

JACKSON COUNTY PLANNING BOARD

MINUTES

Date: July 13, 2023								
Time Begin: 6:03 p.m.								
Time End: 7:48 p.m.								
Location: Department on Aging, Heritage Room								
Members	Present	Absent		Present	Absent		Present	Absent
Emily Moss		X	Nathan Shepherd	X		Thomas Taulbee (virtual)	X	
Sandy Davis	X		Ollin Dunford	X		Beverly Crespo	X	
Brian Barwatt		X	Joyce Cooper	X		Elmer Rhodie Humbert	X	
Adam Holt		X	Ken Brown	X				

Staff Present:

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

Call to Order and Quorum Check

Vice Chair Nathan Shepherd called the meeting to order at 6:03 p.m. and a quorum was present.

Approval of the Agenda

Ollin Dunford made a motion to approve the agenda as written. Beverly Crespo seconded the motion, and it carried unanimously.

Approval of the Minutes

Ollin Dunford made a motion to approve June 8, 2023 minutes with the correction to remove Anna Harkins as being present at the last meeting. Elmer Humbert seconded the motion, and it carried unanimously.

Public Comment

There were no public comments.

New Business

a) Planning Board Powers and Duties

Mr. Poston presented the Planning Board Power and Duties as follows:

The Planning Board shall have the power to perform the following duties at the direction of the Board of Commissioners:

- 1) Make studies of the county and the surrounding areas;
- 2) Determine objectives to be sought in the development of the study area;
- 3) Prepare and adopt plans for achieving these objectives;
- 4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- 5) Advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;

- 6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
- 7) Perform any other related duties that the Board of Commissioners may direct.
- 8) Performs the duties of the Watershed Review Board
- 9) The powers and duties of the Board of Adjustment

b) Development regulations/zoning discussion

Mr. Poston discussed current development regulations in Jackson County. He stated that the County originally adopted these development regulations as stand-alone ordinances. Since their adoption, the County adopted a Unified Development Ordinance (UDO) that combined these ordinances into one ordinance. As a note, the UDO also contains the three zoned districts, and ordinances that established the County's Planning Board and Board of Adjustment.

1) *Mountain Ridge Protection- Originally adopted in 1984 (Sec. 5.7)*

Applies to all ridges that are located 3500 feet or above sea level and greater than 400 feet above the adjacent valley floor. Requires structures to receive approval if they exceed 40 feet in height. Does not include water, radio, telephone, or television towers, chimneys, flagpoles, steeples, spires. In addition, it does not apply to buildings designated as National Historic sites on the National Archives Registry.

2) *Flood Damage Prevention- Originally adopted in 1988 (Sec. 5.6)*

Applies to all special flood hazard areas identified in the most recent Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM). Regulates development with Floodways and Flood zones. Most development types (buildings, structures, etc.) cannot be constructed within a Floodway, without an engineering report that states the development will not cause a rise in the floodwater. Typical development in floodways are piers and docks and trails. Flood zones require that the habitable area of a structure be elevated at or above the Base Flood Elevation (determined by the FIS). Jackson County has a local standard requiring structures to be a minimum of two- feet above the Base Flood Elevation.

In addition, by adopting Flood Damage Prevention regulations, the County is eligible to participate in the National Flood Insurance Program, which allows property owners to purchase flood insurance.

3) *Water Supply Watershed- Originally adopted in 1994 (Sec. 5.4)*

In the early 1990s North Carolina designated water supply watersheds throughout the state in order to protect the State's public water supply. Classifications of Watersheds range from WS 1 (most restrictive) to WS IV (least restrictive). In all classifications, residential developments are allowed with density restrictions. This means that there is a maximum number of dwelling units per acre allowed in each designated classification. Non-residential development is regulated through maximum percentage of impervious surface. The most prevalent classification in Jackson County is WS-III as it includes the Tuckasegee River watershed. In this classification the maximum residential density is two dwelling units per acre and non-residential development is limited to 24% impervious area.

4) *Water Pollution- Originally adopted in 1999 (Sec. 5.2)*

These regulations only apply to portion of Scotts Creek that was used to extend water and sewer to the new Scotts Creek School on Parris Branch. Establishes a 30-foot riparian buffer along Scott's Creek within the identified district. New structures cannot be

constructed within this area. Fences, benches, private driveways, signs, statutes are exempt.

5) Signs- Originally adopted in 1999 (Article VII)

This ordinance regulates off premise signs. Off-premise signs will be billboards. These regulations address maximum height of the sign structure, sign size, setbacks, required distance between billboard signs. Also prohibits off premise signs like portable signs, signs along designated scenic byways, signs attached to trees or rocks, and roof-signs. These regulations do not address on-premise signs, which are signs that exist on same property as the use. It should be noted that the three regulated districts include sign regulations specific to those areas.

6) Erosion and Sedimentation Control- Originally adopted in 2000 (Sec.5.3)

These are State regulations that are administered by the County. The purpose of this section is to regulate certain land disturbing activities to control accelerated erosion and sedimentation in order to prevent pollution and degradation of our water resources. The State requires a permit for development projects that include 1 acre or more of disturbed land. The County is allowed and has exercised their ability to require a permit for development projects that exceed ½ acre in disturbance. The regulations address the standards that developers must achieve to address accelerated erosion and sedimentation (maximum cut and fill slopes, maximum water velocity, vegetative cover, etc.).

7) Manufactured Home Parks- Originally adopted in 2000 (Sec.6.3)

These regulations set minimum standards for the development of manufactured home parks based on the number of units in the park. Level I parks have 2-11 units, Level II parks have 12-24 units, and Level III are parks with 25 or more units. All parks have setbacks from property lines, underpinning requirements, road standards, and buffers. Level II and Level III parks require a more robust road network.

8) Wireless Communications- Originally adopted in 2002 (Sec. 6.2)

These regulations set the minimum standards for the development of wireless communications towers. The regulations include maximum tower height, setbacks, buffering, security, additional standards for towers on protected ridges, and road design. The County also requires removal and performance security bond to ensure that the tower is removed after it has been abandoned. The most recent changes to these regulations included changes to the maximum height (from 180 ft. to 199 ft.) and moving from Special Use Permits to an administrative approval process.

9) Industrial Development – Originally adopted in 2002 (Sec. 6.4)

The County's Industrial Development regulations are designed to address the impacts of heavy industry uses (i.e. asphalt plant, heavy industry, commercial junkyards). The most recent amendments included development standards for small-scale meat processing facilities, cryptocurrency mining operations, and renewable energy facilities. Development standards include setbacks, buffering, transportation impact analysis, and compliance with the County's noise ordinance.

10) Airport Hazard- Originally adopted in 2004 (Sec. 9.2)

The Airport Hazard zone regulates development around the Jackson County airport in regards to structure height. Maximum structure height varies depending of proximity to the airport.

11) Mountain and Hillside Development- Originally adopted in 2007 (Sec. 5.8)

Mountain and Hillside Development regulations address residential development on steep slopes and protected ridges. Residential density is determined by the average slope of a property. If the average slope of a property is 35% or greater there is a minimum lot size/dwellings per acre requirement on a sliding scale beginning at 2 acres (at 35% average slope) to 10 acres (50% or greater average slope). The regulations also include standards for grading, road design, building height (on protected ridges), fire protection and preservation of existing vegetation. Protected ridges are identified as those ridges 2,500 above sea level or higher and greater than 400 above the adjacent valley floor.

It should be noted that only portions of the regulations apply to lots that were legally created prior to 2007.

12) Subdivision- Originally adopted in 2007 (Article IV)

The Subdivision regulations address residential subdivision development. It includes four levels of subdivision of land or buildings. Minor subdivision are those divisions between 1-8 lots, family subdivisions also between 1-7 lots with the recipients being family members, Major Subdivision Level I between 9-99 lots, and Major Subdivision Level II 100 lots or more. Subdivision regulations include road design standards, open space (major subdivisions only), stormwater, grading, and utility and infrastructure. The subdivision regulations also provide for cluster and conservation subdivisions. These are optional subdivision designs that require additional open space dedication. All subdivision applications, with exception of the Major Subdivisions Level II are reviewed and approved by the Planning Department staff. Major Subdivisions Level II are reviewed by Planning Staff and presented to the Planning Board for approval.

13) Outdoor Lighting- Originally adopted in 2008 (Sec. 6.1)

These regulations address lighting of single family residential, multifamily, and non-residential uses. It sets maximum lumens for outdoor lighting, location and direction of lighting to limit the impact on adjacent properties. The Planning Board is currently discussing modernizing our lighting standards with the move towards LED lighting technologies.

14) Adult Establishments- Originally adopted in 2011 (Sec. 6.5)

The Adult Establishment regulations address the location of adult establishments in relationship with other uses (churches, schools, public parks, fire stations, properties used for residential purposes). Cannot be within 2,640 feet of any of those uses. Also established sign regulations, license requirements for both businesses and entertainers, and prohibited acts and conduct.

15) Water Recharge- Originally adopted in 2013 (Sec. 5.5)

The Water Recharge regulations are designed to encourage ground water recharge through the establishment of a maximum impervious area of a lot to 70%. This does exclude agricultural uses, single-family homes, WCU, and minor subdivisions.

16) Multi-Family Development- Adopted in 2022 (Sec. 6.6)

These standards apply to multi-family development located outside of the three zoned districts. The standards include minimum setbacks, landscaping, parking and access, stormwater management, and architectural design standards.

17) Campgrounds- Adopted in 2023- (Not yet updated in Muni-Code)

This is the most recent addition to the UDO. These regulations apply to newly developed campgrounds with two or more campsites or Recreation Vehicles. The standards have two tiers of parks. Level I parks are between 2-15 campsites and Level II parks are more than 15 campsites. The regulations include minimum lot size of two acres for a park, buffering requirements, road standards, signage, and campsite identification markers. For Level II campgrounds and bathhouse and laundry facility is required.

In addition, Mr. Poston stated Jackson County is partially zoned. The County has three zoned districts located in Cashiers, Cullowhee, and the Qualla/Whittier communities. These districts are divided into land use categories like residential, commercial, institutional, and industrial. The regulations include land use designation, setbacks, landscaping and buffering, access management, parking, architectural design, special uses, and stormwater management. The Cashiers Commercial Area was adopted in 2004, US 441 Gateway District was adopted in 2009, and the Cullowhee Community Planning District was adopted in 2015. Mr. Poston asked the Board to begin brainstorming potential ways they could move closer to a more efficient management with some of these current development regulation standards to discuss at the next meeting.

Adjournment

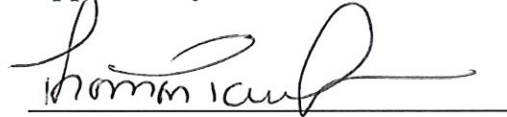
With no further business, Ken Brown made a motion to adjourn. Sandy Davis seconded the motion, and the meeting adjourned at 7:48 p.m.

Submitted by:



Allison Kelley
Administrative Assistant – Planning

Approved by:



Thomas Taulbee
Planning Board Chairman

