

# JACKSON COUNTY PLANNING BOARD

## MINUTES

<b>Date:</b> January 12, 2023								
<b>Time Begin:</b> 6:00 p.m.								
<b>Time End:</b> 7:21 p.m.								
<b>Location:</b> Department on Aging, Heritage Room								
<b>Members</b>	<b>Present</b>	<b>Absent</b>		<b>Present</b>	<b>Absent</b>		<b>Present</b>	<b>Absent</b>
Emily Moss	X		Brad Waldrop	X		Thomas Taulbee	X	
Sandy Davis	X		Nathan Shepherd	X		Ken Brown	X	
Brian Barwatt		X	Ollin Dunford		X	Beverly Crespo	X	
Adam Holt	X		Joyce Cooper		X			

### **Staff Present:**

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

### **Call to Order and Quorum Check**

Vice Chair Thomas Taulbee called the meeting to order at 6:00 p.m. and a quorum was present.

### **Oath of Office**

Allison Kelley, clerk to the Board read the Oath of Office for new Board members (Adam Holt, Nathan Shepherd, Beverly Crespo), and reappointed member Emily Moss. They affirmed to execute the duties of Planning Board Member according to the best of their skills and abilities.

### **Approval of the Agenda**

Brad Waldrop made a motion to approve the agenda and move item a) Oath of Office under "New Business" before the approval of the agenda. Ken Brown seconded the motion, and it carried unanimously.

### **Approval of the Minutes**

Brad Waldrop made a motion to approve December 8, 2022 minutes. Ken Brown seconded the motion, and it carried unanimously.

### **Public Comment**

There were no public comments.

### **New Business**

#### **a) Nomination for Chair**

The Jackson County Board of Commissioners appoints these positions and considers the Board's recommendations for Chair and Vice Chair.

*Sandy Davis made a motion to recommend Thomas Taulbee as Planning Board Chair. Beverly Crespo seconded the motion, and it carried unanimously.*

**b) Public Hearing: Text Amendments to the Unified Development Ordinance (UDO) Article VI Section 6.7 regarding Campgrounds, and Section 6.2 regarding Wireless Communication Facilities**

*Vice Chair Thomas Taulbee opened the public hearing at 6:05 p.m.*

Mr. Poston stated this issue was brought to the Board due to concerns brought to the Planning Department through regularly staff meetings with partnering departments they hold regarding permit development. These concerns came from our Permitting and Code Enforcement, and Environmental Health Departments of noticing issues around the county with the recent increase in campgrounds. Currently, Jackson County does not have any standards for campgrounds, and we are learning now that because of housing campgrounds are becoming more of a permanent location for people to house themselves. Environmental Health had some additional concerns regarding bathroom and laundry facilities, especially if there is not facilities and a creek or river is nearby. In addition, he stated the proposed ordinance would address these issues whether you are establishing a new campground, or if you are expanding an existing campground. Prior to this ordinance being adopted by the Board of Commissioners, existing campgrounds can operate, as it has been because this ordinance would not retroactively address those that are already exist. Mr. Poston in addition the standards speak about site plan requiring a minimum of 2 acres and different levels based on the number of campsites for enough space for septic and well. Another standard came from emergency services to require clear visible signage of each campsite, as they have been having safety concerns and issues locating which campsite. Campground Level 1 is for sites with at least 2 campsites but less than 15, and Campground Level 2 is for sites with 15 or more campsites. Each of the levels based on the impact have appropriate standards regarding roads and drainage, utilities, RV sites and campsites, storage of RV's and parking. Staff would not be involved in those that are camping on their own property, especially over the weekend. However, if they see existing campsites that are being developed with access issues they would require the campsite should start to come into compliance with the ordinance standards. The road standards are a modified version from the subdivision ordinance, which speaks to road width based on the number of lots or units that are being served because that would dictate the usage.

Brad Waldrop clarified if someone had two campsites on their own property would be subjected to these new proposed ordinance standards. In addition, he also inquired about tent camping. Mr. Poston stated there is a little bit of difference if they are establishing a campground versus going out into the woods and camping. Mr. Jeleniewski stated the important point is that it is a legal campground, and we are not talking about trespassing on private property. Ms. Crespo inquired if the county would look at campgrounds that are making a revenue.

Mr. Poston stated the definition for campgrounds are two or more temporary or permanent buildings, tents, or other structures established or maintained as a temporary living quarter, operated for recreation, religious, education, or vacation purposes. Mr. Brown stated he did not believe the definition indicates generating revenue. Mr. Poston stated the definition could be altered and they could add a commercial campground. However, they must consider that religious institutions may not be a commercial campground, and may not accept these standards but they could or could not be for profit. Mr. Poston stated he believes there will be these types of retreats that these standards would apply, because the impact and safety issues are still the same despite who is operating these campgrounds.

Ms. Baker stated she does not believe they would want to add commercial to the definition as many of these issues have arose from these units becoming living quarters, which is a residential aspect of these concerns.



Ms. Crespo stated she realized after reading these proposed standards is that even if the campground is a level 1 or level 2, all need to be predetermined and mapped out on a site plan. Therefore, when these plans come through the Planning Department they know what they are looking for and helps answer those questions. Mr. Jeleniewski stated that is correct, or it may be a complaint they are investigating that may require the site to come into compliance.

Mr. Brown inquired if they are doing an ordinance for new campgrounds should they receive feedback from those that are already existing. In addition, he inquired if they would receive complaints regarding if they apply this ordinance to my campground, and why is it not being applied to other existing campgrounds.

Mr. Poston stated that the state has what is called a vested right, which is a nonconforming use, despite a rule that prohibits it. He stated staff is not proposing any changes on this as it becomes difficult to tack over time, you cannot amortize uses but you can ask for the use that exists today to come into compliance within a certain time frame.

Ms. Baker stated they are making a good point, but she believes the campground definition needs to be broad. County staff including, Permitting & Code Enforcement, Environmental Health, and Emergency Management has been receiving many calls due to the housing crisis in the county of citizens looking for every way possible to have housing. Ms. Baker stated the county most likely receives calls on a daily basis for new campsites and campgrounds. Therefore, these concerns are important to address now to catch those concerns moving forward and set up these sites in a safe and healthy way. Ms. Baker stated she believed these standards are a good starting point, and if other issues arise, they would come back before the Board about potential amendments to mitigate.

Mr. Shepherd stated he believes what brought up this campground issue is that people have been using creeks and bodies of water in ways that they probably should not have. In addition, he stated he thinks we probably also see that with some of the mobile home parks around where they have a failed septic, and do not want to go through the permitting process to try to fix and repair the failed septic. He inquired if there is anything the Board could address as a part of this ordinance to address those potential outcomes.

Mr. Poston stated that is out of the scope of the Planning Department, however if they see any health violation to report it to Environmental Health as they have the authority to go investigate and inspect those types of systems. In addition, he stated the feedback that was received from the Environmental Health is the increase of campgrounds has been driving more of their call volume.

Mr. Shepherd inquired if they are aware of any type of situation where there is 10 campers that pop up and appear that are barely livable, does Environmental Health typically intervene at that point. Mr. Poston stated if they are establishing a campground, they are going to require proper sanitation, regardless of the new proposed ordinance. In addition, he stated they could still investigate any type of situation was to occur but they operate and are confined under the rules at the state level and not the local government. Mr. Jeleniewski stated if someone is applying for two RV campers, you do have to have a septic system and potable water. However, if you want to do a utility hookup you will need electric and water, which would require a building, permit where other state regulations would be applied. Mr. Brown stated he has reported complaints of open septic's or broken septic lines to Environmental Health, and they have always responded quickly in a positive way. Mr. Jeleniewski stated speaking from experience last summer we had an complaint in a zoned jurisdiction of a RV near a house, and they were getting water through a garden hose hooked up to the RV and they were straight piping out of the bathroom of the RV to a buried Rubbermaid tub. He stated there were public utilities nearby that they could have hookup to, in order to correct the issue he issued a violation alongside Environmental Health and the violation was corrected within 30 days.



Mr. Shepherd inquired if they have considered putting a timeframe (one or two years) on permanent campers being used as a primary dwelling. Mr. Poston stated they have not tried to go that far yet, and they do recognize that in the past they have had people that will spend a week on their property for work or other and then pack up and leave. He stated staff has not proposed this, but would look into the possibility of a timeframe on permanent campers.

Mr. Brown stated his concern would be that in any development including campgrounds we do not really address the environmental impact in terms of density, water sources, and septic. In addition, he stated if they are not using an approved septic system, what impact it is going to have on Tuckaseigee Water & Sewer Authority (TWSA) if it is within their area, and especially for wetlands. Mr. Brown stated he believes they do not have any real standards that point us in a good direction when it comes to density. Mr. Jeleniewski stated they do have density standards in the county through the Mountain and Hillside Development Ordinance that would require density based on the average slope of the property. In addition, he stated in regards to wetlands they are going to partner and coordinate with other agencies including NCDOT, Army Corps of Engineers, NC Fish and Wildlife, and NC Department of Environmental Quality, etc. Mr. Jeleniewski stated they also have other regulations included floodplain and flooding issues which is enforced through Permitting & Code Enforcement. There are wetlands sprinkled throughout the county but those standards would come through Army Corps of Engineers. Mr. Poston stated they could review how density standards are currently managed in the county, and discuss those with the Board at a future meeting.

Mr. Brown stated he wanted to point out is that when you look at the source of potable water, when you write that down and look at potable water, what does that mean, and where does it come from, how much is available, and how does it affect groundwater recharge. He stated he believes there is a deeper science, and he believes planning departments in the state should start addressing these issues more because we are in a period where we were losing groundwater. In addition, he stated they are losing freshwater and soil which is significant.

Ms. Crespo inquired if they would accept design plans that are not from a professional surveyor or engineer. Mr. Poston stated in Article 3.1 addresses site plan requirements, and staff would go back and review those standards if it is unclear they could add that all campgrounds have to be designed by a designed professional that is licensed in North Carolina.

Mr. Poston presented the highlights of the changes to the Wireless Telecommunications Facilities Ordinance to the Board. He stated they are proposing to move the approval process for all telecommunications facilities from being quasi-judicial hearings at the Board of Commissioners level, to make these applications as administrative approvals. The ordinance includes addressing health, safety and welfare issues, setbacks, and tower height. In addition, the ordinance still addresses when to require types of screening, fencing and where it should be located and if they should have insurance. Mr. Poston stated they did not include the balloon test in the administrative approval because it would lead to some discretionary decision making power, which we do not have the ability to do. Another issue the new ordinance would address is tower height and they are recommending that the tower height be elevated to 199 feet, which is under the FAA regulations for lighting a tower and having a beacon on the tower. He stated staff believes at that height level it would start impacting more than just the localized area. Mr. Poston stated many communities have that standard in their ordinances, and in the planning profession and government, everything is mostly considered open source. In addition, he stated they are recognizing that Jackson County is a different place due to the mountains and it is not the same as the landscape east of Buncombe County.

Mr. Brown stated he is concerned about access to high elevation areas that are roads. He stated recently there was a new tower that was installed in Dillsboro and they had a road going up directly up the mountain to the tower, and he believes there should be some other acceptable standard they could apply. Mr. Brown stated for example, they have helicopter type of logging where they would come in and remove cut trees. Unfortunately, he stated he believes there is a lot



of environmental damage related to the road component to the tower site. In addition, he stated when the logging company went in to log for the road, there was a lot of muddy water that went into the watershed.

Mr. Jeleniewski stated the ordinance does require the applicant have a plan for the access road if it does not currently exist, and provide an erosion control plan that complies with the subdivision regulations. If there were a violation, for instance if the site had runoff and was not graded properly the erosion control department would issue a violation of the permit until the problem is corrected.

Mr. Poston stated another change they made was removing view shed from public roads, as roads wind in the mountains and it is sometimes difficult for staff to evaluate and determine where the view shed is located. The other change they made was removing the view shed from the Blue Ridge Parkway as it is difficult to determine at all sides if the tower would be visible to the parkway.

*Vice Chair Thomas Taulbee closed the Public Hearing at 7:11 p.m.*

*Ken Brown made a motion to approve the text amendments to the Unified Development Ordinance (UDO) Article VI Section 6.7 regarding Campgrounds, and Section 6.2 regarding Wireless Communication Facilities, and the consistency statement. Adam Holt seconded the motion, and it passed unanimously.*

**c) Resolution to allow the Planning Director to call for a public hearing**

Mr. Poston stated this resolution comes before the Board for efficiency, as the current process is staff is required to come before the Board to ask to call for a public hearing. The resolution would authorize planning staff on behalf of the Board, the authority to advertise the public hearings when they are needed, as opposed to having spent an additional meeting for the Board to call for it. In addition, he stated this is not about policy, land use but simply allow staff to make this process run a little more efficiently and smoothly. Mr. Poston stated the Board would be notified of these public hearings ahead of time.

*Adam Holt made a motion to approve the resolution to allow the Planning Director to call for a public hearing. Ken Brown seconded the motion, and it passed unanimously.*

**Adjournment**

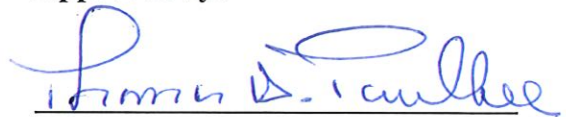
With no further business, Brad Waldrop made a motion to adjourn. Ken Brown seconded the motion, and the meeting adjourned at 7:21 p.m

**Submitted by:**



**Allison Kelley**  
**Administrative Assistant – Planning**

**Approved by:**



**Planning Board Chairman**

