

Cashiers Area Community Planning Council  
 Minutes  
 May 24, 2021  
 5:00 p.m.  
 Village Green (Common Hall) & Virtual

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
David Bond	X		Doug Homolka	X		Michael Cox	X	
Bob Dews	X (VIRTUAL)		Carole Stork	X		Daniel Fletcher	X	
Glenn Ubertino	X							

**Staff Present**

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

**Oath of Office**

Allison Kelley, clerk to the Council read the Oath of Office for new Board members Doug Homolka, Carole Stork, and Daniel Fletcher and they affirmed to execute the duties of Cashiers Area Community Planning Council Member according to the best of their skills and abilities.

**Call to Order**

Chairman Michael Cox called the meeting to order at 5:07 p.m. and a quorum was present.

**Additions to/Approval of the Agenda**

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

**Public Comment**

- **Bill Horton (in-person):** He thanked the Council for the time they spend volunteering their time and expertise as they know it is not an easy job and it has been particularly tricky over the last six months. He thanked the County staff for educating the community about what is happening. He stated there was some reference at a previous meeting from a small vocal minority that were concerned about the previous Hillside application. He pointed out that they have had over 400 people that have contributed funds to this committee and this activity, and these are people that are putting money where their mouth is. Cashiers population is 137 on the internet and seasonally you could triple or quadruple it, and 400 people is more than a small minority. He stated Mr. Poston's presentation was professional and educational for the community, and he pointed out it is a complex issue as there are issues related to the building size and process discussion, and there is a lot to work through. He stated now that we have this change and with new members on the Council, that they should have plenty of time to get up to speed before major binding decisions are made. He cautioned the group to think in those terms where it is reasonable. He highlighted what Mr. Poston pointed out that the Cashiers Small Area Plan (CSAP) and land use areas that are called for and related to our current codes and ordinances do not really match up well, which puts all of us and the public in a difficult decision to make good decisions. He believes the recommendation to try to synchronize the CSAP as a guidance document together with our codes and ordinances in a new an improved version is a smart starting point.
- **Susan Gregory (virtual):** She thanked the returning and new Council members, and to County staff for their continued efforts to preserve Cashiers as a small viable mountain town that we all

love. Her family has been property owners in Jackson County since 1958. She stated a comment that she believes occurred in April on its face is both false and misleading, the claim that there is a small vocal minority that opposes the Macauley development, such an assertion could not be anything further from the truth. It is her understanding that over 20,000 people have signed a petition opposing Macauley's development and to date \$100,000 has been donated in opposition. She spoke at the March Council meeting about the alleged mistake in the law, specifically the 5000 square foot building size limit for Cashiers. She heard County employees say that the size limit was a mistake without providing any evidence of the mistake. She is still not convinced that

without proper notice to the Cashiers residents and property owners. She understands some buildings that exceeds the 5000 sq.ft. limits, specifically the Boys & Girls Club have already been approved. However, at the same time those buildings did not garner opposition like the opposition to the Macauley's proposed development. Those buildings do not permanently alter the village feel and scale of Cashiers. Macauley's development is an atrocity to the plateau and whoever thinks that the development will improve the area is deranged. We all know that Macauley will submit a new plan with an intention of reducing the size in a disingenuous attempt to placate the community's concerns. No one here or who has signed the petition in opposition is naive to this bait and switch approach, and to suggest otherwise is insulting to the community members, property and business owners. She read from an April 2020 article published in the UNC School of Government on the moratorium on land development. In summary, given the time needed to complete the procedures required for adoption or amendment of development regulations or to even rezone property, local governments sometimes adopt moratorium on development to preserve the status quo while plans are made, management strategies are devised and debated, ordinances are revised or other development management concerns are addressed. Moratorium are also sometimes used when there are insufficient public services necessary to support development such as inadequate water supply or wastewater treatment compacity. Cashiers lacks the necessary public services to support Macauley's development and there is inadequate water supply.

- **Mary Palmer Dargan (in-person):** She stated she is a resident and business owner full time and has been here at least 24 years. She thanked the new members of the Council for their time and thoughtful consideration for our future. She is proud of Cashiers as it is a place where we can make a difference by coming to these meetings. She stated when public comment comes at the beginning of a meeting instead of at the end, it's really hard to understand the body of the new business. She suggested that it would be awesome if we could have public comment toward the end of the meeting. She stated there is new businesses on the agenda and it's about conditional approval, and it's a pretty awesome concept that is so applicable to what we need in the community now to guide to zoning decisions. Presently, special exceptions apply to unusual development proposals which we have recently had and it's pretty cumbersome, and difficult to include public opinion. Thus, the small local minority that wanted to have more meetings that things were coming along. She is in favor of adding this to our zoning designations, if it will allow us to have more public meetings in advance of being approved, more discussion about what the opportunities are and how it interfaces with the Unified Development Ordinance.
- **Kelly Ryan (in-person):** She stated she wanted to echo what everyone else has said thanking the current and new Council members as she has volunteered on boards and committees and it is a big responsibility, you don't get paid for it, and it's a lot. She and her husband has been Cashiers residents and have owned property here on and off since 2003. She stated everybody she has talked to about this project, she has not met one person that's for it. She knows the Macauley team, the developers and there are probably some real estate people that are for it. However, she feels the majority of people that live in Cashiers or work here, do not want this because it is way to big. She inquired if anyone was familiar with Avalon in Atlanta. She stated it's a great thing for a big city, but it does not belong in this tiny community. We have 20,000 people on a petition opposed to it, over \$100,000 raised by about 400 people. It is definitely not a minority, it is a majority and she asked the Council to please keep that in mind and hopefully they will do what's best for the community.

- **Susan Bianchi (in-person):** She thanked the existing and old Council members for volunteering their time and expertise as its most appreciated by those of us who are here in the area. She stated the issue that was raised earlier about the placement of the public comment on the agenda and hope that you would consider to move that later in the agenda. This would allow the public, who comes to observe and learn the opportunity then to comment on what is presented to the planning council members, and we could hear and participate more effectively. She believes all of that goes to the larger question of public engagement. She suggested it would be useful when you print an agenda, and it says things like UDO and conditional zoning unconditional, the average lay person does not really know what that is. She asked staff or the Council if they could elaborate a little bit and educate us with layperson language, either in the newspaper or on the agenda with references that would make it easier for us to prepare for such a meeting.
- **Yvonne Johnson (in-person):** She thanked the former council members and Mr. Poston for his presentation last month. She welcomed the new members and stated they have a daunting challenge ahead of them, and that she is grateful that they have volunteered to do some work for us. She stated the small vocal minority that spoke last month, and that was the minority of land owners who wanted to sell a developer and real estate agents. She stated they made the comment that only a small minority of people did not want the Hillside development, and that's not true as you have already heard that tonight and she reiterated that \$100,000 speaks. The signs around Cashiers now say, develop Cashiers responsibly, and that responsibility lies within the community at large, all of us. She stated we live here, I live here and I want my community to represent what the small area plan calls for, small in scale. That is what we are looking forward to, it is the change in the UDO that represents that small area plan that was developed for Cashiers specifically. Nobody is against development, per se, but it has to be within the realm of possibility for our area and the way we want to live. She is reminded by a quote from an expert witness last fall, Mr. Green, who said Cashiers cannot continue to live the way it has for the past 100 years. She stated he didn't live in Cashiers, he never lived in Cashiers, he doesn't live here now, and that was opinion not fact. She implored the new Council to listen to fact.
- **Bette Crowder (virtual):** She stated her husband and she have a property in Gana Sita subdivision for over 20 years, and they are a relatively small community but have thirty-two home sites and currently, we have sixteen houses. We have a very limited water supply in our community, and the new Hillside development could greatly impact our water sources and that is a big concern to all of us who live here. Secondly, the only access to Gana Sita subdivision is by Monte Vista Road, which comes off the highway 64, and the Hillside development would greatly impact Monte Vista. We already have a huge problem of trying to get in and out of our Monte Vista street, especially during heavy traffic season in the summer, but it can be difficult anytime of year. She hopes that the Council will consider the small homeowners along with big developers. We have also been curious as to how can we add more of new small businesses to our community. As we see the ones that we currently have suffer during the wintertime because there are not enough people here to support them. There are a lot of things that have to be considered, besides just what somebody wants to do with a huge piece of property. She thanked the Council for the opportunity to speak and she trusts that all of them will follow the guidelines. She stated she read through the items being presented tonight and noticed that if approved, for a community notice it would be passed on to people living within 500 feet of the proposed development. She is unsure that any of our homeowners are within 500 feet of that property line, but they are not far off of it and feels that is not quite fair to the homeowners in Gana Sita to not be notified of a public presentation.
- **Brannon Morris (virtual):** He stated he is not a Cashiers resident, and is speaking for all the people downstream that find the Chattooga River as a refuge from our urban settings that we live and work in and there is 1000s of us. However, what goes on in this small area of the headwaters is going to have a great impact going forward into the future of what happens to the river, the ecosystem, and how people enjoy it downstream. They have two other states to consider here, and he instinctively thinks that this will be a destructive impact to the character of the Chattooga River. The river is a refuge for himself and many others from the troubles that we have in our urbanized settings. He personally lives in Greenville and has run into people from Atlanta on the river visiting that work there. Being out there reminds us of the thankfulness for the things that

we do have, even though there are a lot of troubles living in an urban setting. He stated there is a lot of people moving from Florida or from New York, and he does not think this is a small one-time thing when you consider it in the context of national issues right now. The substantial relocation of people from urban areas, particularly Florida or New York to North Carolina and many other areas. For people to treat it as just an opportunity to make a lot of money, he believes for the future going forward and for everybody, all three states and people in this area that have an interest in this. He stated it is opening a can of worms that will multiply problems in complexity for not only the Chattooga River, but the leaders of Cashiers going forward. He would like to see the community, but he is concerned about the future of keeping the Chattooga River the wild and scenic place that it is. The Chattooga River is a special place and it flows through one of the only intact wilderness areas, and it's one of the only rivers that is undammed, not parallel by a road, and it has many unique characteristics that are not found in any other river in the south east. He believes they should consider that and people in the other states downstream going forward.

- **Robin Walker (in-person):** She stated both her and her husband are year-round residents of Cashiers, work full time in Jackson County, and volunteer in the community. She thanked the Council members for volunteering their service on this board as it is very important to our life here. She stated we both chose to move to Cashiers in our late 30s as they felt the quality of life here is better than anything we could find in the cities where they came. We really value peace and proximity to nature. We know there are things that aren't available here in our backyard, but what we want to see in our backyard are trees, wildlife and quiet, which is very important to us. She asked the Council when they are thinking about making changes to our development ordinance, to focus on preserve and protect more than on change and improve. Instead of looking at what other towns have that we don't have here, they should focus on the character and natural resources that we do have. Protect the mountain vistas, woods, wildlife, protect the Chattooga watershed, and protect us from noise and light pollution. A carefully crafted development ordinance is the tool that will encourage small independent businesses and properly scaled structures. She urged the Council to consider a new option that will give you additional time to make sure that you get this right, and the way to do that is to place a temporary moratorium on large scale developments while this ordinance is being revised. The moratorium is important because once a large-scale development is approved, it cannot be undone. If you get it wrong, that is devastating to the community and something is lost that can never be gained back. She encouraged the Council to read the summary from the UNC School of Government on moratorium. Cited in the article is that 20% of North Carolina cities have used a moratorium in the last three years, and this is from a 2008 survey. Moratorium is an effective tool that is commonly in place for short duration such as six months, and they apply only to particular types of development. For example, Asheville recently did a moratorium on hotel ordinance regulations, and that allowed them time to research and implement the new guidelines. Timing is very critical when it comes to a moratorium, and she urged the Council to ask staff questions about how that works. She stated if you wait too long to implement the moratorium, then a development application can be put in and even if it is paused, it might be heard under the old rules instead of the new rules that they take time to put in place. She asked the Council to consider that a temporary delay might affect a few individuals, but getting it wrong and rushing through has monumental consequences for all people who live here full time.
- **Maria Chasins (virtual):** She thanked the Council members who have served in the past, those in March that listened to the community and had the courage to take a stand, and to the new members willing to serve the community. She reiterated previous comments that the community have an opportunity to respond after items are discussed and introduced, because it does not give the community an opportunity to react. She supports the thought of a moratorium being imposed as she understands that they are looking at both a change in process and possible change in zoning. It is important to give yourselves and the community a chance to discuss, think about the changes and how they are going to be implemented before any further applications are submitted, accepted or approved. She believes it is important to do it quickly, so that we have the opportunity to think things through before we consider any other development options. She stated she did not realize that there was a petition and if they would have known they would have signed it, and that there were likely a lot of people who were not aware of this petition. She has not met a

single community member who lives here or has a home here, who is in support of the Cashiers Hillside.

- **Dan Chasins (virtual):** He stated he and his wife are full time residents of Cashiers, and he is the head of their homeowner's association in High Meadows. Regarding the issue of the vocal minority, he stated he agreed with the others that it is really not the minority, it is the majority. He stated within their homeowner's association, there has not been one member in favor of this development. In fact, they had a member who sold their property as quickly as possible because they were of the opinion that it was likely that the Hillside development would get built and that was not in keeping with what they wanted in that community. He addressed two issues that he believed were relevant to the discussion that has been had and will be going forward. Those issues are of standing among community members of who is able to speak in our public hearings, and expert testimony. He stated regardless of the legalities, everyone who lives here, works here, pay taxes here, visits here, essentially has standing because of the scope of the proposal that was in front of the Council this spring, and something like it will soon be coming back. He stated this would change the nature of the community for everyone, not just those with the abutting properties or within a very short distance. He believes everyone has standing and that is why you are seeing this reaction among the community. Regarding the issue of expert testimony, he does not discount the experts by any means as there will be a need for many experts on a variety of subject matter areas that we have not heard from yet. However, he stated you do not have to be an expert if you know Cashiers, if you have read the Small Area Plan to know that the proposal that was before the Council was not just wrong by 10% or 20% or 30%. It was wrong by orders of magnitude for the kind of community we are. He believes the Council made good decisions earlier this spring and thanked them. He suggested that the Council follows some of the suggestions and thoughtful comments that have been heard today and use the Small Area of Plan as intended.
- **Maria Partlow (virtual):** She stated she supports everything everybody has said, thanked all the Council members new and old, and Jackson County officials. We have the biggest opportunity we have had in 100 years right now, and technically this seems hard as there are a lot of legalities here. However, overall the big picture, this is really not hard as we have the Small Area Plan and the consultant who presented a proposal for the zoning and the village overlays a couple of meetings ago. It is just a matter of keeping our character as a village and our culture as we grow and develop, and protect our environment, which is really the engine of our economy here. This Planning Council is probably going to be one of the most important that has been sitting in Cashiers now and for future for decades to come. Let's do this right, let's think through it, let's put the moratorium on the big buildings, and she supports the Q&A at the end of the agendas. She raised a lot of money for Develop Cashiers Responsibly, and she has never had such an easy time raising money in political campaigns or other causes, where she would called people and in two minutes, they would say "how much do you want?" and "where do I send the check?" She believes that passion and that willingness to support us and raise as much money in a few days, tells the whole story.
- **Sharon Cole (virtual):** She stated she and her husband are part time residents in Cashiers but she has been in this area in the mountains all of her life. She is a long-term member of the Highlands-Cashiers Land Trust, was a long-term member of the Cashiers Village Green and rolled off that board not too long ago. Her heart is in protecting and taking care of this incredible place that we have. The beautiful building in which the Council is sitting, she was on the Village Green board and the planning of that building was that it would echo the character the things that were already here. Regarding the small vocal minority and of those three words, there is only one accurate one and that is vocal. She stated it was so easy to get 20,000 people to sign the petition, we gave money immediately when asked, and she is happy to give more as she is sure other people are. The reason why is they are happy to do that is that we love Cashiers, we want to preserve the true character of this place and this is what will set Cashiers to good stead for decades to come. She stated they need to change the agenda as it should be point, counterpoint, not counterpoint, point.
- **Richard Ott (in-person):** He stated having lived and had a home here since 1988, this could be an inflection point in which direction Cashiers goes in the future. On the agenda is a discussion of the potential for conditional zoning, and that is an approval process that makes changes

dependent upon conditions, but like everything in life the devil is in the details. He asked that any conditions consider the Jackson County Unified Development Ordinance that deals with regulated districts such as Cashiers. He emphasized Section 9.1 where the ordinance code says that we must preserve the community's unique scenic quality, to conserve the natural resources and environmental quality of the community and to protect and conserve the heritage. He and his wife made the decision to live here full time in the last year, as they have seen that despite growth, that heritage has been maintained. Section 9.3 which specifically deals with Cashiers and the Village Center District where the crossroads exists. That section discusses maintaining the scenic quality of the community, which is an important goal of the district. As a community member for all these years, he asked the Council to consider those two code ordinances that he believes has to do with the spirit and intention of those codes.

- **Debbie Clark (in-person):** She stated she and her husband purchased property in the Village Center behind Bucks two years ago, after coming to Cashiers and loving this area for 15 years. Our plans to retire here and then here permanently, and we chose the location of their property for the heart and soul that see Cashiers as. She responded to a couple of comments that were made last month with an alternate view. One of the comments was that we need a corporate event center here, and she is not sure that she agrees with that. However, the lovely facility that we are in tonight is the epitome of responsible development that is appropriate for Cashiers, it is a lovely event center, well thought out and here to serve the purpose that gentleman suggested Cashiers needs. In response to another comment was that Cashiers needs to be more walkable, and the suggestion was that this large-scale development was the solution to Cashiers being a walkable town. One of the things that helped her husband and herself fall in love with Cashiers was the Cashiers Walk. She knows they are working on a ramble as she has seen the signs, therefore we are already working in that direction. The person who made the comment made a valid point that Cashiers could be more walkable and perhaps we need more sidewalks up and down and 170 maybe part of 64. However, to suggest that a large-scale dense development is the answer to a more walkable Cashiers is like suggesting that we need a flame thrower to light a match. We have some things here and Cashiers that we are already pursuing that would be appropriate and is keeping with responsible development.
- **Laura Moser (in-person):** She stated she is a full time resident here and has an art gallery in town. The reason we moved here is because of the natural beauty of the area, and when this development came in and she saw the plan she became very scared, because they were unnecessarily taking down forest and causing damage to all the things that we hold dear here. She spoke in support of what both Brandon and Robin spoke about.
- **Jamie Moran (virtual):** She echoed thanks to the current, new and retiring Council members as it is a tough job, and they are the ones who are making the decisions on a lot of important issues that are in front of us. She thanked Allison Kelley for all the work she does for coordinating these meetings as she answers endless questions from us and she does it with grace and patience, as does all the members of the Jackson County Planning Department. She echoed that the public comment section of these meetings, could be so much more effective if they were scheduled after the presentation to allow meaningful discussion. Currently, we can only comment on what happened at previous meetings, and they are hearing a lot about the comment of the small vocal minority, because how else are we able to respond but at the next meeting. We would like the Council to consider that the meeting is scheduled at five o'clock and it precludes many residents of Cashiers from participating in these meetings because of work schedules, and that has been brought up to her multiple times. She echoes what many have spoken about regarding the small vocal minority comment, and believes it speaks volumes about how our community in a very short time came together, donated time, effort, and money to support this initiative. In addition to speak out in regards to the density, size and design of the flawed plan that was submitted by Macauley. We are a community that want to defend our quality of life and our mountain homes.
- **Giuliana Kaufman (in-person):** She stated we have had a lot of meetings discussing the size of the projects, the buildings, the density, traffic, dust, noise, pollution, and the area is divided in two. She believes they have had a lot of manipulation from the presentation of the project about being a great thing for Cashiers. However, she believes that the majority of people that are here to avoid just that, and the trails are all ruined because of density, and we have enough of it and we

do not need anymore. People come to Cashiers because it is a place to run away from things that bother us to refresh ourselves here. There is going to be destruction of environment and what are we going to leave to our grandchildren.

- **Lisa Parish (virtual):** She stated she is a homeowner in Cashiers and she is about to join dozens of concerned residents who are currently watching the zoom meeting tonight next door to her. Together, all of us who have invested in the fabric of this community are very concerned about the development. She is thrilled to hear we have new members, and since this is the biggest most controversial issue for the Planning Council to consider over the past decade, she would request to consider hitting the pause button and look at what other smart cities are doing when they are faced with big changes like this. She encouraged the board to take a step back and develop a comprehensive strategic plan for the area that allows for diverse stakeholder engagements. Residents in our community should be part of the discussion on building sizes, just like they were a number of years ago. We need to focus on orderly growth, uses, oversight, and it should focus on what current residents want and plan for it over the next 50 years to avoid piecemeal development. We should also focus on what we expect of our developers we expect sidewalks, crosswalks, a setback, underground cable and electric line, green spaces, and required landscaping. We need to come up with a integrated plan that attracts developments that we want, but also provides for agreed upon standards so that we make sure that our town and our community gets the development that we want.

## New Business

### a) **Procedure Rules for Local Appointed Boards**

Ms. Baker stated that the UNC School of Government puts out a book that was recently updated called *Suggested Procedural Rules for Local Appointed Boards* by Trey Allen and A. Fleming Bell, II. The former chapters in the North Carolina General statutes that dealt with counties was in Chapter 153 and most of our laws fell under 153A, and for cities it was 160A. However, over a year and a half ago the legislator adopted Chapter 160D which combined the county and city laws into one chapter. The presented procedures to the Council take into effect the 160D changes and updates to the law.

Ms. Baker stated we work with several Councils and Boards that we try and stay consistent with our rules. The most common questions she is asked by new members is one, "what is my personal liability?" Jackson County does carry insurance, and there is a lot of immunity for county governments or local governments. The second question is "when do I have a conflict of interest?" and when they have a hearing they will talk specifically about what those conflicts are.

Ms. Baker highlighted the following modifications to the suggested procedural rules:

- Rule 1. Applicability of Rules: These rules apply to all meetings of the Cashiers Area Community Planning Council...

Ms. Baker mentioned that for Rule 2. Quorum that there is not a modification. A quorum consists of a majority of the board's actual membership, this board has a membership of seven members and a quorum would be four and vacant seats are not included until they are appointed.

- Rule 3. Remote Participation in Council Meetings:

(a) A member who is not physically present for a Council meeting and provides at least 24 hour notice to the Clerk to the Council, may take part in debate in the meeting by electronic means but may neither be counted toward a quorum nor may be the deciding vote on any matter before the Council.

(b) During a State-Level Declared Emergency, the Council will follow the provisions for Remote Meetings set forth in G.S. 166A-19.24.

- Rule 9. Regular Meetings:

(a) Regular Meeting Schedule. The Council may annually adopt a regular meeting schedule showing the times and places of its regular meetings for the year.

(b) The Council shall ensure that a copy of its current regular meeting schedule, complete with the time and place of each regular meeting, is filed with the Clerk to the Council and posted on the Council's website, if there is one.

- Rule 13. Agenda:
  - (a) Draft Agenda
    - (1) Preparation. The Council’s Clerk shall prepare a draft agenda for each meeting of the Council.
    - (2) Requesting placement of items on draft agenda. ...Members shall submit their request to the Clerk...
    - (3) Supplemental information/materials. ... The Council’s Clerk shall prepare an agenda packet...
- Rule 16. Order of Business: Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:
  - a. Call to Order and Quorum Check
  - b. Approval of the Agenda
  - c. Approval of Previous Minutes
  - d. Public Comments
  - e. New Business
  - f. Old Business
  - g. Adjournment
- Rule 17. The Chairman ...
  - (a) Voting by the Chairman. The Chairman has the same duty to vote as other members, though in no event may the Chairman break a tie on a motion on which he or she has already voted....
- Rule 19. When the Presiding Officer is Active in Debate: If the Chairman becomes active in debate on a particular proposal, the Chairman may have the Vice-Chairman preside during the Council’s consideration of the matter. If the Vice-Chairman is absent or is also actively debating the matter, the Chairman may designate another member to preside over the debate.
- Rule 20. Action by the Council:  
Except as otherwise provided in Rules 28,30 and 33, the Council shall act by motion. Any member may make a motion.
- Rule 21. Second Required: A second is required on all motions.
- Rule 29. Duty to Vote:  
Every member shall vote unless excused by the remaining members of the Council. ...The unexcused failure to vote by a member who is physically present in the meeting room, or who has withdrawn without being excused by majority vote of the remaining members present, shall be recorded as an affirmative vote.

**b) UDO Discussion**

Mr. Poston stated regarding Chapter 160D updates, the state legislator combined city and county enabling statutes, which is what gives us the rights to enact zoning and regulatory framework in regards to development. He discussed the Chapter 160D checklist of changes to local ordinances, policies, and practices that was included in the Council’s meeting packet. The UDO has been adopted for approximately under two years, the document combined around twenty different ordinances together, and throughout modernizing the UDO to be compliant with 160D staff found some areas that needed to be cleaned up that they would discuss with the Council. These changes to the UDO are text amendments to the ordinance, which is a legislative process and the Council is an advisory board to the Board of Commissioners (BOC). The Council would hold a public hearing eventually to discuss these changes and make a recommendation to the BOC who would also hold a public hearing to either approve, deny or send back to the Council for more consideration.

Mr. Poston went through and highlighted some of the sections with the 160D changes to the UDO ordinance as follows:

- Article I. Legal Provisions – Section 1.14 Vested Rights and Permit Choice
- Article II. Administration



- Article III. Permits and Procedures – Section 3.7.15 Special Use Permit
- Article IV. Subdivision
- Article V. Environmental Regulations
- Article VI. Development Standards
- Article VII. Signs
- Article VIII. Nonconformities
- Article IX. Regulated Districts
- Article X. Violations and Enforcement
- Article XI. Definitions

Mr. Poston stated in Section 9.3 Cashiers Commercial Area in the Village Center District they made some changes that did not get picked up the way they needed to. One of those changes is that the reference for building height is still showing 30 foot references and the Council voted and approve a maximum of 45 foot building height within the Village Center District. Also, a few years ago, the Council adopted sidewalk regulations and they noticed it did not translate well enough into the new document and they added language regarding the requirement of construction of sidewalk within the Village Center and the General Commercial Districts.

There are two graphics that has been discussed in the Village Center District and General Commercial District regarding maximum building size. Staff's determination is still that the standards within the ordinance do not reflect a maximum building size, they do require that any building over 1500 square feet in size obtain a special use permit from this body in order to be moved forward or approved. The graphics does state that there is a maximum building size of 5000, however it does not actually give a unit of metric or measurement for that and in staff's opinion it is erroneous. The graphics are designed to be a quick guide reference to enhance the understanding to what is actually included into the text of the ordinance for each district. In addition, graphics that are JPEGs or other formats where staff does not have the availability to edit them easily presents issues for ordinance administration and managing documents. Staff was asked if there was an alternative way for a quick guide reference and he presented a simple mock table that included the districts, front setback, maximum structure height, and structure size. Staff's recommendation is that the Council move away from the existing graphics and move towards a table form to be able to edit in an easier manner. Staff recommended the Council to review the UDO amendments via the link sent to their email since the document is over 400 pages.

*David Bond made a motion to schedule a public hearing regarding the proposed 160D and other amendments to the Unified Development Ordinance. Glenn Ubertino seconded the motion, and it passed unanimously.*

### c) Conditional Zoning Discussion

Mr. Poston stated at the previous Council meeting they discussed conditional zoning and he presented the UDO draft language for conditional zoning. He recommended that the Council consider looking at conditional zoning as an alternative to the quasi-judicial process because he believes it can lead to more community involvement in the process and the ability to have more involvement earlier in the process.

Mr. Cox inquired from other areas that have used conditional zoning language is it typical that larger projects would choose the conditional zoning route. Mr. Poston stated not necessarily, Cullowhee has special zoning in their ordinance and that will be changed to conditional zoning with the 160D amendments and that ordinance was adopted in 2015. Staff has not seen a conditional zoning application in Cullowhee and they have had some rather large student population and student housing development over the last couple of years.

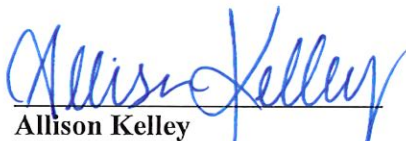
Staff created draft language for conditional zoning based off of the Forest Hills model and he has provided the Council with other guiding documents and examples to have a better understanding what is being done in different jurisdictions of varying sizes. Mr. Poston stated he would recommend a trigger, and to mandate a community meeting within that process. He asked the Council to review the draft conditional zoning language as they will continue to discuss this language before they call for a public hearing.

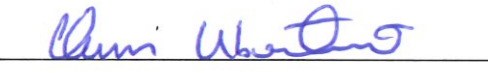
Mr. Poston provided a quick update of the new Planner I Anna Harkins who is a recent graduate of the College of Charleston and has a bachelor's and master's degree in community planning and historic preservation. In addition, he stated that they are moving back towards a more traditional meeting setting to meet in person. This change is due to staffing and the size of the Planning Department, they will be scaling back on their ability to do audio visual hybrid meetings with Zoom as we have requested help from outside the county's agencies and they do not have the ability to continue that relationship. The Planning Department does not have a true AV person on staff nor does the County IT Department to troubleshoot issues.

**Adjournment**

With no further business to discuss, Glenn Ubertino made a motion to adjourn. Doug Homolka seconded the motion, and the meeting adjourned at 7:32 p.m.

**Respectfully Submitted,**

  
Allison Kelley  
Administrative Assistant

  
Cashiers Planning Council Chairman