

JACKSON COUNTY PLANNING BOARD

MINUTES

Date: July 25, 2019								
Time Begin: 6:00 p.m.								
Time End: 7:14 p.m.								
Location: Jackson County Department on Aging, Heritage Room								
Members	Present	Absent		Present	Absent		Present	Absent
Bonnie Claxton	X		Tamera Crisp	X		Scott Ogle	X	
Sandy Davis	X		Ken Brown	X		Steven Johannessen	X	
Jeremy Hyatt		X	Mark Letson	X		Tommy White		X
Kirk Shufelt	X		Mary Sue Casey		X			

Staff Present:

Michael Poston- Planning Director
 John Jeleniewski- Senior Planner
 Heather Baker- County Attorney
 Allison Kelley- Administrative Assistant

Others Present:

Will Buie, WGLA Engineering

Call to Order and Quorum Check

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

Public Comment

There were no public comments.

Approval of the Agenda

Chairman Claxton requested to add “Staff Updates” under “New Business” as letter 5c. Steven Johannessen made a motion to approve the agenda with the addition of letter 5c. Tamera Crisp seconded the motion, and it passed unanimously.

Approval of the Minutes

Mark Letson made a motion to approve the minutes from May 9th, 2019. Steven Johannessen seconded the motion, and it passed unanimously.

New Business

- a. Public Hearing: Text Amendments to Article VII Section 7-2 & 7-3 Setback Standards and Article IX Section 9-10 Landscaping and Buffering Standards**

Chairman Claxton opened the public hearing at 6:02 p.m.

Mike Poston presented the staff report regarding the proposed text amendments. He stated, the amendments would provide a minimum and maximum setback

requirements that would allow the building facade to be moved closer to the road. The proposed text amendment would allow for more pedestrian walkability in both the Village Center and General Commercial districts. In addition, staff is proposing the landscape buffer in the Village Core district to be reduced to allow for a more compact design. The landscape buffers in the General Commercial district would be reduced from 20 feet to 10 feet, and street trees would still be required at the front of the property. He stated the Cashiers Planning Council held their public hearing in May with only one public comment, and all were in favor of the amendments.

In addition, Mr. Poston informed the Board the Unified Development Ordinance (UDO) is scheduled to be adopted by the Board of Commissioners on August 6th, 2019 and these text amendments would be included within the UDO. He asked the Board to consider adopting these changes and that it is consistent with the *Cashiers Commercial Area Land Development Ordinance*.

Chairman Claxton asked if there was anyone from the public that would like to speak in regards to the text amendments. There were no public comments regarding the text amendments.

Chairman Claxton closed the public hearing at 6:08 p.m.

Ken Brown stated his only concern was the maximum impervious surface coverage of 70% was too high. Mr. Poston stated that standard already existed within the ordinance, however that standard was not included within these text amendments.

Scott Ogle inquired if the majority of the existing structures are in compliance with the proposed text amendment setback standards. Mr. Poston stated it would be mixed as there is non-conforming existing infrastructures that would have legal status. However, any proposed buildings will be required to comply with the new setback standards. He stated, overtime buildings would be replaced and redeveloped to give the village feel vision of Cashiers. Mr. Jeleniewski added there could be a change of use that would trigger compliance of the ordinance (residential to commercial). In addition, if there is 50% improvement of value on the property that would also trigger compliance of the ordinance.

Steven Johannessen made a motion to approve the Text Amendments to Article VII, Section 7-2 & 7-3 and Article IX, Section 9-10 and adopt the consistency statement. Ken Brown seconded the motion, and it passed unanimously.

b. Major Subdivision Review: High Hampton-Chimney Top

John Jeleniewski presented the staff report for the *High Hampton Chimney Top Subdivision (Phase 1)*. He stated the applicant for the proposed project is High Hampton Land, LLC (Daniel Communities) and is located at 3 Sheep Laurel Road, Cashiers NC 28717 (PIN 7581-28-1692). The proposed subdivision would be an additional neighborhood in the eastern portion within the High Hampton community. The proposed neighborhood would consist of approximately 192.23 total acres of current undeveloped land; phase 1 consisting of approximately 56.81 acres and phase 2 consisting of approximately 135.42 acres. The applicant has expressed interest in entering into a formal *Development Agreement* with Jackson County where future neighborhoods within High Hampton could be managed by that future agreement. Access to this proposed neighborhood would be from Highway 107 South which has a pavement width of approximately 22'. This proposed neighborhood would be served by a paved roadway

20' in width (Collector Road "A") and phase 1 would consist of 35 single family home lots ranging from 0.50 to 1.92 acres in area and 16 clustered cottage units. Site amenities are existing in the High Hampton community and include a clubhouse, golf, tennis, walking trails and lake activities. Site grading (cut and fill) would be moderate for infrastructure improvement (10.89 acres of disturbed area), and is assumed that future home site construction would be built to the existing contour of the land. The submitted plans indicate responsible storm water and erosion control measures that have been designed by a registered engineer. Water service to these proposed lots would be from the existing High Hampton water system which would be expanded, and wastewater would be collected by a newly constructed collection system on the High Hampton property. Fire protection would be provided by the Cashiers/Glenville Fire Department. A small portion of this property is located within a designated flood hazard area (100-year flood plain), however, these areas would not be disturbed by proposed construction activities. The submitted site construction plans indicate existing stream locations and proper buffer areas have been established to ensure protection during future construction activities. The average slope of this section of the High Hampton property is 26%, and it would not be required to be in compliance with the Mountain and Hillside Development Ordinance. This proposed phase of the Chimney Top neighborhood would add approximately 9.99 acres of open space to the overall High Hampton community, and after this addition, the open space (recreation and conservation) is calculated to be approximately 496 acres and is 34% of the overall property.

Mr. Jeleniewski stated the applicant is seeking a modification to the standards requiring the development of more than 100 lots/dwelling units to be constructed per NCDOT Subdivision Road Standards. The applicant is requesting the Board grant relief from two design criteria components for Road "A." NCDOT standards require the minimum centerline radius to be 150' and the minimum K value to be 20. He stated there are sections of Road "A" that have been designed with centerline radii of less than 150' but greater than 90' and with K values of less than 20 but no less than 10. He stated this would meet County standards but not NCDOT standards for collector roads. The request is made to minimize the amount of grading/disturbed area required to construct the roads and reduce overall corridor widths by limiting significant cut and fill slopes.

Will Buie stated there are horizontal curves and the vast majority of those curves are a minimum of 150' radius. In addition, he stated some of the areas they are unable to meet that requirement as it would require additional grading for a wider flat curved road to meet NCDOT standards.

Staff's recommendation was to approve the *High Hampton Chimney Top Subdivision (Phase 1)* project and modification request under the condition that all proposed site construction be in accordance in the *Jackson County Subdivision Ordinance*, all other applicable County ordinances and the submitted, engineered plans.

Scott Ogle made a motion to approve the High Hampton-Chimney Top major subdivision. Steven Johannessen seconded the motion, and it passed unanimously.

c. Staff Updates

Mr. Poston informed the Board the Planning Department does not manage Erosion Control as the Code Enforcement and Permitting Department enforce it. The WCU Millennial Campus is own by the state of North Carolina, and Jackson County is

not involved with the property. He stated, the state is in charge of reviewing and approving the plan, and is responsible for site inspections. The state has limited staff, and the inspections are not as frequent as local county inspections. The county received calls regarding an issue of sedimentation runoff in streams/rivers, and the Erosion Control Department followed the run-off was coming from the WCU Millennial Campus property. The department sent pictures to the state showing sedimentation runoff from the property the state had issued permits. Mr. Poston stated the state evaluated the site and issued a violation notice for the WCU Millennial Campus.

Mr. Jeleniewski stated the Board reviewed and approved this project recently and the erosion control standards are connected to Jackson County's Ordinance. However, the county has limited authority as the state maintains the project. He stated the runoff developed from digging dirt with adverse weather conditions and having inadequate Erosion Control Measures. The state issued violations for both land quality and water quality. The developer rescinded the land quality violation as they were making progress in the right direction. The water quality violation was not rescinded, but the state and staff allowed the developer to proceed to build on-site while they are repairing the stream damage. Mr. Jeleniewski stated staff held up permits (final subdivision approval, and building permits) in-house until the notice of violations were lifted. The state has been working with the contractor and engineer to get the project under control.

Chairman Claxton asked if the developer would be fined for the violation. Staff stated they would be fined and Ken Brown added they would be fined \$25,000 from the Division of Water Resources.

Mr. Poston informed the Board there is language in the UDO enforcement section that states if there is a state or federal permit violation, the county has the authority to hold permits and inspections until the notice has been rescinded. Having this step in the process would allow the property owner to resolve issues at a state or federal level. He stated, staff already holds permits for county projects if they violate the Erosion Control Ordinance, and will not be inspected until fixed.

Mr. Jeleniewski updated the Board the Landing Phase 2 project on Little Savannah Road they reviewed and approved has a new owner. The original developer sold the project and the design approved by the Board to the same developer of WCU Millennial Campus. He stated the project is currently moving forward with the approved design. There is a different engineer on the project and there may be forthcoming changes to the plan. Both the Cullowhee Planning Council and Planning Board would review the changes as a modification request. The county would have authority and monitor Erosion Control.

In Forest Hills, Prospect Phase 1 student housing project is in the process of being completed. Mr. Jeleniewski stated there are some erosion issues, however, there is no run-off and the developer is managing it on site. Steve Beasley has notified the developer of a few violations and is holding permits until it is corrected.

Mr. Jeleniewski stated the two High Hampton projects the Board reviewed are working with staff and the engineer. He stated there is a lot of moving parts in the projects (neighborhoods, golf course, and inn). The Planning Department is not involved in projects if it's not in a zoned district, however Erosion Control and Building Inspections Departments are involved to ensure project developments are meeting required standards.

Kirk Shufelt inquired if the Board could be notified when projects receive final approval from staff. Mr. Poston stated the Planning Department final approval is when the plat is signed. However, if he is asking to be notified when construction begins, that is a different phase of the process. Mr. Jeleniewski stated that when the Board approves the project, it is likely to expect within a few months construction would begin. Mr. Poston stated the Board is responsible for providing oversight that the subdivisions are being designed following the Subdivision Ordinance. Staff is responsible for ensuring the designs are constructed in compliance with the ordinance. Staff can provide any updates on projects. Mr. Shufelt inquired, who verifies the road dimensions approved from the concept plan are in place. Mr. Poston stated the engineer is required to check and certify the road dimensions, and staff inspects the sites before final approval along with the erosion control staff.

Chairman Claxton stated the Board's role for major subdivision approval is to determine if the guidelines are being met, or if they are not is it a reasonable request for approval of the modification. In addition, the Board considers the zoning laws, and if the developments are too close to the waterways, the Board may need to revisit the language and propose text amendments to the Commissioners. She stated that once the Unified Development Ordinance is approved, the Board would have the opportunity to recommend policy changes to ensure future responsible development is occurring.

Ken Brown stated the state has authority and there is difficulty changing rules, and he believes a change is forthcoming. Mr. Brown stated if the waterways are being polluted, and there is soil runoff from sites in the county he believes the county should have jurisdiction.

Adjournment


With no further business, Steven Johannessen made a motion to adjourn. Ken Brown seconded the motion, and the meeting adjourned at 7:14 p.m.

Submitted by:



Allison Kelley
Administrative Assistant – Planning

Approved by:



Bonnie Claxton
Planning Board Chairman