

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE REGULAR MEETING HELD

MONDAY, OCTOBER 7, 2019 AT 4:30 P.M.

The White County Board of Commissioners held a Regular Meeting on Monday, October 7, 2019 at 4:30 p.m. in the Board Room at the White County Administration Building. Present for the meeting were: Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, County Manager Michael Melton, County Attorney Mary Jane Henneke, Finance Director Jodi Ligon, and County Clerk Shanda Murphy.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Pastor Jeff Groves of The Bridge Church and the White County Ministerial Alliance provided the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to adopt the minutes of the August 26, 2019 Work Session & Regular Meeting, the September 13, 2019 Called Meeting, and the September 30, 2019 Work Session.

Mr. David Murphy, Director of Public Safety, recognized the White County CERT (Community Emergency Response Team) volunteers. He highlighted the volunteers' tremendous level of experience and their contributions to our community.

A proclamation was presented to White County Family Promise, declaring October 20-27, 2019 Family Promise Week in White County.

A proclamation was presented to the White County Retired Educator's Association, declaring Sunday, November 3, 2019 Retired Educator's Day in White County.

Mr. Melton presented certificates of commendation from the National Society of the Sons of the American Revolution to White County in recognition of their display of the flag of the United States of America.

Mr. Kevin Hamby, SPLOST Manager, presented the monthly SPLOST status report (see attached).

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb the following consent agenda was approved:

- Approval of the land use variance application filed by Mr. Rondal Garmon on behalf of Community Baptist Church to request variance from Appendix C/Article IX/Section 901/6 for building setback on property located at 1745 Skylake Road Sautee Nacoochee, GA 30571. Total acreage of property affected is 0.763 acres of a 2.90 acre tract on tax parcel 069-141. Land use district is A-1;
- Approval of the land use application filed by Mr. Gregory Chastain to redistrict property located at 8343 Duncan Bridge Road Cleveland, GA 30528 from A-1, Agriculture Forestry to C-2, Highway Business – with the total acreage to be affected by the redistricting being 4.339 acres on tax map 076-338 (35.59 acres);

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- Approval of the land use application filed by Mr. Gregory Chastain to redistrict property located at 8362, 8386, and 8402 Duncan Bridge Road Cleveland, GA 30528 from A-1, Agriculture Forestry to R-1, Residential Single Family – with the total acreage to be affected by the redistricting being 4.688 acres on tax map 076-338 (35.59 acres);
- Approval of the land use application filed by Ms. Susan Fleck for a conditional use permit for short term rental in an R-1, Single Family Residential District, on property located at 3214 Paradise Valley Road Cleveland, GA 30528 – with the total acreage being 1.0 acre on tax map 006-016;
- Approval of the land use application filed by Mr. Dennis Greene to redistrict property located at 610 Industrial Boulevard Cleveland, GA 30528 from A-1, Agricultural Forestry District to I-1, Industrial District – with total acreage to be affected being 8.0 acres on tax map 050-143; and
- Approval of SPLOST funding in the amount of \$16,000.00 (total revised designation of \$116,000.00 in the 2014 SPLOST) for repairs & improvements to the Historic Courthouse Museum through the White County Historical Society.

-End of Consent Agenda-

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to adopt County Resolution No. 2019-13 providing code enforcement authorization to the White County Sheriff's Office:

**RESOLUTION
COUNTY RESOLUTION NO. 2019-13**

WHEREAS, the Board of Commissioners of White County is charged with enacting laws for the unincorporated areas of White County, Georgia, and

WHEREAS, at this time, the Sheriff White County does not have authority to enforce all of the ordinances of White County,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of White County that the Sheriff of White County shall be authorized to enforce all ordinances of White County, concurrently with any other person who is already, or who shall be in the future, authorized by the Board of Commissioners of White County to enforce ordinances of White County.

This resolution shall be effective immediately upon passage and signing by the Board of Commissioners of White County.

This 7th day of October, 2019

BOARD OF COMMISSIONERS OF WHITE COUNTY

s/Travis C. Turner
Travis Turner-Chairman

s/Terry D. Goodger
Terry Goodger-District 1

s/Lyn Holcomb
Lyn Holcomb — District 2

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s/Edwin Nix

Edwin Nix — District 3

s/Craig Bryant

Craig Bryant — District 4

Attest: s/Shanda Murphy, County Clerk

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to approve purchase of a vehicle (2019 Dodge Ram 1500 Classic Tradesman 4x4 crew cab) from Jacky Jones in the amount of \$30,185.00 for the White County Sheriff's Office to be utilized for code enforcement activities – to be funded from SPLOST.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Bryant there was a unanimous vote to approve Addendums #1 and #2 for the FY 2020 Legacy Link contract – related to funding for services provided at the White County Senior Center.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to approve the purchase of two (2) vehicles for the Department of Community & Economic Development from Jacky Jones – a 2019 Ford Ranger 4x4 (\$25,410.00) and a 2020 Ford Explorer 4x4 (\$29,909.00) to be funded from SPLOST. Approval of this purchase included the surplus of the 2004 Explorer currently assigned to Building Inspections.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to award a contract for stand-by disaster debris removal to Southern Disaster Recovery (primary) and Ceres Environmental Services (secondary).

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a unanimous vote to accept the SAFER (Staffing for Adequate Fire & Emergency Response) Grant in the amount of \$383,260.80 (federal) with a \$238,243.20 (local match) over the three (3) year grant period 2020-2022 – for the staffing of four (4) full-time firefighter positions. The Board directed Mr. Murphy to advise them of which additional station would be manned, once this was determined in the planning process.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to approve the resurfacing of Westmoreland Road (Hwy 129 to HWY 284) for the 2020 LMIG (Local Maintenance & Improvement Grant) through the Georgia DOT (Department of Transportation) project – thereby making a \$545,750.00 SPLOST allocation for the project.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to award the security camera installation project at Yonah Preserve to Ansley Communication Group Solutions (ACG Solutions) in the amount of \$88,034.23 – to be funded from SPLOST.

Chairman Turner introduced proposed amendments to Chapter 30 Environment, Article VIII Standards and Regulations for the Protection of Mountains and Hillside, of the official Code of White County. He stated that these amendments would clarify penalties for violation of this ordinance and provide a method for staff to calculate the penalties without employing an arborist. He also emphasized that the penalties are substantially limited by state law and this is a matter that state legislators should be petitioned on.

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Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to adopt County Resolution No. 2019-14:

WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2019-14

**A RESOLUTION TO AMEND THE
OFFICIAL CODE OF WHITE COUNTY, GEORGIA
CHAPTER 30 - ENVIRONMENT
ARTICLE VIII – STANDARDS AND REGULATIONS FOR THE PROTECTION OF
MOUNTAINS AND HILLSIDES**

WHEREAS, the White County Board of Commissioners wishes to revise portions of the Official Code of White County as it relates to various sections of the White County Mountain and Hillside Protection Ordinance.

NOW THEREFORE, BE IT RESOLVED by the County Commissioners of White County it is hereby resolved by authority of the same that the regulations be revised as follows.

The effective date of this amendment shall be October 7, 2019.

ADOPTED, this 7th day of October, 2019.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner
Travis C. Turner, Chairman

s/Terry D. Goodger
Terry D. Goodger, District 1

s/Lyn Holcomb
Lyn Holcomb, District 2

s/Edwin Nix
Edwin Nix, District 3

s/Craig Bryant
Craig Bryant, District 4

Attest: <u>s/Shanda Murphy</u> Shanda Murphy County Clerk
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ARTICLE VIII. - STANDARDS AND REGULATIONS FOR THE PROTECTION OF MOUNTAINS AND HILLSIDES
DIVISION 1. - GENERALLY

Sec. 30-201. - Short title.

This article shall be known and cited as the "White County Mountain and Hillside Protection Resolution."

Sec. 30-202. - Mountain and hillside protection district map adopted.

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A County mountain and hillside protection district map, as prepared after a process of thorough public input during the preparation of this article, is hereby adopted and made part of this article as if fully set forth herein. Said map shall be signed and dated by the chairman of the County Board of Commissioners and attested and sealed by the County Clerk.

Sec. 30-203. - Reference to adopted mountain protection map.

The comprehensive plan of the County includes a mountain protection plan and map of mountain protection areas. Said map was adopted by the County Board of Commissioners via Resolution Number 94-6, adopted January 27, 1994, which adopted by reference the mountain and river corridor protection plans as an amendment to the County comprehensive plan. Said map is distinguished from the mountain and hillside protection district map referenced in section 30-202 of this article and shall remain in effect per section 50-1 of the County Code. Said map shows properties with elevations of 2,200 feet or more mean sea level, and such map is not a complete depiction of the jurisdiction of this article.

Sec. 30-204. - Goals.

This article is adopted in order to further the following goals:

- (1) To preserve the appearance and protect the natural resources of the County's mountains and hillsides;
- (2) To protect ridgelines and steep slopes;
- (3) To prevent soil erosion, and to control stormwater runoff;
- (4) To protect trees and other native vegetation;
- (5) To encourage responsible development and to allow for reasonable uses that complement the natural and visual character of the natural landscape;
- (6) To encourage the application of sound and innovative design principles to development of these areas; and
- (7) To provide guidelines for building and subdivision designs so they will be compatible with mountain and hillside surroundings in a way that benefit the landowner and the community; and
- (8) To comply, at minimum, with chapter 391-3-16, rules for environmental planning criteria, section 391-3-16-.05, criteria for mountain protection.
- (9) To establish regulations for certain other areas not subject to the requirements of chapter 391-3-16, rules for environmental planning criteria, section 391-3-16-.05, criteria for mountain protection, but which have been determined through a public process to require regulations that are not addressed by the jurisdiction of said criteria (i.e., places with elevations of 25 percent or more slope under 2,200 mean sea level).

Secs. 30-205—30-210. - Reserved.

DIVISION 2. - DEFINITIONS

Sec. 30-211. - Definitions.

When used in this article, the following words or phrases shall have the meanings given in this section. Terms not defined herein shall have their customary dictionary definitions where not inconsistent with the context, or as set forth in the County Code when appropriate to the context. The term "shall" is mandatory. The word "may" is permissive. The words "structure" and "building" have the same definition. Words used in the singular include the plural and those used in the plural include the singular.

Director: The director of community development of the County.

Hazardous waste: Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 CFR Section 261.3 and as also defined in the Georgia Hazardous Waste Management Act.

Impervious surface: All surfaces that do not absorb water or do not allow water to percolate through, such as rooftops, paved parking areas, paved driveways or roadways, patios, pools, etc.

Land disturbing activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land. Land disturbing activities shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, and the cutting of firewood for personal use.

Local governing authority: The County Board of Commissioners.

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Mountain and hillside protection district map: A map prepared after a process of thorough public input during the preparation of this article, adopted and made part of this article, signed and dated by the chairman of the County Board of Commissioners and attested and sealed by the County Clerk, and showing areas that are subject to the requirements of this article. That map is distinguished from the protected mountains map defined in this section.

Mountain protection plan: That part of the local comprehensive plan that deals with mountain protection requirements specified in chapter 391-3-16, rules for environmental planning criteria, section 391-3-16-.05, and criteria for mountain protection.

Multi-family dwelling: Any structure that contains two or more dwelling units.

Protected mountain or hillside: All land or tract of land that is shown on the mountain and hillside protection district map as lying within protected districts as designated by district map and is further described as those mountains and hillsides where the slope becomes 25 percent or greater, and which specifically include the ridges, summits and such crests above these areas, even though the slopes may be less than 25 percent.

Protected mountains map: That map of mountain protection areas adopted by the County Board of Commissioners via Resolution Number 94-6, adopted January 27, 1994, which adopted by reference the mountain and river corridor protection plans as an amendment to the County comprehensive plan. Said map is distinguished from the mountain and hillside protection district map referenced in section 30-202 of this article.

Quadrangle map: The most recently published U.S. Geological Survey 7.5 minute topographic map prepared at a scale of 1:24,000 feet.

Revegetation plan: A plan to replant trees and other vegetation that will be required when any parcel is disturbed greater than the amounts as shown in Table 1, or when more than 50 percent of the existing trees which exceed eight inches in diameter, as measured at a point on such a tree four and one-half feet above the surface of the ground, are removed. This plan must be prepared by a registered forester, landscape architect, arborist, or other persons approved by the state, and will specify the species, types, quantities, and method of re-establishing trees and/or other vegetation.

Sensitive natural areas: Any area, as identified now or hereafter by the department of natural resources, which contain one or more of the following:

(1) *Habitat, including nesting sites, occupied by rare or endangered species;*

(2) *Rare or exemplary natural communities;*

(3) *Significant landforms, hydroforms, or geological features; or*

(4) *Other areas so designated by the department of natural resources; and which are sensitive or vulnerable to physical or biological alterations.*

Single-family dwelling: Any structure designed for habitation by one family unit.

Tree Cutting Activity: Any cutting of trees eight inches, or greater, in diameter at breast height (DBH) which does not relate to a project which would require a land disturbing permit or building permit. Any cut tree stump measuring eight inches or greater will also be classified as a tree eight inches or greater in DBH.

Secs. 30-212—30-220. - Reserved.

DIVISION 3. - DEVELOPMENT AUTHORITY AND REQUIREMENTS

Sec. 30-221. - Development authority.

From and after the passage of this article, the director of community development, or designee, shall be the official issuing authority. All applications for permits for activities subject to the requirements of this article shall be reviewed by the community development director or his/her designated representative. The community development director or designee is authorized to establish appropriate procedures and processes where this article does not indicate a procedure. The issuing authority for any permits covered under or affected by this article will be responsible for the inspection and enforcement of the regulations set out herein.

Sec. 30-222. - Use of site plan.

A site plan, where required, shall be submitted and approved prior to the issuance of any development or building permits.

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Sec. 30-223. - Erection of buildings.

No permits for the erection of any building in an area subject to the requirements of this article will be issued to any applicant unless the issuing authority affirmatively determines that the proposed building meets the requirements of this article and has been approved by the community development director or designee.

Sec. 30-224. - New land disturbing activity.

No applicant shall institute or proceed with any activity regulated by this article before obtaining prior approval of such activity from the director of community development or designee and the securing of applicable permits as may be required. Proposed land disturbing activity shall meet all applicable requirements of the County Code as amended for soil erosion and sedimentation plan approval even though approval under this article may not be required.

Sec. 30-225. - Lots of record.

Any existing lots of record as of November 29, 2005 (the date of the original adoption of the mountain and hillside protection regulations) that have been legally approved by the County planning commission pursuant to the County subdivision regulations and recorded in the County Clerk of Superior Court records, shall be considered without exception to be approved for the building of a single-family dwelling, provided, however, that all requirements for the health department are met and any required development permit or building permit is obtained. Any new structures also must meet all applicable building codes and those development standards that may be set by other regulations, as may be required. When application for a building permit is made on one of these existing lots, the mountain protection criteria for building a single-family dwelling shall be followed, except as specifically exempted in this section, unless deviations from the County's design and development standards are reviewed and approved as a variance, as per section 30-301, which shall be directly tied to the fact that the platted lot has insufficient space, improper orientation, or other physically limiting condition which prevents the owner/developer from meeting the County's standards. Lot development hardship, not financial cost or personal design and or location choice, shall be the basis for such a request for and the granting of a variance. Requests for variance shall be processed and considered according to the review standards of this resolution, including appropriate public hearing.

Lots of record as of November 29, 2005 consisting of 1.5 acres or less shall not be subject to the land-disturbance limitations specified in table 1 of section 30-254 of this resolution; provided, however, land-disturbing activity on these lots of record shall be limited to a maximum of 50 percent of the total area of the lot of record. Lots of record of more than 1.5 acres shall be subject to the limitations specified in table 1.

Secs. 30-226—30-230. - Reserved.

DIVISION 4. - APPLICABILITY, EXEMPTIONS AND PERMITTING PROCEDURES

Sec. 30-231. - Applicability.

The terms and provisions of this article shall apply to any private activity on real property in the unincorporated areas of the County, including but not limited to subdivisions, land disturbing activities, building permits, or other development activities, that are in a protected district as designated by the mountain and hillside protection district map and the protected mountains map as defined by this article. This article shall apply to the earliest application for development or building approval required of an applicant by the County Code. This includes, but is not limited to, applications for land use approval, application for preliminary subdivision or development approval, applications for land disturbing activities, and applications for building permits.

Sec. 30-232. - Exemptions.

The following land uses or activities are exempt from the requirements of this division:

- (1) Agriculture, as defined in the County soil erosion and sedimentation control regulations, and forestry, provided that they are consistent with the best management practices established by the state forestry commission or the state soil and water conservation commission, consistent with all state and federal laws, and all applicable regulations promulgated by the state department of agriculture. No other activities or land disturbance, except for normal forestry or agricultural management practices, shall be allowed on the entire property upon which the forestry or agricultural practices were conducted for a period of ten years from the completion of such practices.
- (2) Mining activities existing on the effective date of this resolution, if such activities were lawfully permitted by the department of natural resources.
- (3) Landscape maintenance activities including minor trimming of branches, the removal of diseased, dead or damaged trees and emergency removal of downed trees presenting a hazard, provided, however, that such activities shall be carried out in conformance with applicable regulations of this resolution or other resolutions that might apply.

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- (4) Prior development plans which may be required by this or other resolutions, the approval process of which is set forth in the County Code, and which was filed with the director of community development or designee prior to by November 29, 2005, shall be allowed to continue under such regulations as may apply at the time of approval. This does not constitute exemption of a building or structure within the individual lots or parcels within the development.
- (5) Additions to single-family residences, on legal lots of record, properly permitted and approved prior to the effective date of this resolution, shall be permitted, subject to the following:
 - a. The addition complies with the requirements of section 30-225 of this division; and
 - b. The height of the building addition does not exceed the height of the existing building; and
 - c. No land disturbance is required to accomplish the building addition that would encroach on any reserved area, or that exceeds the land disturbance maximum established in section 30-225 of this code; and
 - d. The building addition is in conformity with the purposes and intent and consistent with regulations of this division as determined by the director of community development or designee.

Sec. 30-233. - Pre-application review.

Whenever development of a tract of land, including any building or structure, subject to the requirements of this article is proposed, the developer and/or owner is urged to consult early and informally with the director of community development or designee. The purpose of this informal review is to consider the requirements and guidelines of this article, and to review any other regulations and conditions that may apply, and to request advice and guidance concerning the project and the administrative procedures involved. Applicants will be provided with a hillside protection handbook if available to provide an overview of development criteria and examples to promote thoughtful, innovative site and home design. No fee shall be charged for the pre-application review and no formal application shall be required.

Sec. 30-234. - Permitting procedures.

No permit for any activity subject to the requirements of this article shall be issued unless the activity conforms to the requirements of this article. These activities include but are not limited to subdivisions, land disturbance, construction of buildings or other structures, mobile home parks, telecommunication towers, recreational vehicle parks, cabins and any other development. Site plans containing sufficient data to determine applicability of this article to the proposed activity, and a completed application, in a form determined by the director of community development or designee shall be required.

Secs. 30-235—30-240. - Reserved.

DIVISION 5. - PLAN SPECIFICATIONS

Sec. 30-241. - Development concept plans.

Subdivisions shall demonstrate compliance with this article prior to or at the time of preliminary plat approval, and other developments shall demonstrate compliance with this article prior to or at the time of development plan approval, as specified in the County subdivision regulations. The preliminary plat or development plan shall be reviewed and approved by the planning commission in the case of a preliminary plat and for subdivisions and land developments by the director of community development or designee for conformance to the goals of this article. Said applications shall include the submittal requirements for a preliminary subdivision plat or land development application, as the case may be, and which shall specifically include the following items:

- (1) Proposed road layout;
- (2) Lot density and layout, including any clustering and greenspace;
- (3) Provisions for tree preservation;
- (4) Any other pertinent factors that will be helpful to assist in determination of conformance.

Sec. 30-242. - Preliminary plats or developmental plans.

Preliminary plats of subdivisions or other developmental plans within areas regulated by this article, in addition to the standard requirements set forth in the County Code will also include the following:

- (1) The location of areas subject to the requirements of this article in relation to the proposed activity;
- (2) Green space or reserved or protected areas that will be set aside for non-development;

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- (3) Areas of special interest which may include, but are not limited to alternative road layouts, staggered lot lines, cluster development, etc.;
- (4) Topographic data, in addition to existing and proposed contours, should include natural slope calculations shown in percentages and areas of different slope calculations;
- (5) Natural areas of stormwater drainage;
- (6) Areas where vegetation is proposed to be removed, other than road construction, and areas of proposed re-vegetation.

Sec. 30-243. - Application for building permits.

Owners of individual lots that are subject to the requirements of this article shall be required to submit a site plan to the community development director or designee with the following information:

- (1) Topographic data including existing and planned contours for the area of construction or land disturbance, (cuts and fills for structures, driveways, etc.) shown in five-foot contour intervals. This shall be drawn by the homeowner, or his designated representative, using reliable sources such as USGS topographic maps or appropriate software;
- (2) Elevations showing the height of the proposed structure;
- (3) Proposed screening locations, retaining walls, building footprint, driveway, septic tank and drainfield locations, and areas reserved for alternate septic systems; and
- (4) Choice of materials and colors to be used on the home and accessory structures.

This section shall not be construed to limit or negate the submission of other applicable application requirements of another County Code provision.

Sec. 30-244. - Multi-family developments.

In the absence of public water and sewage, multi-family dwellings shall not be constructed. If there is a public water and sewage system available to this property, then the density may be no more than four (4) dwelling units per acre. No such parcel shall be less than 150 feet wide at the building site, or as may be required by the County health department, whichever is greater.

Sec. 30-245. - Commercial structures.

Any application for a permit to construct a commercial structure shall contain a detailed landscaping plan. Such landscaping plan shall:

- (1) Identify all trees which are to be removed that exceed eight inches in diameter, as measured at a point on the tree measured 4½ feet above the surface of the ground, and shall contain a plan for replacement of any such trees that are removed; and
- (2) Include a topographic survey of the project site and an assessment of the effect that the project will have on the environment of the mountain after the project has been completed and is in operation.

Secs. 30-246—30-250. - Reserved.

DIVISION 6. - GENERAL DEVELOPMENT STANDARDS

Sec. 30-251. - Applicability.

The following standards and restrictions shall apply to all property and activities subject to the requirements of this article.

Sec. 30-252. - Average slope calculation.

Slope is the amount of vertical change in elevation per unit of horizontal distance. For the purposes of determining whether the natural slope is 25 percent or more, the natural slope of a given property shall be calculated perpendicular to topographic contours from property line to property line. Slope calculations methods that are permitted include measuring the proximity of contour lines on a quadrangle map; using appropriate computer algorithms working on USGS Digital Elevation Models and GIS or other software; or by a licensed professional experienced in measuring or calculating slope. For the construction of single family residences, property owners may submit an alternative method of slope calculation for consideration. These methods may include, but are not limited to, weighted average, slope mapping, or other field-based techniques. In such cases, a certified determination by a licensed professional will be accepted as final determination.

A contour map is the essential tool in determining the average slope of a parcel, and shall be required with each application for preliminary plat approval. Contour information shall be included in the preliminary site plan or plat. When used, a contour map can supply all the necessary information to calculate slope using the following formula for average slope provided below.

$$S = \frac{0.0023 \times I \times L}{A}$$

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.0023 = Conversion fraction (converts from square feet to acres)

I = Contour intervals (distance between adjacent contour lines)

L = Contour length (total length of contour lines within parcel)

A = Acres in parcel

Sec. 30-253. - Division of area.

Where there is a drastic variation in the landform character within one site, the site may be divided into several distinct areas for the purposes of slope determination. This division must be approved by the community development director or designee. Generally, this provision shall only be used in cases where large tracts of property encompass flat land as well as significant mountain and hillside terrain. Details for each division calculation must be provided.

Sec. 30-254. - Land disturbance areas and impervious surface limits.

Except for lots of record existing as of November 29, 2005 as provided in section 30-225 of this article, land-disturbing activity is limited to specific areas within a parcel not to exceed amounts as shown in Table 1. This area does not include setbacks, buffers, easements, etc. There must be an adequate amount of buildable land for proposed structure(s) and all land disturbing activities (i.e., roadways, driveways, septic/sewage areas, public structures, etc.). Once the buildable area is determined, the location of the development is left to the landowner, subject to compliance with all other adopted regulations.

Except for lots of record existing on November 29, 2005 as provided in Section 30-225 of this Article, the total impervious surface resulting from development on any individual lot shall not exceed the amounts shown in Table 1. Alternatives to paving on individual residential lots are encouraged.

Table 1

Average Slope of Lot To Be Developed	Minimum Lot Size (acres)	Maximum Percent of Lot That May Be Disturbed	Maximum Percent of Lot That May Be Impervious Surface
25—29%	1.5	30	20
30—34%	2	25	15%
35—39%	2.5	20	10%
40% or more	3	17	5

Sec. 30-255. - Limited disturbance areas.

No development or land disturbance activity may occur in the following areas of a parcel. These areas may be included in the area used to calculate compliance with the minimum standards shown in table 1:

- (1) Rock outcroppings;
- (2) Wetlands or buffer areas along streams;
- (3) Natural drainage ways;
- (4) All sensitive natural areas;
- (5) Significant historical and archeological resource areas as defined by the National Register of Historic Places or other federal and state agencies.

The provisions of this section shall not apply to the crossing of streams and creeks for utility corridors and roadways if construction does not exceed 1,000 square feet, does not reduce drainage, and meets all other criteria for land disturbance activities as set forth in the County soil and erosion resolution, as amended.

Sec. 30-256. - Water system requirements.

Where one or more wells are to be used for individual water supply, the proposed land disturbing activity and connection of building or structure to the water system shall meet all applicable requirements of the Georgia Water Well Standards Act of 1985, as amended; the requirements of the rules and regulations of the department of human resources regarding individual or nonpublic wells, and any more stringent requirements that may be imposed by regulation of the board of commissioners.

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If a public system is to be provided, the water supply system must meet all applicable requirements of the "Georgia Safe Drinking Water Act of 1977," as amended, and any other regulations that may be imposed by the state or the County Board of Commissioners.

Sec. 30-257. - On-site sewage management system requirements.

Where septic tanks are to be used for individual sewage disposal, County health department and state regulations must be followed.

Sec. 30-258. - Minimum lot size and lot width.

This section shall apply only to lots created after November 29, 2005, the effective date of the original resolution adopting mountain and hillside protection. Slope-density regulations correlate intensity of development to the steepness of terrain in order to minimize damage from grading and removal of vegetation and land instability. In order to assure that the natural function of the land, density on steeper slopes must be lower than on flatter terrain. The maximum number of lots that maybe permitted to be subdivided from any tract depends on the average slope and the minimum lot size and minimum lot width requirements as specified in this section.

Except as provided in section 30-259 of this code, no lot that is subject to the requirements of this article shall be approved for subdivision unless it complies with the requirements of table 1.

Sec. 30-259. - Reduction of minimum lot sizes and lot widths.

This section shall apply only to lots created after November 29, 2005, the effective date of the original resolution adopting mountain and hillside protection. Cluster development may ease the need for services and take advantage of the best orientation for dwellings and other buildings, thus the rural character can be maintained through preservation of woodland and greenways. Such development can reduce the need of infrastructure and associated development costs can be lowered. Lots created after November 29, 2005 shall meet the requirements of section 30-258 of this code, except as follows:

- (1) At the time of preliminary plat approval, an applicant may request and the County may grant approval of a subdivision for residential development that clusters the lots and residential development in a specific area of the tract, with the balance of land in that tract being designated as permanent green space. Lots within that cluster area may have a reduced lot width provided that no lot shall have a width, at the building site, of less than 100 feet.
- (2) Lots within the clustered area may be reduced to the lot size minimum allowed by other regulations the County health department based on the availability of public water or sewer or approved private sewer systems.

Sec. 30-260. - Permitted size of construction area.

In order to protect the natural character of mountains and hillsides, the land, in amounts as shown in table 1, must be maintained in a natural state. The total impervious surface resulting from development must not exceed the amounts shown in table 1. Alternatives to paving on individual residential lots are encouraged. This does not include the necessity of cutting of diseased trees due to infestation or areas under forestry or agricultural use. These areas must be included on the site plan.

Sec. 30-261. - Storm drainage.

The potential for rapid erosion is extremely high in mountainous and hillside areas. Steep slopes create perfect conditions for rapid movement of soils downhill during rainfall. Therefore it is essential to address storm water drainage and soil and erosion before land disturbing activities begin. Natural drainage flows should be maintained wherever possible and developers and landowners are encouraged to use the best technology available to reduce the effects of this increased flow. All applications that affect the natural flow of storm water must meet all local regulations. This will include, but may not be limited to, the erosion and sediment control resolution. Stormwater flow shall not be altered from its natural flow so as to impact or damage the property of others.

Sec. 30-262. - Clearing and grading.

A great deal of environmental damage associated with new development can be avoided if construction and the position of the development site are well planned. As the most potentially destructive part of the construction process, grading must be carefully planned and executed to maintain the stability of protected mountain and hillside property. The choice of an appropriate building site is the key to minimizing potential erosion problems. Grading, if required on the site, shall not take place prior to site plan approval and issuance of any permit required by the County soil erosion and sedimentation control resolution. Only areas which have been approved for disturbance may be disturbed, and then only after all erosion measures and other regulations have been met.

The applicant's plans for meeting the following standards will be reviewed during planning or before construction begins:

- (1) Cut and fill activities may be minimized by carefully selecting the site for structures, drainfields, septic tanks, etc.

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- (2) Grading areas should be clearly marked before any grading begins. Highly visible fencing is recommended to prohibit earthmoving equipment from moving beyond designated grading boundaries.
- (3) Cut slope and fill slopes of steeper than 2:1 slope ratio will only be considered if shown to provide for more effective environmental protection while still being permanently stabilized with rock or other approved stabilization method. Alternative measures such as retaining walls of limited height may be used.
- (4) Grading should be phased so that prompt re-vegetation will provide optimal erosion controls.
- (5) All top and bottom edges of slopes caused by either cut or fill should be a minimum of two feet away from property lines.

Sec. 30-263. - Public roads.

All roads that are intended for public maintenance must comply with County subdivision regulations and any other applicable regulations including but not limited to those for soil erosion and sediment control. Design and construction of such roads must be approved by the public works director. Variances to road requirements must be separately approved by the board of commissioners but an approval may be given if the result would provide stronger environmental protection while still maintaining public safety concerns.

Sec. 30-264. - Private roads.

All private roads must comply with the County subdivision regulations and any other applicable regulations including but not limited to those for soil erosion and sediment control. Roads not intended for public maintenance must be designed and constructed to the standards in table 2, and approved by the public works director. Where private roads are proposed as extensions of existing public roads, the developer must clearly justify why existing public roads should not be extended for public use. Where private road designs are used for approvable of a subdivision, the following special notation shall be placed on the final plat, in bold type:

"Roads within this subdivision are designated private, and will not be accepted for maintenance by the County unless owner(s) of the right of way meets the standard for public roads at the time of application."

For the purposes of this regulation, the following road classifications will apply to this section:

- (1) Private residential collector is a road or section of a road which:
 - a. Provides direct or indirect access from the entrance of the subdivision inward to 20 or more proposed residential lots and is designed to be the main travel path for residential access;
 - b. Is designed to serve, or has the potential to serve in a future phase, property in the same ownership as the applicant, and, if developed will meet the 20 dwelling-unit standard;
 - c. Connects proposed development with existing developments when the aggregate sum of residential lots in both developments meets the 20 dwelling unit standard;
 - d. Serves a nonresidential facility located within a resident development, such as recreation areas, club house, golf course, public utility sites, etc.
- (2) Private residential subdivision road is a road or group of roads which:
 - a. Abuts less than 20 residential lots;
 - b. Serves less than 20 existing lots or proposed residential dwelling units;
 - c. Does not connect thoroughfares.
- (3) Private shared roadway is a road or group of roads which:
 - a. Abuts no more than five residential lots
 - b. Serves no more than five existing or proposed residential dwelling units
 - c. Does not connect thoroughfares.

Table 2

	Private Collector	Private Residential	Private Shared Driveway
Residential lots served	> than 20	1 to 20	1 to 5
Right-of-way width	40	30	30
Cul-de-sac radius ¹	40	40	35
Maximum grade percent (may not be exceeded at any given point)			
Gravel	8	12	15
Paved	15	15	15
Road width			
Two way	18	16	16
One way	12	10	8
Shoulder width			
Two way	4	4	2
One way	2	2	2
Minimum cut and fill slopes ⁴	2:1	1.5:1 ² 1:1 ³	1.5:1 ² 1:1 ³

¹ Alternative cul-de-sacs may be approved to minimize clearing and grading in protected mountain areas. The alternative cul-de-sac can be T's or other designs as long as they meet accepted design standards and address public safety concerns.

² In cases where the existing cross slope is 20 percent or greater, 1.5 to 1 cut and fill slopes shall be permitted provided that the developer guarantees that the slope will be adequately stabilized.

³ In cases where the existing cross slope is 25 percent or greater, 1 to 1 cut-and-fill slopes shall be permitted provided that the developer guarantees that the slope will be adequately stabilized. Other steep slope alternatives will be considered in protected mountain areas to minimize clearing and grading. Examples could be retaining walls, stabilization with rock or other engineered materials, etc., as long as they meet sound engineering design standards.

⁴ Maximum cut and fill slopes may be required to be flatter if required by site specific conditions for stability.

The minimum turning radius of a cul-de-sac on a private shared residential road shall be 35 feet. Alternative cul-de-sacs may be acceptable if designed within the requirements of the Georgia State Amendments to the International Fire Code, appendix D, fire apparatus access roads; figure D103.1, dead-end fire apparatus access road turnaround.

Sec. 30-265. - Retaining walls.

Retaining walls, where required, are recommended not to exceed ten feet in height and should be built to follow the contours of the land. Where greater total height is needed, two retaining walls should be considered with vegetation between them. Vegetation should be planted to screen large retaining walls from view.

Sec. 30-266. - Setbacks.

Setbacks will be used to protect natural features of the mountain and hillside terrain. The following minimum setbacks shall be maintained unless otherwise determined by site plan review:

- (1) Placing structures away from the shoulder reduces the visual impact of development as well as erosion on steep slopes. All structures must be setback a minimum of 20 feet from the shoulder of a ridgeline. The shoulder is defined as the plane at which the slope of the land changes from greater than 25 percent to a ridge top of less than 25 percent. See Figure 1. Natural vegetation must be maintained undisturbed within the setback area except for access to a lot or limited cutting to provide a view. All other setbacks including, but not limited to, those from streams, creeks, springheads and property lines must be met as required by the County Code.

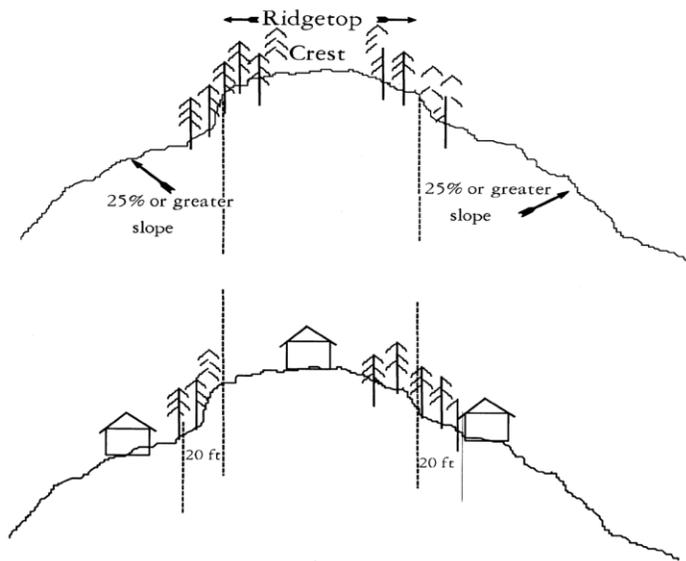


Figure 1

Sec. 30-267. - Ridgeline development.

Ridge lines in protected areas shall be left in their natural state except that roadways may be constructed along the ridgeline. Design and construction of roadways must be approved by the public works director, or designee, and in accordance with applicable regulations and as required by this article or other applicable provisions of the County Code.

Sec. 30-268. - Reserved.

Sec. 30-269. - Restrictions.

The following applications are prohibited on lands subject to the requirements of this article:

- (1) Handling areas for receiving and storage of hazardous waste and solid waste disposal facilities are prohibited.
- (2) Mining activities are prohibited unless previously permitted by the department of natural resources.
- (3) Cell towers are prohibited in the protected areas except where the design and structure thereof blend in with the surroundings and are camouflaged.

Secs. 30-270—30-280. - Reserved.

DIVISION 7. - DESIGN REQUIREMENTS

Sec. 30-281. - Purpose.

Design regulations are not designed to prevent creativity or mandate a particular style of dwelling. Rather, they are essential to the goal of reducing visual impacts of development while ensuring the stability of the protected mountain and hillside regions.

Sec. 30-282. - Building heights.

No building is permitted to exceed 40 feet from the natural grade of the land, as measured perpendicular from the highest point on the structure to the point of natural grade on the ground. Chimneys and power poles are not included in the height calculations. At no time shall a building extend above the existing tree canopy.

Sec. 30-283. - Outdoor lighting.

While lighting outside of homes is often necessary, it can be quite obtrusive in the night skyline. Mountainous and hillside areas are generally rural in character and should be maintained as such even in the presence of development. The following guidelines shall be adhered to when placing outside lights:

- (1) All lights shall have shielded fixtures that direct the light downward. These shields shall eliminate scattered light and excessive glare.
- (2) Light poles shall not exceed the height of surrounding buildings.

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Sec. 30-284. - Landscaping.

Because the mountainous and hillside areas of the County are largely valued for their natural beauty, it is the intention of these regulations to preserve this forested quality. Any new development will create areas that will temporarily be deforested and/or unsightly.

- (1) No construction equipment or development is permitted in areas outside those designated and approved for land disturbance. Such areas outside those portions of the lot designated and approved for land disturbance shall be left in their natural state. A natural state is defined as the condition prior to development or other human activity.
- (2) Re-vegetation is required on all disturbed areas that remain after construction, including areas around permanent structures, resurfaced areas such as driveways and areas of cuts and fills, pursuant to land disturbance regulations. Where trees have been removed due to insect damage or disease, and this tree removal increases the land disturbance percentage in amounts that exceed amounts specified in Table 1, replanting is required.
- (3) All stream buffers are to be maintained in a natural state pursuant to County soil and erosion regulations and state water quality control rules.
- (4) Color choices that are considered to blend in with the surroundings of the site shall be considered natural in color and will require minimum replanting of vegetation for screening purposes. Color choices that stand out against the natural colors of the surrounding area will be considered intrusive and will require screening with natural vegetation that will minimize the effect on the surrounding area. The amount of screening required will be reviewed and approved by the director of community development or designee but will in no way require screening of more than 50 percent of the structure as a whole. Planted vegetation must achieve the required screening percentage within two years of planting and must be done within six months of the main structure receiving a certificate of occupancy.
- (5) Trees eight inches, or greater, in diameter that are cut for view will be done in a staggered fashion to eliminate the tunnel effect caused by clear cutting. Reducing clear cuttings reduce the potential for erosion, stormwater runoff and landscaping and grading costs. Keeping mature greenery is recommended wherever possible to provide immediate aesthetic, environmental, and potentially monetary value.

Secs. 30-285—30-290. - Reserved.

DIVISION 8. – TREE PROTECTION (REGULATIONS SPECIFICALLY AFFECTING ONGOING PROPERTY MAINTENANCE, TREE CANOPY MAINTENANCE AND TREE CANOPY PRESERVATION WITHIN THE DESIGNATED MOUNTAIN AND HILLSIDE PROTECTION DISTRICT)

Sec. 30-291. – Purpose and Intent.

This Division applies to any cutting of trees eight inches, or greater, in diameter as part of the ongoing maintenance of property which does not require a land disturbing permit or building permit.

Sec. 30-292. - Pre-application review.

Property owners are urged to consult early and informally with the director of community development or designee. The purpose of this informal review is to consider the requirements and guidelines of this article, and to review any other regulations and conditions that may apply, and to request advice and guidance concerning the cutting of trees. No fee shall be charged and no formal application shall be required for the pre-application review.

Sec. 30-293. - Permits.

(a) *Permit application.* As part of the ongoing maintenance of property, no person shall cut or remove trees (eight inches in diameter or greater), or cause the same to be done, without first obtaining a tree cutting permit for such activity.

- (1) *When required.* Any owner, authorized agent, or contractor who desires to cut or remove trees, or to cause any such work to be done, shall first make application to the director of community development or designee and obtain the required permit for the work.

Exception: Permits shall not be required for the following work:

- a. Minor trimming of branches;
- b. Removal of dead, diseased or severely damaged tree; or
- c. Emergency removal of downed trees presenting a hazard.

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Sec. 30-294. – Permit Fees.

- (a) *Prescribed fees.* A permit shall not be issued until the fees prescribed by the governing body have been paid. A *fee*, as set forth in the schedule of *fees* and charges on file in the County Clerk's office, will be charged for the processing of a permit.
- (b) *Work commencing before permit issuance.* Any person who commences any tree cutting work before obtaining the necessary permit, shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.

Sec. 30-295. – Tree Cutting Activity.

- (a) Trees eight inches, or greater, in diameter that are cut for view as part of the ongoing maintenance of the property will be done in a staggered fashion to eliminate the tunnel effect caused by clear cutting. Reducing clear-cuttings reduces the potential for erosion, stormwater runoff and landscaping and grading costs. Keeping mature greenery is recommended wherever possible to provide immediate aesthetic, environmental, and potentially monetary value.
- (b) Tree topping performed for view and/or as part of the ongoing maintenance of the property will be done in a staggered fashion to eliminate the tunnel effect caused by clear cutting.
- (c) All stream buffers are to be maintained in a natural state pursuant to County soil and erosion regulations and state water quality control rules.

Sec. 30-296. – Fees for Loss of Tree Canopy.

The cutting of any trees in violation of this Division shall be punished by a fine of \$100 per tree, per violation occurring on each tract, not to exceed a maximum civil penalty of \$2,500, in the alternative White County may choose to prosecute the violation as a criminal case not to exceed a fine in the amount \$1,000 and imprisonment in the County jail, not exceeding 180 days, or both a fine and sentence of imprisonment, or as specified by state laws and ordinances of the County. The fine per tree may be based on the number of felled trees and where trees have been removed the number of cut tree stumps measuring eight inches or greater.

Secs. 30-291—30-300. - Reserved. DIVISION 9. - VARIANCES

Sec. 30-301. - Variances, inspection, enforcement, and miscellaneous provisions.

See chapter 30, article IX, sections 30-343, 30-344, 30-345 and 30-346 for regulations on variances, inspection, enforcement, and miscellaneous provisions.

Secs. 30-302—30-320. - Reserved.

DIVISION 10. - INSPECTION

Sec. 30-321. - Variances, Inspection, Enforcement, and Miscellaneous provisions.

See Chapter 30, Article IX, Sections 30-343, 30-344, 30-345 and 30-346 for regulations on Variances, Inspection, Enforcement, and Miscellaneous provisions.

Secs. 30-322—30-330. - Reserved.

DIVISION 11. - ENFORCEMENT

Sec. 30-331. - Variances, inspection, enforcement, and miscellaneous provisions.

See chapter 30, article IX, sections 30-343, 30-344, 30-345 and 30-346 for regulations on variances, inspection, enforcement, and miscellaneous provisions.

Sec. 30-332—30-340. - Reserved.

DIVISION 12. - MISCELLANEOUS PROVISIONS

Sec. 30-341. - Variances, inspection, enforcement, and miscellaneous provisions.

See chapter 30, article IX, sections 30-343, 30-344, 30-345 and 30-346 for regulations on variances, inspection, enforcement, and miscellaneous provisions.

Sec. 30-342. - Reserved.

- End of County Resolution No. 2019-14-

Commissioner Goodger presented a draft letter for the consideration of the Board related to providing a statement of support, in principle only, to the City of Cleveland, for consideration of future relocation of the White County Public Library to the future Cleveland City Hall Complex.

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Following discussion – upon a motion made by Commissioner Nix, seconded by Chairman Turner there was a unanimous vote to table the consideration of this letter of support. The Board directed Mr. Melton to meet with Mr. Tom O’Bryant, City of Cleveland Administrator, and obtain additional details on the City’s plan for this project.

Ms. Jodi Ligon, Finance Director, presented the monthly financial status report (see attached).

There were no County Manager Comments.

Chairman Turner opened the floor for public participation.

Ms. Judy Lovell with the White County Historical Society stated that the Potter Statue at the Historic Courthouse would be dedicated on October 19, 2019 at 10 a.m. and invited everyone to attend.

Ms. Beth Truelove, President of the White County Chamber of Commerce, expressed appreciation to the White County Sheriff’s Office for their involvement in Agri-Fest.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to adjourn the meeting.

The minutes of the October 7, 2019 Regular Meeting are hereby approved as stated this 4th day of November, 2019.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner
Travis C. Turner, Chairman

s/Terry D. Goodger
Terry D. Goodger, District 1

s/Lyn Holcomb
Lyn Holcomb, District 2

s/Edwin Nix
Edwin Nix, District 3

s/Craig Bryant
Craig Bryant, District 4

s/Shanda Murphy
Shanda Murphy, County Clerk