Department serves the Board of Adjustment, the Planning Board, Board of Commissioners, and the regular District Boards. They make sure that all that is approved is meeting state, federal and local regulations as they apply. The UDO has established the internal processing of applications so that there is a sense of order to make work flow efficient. Next, the responsibilities of the Permanent Code Enforcement directors is covered, since many of their responsibilities overlap with the Planning Department such as soil and erosion control, storm water review, and watershed. Of the two, the Planning Department is the one that will handle the upkeep of the ordinance, such as making an amendment, but the two do share similar responsibilities. The Board of Commissioners hears appeals, special use permits for wireless communications ordinance, and they hear applications to build on a protected ridge. The Board of Adjustment may pick up on more responsibilities in the future. The language regarding the boards and councils has been consolidated as much as possible. Assigned duties to each board and council are explained. There are some unique features to each council as far as how they are set up. The article does offer protection to board members so that if a board member makes a decision and the decision is appealed and it goes to court, the individual is protected. Planning Board has 11 members throughout the county. Each commissioner gets 1 appointment. All terms are 2 years and no more than 2 consecutive terms are allowed at a time. Membership is a bit different in each district.

441 board members are appointed for life. The 441 area will have to grow because at some point there will be development in this area. There will be more interest at that point when there is new development. The board of adjustment hears appeals on subdivision decisions. This board serves 2 functions. It is legislative in that it makes policy recommendations to board of commissioners from time to time and it is quasi-judicial meaning that it hears special uses, variances and appeals. In a totally zoned county, you would have one planning board and one board of adjustment. The board of adjustment would handle all quasi-judicial and the planning board would handle all legislative. Since there are only 3 zoned areas here, there are 3 boards that handle a joint responsibility. The planning council is a hybrid between a planning board and a board of adjustment, which is unique. There are some environmental boards such as watershed review board. The whole county is not located in a protected watershed as determined by the state. Sediment control appeals board is the one that receives appeals from erosion control. The commissioners did not adopt a rule on erosion control, instead they just enforce the state adopted program. Code enforcement enforces and manages that at a local level.

Three other articles are being worked on right now. Article III is procedures, which will clarify how to get permits, how different permits are issued based on the ordinances that have been adopted. Graphics and Flow charts have been added to make the content more clear and it is nearly done. One important change that has been made in Article III is the time it takes to make a change to the text amendment. The protocol has been to call a public hearing and discuss the change, then to call a public hearing at the planning board level, then call a public hearing with the commissioners. The state statutes just require a public hearing to occur with the commissioners, although it is a good idea to have one at the


local level. This process of changing an ordinance basically takes half a year, so to cut the time and become more efficient, they will propose that the planning board public hearing be eliminated. This would cut the process down from 90-120 days to about 60.

Article IV is on subdivision and article V is environmental ordinances such as watershed, water recharge, flood plain, and Scott's creek water protection. Since there are 4 different boards and all 4 boards have had a part to play in the regulations that will be adopted, there will be a public hearing at all 4 boards to get this approved.

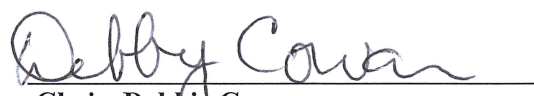
**Adjournment:**

The meeting was adjourned at 6:37 p.m. with no further discussion.

**Submitted By:**

  
Cleis Bonham, Planning Department  
Administrative Assistant

**Approved By:**

  
Chair, Debbie Cowan

