

Cashiers Area Community Planning Council Special Meeting Minutes

May 8, 2023

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	Judy Zachary		X
Glenn Ubertino	X							

Staff Present

Michael Poston- Planning Director

Anna Harkins- Planner I

Allison Kelley- Administrative Assistant III

Others Present

Chad Meadows, CodeWright

Call to Order

Chairman Glenn Ubertino called the meeting to order at 5:16 p.m. and a quorum was present.

Additions to/Approval of the Agenda

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

New Business

a) Recodify Cashiers: Cashiers ordinance recodification process-Chad Meadows, CodeWright

Mr. Meadows provided a recap about what they have accomplished up until this point. The last time he was in town, he conducted stakeholder interviews and that report is available on the webpage, they also held a policy guidance workshop on February 21st where they asked questions and people had a chance to weigh in on some policy related items. The project status, there are seven steps in this process, the kick off was in January of this year, and hope to complete adoption mid-to-late November of this year. The process is to modify the County's Unified Development Ordinance Section 9.3 for the Cashiers Commercial District, of your countywide development regulations which deals with Cashiers and the two districts (Village Center, General Commercial) and they are updating those regulations to bring them into alignment with the adopted guided policy. Currently, they are in stage three Community Character Discussion of this process, they have completed the Project Initiation (January), and Policy Guidance Review (February). The project webpage is operational and can be viewed at www.recodifycashiers.com, which includes all of the work products that have been prepared, presentations, the draft work products, information on how to participate and what they are doing. The stakeholder interviews are complete, we have done a couple of public forums, and they would begin community character exploration.

At the last Council meeting, they discussed regulatory evolution, and there was at least one sort of problematic development proposal here in the community that created a great deal of consternation in trying to bring light on some of the challenges with respect to the special use permitting process and the shortcomings associated with that. He stated he believed that was in many ways a catalyst for getting this project moving forward of updating the Cashiers Commercial Area ordinance regulations.

Regulatory Evolution

- Telegraph clear community expectations via codified UDO language
- Identify preferred forms of development and make these the procedural path of least resistance
- One size does not fit all so include a flexible alternative to preferred development forms
- Move away from cumbersome and legally perilous quasi-judicial reviews
- Use a more defensible and less complex legislative review process like conditional zoning rather than special use permits.

Stakeholder Interviews

- Issues of Community Concern
- Recent Development Proposals
- Current Development Proposals
- Cashier's Community Character
- Goals for New Standards
- Administration

Mr. Meadows stated the Planning staff identified the stakeholders for us, and we were thoughtful about different points of view and different roles in the community. In addition, they also wanted to be very clear with folks that they could be perfectly candid with us as staff was not present in these conversations. There were eight groups of conversations, which included the following groups:

Environmental

Gary Wein, Highlands Cashiers Land Trust

Nichole Hayler, Chattooga Conservancy

Thomas Bates, Resident

Property Owners

Owen Shultz, High Hampton Representative

Tim Green, Property Owner Representative

Fritz Rybert, Property Owner – Peachtree Group

Chamber

Ben Harris, Cashiers Chamber of Commerce President/Contractor

Thomas Taulbee, Cashiers Chamber of Commerce Representative/Planning Board Chair

Sarah Jennings, Cashiers Chamber of Commerce Representative

Community

Paul Robshaw, Vision Cashiers Representative

Mary Palmer Dargan, Develop Cashiers Responsibly Representative/Landscape Architect

Ashlie Mitchell, Executive Director of Village Green

Generational

Mark Zachary, Cashiers Multi-Generational Property Owner

Real Estate

Ken Fernandez, Realtor/Old Cashiers Realty

Ann Austin, McKee Properties/Historic Cashiers Society

Kati Miller, Realtor/Caliber Fine Properties

Design Professional

Victor Lofquist, Engineer/Lofquist & Associates
Terry Allen, Engineer/Terry Allen Engineering
Troy Lucas, Landscape Architect/Daniel Communities

Developer

Mike Benitez, Developer/Elevated Builders
Sam Lupas, Developer/Landmark Realty Group
Turner Insko, Developer/Property Owner Representative

From those stakeholder meetings they discussed the following categories:

What's Working

- Relationships with County staff
- We cherish nature
- Greater sense of stewardship these days
- Community support for greenways and open spaces
- Community efforts to promote pedestrian circulation

What's A Problem

- Development review process
- Utility capacity
- Traffic
- Stormwater management
- Water storage standards for fire protection
- Short term rentals
- Building articulation standards
- Remaining land has steep slopes/wetlands
- 'Vanilla' character

What Should We Do

- Drop Quasi-judicial process
- 'Dark skies' regulations
- Manage water quality/quantity
- Focus on conservation
- Promote more mixed-use development & housing
- Keep commercial developments small in scale
- Architectural control
- Heavier reliance on landscaping
- Better controls on appearance
- Incentives for re-use of existing buildings
- Make the street grid more loose (less formal)

Mr. Meadows stated the road network is not fully built out, because they have some issues of slope, terrain, and wetlands, etc., they have those constraints that they have to operate under, and counties are not typically in the roadway business and the NCDOT controls most of those streets in Cashiers other than private streets.

Policy Guidance Workshop

The Cashiers Small Area Plan (CSAP), and the ULI report are the foundation for the development rules. The adopted policy is the law and is important if somebody were to sue the County or an applicant, the judge would look at policy guidance, as this is the intent of the regulatory framework.

The CSAP was adopted in 2017, has six themes, a framework map, and there is a set of guidance of goals for land use, housing, cited building design, natural resources, and transportation. The ULI report conducted February 20-25, 2022 was published in

May of 2022 and was a private effort, the County was a financial partner, and the report focused on the challenges faced in Cashiers and how we make sure that when they are developing, it protects its rural character. The report also suggested a long term Conservation Plan that community organizations are currently working on looking into starting fostering more walkability, and there are organizations working on the pedestrian network, and accelerating the construction of some key infrastructure. There will be challenges working with the state, and the water and sewer system problems that exist here. In addition, the report discusses the need for more diverse housing mostly for the workforce, and not necessarily for residents, younger folks or families. In addition, the report also discussed ensuring that development proposals are consistent with community character.

Observations

- 4 units an acre was selected by most folks as an appropriate density
- Participants split on question of whether the core should have detached single-family homes
- Support for “middle” housing forms in village core
- Support for a maximum house size in the core
- No need to focus on strict rules for tourism uses
- Expand the district boundary
- Require street connectivity and alleys in the village core
- Not much support for traffic calming
- Split opinions about trails vs sidewalks
- Pedestrian surfaces should be location-driven
- Retrofitting street and sidewalks should be market and community driven
- Most uses should provide open space (3%-5%)
- Support for requiring commercial uses to provide gathering areas
- Parking requirements should be flexible
- Mixed opinions on impervious surface rules
- Design standards should address colors and materials
- Architectural styles should be addressed
- Slight support for treating redevelopment less strictly than new development

The detailed information of this is on the project webpage titled the policy guidance summary report. Mr. Homolka inquired if it could be written into the code to have developers or large developers create an access way across property. In addition, he inquired if it is possible to have those existing rights-of-way that may have been allowed to not terminate, but if they have had use over the past seven years to be reopened as rights-of-way. Mr. Meadows stated they could look into including that within the code. Mr. Poston stated he believed that would be most likely all private road systems, and he is unsure if the County would have that ability, because in North Carolina the only power that counties have is the power that is expressly given to them by little state legislator. The state legislator does not give counties the ability to own or maintain roads; however, the County does have a policy that they will accept maintenance responsibility for sidewalks that are built in conjunction with development that occurs within our zoned areas. Mr. Poston stated he believes that is unique, because the County may be one of the few in District Four or NCDOT Division 14, which is western North Carolina that maintain sidewalks. Mr. Homolka inquired if it is possible if there was an NPO that identified right-of-way that it atrophied and reopened those rights-of-way, and if maintenance could be turned over to the County. Mr. Poston stated the County does not have the legal ability or authority to accept maintenance of roads, and the state legislature has not granted counties the authority to own or maintain roads. There is only three types

of main types of roads in the state of North Carolina, state owned or maintained roads, and that includes interstate road systems. Most commonly around here, it is SR 64 and 107. In addition, if they do not fall into those categories, and a municipality does not own them they are considered private roads. In counties, if you are not an SR number, then you are a private road and if the state petitions to take over maintenance of road, they can but they have very specific requirements that would need to bring the road up to NCDOT standards. That mostly is a private initiative, unless the County says that part of the development regulation is that you have a road you have the option to build to NCDOT standards and then petition NCDOT to take that road over.

Mr. Meadows stated you are competing for transportation dollars and the way that the game is played, your odds are stacked fairly highly against you in terms of NCDOT streets. There is a bill pending that will force DOT to accept maintenance responsibility for streets before the minimum density threshold that they have in place today. If that bill passes, then DOT could be forced to accept maintenance responsibilities for some streets. However, those streets have to be built to NCDOT spec, and chances are good and would say that existing streets in Cashiers will meet state standard. Mr. Meadows stated when it is made consistent with State Road requirements, you are not going to want it because you can land an airplane on it because of how wide the road is and it would be graded out. In addition, he stated the roads would not feel like the streets that they want in Cashiers. The issue about public private partnership, and not so much a government driven pedestrian network, he stated they really need to find a community or market driven approach and a partnership with the County to get your roads and sidewalks squared away. The reason is that the County does not have the legal authority it needs to be able to maintain those facilities; it is NCDOT or the private owners. Mr. Meadows stated they could look at the setting standards for private streets as a part of the development regulations. In addition, they could consider identify areas where private streets need to go in. They could consider creating a funding stream to allow either the County or a community organization to come in and retrofit those areas that do not have sidewalks or streets today, and are not going to have them because there is not going to be development because it is already developed. He stated his opinion is that he believes that they will not be able to meet their street connectivity and pedestrian circulation goals without a public private partnership and primarily community driven effort in areas that are not built. We can ask developers to put in roads and sidewalks to make connections in areas that are already built, but for areas that do not have connections they will have to find another way to do it. Mr. Meadows stated an incorporated city typically levies general obligation bonds, raises taxes, uses eminent domain, and goes out and takes people's property and puts the sidewalk in and it pays for it, and maintains the sidewalk.

Community Character

Trip Itinerary

Monday, May 8, 2023

- 10:30 AM –Departure (Durham)
- 3:30 PM –Arrival (Hampton Inn 3245 US Hwy 64 E Sapphire)
- 5-7 PM –Cashiers Planning Council Meeting (Library, 249 Frank Allen Road)

Tuesday, May 9, 2023

- 9-10 AM –County Staff Meeting (County Permitting Office, 357 Frank Allen Road)
- 10:30 AM-12 PM –Cashiers Community Collaborative Presentation (Library, 249 Frank Allen Road)
- 1 PM-5:30 PM –Open Office Hours (County Permitting Office, 357 Frank Allen Road)

- 6-8 PM –Community Character Public Workshop (Village Green Commons Hall, 160 Frank Allen Road)

Wednesday, May 10, 2023

- 8-10 AM –Coffee at Buck's Coffee Café (6 Highway 107 S) –Open Discussion
- 10:30 AM-11:30 AM –Office Hours Scheduled Meeting with Mark Letson, BOCC Chair (Village Green, 160 Frank Allen Road)
- 11:30 AM-12:30 PM –Office Hours Scheduled Meeting with Craig Pendergrass and Robin Walker (Village Green, 160 Frank Allen Road)
- 1-2 PM –Office Hours Scheduled Meeting with Lindsey Bisset (Village Green, 160 Frank Allen Road)
- 2-5 PM –Green Market Table (Village Green) –Open Discussion
- 3-5 PM –Develop Cashiers Responsibly Presentation (Library, 249 Frank Allen Road)

Thursday, May 11, 2023

- 9-10 AM –Office Hours Scheduled Meeting with Mark Jones, BOCC Member (County Permitting Office, 357 Frank Allen Road)
- 10-11 AM –Office Hours Scheduled Meeting with Bill Horton, C.C.C./D.C.R (County Permitting Office, 357 Frank Allen Road)
- 11 AM-1 PM –Open Office Hours (County Permitting Office, 357 Frank Allen Road)
- 1 PM-2 PM –County Staff Meeting (County Permitting Office, 357 Frank Allen Road)
- 2-5 PM –Consulting Team (Internal Meeting)
- 6-7:30 PM –Community Character Results Presentation (Library, 249 Frank Allen Road)

Friday, May 12, 2023

- 9-11 AM –Open Office Hours (County Permitting Office, 357 Frank Allen Road)
- 11 AM-12 PM –County Staff Meeting (County Permitting Office, 357 Frank Allen Road)
- 12:30 PM –Departure from Cashiers

On Tuesday night, they would hold a Community Character Workshop where they would be asking questions and asking to circle the one, you like and cross out one that you do not like. On Thursday night, he would be presenting pictures results from that workshop of what the community wants and does not want, along with words that are descriptions of what you want and what you do not want. All of this input would go into the regulation as law. These workshops will help move towards clarification about what is Cashiers community character. The Office Hours concept is to allow anyone from the community that wants to talk about anything regarding planning in Cashiers related can scheduled a time with staff, and they will set up a scheduled appointment for you. They will also have two open discussions, one at Buck's Coffee and the other at the Green Market open to everyone. Mr. Meadows stated in the comprehensive plan, and current development code we only want development that is compatible with our community character and we really want to support our small town village atmosphere.

Community character is “the distinctive identity of a particular place that results from the interaction of many factors-built form, landscape, history, people and their activities.”
–New Zealand Ministry for the Environment

Community Character is often based on:

- Socio-cultural characteristics
 - People (attitudes, governance, demographics)
 - History
- Physical characteristics

- Location
- Size (small town, village)
- Appearance (beauty, design)
- Economic characteristics
 - Types of occupations
 - Relative wealth
 - Land value
- Landmarks
 - Unique places and features

Our focus will be on the appearance (beauty, design) and form because our development regulations have no control over the people, history, or what people do for a living with landmarks that exist. In addition, it is important to keep in mind that, character has a blend of regulatory and non-regulatory impacts or aspects. There are non-regulatory aspects in nature that influence our appearance and form, and they happen at a macro-scale and a micro-scale. The macro-scale of community character, it is about the community as a whole, it is not just an individual site, and micro-scale is the individual site. Generally speaking, the degree to which regulations influence community character depends on the scale; it is either community wide or an individual site. Regulations do not have a lot of impact on community wide issues, but are very impactful at the micro-scale; however, that is not to say that regulations do not have impact on the macro-level, because they do.

Macro-level influences on Community Character:

- Geography
- Climate
- Soil chemistry
- Flora
- Culture
- History

Macro-level Community Character Features that can be influenced by Regulations:

- Sense of enclosure
- Views to the horizon
- Visibility of structures from public realm
- Presence/absence of plants
- Level of reliance on natural drainage

Regulations that can affect Community Character at the Micro-scale:

- Lot size and width, side yards setbacks
- Front yard depth
- Building separation distances
- Amount of landscaping, “green mass”
- On or off-street parking
- Off-street parking location front/side/rear
- Percentage of open space
- Signage

Community Character Focus Areas:

Land Use

- Permitted
- Prohibited
- Conditional

Lotting Patterns

- Lot Size
- Lot Width
- Setbacks
- Impervious cover

Street Design

- Width
- Spacing
- Paving/Surface
- Pedestrian Network

Open Space

- Amount
- Arrangement
- Function
- Ownership

Buildings

- Size/mass
- Density
- Spacing
- Placement Uniformity
- Orientation
- Height
- Façade Appearance

Site Features

- Parking Placement, % of Site, Surface
- Landscaping, Degree of Obscurity
- Signage, Size, Height, Illumination

Mr. Poston stated in the Cashiers Commercial Area they currently do not have any rules for residential, because the zoning districts were not set up and designed for that. However, other jurisdictions have standards that include residential setbacks and if you are not located within one of the three zoned areas, the only setback you would have to abide by is the fire code, and is dictated by the type of building that you are going to construct and whether it is fire rated. The zoned area does have setbacks but they are minimal and geared towards commercial development.

Mr. Meadows stated he anticipates coming back on his next trip to discuss the need to consider adopting some provisions to address residential development within the district. Feedback of wanting more housing and more mixed use and wanting to encourage those it would be necessary for us to address that during this process. Mr. Meadows stated Cashiers placements of buildings he would consider are eclectic, as over time buildings have been built that are canted to the streets, some are canted to one another, some face the street, some do not and there is not a straight line of buildings and it is a very organic form of building placements. In addition, he stated if you go and look at historic places, the buildings are built in organic forms.

Mr. Meadows stated in North Carolina, we have the state building code and the state building code and all of its appendices and volumes is the final word. In some states, they just rely on the International Building Code (IBC); however, in North Carolina we have a state building code of which the International Building Code (IBC) is a part in Jackson County. NC state building code is the law of the land today, and when you pull a building permit anywhere in North Carolina, you have to comply with the state building code.

However, some local governments can have standards that are more restrictive or more strident than the state building code, but you can never have less.

Mr. Meadows stated development regulations focus primarily on how does the community operate, how does the community look within that framework and there are a variety of different kinds of standards, open space, building design, site features, streets, land use, lotting patterns, and those six areas we will focus on when defining community character.

This trip is asking questions about different imagery and different words that relate to these six topics and getting input from folks about whether or not they agree. The community would have an opportunity this week to provide feedback of what is consistent or not consistent with the Cashiers community character. That feedback would then be identified and incorporated within the standards of how new development would be measured against or in for its consistency with those words and images.

Next Steps

- Community Character Workshop
 - Tuesday at 6 PM, Village Green
- Coffee Talk
 - Wednesday at 8 AM, Buck's Coffee
- Share Your Thoughts
 - Wednesday 2-5 PM, Green Market
- Community Character Defined Presentation
 - Thursday at 6 PM, Library

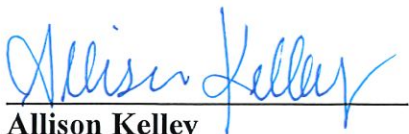
Mr. Poston reported to the Council they have put up a banner at the crossroad, worked with the Chamber of Commerce and they have been great in helping us connect with folks and displaying the banner that directed people to the www.recodifycashiers.com website.

The chamber sent out an email blast with all the information and a descriptor with an infographic of the week's schedule that had a description of each of the events and where to find Chad Meadows in Cashiers. Vision Cashiers also mailed out with their mailing list that information. The Crossroads Chronicle has also done a great job putting out that information in the paper, and we have tried to be out there as much as possible. We posted the information on the Planning Departments Facebook page, and webpage. Mr. Poston stated there are many opportunities to be involved this week to talk about Cashiers community character, and that it is open to everyone to attend.

Adjournment

With no further business to discuss, Doug Homolka made a motion to adjourn. David Bond seconded the motion, and the meeting adjourned at 6:35 p.m.

Respectfully Submitted,



Allison Kelley
Administrative Assistant



Glenn Ubertino
Cashiers Planning Council Chairman

