

**MEETING MINUTES  
JOINT PUBLIC HEARING  
BOONE TOWN COUNCIL  
SEPTEMBER 25, 2006**

A joint public hearing of the Boone Town Council and the Boone Area Planning Commission was called to order at 7:00 p.m., Thursday, September 25, 2006, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Dempsey Wilcox, Rennie Brantz, Lynne Mason, and Bunk Spann. Planning Commission members present were Gregory Reck, Gayle Turner, Stephen Phillips, Christina DeStefano, Mary Ruth McRae, Patrick Heavner, Skip Greene, Liz Aycock, Shawna Rhyne, Charlie Walker, Eric Woolridge, and Mary "Bo" Bolick. Staff members present were Greg Young-Town Manager, Freida Van Allen-Town Clerk, Kimberly Tester-Deputy Town Clerk, John Spear-Development Services Director, and Jim Byrne-Special Assistant to the Town Manager.

The purpose of this meeting was to receive public comment regarding revisions to the following three zoning text and map amendments:

**Case No. 20060535** – The Town of Boone has initiated zoning text amendments in order to create a Geologic Hazard overlay zoning district. This district graphically depicts areas of high, moderate, and low geologic hazards and sets forth requirements for development of property within high and moderate geologic hazard zones.

**Case No. 20060536** – The Town of Boone has initiated text amendments to UDO Articles II, IV, and XVI in order to incorporate recommendations made by Trigon Engineering. These recommendations are designed to strengthen current regulations pertaining to grading, erosion control, and stormwater management.

**Case No. 20060537** – The Town of Boone has initiated zoning map and text amendments in order to create a Viewshed Protection overlay zoning district. This district graphically depicts land areas that are more than 100 feet above major roadways in Boone's jurisdiction and sets forth requirements for development of property within this area.

Mayor Clawson welcomed all in attendance. She offered the following explanation concerning the revised Viewshed Protection map:

This map shall show the areas of the Town's zoning jurisdiction which exceed the one-hundred-foot line which defines the lowermost boundary of the viewshed. However, when an owner of property which is either partly or wholly above the depicted line files an application for development to take place within the presumed viewshed, the Administrator or his designee shall make a visual inspection of the property to determine if the development, as proposed, can be seen during any season of the year from one of the major traffic corridors. If the Administrator determines that the property cannot be thus seen, the requirements of the overlay district shall not apply.

Mayor Clawson opened the public hearing at 7:04 p.m. The first speaker was Jay Vincent who stated there are enough regulations already concerning steep slope development and urged the Council to listen to the majority of citizens who do not want the proposed regulations adopted.

Sam Adams questioned why the Council is still considering taking action on the proposed amendments when the majority of public comment received has been in opposition of the proposed amendments.

Wade Evans contended that the Council impulsively creates a task force or committee in reaction to situations. He stated a concern for property owners in the ETJ and alleged that Council members have already established their opinion of the proposed regulations regardless of what the citizens want.

Glenda Hubbard urged the Council to continue its work in protecting the citizens against the dangers of developing on steep slopes.

Marty Koon asked the Council to take residential properties out of the proposed text amendments. He voiced concern with sections D2, D4, and D7 of the proposed Viewshed Protection regulations.

Edward Brown voiced concern about the economic impact and the impact of traffic congestion and urban sprawl as a result of the proposed regulations.

John Councill echoed the concern about the economic impact of the proposed regulations. He further stated the proposed regulations would make property in town more expensive and would increase tax rates.

Jim Hartley questioned who would determine the hazard indicators in regard to steep slopes. He offered that the revised viewshed map is more restrictive.

Anna Boyce Phillips stated her concern that the viewshed map is too strict. She suggested that the map and regulations need further study.

Jane Freund stated her concern about the effect of the proposed regulations on the need for student housing for the increasing enrollment of students at ASU. She also pointed out the difficulty in recruiting nursing staff for this area when the cost of living is already very expensive.

Mark Lackey stated that property owners have the right to develop their property without government interference.

Jim Hastings, a property owner in the Blairmont neighborhood, pointed out the overwhelming opposition to the proposed regulations and questioned the motive for the proposed amendments.

Jerry Williamson stated his support for the revised amendments.

Rob Holton indicated the revised viewshed map is still incorrect and questioned the inclusion of property along Snaggy Mountain road on the map.

Michael Testerman stated he feels that the Council is determined to adopt the proposed amendments despite the desire of the majority of the citizens in opposition. He further stated that there are already too many regulations which hinder development in the town.

Wayne Greene stated the purpose of zoning regulations and planning staff is to assist citizens in developing their properties in the proper way. He stated that there are already controls, such as conditional-use and special-use permits in place to prevent unsafe development on steep slopes.

Graydon Eggers stated that the proposed amendments are far beyond what is intended for safe development of single-family properties on steep slopes. He pointed out several technical inconsistencies within the proposed text amendments.

Mike Trew, a professional engineer, stated that he has several unanswered questions about the proposed amendments. He stated that the Council should utilize the expertise of the planning staff to review the proposed amendments. Furthermore, he suggested that the Council should emphasize the promotion of residential development in the town of Boone.

Spencer Robbins pointed out the construction of homes on steep slopes in the Hounds Ear development. He suggested that sound construction is the key to safe development on steep slopes. Mr. Robbins advised the Council to listen to its citizens and use common sense in deciding this issue.

Bill Triplett, a property owner in Boone, stated that citizens do not need to be told how to develop their own property.

Upon a motion by Council member Wilcox, seconded by Council member Mason, Council moved to close the public hearing and adjourn at 7:52 p.m.

VOTE:       Aye – All  
              Nay – None  
              Absent – 1 (Pepin)

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Deputy Town Clerk

Mayor