

Cullowhee Planning Council

Minutes

January 7th, 2019

6:00 p.m.

Conference Room 101A, WCU Cordelia Camp Building

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
Rick Bennett	X		Myrtle Schrader	X		Mike Byers	X	
Scott Baker	X		Joel Setzer	X		Jim Lewis	X	
Jack Debnam	X		David Claxton	X				

Staff Present

Michael Poston, Planning Director
Heather Baker, County Attorney
Allison Kelley, Administrative Assistant

Call to Order

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

Additions to Agenda

Chairman Baker requested to rearrange under "New Business" letter 5c "Expansion of the Cullowhee District" to letter 5a, letter 5a "UDO Discussion" to letter 5b, and letter 5b "Cullowhee Small Area Plan Update" to letter 5c.

Chairman Baker requested to add "2019 Schedule" under "New Business" as letter 5d. Joel Setzer requested to add "Cullowhee Bridge Discussion" under "New Business" as letter 5e. Rick Bennett made a motion to add letter 5d and 5e to the agenda. Jim Lewis seconded the motion, and it passed unanimously.

Approval of Minutes

Jim Lewis made a motion to approve the minutes from the October 1st, 2018 meeting. David Claxton seconded the motion, and it passed unanimously.

Public Comment- Sign-up sheet- 3 minutes per speaker

There were no public comments.

New Business

a. Expansion of the Cullowhee District

Chairman Baker informed the Council Mr. Bennett contacted him to invite Mr. Tucker Kirk and Mrs. Donna Kirk to the meeting to have the Council discuss the process of being added to the Cullowhee Planned District.

Mike Poston stated the North Carolina General Statutes provide a way for counties to designate portions of their jurisdiction as zoned areas. He stated Jackson County has provided zoning within the county since 2003. The county started with the Cashiers Crossroads Area, 441 Gateway District, and then the Cullowhee Planned District.

Mr. Poston stated to create a zoned area in the county there must be 640 acres of land in the proposed district. In addition, those acres must be divided in a minimum of 10 separate tracts of land. After the zoned area is established, the district can expand by additional territory.

Mr. Poston stated there is a process to amend a zoning map. The first step is the property owner(s) submit a zoning map amendment application. The second step is the County sets in motion the zoning map amendment. The next step is to schedule public hearings and recommendations at the Cullowhee Planning Council and the Jackson County Planning Board. Once both recommendations have been received, they are forwarded to the Board of Commissioners to hold a public hearing and make a final determination.

b. UDO Discussion

Mike Poston stated staff had been waiting to receive clarity of the Supreme Court ruling of the *Reed Decision* in how they administer content based signage. Staff has received clarity and made the appropriate changes and adjustments to the sign regulations. The *Reed Decision* enforces the duration, size, and location of the sign. Mr. Poston stated staff also modified part of the temporary and exempt signage within all three of the regulated districts in the county (Cullowhee, Cashiers, US 441 Gateway). In addition, staff has standardized language regarding how each of the districts are administered, the make-up of Boards, and each of the Planning Council's processes. Another section staff standardized is the Nonconforming section to treat all three of the regulated districts.

Jack Debnam stated he would like to see added to the sign ordinance the adoption of state regulations with campaign signs. He stated he would like to see the county employees given the opportunity and ability to enforce campaign signs.

Heather Baker stated based on the *Reed Decision*, and it no longer allows different classification of content signs such as (political signs, yard-sale signs, or real-estate signs). She stated staff had to make all the signs temporary and on-premises based on the Supreme Court ruling.

Joel Setzer inquired if the document includes if any additional restrictions apply and who to contact. Heather Baker stated not currently, however, staff could add a reference section that would indicate who to contact should any restrictions apply.

Mike Poston stated the Nonconforming section in the Cullowhee Regulated District states if a natural disaster (fire, hurricane, etc.) destroyed a building, the district only allows replacing 50% of the value of the building's Nonconforming Use. However, if it was not a natural disaster that destroyed the building but the owners/tenants negligence, they must conform and comply with the current ordinances.

Mr. Poston stated US 441 Gateway Regulated District has a section that discusses road access. He stated the ordinance has language to preserve mobility along the 441 Corridor. The Planning staff has kept this nonconforming section as the US 441 Gateway ordinance has language of road access and access management more than the other districts.

c. Cullowhee Small Area Plan Update

Mike Poston informed the Council staff received two respondents to the request for proposal (RFP). He stated staff formed an interview team that consisted of the Planning staff, Heather Baker (County Attorney), and Chairman Scott Baker. He stated

staff is currently working and moving forward to sign a contract with Stewart to provide their services.

The Plan will contain the following elements:

- a. Analysis of current development conditions and demographics
- b. Land Use
- c. Transportation
- d. Economic Development
- e. Utilities/Infrastructure
- f. Natural Resources/Cultural Resources
- g. Recreation
- h. Future Land Use Map
- i. Implementation

Mr. Poston stated both the Council and community would gather together to discuss the different growth types and opportunities in and around the area. In addition, the Council and community will address if there are plans to expand the district during these meetings.

Jack Debnam asked staff if they are considering an Extraterritorial jurisdiction (ETJ). Mr. Poston stated ETJ's are provided specially for municipalities. He stated Jackson County is not a municipality, and staff controls the land use with the development standards. However, there are partially zoned areas within the county.

Mr. Poston informed the Council they will act as the steering committee and will be working with the consultants through this process. He asked the Council to consider to request the Board of Commissioners to appoint a few members for the Small Area Plan process. Mr. Poston believes it would be prudent to ask Curve to be a formal part of the steering committee due to being active in the Cullowhee area. Rick Bennett stated both he and Mike Byers are members of Curve. Mike Poston also asked the Council to consider finding representation from the student-aged population (18-24 years old) as they are living in and around the University. He believes the voice of the student-aged population will make the planning process much stronger.

Joel Setzer asked for consideration to add Cullowhee Fire Department to the group of stakeholders.

Mike Poston requested the Council at the next meeting to make a recommendation for potential appointed members for the Small Area Plan.

d. 2019 Schedule

Chairman Baker moved the September 2nd, 2019 meeting date to September 9th, 2019 as the regular monthly meeting date fell on the Labor Day Holiday.

e. Cullowhee Bridge Discussion

Joel Setzer informed the Council the Cullowhee Bridge is now operational. He stated the Council, and the Department of Transportation (DOT) had a lot of input into the bridge. Mr. Setzer asked the Council to consider sending a letter of appreciation to DOT and to Western Carolina University (WCU), as they participated in adding the street lights. Mr. Setzer suggested to send the letter to Brian Burch Engineering and the Chancellors Office at WCU.

Rick Bennett made a motion for Chairman Baker to write the letter to DOT and WCU. Joel Setzer seconded the motion, and it passed unanimously.

Adjournment

With no further business, Chairman Scott Baker adjourned the meeting at 7:11 p.m.

Respectfully Submitted,



Allison Kelley
Administrative Assistant- Planning



Scott Baker
Planning Council Chair