

Cashiers Area Community Planning Council
 Minutes
 June 28, 2021
 5:00 p.m.
 Village Green (Common Hall)

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
David Bond	X		Doug Homolka	X		Michael Cox	X	
Bob Dews	X		Carol Stork	X		Daniel Fletcher	X	
Glenn Ubertino	X							

Staff Present

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

Call to Order

Chairman Michael Cox called the meeting to order at 5:15 p.m. and a quorum was present.

Additions to/Approval of the Agenda

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

Approval of Minutes

Daniel Fletcher made a motion to approve the July 6, 2021 and February 22, 2021 minutes. Bob Dews seconded the motion, and it carried unanimously.

Public Comment

- **Mary Ellis:** She had concerns that there are not established guidelines for developers in our community to follow on stormwater and sufficient framework to define our potential development project that would actually address a variety of important issues. Such as groundwater use, sewage management, garbage pickup and law enforcement. Instead of removing guidelines that would enforce responsible and healthy development in Cashiers, this committee should be in accordance with the Small Area Plan with an ongoing dialogue with the community working to develop regulation on size, density, and the type of future development in our community.
- **Frederick Allen:** He made a suggestion that for a project with the magnitude of the ones that come with a potential impact on Cashiers for not only decades, but forever, that a study of the impacts would be mandatory if possible.
- **Tim Womick:** He thanked the service of the board members and that he had the opportunity to address the Board a couple of months ago on video and suggested that opportunity continue. What he brings today is the law of unintended consequences, as he is a pedestrian, he rides his bike and walks around Cashiers; trash, traffic, speeding. In addition, what he is experiencing from the overdraft of High Hampton employee parking and potential employee housing, which is not in your jurisdiction but it is something that he deals with everyday. The law of unintended consequences is real and what will Cashiers look when that baby's 30? What will the water quality be? He is calling on this board today to vote no on the changes of the Unified Development Ordinance by the Jackson County Planning Department that will do anything more than necessary to bring the UDO into compliance with the state requirements under 160D of the

North Carolina General Statutes. He thanked the Board for serving as it is a thankless job but suggested to go slow, take the time to invest the money in studies or it will not be the lovely Cashiers we have today.

- **Lisa Parrish:** She urged the Board to consider voting no on the ordinance. She stated smart cities all over the state and country plan for development, they plan for expansion of their infrastructure, they make sure that they have healthcare to accommodate all of their residents, and they have roads, bridges and sewers. We need to take our time, there is no rush, let the process work, let the planning take place, and let's make Cashiers exactly what we want it to be.
- **Sandra Mellow:** She stated that the Hillside development is out of place to this village and that there are many places that they could build their mega development that people would welcome it, but not in the heart of Cashiers. This is a small rustic village with individually owned businesses and she believes the one franchise they had was shut down overnight. This is not the place for you to build franchise and nationally known places, this is a particular unique place that people come to because they love the mountains, fresh air, and the uniqueness of this area. Please do not spoil this area by letting this developer come in and change the total nature of our village. In addition, please do not let Macauley develop in the heart of our village and ruin it, as he can go anywhere as there is land available all around us.

New Business

a) **Public Hearing: Text Amendments related to NC G.S. Chapter 160D to the Unified Development Ordinance (UDO) and other associated amendments to Article IX**

Chairman Cox opened the public hearing.

Mr. Poston stated the Council went over these text amendments at the previous meeting. Chapter 160D is a term that we use to discuss the changes that were handed down from the State when they combined the enabling statutes for cities and counties. The State modernized a lot of the language and re-referenced a portion of those regulations and laws that we base our development standards on.

Mr. Poston highlighted some of the changes to the UDO as follows:

- Permit Choice
- Conflict of interest statements
- Article IX Regulated Districts, Section 9.3 Cashiers Commercial Area
 - Adding sidewalk standards which were approved by this Council
 - Matching up the height standards which were approved by this Council

Mr. Poston stated staff believes that the UDO changes are consistent with the County's adopted comprehensive plan as it speaks about creating a Unified Development Ordinance and there are objectives to identify to improve the County's development review process to ensure those approvals are completed in an efficient and effective manner. In addition, the Cashiers Small Area Plan discusses concepts of enforcing our existing policies.

Mr. Poston clarified that the sidewalk standards and height standards had already been approved by this Council and that those changes had not been added within UDO document. Regarding the graphic discrepancy within the Cashiers Ordinance, the trigger for a conditional use permit in the General Commercial District use to be 5000 square feet and in the Village Center District it was 2500 square feet. That graphic was never amended because it is a difficult bracket to work with and edit and those triggers predates the current Planning staff. In 2013 the Council at the time reduced the threshold for special use permits from 5000 square feet and 2500 square feet to make the trigger be 1500 square feet in both districts. The bracket in the graphic was not a maximum but was a triggering mechanism, and within the UDO process that text was translated wrong because a maximum does not exist. Staff has applied the written language within the ordinance and since 2013 the language stated that 1500 square feet was the trigger for a special use permit for both districts.

Mr. Cox inquired what would be the possible conflicts going forward of having this graphic within the UDO. Ms. Baker stated she believed it was in there since 2004 as the old graphic, however there are several out of date problems with that graphic because staff has not had the ability to change or edit. Since the adoption of the UDO there is a 1500 square foot trigger for special use permits and there has never been within this ordinance a maximum square

footage since 2004. In addition, if they leave in the 5000 they are leaving it open for a challenge when the planning staff is trying to apply the ordinance as written and the ordinance needs to be clear.

Chairman Cox opened the public comment section of the hearing.

- **Nicole Hayler:** She is an active member for Develop Cashiers Responsibly since the inception of the group back in November 2020. She also represents the Chattooga Conservancy, a nonprofit organization whose mission is to protect and restore the natural resources and cultural heritage of the Chattooga River Watershed and to keep it in harmony for a healthy human environment. Cashiers lies within the Chattooga Watershed and the extraordinary natural environment gives rise to the outstanding resource waters of the upper Chattooga River in Cashiers and provides the priceless quality of life that in turn powers the Cashiers economic engine. She urged the Council to adhere to their March 24th vote against eliminating a 5000 square foot building size limit as shown in Figures 9.1 and 9.2 in the Unified Development Ordinance. She also asked the Council to reject the new section of 1.5(D) of the UDO and to approve only the updates that are necessary to bring into compliance with the mandated state law. She asked the Council to collaborate with the Planning Department to hire a professional consultant to lead a community based deliberative process of updating the zoning ordinance to bring it in line with the 2019 Cashiers Small Area Plan. She asked that a moratorium on the square foot limit be adopted in the interim while discussions of the 2019 Cashiers Small Area Plan move forward. In addition, please uphold the community's trust in your role as influential stewards of the Cashiers natural resources, cultural heritage and quality of life.
- **Sharon Cole:** She stated Cashiers has to be small because of its geography is constrained and surrounded on all sides by big peaks and the pristine headwaters of the rivers. She currently serves on the Highlands Cashiers Land Trust which preserves a lot of beautiful places in Jackson County. In addition, she served on the Village Green and was one of the individuals responsible for designing and having this building constructed, and it is beautiful, purposeful and in character with this town. She urged the Council to vote no to the UDO proposed by the Jackson County Planning Department and that they strike the Section 1.5 (D) amendment to the UDO. She urged the Council to expedite the plan to bring in a professional to update the zoning ordinance to align with the 2019 Cashiers Small Area Plan. Good planning takes time and six to nine months is nothing for these ancient mountains and the people who love being here. She asked to please maintain Figures 9.1 and 9.2 as they have been in the books for years and that those figures are truth tellers.
- **Richard Ott:** He stated when the Cashiers community saw the development plans from Mr. Macauley in the village center they were shocked because it seemed to violate the spirit, intention and wording of several sections within the UDO and the Cashiers Small Area Plan. The Stewart consultant worked on both the UDO and Small Area Plan and agreed with our assessment. In addition, when he asked the Planning Department how they could bring an inappropriate proposal before the Cashiers Planning Council in view of the exact wording of the UDO, he was told that was because the words are vague, undefined, and subjective. Section 9.1 of the UDO deals with the intention of the regulated district, and states to preserve the community's unique scenic quality to conserve the natural resources, environment quality and to protect and conserve the heritage of Cashiers. Figure 9.2 acknowledges the intention and states the need to preserve the small town character of Cashiers and amidst the building size to 5000 square feet. Section 9.3.3 deals with the Village Center and states to maintain the traditional scale of the village center is an important goal of the district and Section 9.3.7 states that its purpose is to maintain and improve the visual quality of the village and encourage the preservation of the existing trees and vegetation. Also, provide environmental benefits such as reduced stormwater runoff, decreased erosion, improve water and air quality and protection of wildlife habitat. In addition, he stated if the words are hard to define and subjective then we need the Cashiers Planning Council to keep the wording that they gave us back in March and not eliminate the 5000 square feet limit until the spirit,

intention and final wording of the Small Area Plan are incorporated into a meaningful revision.

- **Robin Walker:** She asked the Council to strike the proposed language in Section 1.5 (D), leave Figure 9.1 and 9.2 in place and to not accept the new table Figure 9.1. Also, she would like to bring the Council back to their March meeting where they said that appreciated all of the community's input and participation. She asked the Council to honor the commitment they made in March and to not change the UDO standards until there is appropriate replacement for it. In addition, they understand the implications of permit choice and that developers can come in and make an application with the standards that are in place now.
- **Alan T. Moore:** He is speaking on behalf of himself and others that have recently moved here, and the reason they moved here is because of what all of the previous speakers have said. We know Cashiers is going to change because it has to and we would like to see it change to what those individuals had said.
- **Bob Carroll:** He stated our country at the national and state level has had a number of challenges of democracy. He is seeing that happening here in the County at a local level as analogous to any effort to circumvent the UDO process law smacks some kind of disrespect to the legal process. In Florida, such a land development project would pay a huge impact fee for helping to undo the constipated traffic problem that the development would surely create.
- **Leah Horton:** She stated in a recent Council meeting they heard from Mr. Poston and there was discussion of the Cashiers Small Area Plan, the vision of Cashiers and how we grow into the future. Also, Mr. Poston made it clear that the plan did not match our current ordinance and that they did not work together. If that is the case, then the current ordinance does not enable us to manage growth. It was suggested by staff that we take the time to harmonize the two so that our wishes for the community can be allowed to direct growth as we move forward. Staff suggested the best way for the County to support us was through a six to nine month process with professionals. The Council tonight is being asked to make some changes that are not really central to that work and could allow development that does not fit our vision with the Small Area Plan by the elimination of the current building size limits in Figure 9.1 and 9.2 without offering any replacement language. Section 1.5 (D) was added by the County, not the state and doing so would allow the elimination of Figures 9.1 and 9.2. If there is concern that a new development is going to come in the meantime during those six to nine months, she recommended they put a moratorium on large developments. She recommended to get rid of Section 1.5 (DO and keep Figures 9.1 and 9.2.
- **A. Baron Homes:** He stated when they are discussing the Hillside development there is only one lane going each direction, whether it is Highway 107 and 64 you cannot wish that away. You really have to look ahead as this place is screaming to look further down the road and do not look at it right now. If Macauley wanted to put something there, he needs to put it were there is room enough for everybody to survive and they need to take into consideration people who have bought houses here and work here. Near Slabtown Road there is a sign that says for development which could cause less complication than having it next to the crossroads. We need to look around and not in just Cashiers for all of the other intrusions that have taken place to nature and safety. In his neighborhood they had people breaking into houses and had to wait three hours for someone to come from the County to take a look at what happened, they need farseeing plans to protect our houses as many people are not here year-round.
- **Budd Litowitz:** He asked those that were in attendance who believed that they should make objectives, which is now subjective and to have our Council and County Commissioners honor the intent that they said to maintain the small town character of Cashiers by voting no, and insisting on taking the time, expense to draw a plan that makes objective what is now subjective.
- **Mary Palmer Dargan:** She thanked the Council and staff for their hard work and consideration for Cashiers future. We are here for the 160D changes to the Unified

Development Ordinance that direct all planning guidelines ordered by the state to get cleaned up by the end of July. She echoed saying no to Section 1.5 (D) and to have further study and more clarification moving forward. She suggested that they get the trigger graphics and the zoning process updated for Cashiers, do a study to know what those standards are. Also, to keep Zoom and all interconnectedness for all ages and demographics of the community and to consider that there may be a volunteer group that could help fund that.

- **Janine Vann:** She believes that turning all of this business of trying to turn Cashiers into a money making machine for somebody is just another virus.
- **Robert Savelson:** He wanted to offer some help through the Council's decision on the dilemma they are facing. The Council is held with continued good standing, respect and in high esteem in the community because they are a very important body that is working to bring us together as they move forward on working on these standards. He was a former attorney for member-based organizations and based on his experience this tells him that this is a member-based organization for members that are residents and they are a governing body to this organization. He asked the Council to consider Ms. Walker's request to strike the proposed language for Section 1.5 (D) and that someone make that motion, second and then that would be on the floor for debate. This Council made a process commitment to the community that would put us on a path toward resolving the issues on how building sizes are going to be handled. His experience with not public organizations is that commitments are taken as a promise by the people and people will see that you are not following through on your commitment made in March. If that trust goes away that will be very difficult and they should consider that as they are making this decision. He urged the Council to keep the motion to adopt a resolution that was made in March and to move ahead with the process of coming up with a building code and maintain their commitment.

Chairman Cox closed the public hearing.

Glenn Ubertino made a motion to recommend adoption of the NC G.S. Chapter 160D to the Unified Development Ordinance (UDO) and other associated amendments to Article IX except for removal of Figure 9.1 and 9.2, to not include table Figure 9.1 and removal of Section 1.5(D). The motion also included to adopt the statement of consistency with the Jackson County Land Use Plan 2040 and the Cashiers Small Area Plan. Carole Stork seconded the motion, and in passed unanimously.

The Council asked for planning staff to start looking at possible dates for some work session meetings in July.

b) Conditional Zoning


Mr. Poston stated this was put on the agenda to allow the Council the opportunity to give any feedback on the conditional zoning draft as staff is still working through those concepts. The Council asked staff to bring to their work session meeting for further discussion.

Adjournment

With no further business to discuss, Bob Dews made a motion to adjourn. Glenn Ubertino seconded the motion, and the meeting adjourned at 7:45 p.m.

Respectfully Submitted,


Allison Kelley
Administrative Assistant


Cashiers Planning Council Chairman