

JACKSON COUNTY PLANNING BOARD

MINUTES

Date: January 9, 2020								
Time Begin: 6:00 p.m.								
Time End: 6:26 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		Brad Waldrop	X		Steven Johannessen		X
Jeremy Hyatt	X		Mark Letson	X		Tommy White	X	
Kirk Shufelt	X		Mary Sue Casey					

Staff Present:

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

Others Present:

Jamie Lopez, University Property Group LLC
 O'Neal McCall, Development
 Victor Lofquist, Project Engineer

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

❖ Joesph Pechmann (Oak Forest resident): He stated from his understanding from the previous Board meeting is that North Carolina requires a 25 foot buffer between construction and streams. The Board expressed a willingness to consider requiring the proposed development on Lyle Wilson Road provide a larger buffer. Mr. Pechmann stated he believed the best guidelines are provided by the U.S. Environmental Protection Agency (EPA) that recommends the following buffers:

- 100 ft minimum from stream bank
- 25 ft additional if the stream is third order or higher (at least two tributaries upstream). He stated this is the case for Cullowhee Creek on Lyle Wilson Road.
- 30 ft additional if slopes of 18%-20% are within close proximity of the stream. He stated from the previous Board meeting staff stated the average slope of the proposed property is 20%.

Mr. Pechmann stated this would result in 155 ft total width buffer around Cullowhee Creek. In addition, the EPA recommends that if wetlands extend past the calculated buffer, the buffer zone should be expanded to include the wetlands and 25 ft beyond the edge of the wetlands. The EPA also recommends that the undeveloped buffer include the entire 100-year floodplain and 25 ft beyond the floodplain. "Elevate" plans to build multiple houses within the 100-year floodplain,

which they can legally do even though it is unwise and environmentally destructive. The EPA document recommends that no permanent structures or impervious surfaces be allowed anywhere within the buffer zone. Their target is native vegetation within the buffer zone, but bike or foot paths and some tree cutting is allowed 25 ft or more from the stream. He stated the Board is allowed to impose “reasonable” conditions on developments that go beyond the minimum requirements from a legal perspective. However, from a scientific perspective it would be no development within 25 ft of the 100-year floodplain, within 155 ft of Cullowhee Creek, or within 25 ft of wetlands.

- ❖ Karen Kandl (Oak Forest resident): Ms. Kandl stated she would like to preserve the childhood experiences of playing in the creek and woods. She asked the Board to consider the following buffers for Cullowhee Creek, a 150 ft buffer based on the EPA recommendations (100 ft buffer + 25 ft for a third order stream + 25 ft for proximity to steep slopes), and a 25 ft buffer surrounding the wetland. Buffers are important as they maintain the chemical, physical, and biological integrity of water resources, and reduce erosion and sediment entering the stream. Ms. Kandl asked the Board to consider doing what is right to help preserve our stream. In addition, she asked for clarification that Elevate is to preserve the existing vegetation as much as possible. She inquired if is based on a percentage, or type of vegetation. Ms. Kandl stated it is important to not as the area is close to where twinleaf (within 200 ft) has been documented and it is a threatened species in NC.
- ❖ Gene Norton (Oak Forest resident): Mr. Norton inquired why is the designated zoned area “single family” and allow those to define a family as any five unrelated persons. He stated neighboring communities have been totally ignored when developing ordinances regarding new developments. In addition, he stated the deceptive nature of the process seems wrong as the applicant states they are here to improve Cullowhee and provide for its needs while serving as a steward of nature, but they are telling investors they can make a fortune by selling for twice the money. Mr. Norton stated it is fine to place families and make a modest profit in the proposed area. However, it is a shame if developers are taking advantage of serious loopholes in the current ordinances, and a shame on us for allowing it to happen.
- ❖ Catherine Carter (Oak Forest resident): Ms. Carter asked the Board to consider requiring the applicant to minimize light pollution as follows:
 - Hooding or shield the developments door lights, streetlights and parking lot lighting so that no light rises into the sky above the 90-degree mark.
 - Connecting security lights to motion detectors.
 - Keeping wattage on street, parking, and door lamps as low as possible.
 - Avoiding blue light by choosing low-pressure sodium lighting (LPS), high-pressure sodium lighting (HPS), and dimmable low-color-temperature LED lighting.

Another condition Ms. Carter asked the Board to consider is requiring the applicant to gravel rather than pave proposed parking and driveway areas in order to minimize impervious surfaces and thus minimize storm runoff into Cullowhee Creek. In addition, to increase the required buffer around Cullowhee Creek and wetlands.

Approval of the Agenda

Tamera Crisp made a motion to approve the agenda as written. Mark Letson seconded the motion, and it carried unanimously.

Approval of the Minutes

Mark Letson made a motion to approve the minutes from December 19th, 2019. Jeremy Hyatt seconded the motion, and it carried unanimously.

New Business

a) Planned Unit Development: Elevate

Mr. Jeleniewski presented the applicant is proposing a planned development consisting of 27 single family detached homes (3-4 bedrooms each) and 23 duplex units (4 bedrooms per unit). The properties are located on PIN #'s 7558-28-2984, 7558-18-8604, and 7558-18-9344 on Lyle Wilson Road (27.23 acres total). The Board had concerns and requests of the proposed plan at their December meeting. He presented the revised plan the applicant and design professional had made based on the Boards comments. Mr. Jeleniewski stated the overflow parking on the Northside lower section of the road was eliminated to provide more buffering in the wetlands. The road closest to Cullowhee Creek was realigned, and several home footprints were moved to maximize the buffer distance from the creek. The applicant is proposing a minimum buffer from Cullowhee Creek to 50 feet (previous 25 feet). The non-DOT portion of Lyle Wilson Road was widened to 20 feet, and the overflow parking spaces are now 70 spaces (previous 113 spaces). Mr. Jeleniewski stated another concern mentioned was pedestrian safety, and the sidewalks along Lyle Wilson Road have been placed behind the ditch line, which provides a difference of grade buffer between the road and pedestrian traffic. In reference to the public comment tonight, he stated the Subdivision Ordinance requires paved surfaces with this type of development, and non-paved surfaces would be permitted such as a shared drive.

Staff's recommendation was to approve the *Elevate Planned Development* project under the condition that all proposed site construction be in accordance the *Jackson County Unified Development Ordinance*, the *Cullowhee Community Planning District Ordinance*, all other applicable County ordinances and the final site construction plans. In addition to include the revised plan and the additional conditions requested by the Board at the December meeting.

Tommy White made a motion to approve the Elevate Planned Development project with staff's recommendations, conditions, and the revised plan. Jeremy Hyatt seconded the motion, and it carried unanimously.

Adjournment

With no further business, Chairman Claxton adjourned the meeting at 6:26 p.m.

Submitted by:



Allison Kelley
Administrative Assistant – Planning

Approved by:



Mark Letson
Planning Board Vice Chairman