

Cashiers Area Community Planning Council

Minutes

July 25, 2022

5:00 p.m.

Albert Carlton Community Library, Community Room

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
Daniel Fletcher	X		Sonia Morales		X	Dr. Douglas Homolka	X	
David Bond		X	Carole Stork	X		<i>Vacant</i>		
Glenn Ubertino	X							

Staff Present

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

Call to Order

Chairman Glenn Ubertino called the meeting to order at 5:10 p.m. and a quorum was present.

Additions to/Approval of the Agenda

Dr. Douglas Homolka made a motion to approve the agenda as written. Daniel Fletcher seconded the motion, and it carried unanimously.

Approval of Minutes

Dr. Douglas Homolka made a motion to approve the minutes from June 20th. Daniel Fletcher seconded the motion, and it carried unanimously.

Public Comment

There were no public comments.

New Business

a) List of Permitted Table of Uses Discussion

Mr. Poston stated a few months ago the Council updated the table of uses to include the following; Amusement Parks, Arboretums, Crematories, Flea Markets, Internet Sweepstakes Gaming, Mining, and Junk Yard/Salvage Yard. He stated a table of use should be reviewed on an annual basis or biannual as new uses come into the area. In addition, he stated in the state of North Carolina the courts do not allow a catchall statement that states if a use is not in the table of uses it is not allowed as they do not consider it to be legal. Mr. Poston stated the Council would need to be intentional about what uses are going to be allowed and prohibited. He advised the Council if there are uses they want to apply special standards to considering including in the ordinance recodification process that would be starting later this year. However, if they have specific uses that they want to allow or prohibit in the table, staff can incorporate those text amendments in a quicker manner. Mr. Poston stated the consultants would be

reviewing the Cashiers Small Area Plan and implementing those recommendations, and the Council can begin discussing those recommendations to help set up the consultants.

Mr. Poston informed the Council the RFP has been issued for a consultant to do a codification rewrite of the ordinance based on the results of the Cashiers Small Area Plan, and taking into account the recommendations found in the ULI Report. He stated consultants would have four weeks to respond by August 12th, and they have had several firms reach out but no formal proposal has been submitted. After the deadline, staff would begin the selection process and finalizing contracts to begin the codification process that would approximately take 12 to 18 months.

Mr. Fletcher stated he forwarded staff suggestions for potential permitted or prohibited uses that was shared with the Council. He stated in one of his TDA meetings it was mentioned that the County was looking at adding regulations regarding crypto mining facilities. Mr. Poston stated the Planning Board is looking at crypto mining activities through the Industrial Development Ordinance to address concerns of noise, and energy consumption by offsetting with renewable energy. The public hearing is scheduled next month for the Board to consider crypto mining facilities, renewable energy, and small-scale animal processing facilities. Mr. Poston stated the Council could consider to look at this potential use, however he believes it is highly unlikely they will see these types of facilities in Jackson County as they would need to have a substantial electrical grid. In addition, he asked the Council for some guidance on how they would like to proceed forward.

Dr. Homolka stated he was reluctant to start taking punitive actions without making sure that this Council is in harmony with the other County community committees, and the Board of Commissioners. He stated any work that the Council proposes should be coordinated with the experience that the state has been dealing with possible litigation as a result of restrictive activities. He stated some areas are finding themselves in a situation where they created a restriction that really did not help the community in the long run. In addition, he is concerned about getting hasty in creating restrictions than learning about something that is coming in on a short-term basis. Dr. Homolka proposed to table this discussion item to discuss with the planning staff and county attorney about what the reality of capabilities are, and what kind of problems other communities have run into.

Mr. Poston stated staff can begin keeping a list of potential uses or if there are concerns about a particular use. In addition, the Council can reach out to staff between meetings to discuss any potential concerns. Mr. Fletcher asked staff if there were any issues with any of the following proposals of permitted/prohibited uses. Mr. Jeleniewski stated the first on the list is proposing retail gas station are not permitted in both Village Center and General Commercial Districts. He stated Cashiers has two gas stations and if they were to approve retail gas stations as a prohibited use and the existing gas stations were vacant for a year, they would not be able to have a gas station in either zoned districts. Mr. Jeleniewski stated when they are making a prohibited use they must be careful unless they plan to make it an allowed use they have nonconformity language in the ordinance that would take that use out of the ordinance altogether. Mr. Poston stated they only regulate a certain amount of districts they must consider when deciding permitted/prohibited uses they may push a service outside the zoned districts with no regulatory authority or design standards. He asked the Council to begin thinking about use types and what they would want to see as permitted/prohibited uses in the district, and forward those onto staff.

Dr. Homolka made a motion to table this discussion topic to a future meeting date. Ms. Stork seconded the motion, and it passed unanimously.

b) Council Membership Discussion

Ms. Baker stated from a legal perspective, the formation of a board and the requirements of board/council membership falls to the commissioners to set up these boards. Traditionally, the commissioners in Jackson County established council membership based on a connection to the district by either living, working, or owning a business within the district. However, over time, the commissioners have been open to looking at Ad Hoc or nonvoting membership from other groups. For instance, the commissioners looked at Ad Hoc membership from Western Carolina University to sit on the Cullowhee Planning Council to provide input. In addition, the U.S. 441 Gateway District Community Planning Council has an Ad Hoc membership through the Eastern Band of Cherokee Indians. Ms. Baker stated from a legal perspective, the Council can consider making a recommendation or a request to the commissioners to have a non-voting member, but the request must be very specific about what group or area along with the Council's reasoning for this request.

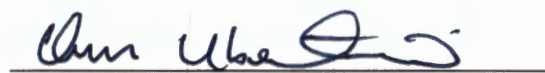
Ms. Baker stated if the Council intends to add membership they need to determine what area they would need to cover. In addition, by adding voting membership they would need to have an even number as they keep an odd number of members on boards. Ms. Baker stated to keep in mind that as they add membership their quorum number increases, and in her experience, it is harder to make a quorum with the more members they have because there is always the possibility that members cannot attend a meeting. In addition, another thing to keep in mind is that they are talking about potentially adding districts whether that be expanding the existing districts or adding other districts they would be broadening the pool of people into the zoned area.

Adjournment

With no further business to discuss, David Bonds made a motion to adjourn. Daniel Fletcher seconded the motion, and the meeting adjourned at 6:09 p.m.

Respectfully Submitted,


Allison Kelley
Administrative Assistant


Glenn Ubertino
Cashiers Planning Council Chairman