

SPECIAL MEETING
PLANNING BOARD
BOARD OF ALDERMEN
AUGUST 3, 1998
MONDAY - 7:00 P.M.
TOWN HALL

The Planning Board and Board of Aldermen held a joint special meeting on Monday, August 3, 1998. Planning Board Members present were: Merle Painter, Jim Freeman, Lee Bouknight, Rex Feichter, Jennings Plemmons, Marty Prevost and Emily Mashburn. Board of Aldermen Members present were: Mayor Henry Foy, Alderman Gary Caldwell and Alderman Sam Wiggins. Others present were Planning and Zoning Manager John Swift, Town Engineer/Director of Public Works Fred Baker, Engineer and Contractor Gary McKay, Engineer Gary MacConnell and Secretary Phyllis McClure.

Several developers and some other interested persons attending the meeting were: Andy Brown, Ron Muse, Tim Welch, David Pope, Bill Burgin, Charlie Burgin, John Burgin, Doug Van Noppen, Melissa Van Noppen, Ron Fleenor, Euel Taylor, Marianne Lane, Charles Hamilton and Marianne Walters.

Planning Board Chairman Rex Feichter called the meeting to order at 7:00 p.m. Rex Feichter stated that the purpose of this special meeting of the Planning Board and Board of Alderman was to discuss the proposed amendments to Section 154.012 and 154.006 regarding grading and land filling permit and definition.

Rex Feichter introduced Gary McKay, an Engineer and Contractor in Waynesville. Mr. McKay spoke regarding Section (C) of the proposed amendments to Section 154.012. Mr. McKay began with a geological profile of the Town of Waynesville which he said was very important in the explanation of why the Town needed a grading ordinance now and did not need one before. Mr. McKay said that the Town begins with the floodplain, which has a rocky bottom and tends to support buildings well. Twenty to forty feet up there is a plateau area, which is generally a clay material, and the best building material in existence in Haywood County. Mr. McKay said that the Indians built and lived on this plateau area, which is why this is the area where all the Indian relics in Haywood County are found. Mr. McKay said that the plateau area is also a limited area. Once you get above the plateau area the ground begins to rise to a 10-20% slope. This area provides for some good building sites but it is not in its original place. Over the years the material in this area slid down off of the higher areas of the mountain. The top part of the mountain rises from a 30-90% slope, with the average slope ranging from 55-60%. The top of the mountain tends to be flat and may be rock. Mr. McKay said that over time this slope has proven to be stable. However, a road cannot be built straight up. It may need to be cut on one side and filled on the other. Mr. McKay said that the corporate limits of the Town of Waynesville did not extend into this area until recently and that it was his opinion that the Town needs a grading ordinance now to properly develop this area.

Mr. McKay explained that a 1:1 slope means that when you extend out one foot horizontally and up one foot vertically, producing a 45-degree angle (100% slope). A 2:1 slope means that you extend out two feet horizontally and up one foot vertically, producing a 30-degree angle (50% slope). Mr. McKay said that he would recommend that a 1.75:1 cut slope be required for a 50-60% slope range. Mr. McKay said that the North Carolina Department of Transportation uses 2:1 fill slope. However, he has seen some 2:1 fail. With this past year being an El Nino year he said that he has received an average of two telephone calls per week asking for his help in solving landslide problems. In one situation a gentleman had a home which had been built on the side of a mountain and the dirt and water were sliding onto the back of his house, coming in through the back window. Mr. McKay advised the man to move out of the house immediately. Mr. McKay said that some of these situations can be stabilized by building a wall, and that other homes cannot be saved when it gets to this point. Mr. McKay said that Waynesville is not exempt from landslide problems. Mr. McKay said that not many houses in Waynesville are in this condition for several reasons. 1) more walls are built; 2) not many houses are built on fill dirt; 3) People have been building houses on the sides of the mountains of Haywood County for quite some time but not inside the corporate limits of Waynesville, because Waynesville's corporate limits did not extend that far until recently.

Mr. McKay said that the proposed ordinance requires that all fill slopes shall be compacted full depth to not less than ninety-five percent (95%) maximum density. Mr. McKay said in order to obtain 95% compaction you would need to begin at the bottom and pack in layers. Mr. McKay said that if he were writing this ordinance he would recommend a 1.75:1 cut slope. Mr McKay pointed out that if a developer could not meet the requirements of the ordinance that the steeper cuts and fills may be permitted if designed by a registered, professional engineer or landscape architect, and, the engineer or architect shall certify to the stability of the slopes within thirty (30) days after completion of the grading or fill activity. Engineer Gary MacConnell said that periodic inspections should be made in order for an engineer to sign off on the stability of the slopes. Mr. McKay said that there was no question that building on the side of a mountain is more expensive.

Mayor Henry Foy mentioned that there were several places inside the corporate limits of Waynesville which have experienced problems with landslides. Along Dellwood Road/Russ Avenue, across from Burger King, and along the By-Pass before you get to the Eagles Nest Road intersection. Alderman Wiggins asked Mr. McKay if it were fair to say that some property can't be built on. Mr. McKay said "yes". Mayor Foy pointed out that you could not get the same size lots on the side of a mountain that you would have if you built at a lower elevation.

Someone asked Mr. McKay what happened to the embankment in front of the Days Inn Motel in Waynesville. Mr. McKay said that an ordinance was not in place to control the grading, stumps were buried in the fill, and the engineer's recommendation for grading were not used. Mr. McKay said that the building itself was OK. Mr. McKay said that this would not have happened if the proposed grading ordinance had been in place at the time of construction of the Days Inn.

Bill Burgin, Charlie Burgin and John Burgin expressed concern that, in order for developers to comply with the proposed grading ordinance, they would be required to use larger lots and that a large number of properties would be rendered useless and unable to be developed. Bill Burgin expressed concern that developers were required to comply with too many regulations, creating

extra, unnecessary expense for the developer. Bill Burgin was concerned that setback requirements would take more property when combined with the grading ordinance.

Engineer Gary MacConnell complimented Gary McKay on his presentation. Mr. MacConnell said that the proposed ordinance allows for a professional to ensure that the safety of the public is maintained. However, Mr. MacConnell said that steeper slopes are more challenging and will be more costly to develop.

Town Engineer Fred Baker said that people who come to Waynesville to purchase a home don't know about standard proctors, etc. When these people come into Waynesville they expect the developer, the Town and others involved to ensure that all regulations are in order. Mr. Baker said that the Town recently paid \$2,200 to have a Geotechnical Study performed by an Engineer to determine that a water tank site could safely be located at Laurel Ridge. Mr. Baker added that developers can also have these type studies done if the requirements of the ordinance cannot be met. Mr. Baker said that other solutions such as changing the set back requirements and granting of variances are available for some properties.

Mr. Baker suggested that benches be five feet wide if less than twenty feet in height, and that they be eight feet wide if more than twenty feet in height.

Mayor Foy suggested that Planning and Zoning Manager John Swift and Town Engineer Fred Baker make changes to the proposed ordinance and present to the Planning Board for review at their September meeting. It was the consensus of the Board of Aldermen and Planning Board that this be done.

Melissa Van Noppen encouraged the adoption of a grading ordinance, adding that the Town must have an ordinance to control development on the mountain slopes.

Alderman Sam Wiggins said that controls are needed, otherwise some developers would just do whatever they wanted to do and the Town needs to make sure that the end product is sufficient when the developer is finished.

Emily Mashburn moved, seconded by Jennings Plemmons to adjourn the meeting at 9:10 p.m. The motion carried unanimously.

Rex Feichter
Planning Board Chairman

Henry B. Foy
Mayor

Phyllis R. McClure

Secretary