

# JACKSON COUNTY PLANNING BOARD

## MINUTES

<b>Date:</b> October 17, 2019								
<b>Time Begin:</b> 6:10 p.m.								
<b>Time End:</b> 7:36 p.m.								
<b>Location:</b> 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  
 Caroline LaFrienier- Planner II  
 Allison Kelley- Administrative Assistant

### **Others Present:**

Rich Price, Economic Development Director  
 Tony Elders, Permitting & Code Enforcement Director  
 Steve Beasley, Senior Erosion Officer  
 Will Buie, WGLA Engineering

### **Call to Order and Quorum Check**

Chairman Bonnie Claxton called the meeting to order at 6:10 p.m. and a quorum was present.

### **Public Comment**

There were no public comments.

### **Approval of the Agenda**

Ken Brown made a motion to approve the agenda as written. Tommy White seconded the motion, and it passed unanimously.

### **Approval of the Minutes**

Jeremy Hyatt made a motion to approve the minutes from September 12<sup>th</sup>, 2019. Sandy Davis seconded the motion, and it passed unanimously.

### **New Business**

#### **a) Major Subdivision Review: Chimney Top Phase 2 & 3**

John Jeleniewski presented the staff report for the *High Hampton Chimney Top Subdivision (Phase 2 & 3)*. He stated the Board reviewed and approved Phase 1 of this

project in July. The applicant for this project is High Hampton Land, LLC (Daniel Communities) and is located at 3 Sheep Laurel Road, Cashiers NC 28717 (PIN 7581-28-1695). The proposed subdivision will be an additional neighborhood within the High Hampton community located in the eastern portion of the overall property which is approximately 1,450 total acres. The proposed Chimney Top neighborhood will consist of approximately 192.23 acres (total) of currently undeveloped land; phases 2 and 3 will consist of approximately 134.31 acres. Access to this proposed neighborhood will be from Highway 107 South which has a pavement width of approximately 22'. This proposed neighborhood will be served by a paved roadway 20' in width (Collector Road "A") and phase 2 and 3 will consist of 56 single family home lots (37 lots in phase 2, 19 lots in phase 3) ranging from 0.41 to 3.56 acres in land area.

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) will be moderate for infrastructure improvement (7.67 acres of disturbed area) and it is assumed that future home site construction will be built to the existing contour of the land. The submitted plans indicate responsible storm water and erosion control measures which have been designed by a registered engineer. Water service to these proposed lots will be from the existing High Hampton water system which will be expanded and wastewater will be collected by a newly constructed collection system on the High Hampton property. Fire protection will be provided by the Cashiers/Glenville Fire Department. These phases of the Chimney Top neighborhood are not located within a designated flood hazard area (100- year flood plain. 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 compliance with the Mountain and Hillside Development Ordinance will not be required. These proposed phases of the Chimney Top neighborhood will add approximately 40.44 acres of open space to the overall High Hampton community which, after this addition, the open space (recreation and conservation) is calculated to be approximately 536 acres and is 37% of the overall property.

In addition, Mr. Jeleniewski stated the Board in July approved the modification to grant relief of the NCDOT standards for Road "A." The modification was 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.

Staff's recommendation is to approve the *High Hampton Chimney Top Subdivision (Phases 2 and 3)* project and modification request under the condition that all proposed site construction be in accordance with the Jackson County Subdivision Ordinance, all other applicable County ordinances and the submitted, engineered plans.

*Tommy White made a motion to approve the major subdivision Chimney Top Phase 2 & 3 with staff's recommendations. Jeremy Hyatt seconded the motion, and it passed unanimously.*

**b) Text Amendment to the Unified Development Ordinance Section 9.3.5 Site and Building Design Standards**

Caroline LaFrienier presented to the Board the proposed text amendments to Site and Building Design Standards 9.3.5 of the UDO. The Land Use and Development goal from



the Cashiers Small Area Plan brought on these proposed amendments. The goal along with objectives are included as follows:

- Support village character with architectural design guidelines and/or standards.
  - Encouraging transparency (windows) and variation for facades that face public rights of way
  - Emphasize natural materials and utilize common details found throughout the community
  - Consider providing flexibility in color of buildings especially in the Village Core
  - Encourage architectural styles that honor historic patterns (i.e. lap siding, white trim, timber frame construction, pitched roofs, stone, rafter tails, etc.)

Ms. LaFrienier presented the modified changes the Cashiers Planning Council had recommended the Board to consider to Section 9.3.5.

- (b)(i) 1 “All buildings shall be constructed of stone, exposed timber, fiber cement siding, wood siding, shingle siding, or other high-quality material, as approved by the Design Review Committee.”
- (b)(ii) 2 “Exterior colors for new buildings and structures, including roofs, should be the predominant colors of the historic Cashiers Summer resort traditions, historic whites, grays, browns or colors from a rustic color palette are recommended, along with white or black pronounced trim colors. Fluorescent colors shall be avoided.”
- (c)(i) “Building scale. Buildings shall be small in scale and shall not exceed 45 feet in height.”
- (d)(ii) “Building scale. At least four of the following elements must comprise 50 percent of front façade length and at least two of the following elements must comprise 30 percent of any façade length fronting a major public street and/or parking:
  - Trellises with vegetation.
  - Balconies.
  - Cornices.
  - Covered porches.
  - Roofline offsets.
  - Doors.
  - Window hoods.
  - Transoms.
  - Bulkheads.
  - Awnings or canopies.
  - Arcades.
  - Arches.
  - Outdoor patios.
  - Planters or wing walls that incorporate landscape areas or places for sitting.

- Ribs or columns.
- Changes in texture or masonry.
- Mansard Roofs or Parapet walls designed to meet the minimum requirements set forth of Section 9.3.5 (e) below.
- Shutters.”
- (d)(iii) “Windows. Front building façade must be comprised of a minimum of 30 percent window or glazed area.”
- (s)(b) “Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 5/12 pitch (5 inches of horizontal rise, 12 inches horizontal run). This would not apply to shed roofs or covered walkways.”

Tommy White inquired if any of the business owners in the zoned jurisdictions, provided any feedback regarding the proposed amendments. Ms. LaFrienier stated several Council members are business owners. Mike Poston stated through the Cashiers Small Area Plan process, they received input from business owners that helped identified goals that were important for future development. Mr. Jeleniewski stated they have discussed the proposed amendments for several months and held a public hearing, but there was no negative feedback from the community.

Kirk Shufelt inquired if current business owners were to remodel if they would have to meet these new standards. Mr. Jeleniewski stated there were triggers in the ordinance that indicates if the value of the addition is 50% greater than the current property, it would trigger compliance with the ordinance as it is designed for new construction.

*Jeremy Hyatt made a motion to recommend adoption of the proposed text amendments to the UDO Section 9.3.5 and include the consistency statement. Ken Brown seconded the motion, and it passed unanimously.*

**c) Ordinance Amendment Discussion: Industrial Development**

Rich Price stated there are not many heavy industries within Jackson County, and he does not foresee much in the future. Heavy industries are becoming more common in rural areas and scarcer in urban areas. He stated that the opportunities that are currently present are smaller advanced manufacturing focusing in this region is the outdoor recreation industry (kiack, fishing, etc.) Mr. Price stated that the most significant challenge with the current ordinance is the buffer requirement being approximately a quarter of a mile from the property from any school, church, private residence. With these types of restrictions, it would be difficult to find land that met all of the requirements for any industry. He recently had an individual reach out looking for a building that would house an indoor shrimp raising farm because this county consumes more shrimp than we can harvest. There is no building within the county that could accommodate this industry, and typically, around 95% of the inquiries presented to him he has to turn them away as there is no property or land that can meet the required standards. In addition, they do not advertise sites as there is currently none that would allow manufacturing. Mr. Price stated this is a good start for the Board to discuss the types of uses deem appropriate for modifications to allow flexibility to decide on a case-by-case basis in regards to small manufactures.

Mr. Poston stated that the ordinance definition of “heavy industry” is broad as it speaks to any raw material developed into a product. Warehousing, such as the Pepsi plant, which does distribution, is not considered heavy industry. He stated they adopted



the Industrial Development Ordinance to help respond to asphalt plants, chemical plants, and other high intensity uses. However, in the manner the ordinance was designed, it captures more uses than intended.

Mr. Price stated they need to consider advanced manufacturing within the vicinity of WCU and SCC in accordance with the resources they currently have. Mr. Poston stated staff would work on language to define both heavy and light industry, and specific uses to present to the Board at the next meeting.

**d) Ordinance Amendment Discussion: Sedimentation and Erosion Control**

Tony Elders, Permitting & Code Enforcement Director, introduced himself and Steve Beasley, Senior Erosion Officer to the Board. Mr. Elders stated that the state of North Carolina adopted the Sedimentation and Erosion Control Act in the 1970s. This Act was the first to be adopted in regards to erosion control, and administered by the state. The state quickly realized they needed to develop delegated local programs to monitor sites promptly. Jackson County became a delegated local program in the year 2000 provided with one truck and salary for one individual to start the program. In 2005 the Town of Sylva was established as a delegated local program, however, they turned over their program for the county to enforce. He stated that staff members have other duties and responsibilities to enforce, such as clerical, floodplain, and erosion control. A delegated local program has some authority to amend changes within the ordinance, however the state must approve any proposed amendments to the language. The state controls any project that has local funding, and if it is a public utility. Mr. Elders stated the DOT is its own delegated local program.

Mr. Elders stated that his office has a River Watch Program that they monitor the rivers throughout the county, and take date-stamped pictures at every major tributary saved to a server. If his office notices sedimentation runoff, they track upstream to find the route cause. He stated, in June, they tracked sedimentation runoff from the WCU Millennial Housing project and notified the state who had not been on-site for four months. The department faces this reoccurring issue with state-funded projects.

Mr. Elders asked the Board to review the ordinance to see if they can create modifications that would help his staff. Also, he asked the Board to consider if there is an option they could break off from being a local designated program and be Jackson County's Erosion Control program. He stated he has heard of other counties looking into this option as the state has had frequently a shortage of staff.

Mr. Elders presented the following italic and underlined language in the UDO for consideration from staff and the Board to cultivate tighter language.

➤ **Section 5.3.7 Mandatory Standards for Land Disturbing Activity**

(a)(ii) Graded slopes and fills

- 1) The angle for graded slopes and fills *shall be no greater than the angle which can be retained by vegetative cover* or other adequate erosion-control devices or structures.
- 2) In any event, slopes left exposed will, within *ten calendar days of completion of any phase of grading*, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion.

(a)(iii) Ground cover



- 2) Except as provided in Section 5.3.8 (c)(v), provisions for a ground cover sufficient to restrain erosion must be accomplished within ten calendar days following completion of ground disturbing activity, excluding building footprint areas.

➤ **Section 5.3.10 Maintenance**

(a)(i) During the development of a site, the person conducting the land disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this section, the Act, or any order adopted pursuant to this section or the Act.

(a)(ii) After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

(a)(ii)(1) Exposed areas shall be planted or otherwise provided with permanent ground cover, devices, or structures sufficient to restrain erosion, within 21 calendar days of completion of any phase of grading or construction.

Mr. Elders stated that staff has no way of determining if the vegetative cover can retain the graded slope or fill until the vegetation has grown. He stated another issue it will go over more than 10 days until the disturbed slope is covered because contractors grading is not complete. He recommended adding language that states "any disturbed slope that is left exposed for more than 10 days must be covered." In addition, it is a common issue for developers to read over the word "temporary" in the maintenance section. Developers view the maintenance section as the site is complete and there needs to be added language "during construction." In addition, "after site development" needs to be clarified and to add "grading contractor" as a person in possession or control of the land. Also, exposed areas shall be covered within "10 days" instead of 21 days to be consistent with the ordinance.

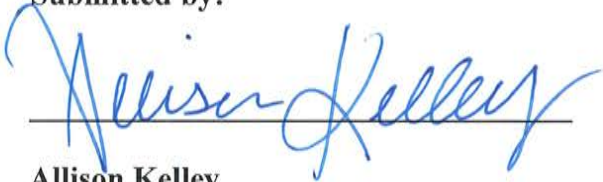
Ken Brown stated there are best management practices that have been developed in safety by DOT, and DEQ that are adequate to take care of some of these issues. However, he believes if sedimentation leaves a site, there must be enforcement measures to halt further violations. He stated he believed the state is working towards consideration to allow counties more authority in state projects. Mr. Poston stated staff looked into this while reviewing the enforcement and administrative sections of the UDO. They placed language that states if a developer is in any violation county or state staff can withhold building permit inspections. Mr. Jeleniewski suggest to consider modifying the language for the graded slopes and fills section to model the Subdivision Ordinance as it speaks to maximum cut and fill slopes.

Mr. Poston stated staff would bring materials for the Board to review in November for Industrial Development and Sedimentation and Erosion Control. Also, he asked the Board to consider rescheduling the meeting date due staff conflicts. He stated staff would email the Board to discuss a potential meeting date change to determine if it works for the majority of the Board.

**Adjournment**

With no further business, Chairman Claxton made a motion to adjourn at 7:36 p.m.

**Submitted by:**



**Allison Kelley**  
**Administrative Assistant – Planning**

**Approved by:**



**Bonnie Claxton**  
**Planning Board Chairman**