

Cashiers Area Community Planning Council
Special Meeting Minutes
 May 30, 2024
 5:30 p.m.
 Cashiers/Glenville Recreation Center, 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		
Glenn Ubertino		X						

Staff Present

Michael Poston- Planning Director
 Anna Harkins- Planner I
 Allison Kelley- Administrative Assistant III
 Hunter Rogers- Planning Intern

Others Present

Chad Meadows, CodeWright

Call to Order

The meeting was called to order at 5:32 p.m. and a quorum was not present.

Additions to/Approval of the Agenda

There was no quorum present, no agenda was approved.

New Business

a) Recodify Cashiers: Community Character Analysis Presentation-Chad Meadows, CodeWright

Mr. Meadows stated that they are restyling the entire Unified Development Ordinance (UDO). Other changes to the UDO include at the front of the document there is a placeholder area for an About section that can include frequently asked questions or information about Jackson County, etc. There will also be a section for the UDO amendments to provide track changes of when there have been amendments to the document along with the adoption date. The new style set to the UDO will include a new page layout, dynamic table of contents, more graphics, headers and footers that indicate where you are in the document, and you will be able to click at the bottom of the document to return back to the table of contents section. The draft UDO will include redline text to help those know what is being changed within the document and Section 9.3, which is the Cashiers area section is new but it will not be in redline. There are eleven articles within the UDO and initially they were only making changes to Section 9.3 but realized there were changes in other sections of the ordinance.

Mr. Meadows went over the following changes that was made to the UDO. Article I, is the legal provisions article and they changed vested rights, which are provisions that protect already approved applications from changes to the law as the statutes require us to incorporate. Article II, the administration article includes changes to the name as Cashiers

is currently referred as the Cashiers Commercial Area, and we are changing the name to the Cashiers Planning Area. The reason they are changing the name is because there will be residential and mixed-use zoning in Cashiers and it is not just commercial zoning. In addition, he stated that there is a lot of murkiness between the county level board of adjustment and what the community planning council handles. The Cashiers Planning Council (CPC) does hear variances, appeals, special use permits and the county wide Board of Adjustment (BOA) does also as well, they hear some variances that CPC does not hear inside of Cashiers. Flood variances are an example of various provisions that are not heard by CPC, even though it is happening in Cashiers. How it is current written it is hard to understand, and they are trying to bring a little bit more clarity to that.

Article III, permits and procedures there are some significant changes as they have added five or six new procedures and redone a couple. There is an administrative adjustment procedure in the current UDO that allows the planning staff to make minor deviations in numeric figures, setbacks, subdivision numbers, etc. Staff is permitted to allow a deviation of 10% or less without having to go to CPC, BOA or the Board of County Commissioners (BOCC). That process will be carried forward and they will be adding some criteria that clarify when that can happen and what are the conditions that are necessary in order to approve an administrative adjustment.

The Cashiers community is aware and understands how the special use permit process functions and does not function. They have used the special use permit process for Cashiers East Village, Cashiers Marketplace and others which have resulted in challenges that have come to the community due to the use of this process. The current special use permit process in place today is used for any uses that are over a certain size. The special use permit process will still exist for uses that require this type of process and the CPC will still be reviewing those cases but they are abolishing the practice of any uses over a certain size. Due to those challenges with the special use permit process they are replacing it with a conditional map amendment process. The conditional map amendment process is legislative and the CPC will be making a recommendation after a public hearing, but they are not deciding rezoning cases. The conditional map amendment threshold is buildings that have 20,000 square feet in floor area or more and that includes multiple buildings if they add up to 20,000 square feet or more. If you have an existing building that is 19,999 square feet and you want to add a square foot to it, you will be required to go through the conditional map amendment as you are crossing the threshold. Another threshold or provision is trip generation as some buildings are not large in size, but have significant traffic impacts. They wanted to make sure that we were catching the smaller buildings that have these heavy-duty traffic impacts. The trip generation threshold is 3000 trips per day or more that would trigger a review of a conditional map amendment. In addition, it would also be triggered if your use generates 100 or more vehicle trips in the peak hour, am or pm.

The other procedure they are adding is a conservation subdivision, which is currently a subdivision style in the UDO today, but they are enhancing this procedure and making it easier to follow. Conservation subdivisions are single family detached residential subdivisions that have smaller lots and smaller setbacks, and in return there is an expectation and requirement to set aside at least 50% of the site area as open space. There is some concern that a conservation subdivision does not fit with the Cashiers character. To address that concern they have a standard that says that says the conservation subdivision cannot be seen from offsite roadways and adjacent residential uses. It would be the applicant's responsibility to demonstrate that you cannot see those houses on smaller lots with smaller setbacks. The hope is that we would have some more open space protected, and will continue to provide housing for people because we are in a housing crisis, but will not negatively impact the character of the community because you

cannot see the development. The conservation subdivision would apply anywhere in the County and it is voluntary. With the conservation subdivision process it would still be required to go through a major preliminary plat, major final plat as it is still a subdivision.

Mr. Poston stated they would be modifying the conservation subdivision as he believes this was adopted into the ordinance when the watershed procedures were adopted in the late 90s. The conservation subdivision has not been updated much since then, and there has been a lot of changes in how people view these subdivisions and open space requirements over the last 20 years. In addition, the ULI report mentions conservation subdivisions and they are also recognizing that recommendation.

Another procedure that has been added is determination, which is a codified practice that is already happening. People can ask for informal and formal determinations about what the rules say or what vested rights applies to their property or what they are zoned, etc. Fee in Lieu is a standard that they are incorporating as a safety valve for site features to help with unintended consequences or difficult sites or challenging aspects. The County will look at those seeking a fee in lieu on a case by case basis. The fee in lieu is usually held in a special fund by the County and it can only be used in Cashiers and it has to be used for a similar kind of feature. In addition, he has made the site plan process easier to follow. A significant change is they have removed the design review components from the ordinance, the CPC is no longer doing design review anymore. There are still design standards within the ordinance and they are clear and codified. The CPC will be in charge of reviewing the written rules and standards and making sure that they meet the character of Cashiers.

Another update to the pre-application conference is clarification about who is required and not required to have one and what you need to bring to the pre-application conference. The community meetings have been revised and refreshed to provide more clarity of the expectation from the applicant to inform how they did or did not change their application based on the input they received during the community meeting. In addition, there is clarification about the staff report and when it is prepared, and what happens after it is prepared.

Updates to the legislative and quasi-judicial public hearing procedures including more clarity about who can provide evidence, who has standing, who can provide testimony, the power of the chair, etc. More clarity about conditions of approval, what is allowable and not allowable as a condition of approval, and the requirement that the applicant accept the conditions of approval in writing. In addition, every decision that the County makes on any application must be provided to the applicant in writing, which is called a written notice of decision and that has been clarified as it is a 160D change.

No major changes to subdivision, environmental regulation, signs and non-conformities. The sign regulations in chapter seven are not Cashiers sign regulations but for the entire County and they are not changing drastically, however Cashiers has its own sign regulations that will be changing.

Article IX is the regulated districts standards for the Airport hazard district, Cashiers planning area, Cullowhee Community Planning District and US 441 Gateway District. Section 9.1 which lays out the introduction standards, who is subject to it, what the exemptions are and the fact that these are minimum requirements, etc. Section 9.1 is all new text and is not shown as red line text, and everything in Section 9.3 Cashiers planning area is new as well and does not show as red line text. There were no changes made to Section 9.2, 9.4 or 9.5 but they are restyling those sections to make it easier to use and follow.

Section 9.3 the purpose and intent section which builds some of the language that has been discussed throughout this process such as what is the community character of Cashiers and that it is a place where people live, but it protects the environment, a place

where buildings are built to the land instead of changing the land for the buildings, etc. The CPC, planning staff, and BOCC will rely on those purpose and intent statements in applying the standards.

The community character section is very important as during this process they came to Cashiers to ask the community to define the community character. The consultant team based on that feedback created a community character report which can be viewed on the recodifycashiers.com website and all of that information which includes general character, land use, lotting pattern, street design, open space, building, site features, etc. is incorporated into the code language. From the report there is character statements which also includes aspirational goals, and those topics are all set down. In addition, the report also includes building features that were consistent and inconsistent with the character of Cashiers and that will be included within the code for staff, CPC, BOCC to use as they are interpreting what is and is not consistent with the community character.

Currently in the Cashiers area there are two commercial districts, Village Center (VC) and a General Commercial (GC). There is a lot of property within Cashiers that does not have commercial uses on it but has other uses such as residential. The consultant team has prepared a draft map of how they would suggest Cashiers be rezoned that includes a residential (CRS), non-residential (CNR), and mixed-use (CMX) district. There is a fourth district called a conditional district that is not shown on the draft map, because they have not built it yet. The conditional district is for when big projects come in and if they get approved they would receive a conditional zoning district designation. Determining the proposed rezoning the consultant team used the Cashiers Small Area Plan (CSAP) and the future land use designation to assign zoning districts based on what their understanding of what the CSAP states and what current uses are on the ground today. This is a draft map and they expect to have discussions and concerns with property owners regarding the proposed zoning designations. Each of the proposed districts, CRS, CNR and CMX has a set of information with the purpose of the district, allowed uses, accessory uses, temporary uses, prohibited uses, dimensional requirements, lot area, setbacks, impervious surface, allowable building height, etc. In addition, there will be included imagery of preferred development forms and that are consistent with the zoning district and community character that they would like to see over time.

Access and circulation cover access to lots such as driveways for homes or businesses of site circulation of how does my vehicle move around the site and not block pedestrian walkways, accommodating loading zones, trash areas, etc. Being at the Spinx around noon, you can visibly see the need for standards for onsite circulation as that location is unsafe and you are unable to move around if there was a fire or another problem as there is no control over how the traffic flows on that site.

Building character and appearance, there will be standards for multifamily, commercial, mixed-use and residential guidelines. In North Carolina, the General Assembly states that we are not allowed to mandate or regulate design for single-family, duplex, triplex, quadplex or townhouses. However, we can have guidelines and reasons for people to follow those guidelines but we cannot have standards for those residential uses.

There will also be exterior lighting standards of what lighting is prohibited, when it is required for a lighting plan, height requirement, whether or not it is allowed to have a glare, fixture styles, etc. There will also be specific standards for sports lighting, and how do we measure light or glare. There is great interest in the community about dark sky, we have stopped short of a classic dark sky ordinance for reasons that you will understand as you get into the ordinance. Cashiers may decide that they do want to be a dark sky community and it is possible for the community to go deeper into dark sky later down the road.

All of the big cases that the CPC are dealing with now are turning on infrastructure issues, water, and sewer. To provide some clarity, there will be guidance and rules on infrastructure and how everybody has to have a potable water source, whether it is public or private. Everyone will be required to have a wastewater management system, whether it is public or private and there will be written rules. There will be some standards for streets to have some additional provisions for street drainage, not so much site drainage because that is covered under stormwater management. In Cashiers there is not a lot of big subdivisions, but if you are apart of a subdivision you have to have a cluster mailbox as that is the law and there are standards set down for those within the ordinance. In addition, there will be a comprehensive section on drainage easements, utility easements, stormwater easements, access easements, etc.

Landscaping and screening, they use landscaping to soften appearance and the land use plan says do not rely on screening for buffering as Cashiers is not a suburban community and the buildings are supposed to be close together and walkable. They will rely on good design and building placement to address compatibility instead of relying on shrubbing it up so they cannot see whatever they are trying to screen. In addition, they will likely not have any parking lots landscaping requirements as this will make parking lots smaller which in turn has a smaller ecological footprint and will create more walkability. However, when uses that are incompatible to the adjacent property they will have perimeter buffer standards that will include some street trees. The DOT does not like street trees, so they will not be located within the right-of-way but they could be out of the right-of-way on private property.

The parking lot requirements will be lowered to create smaller lots and favoring bicycle parking spaces. The maximum number of parking spaces that is required will be removed from the code or softened to provide more climate conscious developments. In addition, they are not mandating that all the parking has to be to the side of the rear of the building. Low impact development techniques in parking lots are areas where water from the parking lot does not wash into my neighbor's yard or into the stream, but rather is held on my site in facilities that are engineered to hold and release stormwater into the ground substrate.

Mr. Ubertino stated the state does not necessarily recognize the more innovative underground storage and treatment underneath parking lots that municipalities do. Asheville would be an example of that as they have a lot of techniques that are available that he believes are very favorable but are not available to the County. Mr. Poston stated staff would look into those stormwater management techniques and asked Troy Lucas to send over any specific new technologies for more efficient ways for the County to achieve water quality and quantity so they could do further research.

Our society is a late comer to stormwater management and it has taken off over the last 20 or 30 years after the federal government implemented the Clean Water Protection Act provisions. Local governments are required to address stormwater in two ways, one is that water quality is okay and making sure that we keep our drinking water and the environment safe from phosphorus, nitrate, suspended solids and sediments. Another aspect of the stormwater management equation is quantity, nuisance flooding and making sure that we are not flooding out our neighbors and causing sedimentation and erosion control problems. The stormwater provisions that exist today are being carried forward and they will likely encourage some other stuff.

Non-residential and mixed-use developments would be required to have pedestrian facilities whether it is public or private. If the proposed development lot fronts a State Road they would be required to put in sidewalk. Everyone will be required to have open space, and the amount of open space that you are required to provide is based on the kind

of development that you are doing. Another form of open space is passive open space which could be a gathering space.

The signage within the Cashiers area will not be drastically changing based on feedback from the community. The signage will be geared towards foot traffic and not vehicle traffic, meaning smaller signs. It is against the law to have sign rules that go based off of the content of the sign and they have to treat signs generically. Meaning we cannot have separate sign standards for churches, nonprofits, restaurants, etc. However, we can regulate sign type, timing, placement, manner, height, face area, size, illumination, location on the site, and number of signs. Staff is still discussing temporary signage and how they want to handle those within the area.

There will be a new section on measurement and exceptions that talks about how we measure building height, sign height, fence height, landscaping, and how we decide what is the front or rear of a lot, etc. All of the definitions will be in there and the allowable encroachments into setbacks for things like handicap ramps and chimneys, etc.

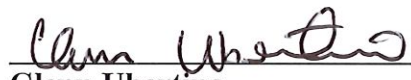
The consultant team and staff still has to go through the internal review with the County's attorneys and they have set the first date for that in June. Once the County's attorneys have reviewed the draft UDO it will be posted for the public's consumption for approximately 30 days to review the draft document. The consultant team will then be back in Cashiers for some workshops discussing the draft code with the community to gain feedback. Letters will be going out to property owners within the Cashiers area of the proposed rezoning designation of what their new proposed zoning of their property would be and they will be invited to a zoning map workshop to come learn more about the process, ask questions, and discuss any concerns. The consultant team and staff anticipate that mid to late July they would likely have had the County's attorneys review and provide feedback of the proposed UDO draft, and then they can begin the adoption process by the end of summer.

Adjournment

With no further business to discuss, the meeting adjourned at 7:01 p.m.

Respectfully Submitted,


Allison Kelley
Administrative Assistant


Glenn Ubertino
Cashiers Planning Council Chairman