

JACKSON COUNTY PLANNING BOARD

MINUTES

Date: December 8, 2022								
Time Begin: 6:07 p.m.								
Time End: 7:17 p.m.								
Location: Department on Aging, Heritage Room								
Members	Present	Absent		Present	Absent		Present	Absent
Emily Moss		X	Brad Waldrop		X	Thomas Taulbee	X	
Sandy Davis	X		Mark Letson	X		Ken Brown		X
Brian Barwatt	X		Ollin Dunford		X	<i>Vacant</i>		
Kirk Shufelt	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

Others Present:

Principal Chief Richard Sneed, Eastern Band of Cherokee Indians
Edwin Taylor, Director of Housing - Eastern Band of Cherokee Indians
Tyler Fields, 4D Engineering
Candler Cooper, resident
Thomas Miller, resident
Other members from the public

Call to Order and Quorum Check

Chairman Mark Letson called the meeting to order at 6:07 p.m. and a quorum was present.

Approval of the Agenda

Thomas Taulbee made a motion to approve the agenda as written. Joyce Cooper seconded the motion, and it carried unanimously.

Approval of the Minutes

Brian Barwatt made a motion to approve November 10, 2022 minutes. Thomas Taulbee seconded the motion, and it carried unanimously.

Public Comment

- Candler Cooper: Mr. Cooper stated there would be many houses added onto Camp Creek Road, and the roads are already crowded. He inquired if they have looked at the roads, if they knew if the houses were going to be for sale or rent. In addition, he stated he is concerned about the road with the increase of traffic he would expect the road would have to be widened, and he is concerned of potential affected property values. He inquired if the property was within the 441 Corridor regulated zoning district, as his property is located within the district and he is concerned about the potential impacts of the proposed development.

- Thomas Miller: Mr. Miller stated he shared some of the concerns that were voiced by Mr. Cooper. In addition, he stated he had lived on Camp Creek Road for 11 years, and it is a very narrow road and he has witnessed several accidents and had heard of many more. Mr. Miller stated it is a big development, and it is going to have a huge impact on a very rural area. Many people choose to live in this area because they like it being in a rural area, the proposed development would completely transform this rural area.

New Business

a) Major Subdivision Review: Camp Creek Subdivision

John Jeleniewski presented the staff report for the proposed E.B.C.I. Camp Creek Housing Development project located at 1955 Camp Creek Road (PIN 7624-10-5375). He stated the Eastern Band of Cherokee Indians is proposing a major subdivision that will consist of up to 495 dwelling units on 188.38 +/- acres in four phases. Access to this proposed subdivision will be from Camp Creek Road which is an NCDOT maintained roadway (S.R. 1406) and has an approximate average pavement width of 20'. Phase 1 of this development will consist of 74 dwelling units of mixed types, two community buildings, a sales office and a post office. This phase will be served by three roads all 20' in width and two one-way roadways, 12' in width that serve individual cottage dwellings. The proposed single-family home lots will range from 0.06 to 0.18 acres in land area. Site amenities for phase 1 will include community buildings (meetings/conference), community garden with garden shed, bus shelter, playground and walking trails. Site grading (cut and fill) will be moderate for infrastructure improvement as the submitted plans indicate that the proposed road network will take advantage of the existing topography while site grading for structures will be built by graded pads and walls. The submitted plans indicate responsible storm water and erosion control measures, which have been designed by a registered engineer. Water and sewer services for this proposed major subdivision will be provided by E.B.C.I. Tribal Utilities and fire protection will be provided by the Qualla Fire Department. This property is not located within a designated flood hazard area (Floodway/100-year flood plain). The total land area of this property is 188.38 +/- acres; however, Camp Creek Road artificially subdivides this property creating two tracts, 28.81 +/- acres to the west and 159.57 +/- acres to the east. The average slope of the west side tract is 21%, which does not prompt the administration of Mountain and Hillside Development Ordinance (density standard). The average slope of the east side tract is 45%; however, 70.97 +/- acres of this tract will be maintained as "protected/non-buildable", in so doing, reducing the average slope of the remaining east tract (88.60 acres +/-) to 31%, which does not prompt the administration of Mountain and Hillside Development Ordinance (density standard). The protected/non-buildable areas cannot be developed and are required to be recorded with the Jackson County Register of Deeds Office. This subdivision is required to provide a minimum of 20% open space overall and the applicant is providing approximately 38% of open space for this development. The applicant is hopeful of entering into a Development Agreement with Jackson County, which will come before the Planning Board for review and recommendation.

This development is subject to review under the county's subdivision ordinance as a major subdivision, tier 2 and this subdivision type includes a development with more than 99 lots/structures. The role of the Planning Board in this review is to assure the submitted Principal Concept Plan complies with the standards established in the subdivision ordinance. The subdivision ordinance establishes standards for road design and construction, site grading, storm water management, provision of water and wastewater treatment, and other matters related to the proposed development. Other County ordinances, notably the erosion and sediment control and water recharge ordinances, address other matters related to the development of the project. Staff will assure these standards are met with plans meeting specifications established by Jackson County ordinances having to be approved prior to commencement of construction activities. The

Planning Board will be kept informed of the status of approval of the plans, and schedule for construction activities.

Mr. Jeleniewski stated Camp Creek Road (Secondary Road 1406) splits the proposed subdivision, which is a State Road that NCDOT maintains. Both sides of the subdivision will have direct connection to Camp Creek Road including three access points. He stated since this is a NCDOT road the applicant is required to get approval through their office and get driveway permits. In addition, he stated if there is any mitigation from the property line whether that be widening the road, adding turn lanes to get into the entrances of this project that would be required through the NCDOT and not the county. Therefore, the applicant would be providing these plans to NCDOT and receiving those approvals or any mitigation efforts that is required. In addition, he stated the applicant would be submitting a traffic impact analysis to the NCDOT to better understand the mitigation efforts going forward for this project. Mr. Jeleniewski stated a professional engineer Charlie Deep of 4D Engineering has designed the roads within the proposed project to comply with the subdivision standards of the required minimum width of road for the number of units the road would be serving. In addition, he stated the Plan and Profile sheets submitted indicate that the proposed graded slopes ("cut" and "fill") will meet the ordinance standard. The road system within the proposed subdivision is designed per NCDOT subdivision roadway standards; however, these roadways will not be dedicated to the NCDOT for future state maintenance. The access roads for the proposed subdivision will meet or exceed the required road type for the number of lots/units served. Mr. Jeleniewski stated that the access to the subdivision will have legal ingress/egress connection to the public-right-of-way, Camp Creek Road that is an NCDOT maintained road (S.R. 1406). NCDOT does have the authority and the autonomy to require the applicant to adjust/shift the proposed access roads depending on the spacing of the entrances, and sight distance issues. The proposed roadways for the proposed subdivision will be paved and the maximum slope for any road will not exceed 15.46% or 300' in length. Phase one of the subdivision will have two 12 foot wide paved one-way alleys that serve the individual cottage units and do not exceed 1,000' in length. The cleared/graded corridor for road construction for the proposed subdivision should be minimal; however, due to the proposed on street parking and graded building pads, there will be an appearance of a wider than usual roadway corridor in some areas. In addition, he stated vertical curves for the proposed roadways meet or exceed the ordinance standard. Cul-da-sac's and "T" turns have been identified on the submitted plans and will meet the ordinance standard. The proposed property is not adjacent to public lands, however there is going to be a protective non-buildable area that the community could access for walking trails, which may or may not be available to the public.

Mr. Jeleniewski stated the proposed project is not required to have sidewalks, however the applicant is proposing sidewalks along the roadways and they will be required to meet all ADA requirements. The proposed stormwater and erosion control measures for this overall project will meet or exceed the ordinance regulation and is in accordance with the local/State standards for erosion control measures (BMP's) and for future conveyance and stormwater runoff from the impervious surfaces. Erosion control plans will be reviewed by the Jackson County Erosion Control Department prior to issuance of EC permits. The project does have several environmentally sensitive areas and the plans indicate required and responsible measures for their protection. He stated the development would have up to 495 dwelling lots/units and supporting non-residential uses on a total of 188.38 acres, which would be 0.38 acres per dwelling. The subdivision is considered high density and will comply with the ordinance standard for stormwater design. In addition, he stated trees, shrubs and ground cover existing at the beginning of the development operations shall be preserved to the maximum extent reasonably feasible where they are of species and in locations likely to add amenity to the completed development. The applicant has committed to preserving as much existing/native vegetation as possible, which includes a protected non-buildable areas of 70.97 +/- acres. Public water and sewer service for the

proposed subdivision will be provided by EBCI Tribal Utilities and will be required to meet design and construction standards of that agency as well as any State permitting requirements.

Mr. Jeleniewski stated staff's recommendation is to approve the Camp Creek Subdivision under the condition that all proposed site construction be in accordance the Jackson County Unified Development Ordinance, all other applicable County ordinances, final engineered site construction plans and Development Agreement when approved by the Jackson County Board of Commissioners. Also, that the applicant complies with any requirements set forth by the NCDOT, State of North Carolina, Army Corps of Engineers, Duke Energy and any other agency with jurisdiction.

Kirk Shufelt inquired if the Board was responsible for any kind of environmental impact study for the proposed subdivision. Mr. Jeleniewski stated during the applicants planning and engineering of the site they have identified wetland areas and springheads on this property to stay away from and applied the minimum buffer requirements by the state. Jackson County Erosion Control would be involved due to the size of the project; however, they will still have to receive permits through the state. Mr. Shufelt clarified that the protected non-buildable area could have walking trails, biking trails but no structures, electricity, or plumbing could be within this area. Mr. Jeleniewski stated that Mr. Shufelt was correct, as that is the ordinance requirements for protective non-buildable areas.

Mr. Letson inquired if the community would have their own sewer plant. Mr. Jeleniewski stated tribal utilities coming down from the boundary with a pressure line for a good part of it, and there is an area there is an area for a lift/pump station that would be collected and get pumped up to their facility for treatment.

Sandy Davis inquired if the traffic analysis they submit to DOT addresses accessibility by first responders and emergency vehicles. Mr. Jeleniewski stated it could, it is really focused on the traffic movement on Camp Creek, the amount of vehicles and trips per day. Mr. Poston stated the DOT would incur the Camp Creek section as they are the entity responsible for reviewing impacts to their roadway, and under what conditions they would allow property to have a driveway permit and connection. Our county ordinance is designed to determine how vehicles are going to move in and out throughout the development. In addition, he stated there is no county road system in North Carolina, and counties do not own and maintain roads but the state does have authority on secondary and state maintained roads. The county does have road standards that speak about how we move emergency vehicles, how we have access, and how we do that in a safe manner depending on the size of development. Ms. Davis inquired that the standard of the 12-foot road width would allow for emergency vehicles. Mr. Poston stated yes that is the intent of the standards, and throughout the process they would discuss with the building department regarding access.

Mr. Letson inquired if there was a plan in place for parking in some of the green spaces if someone lives in the Phase 3 on the back end of the property. Mr. Jeleniewski stated they do have on-street parallel parking on the loops where the road is wider, and there is additional parking at the public spaces such as the clubhouse areas. In addition, he stated to keep in mind that this development is a community and is designed more for pedestrian traffic than driving.

Applicant Richard Sneed, principal chief to the Eastern Band of Cherokee Indians (EBCI) stated the tribe wants to be a good partner and a good neighbor for Jackson County. He stated we have already brought utilities all the way out to Smoky Mountain Elementary and to the new Pepsi plant as a request by Smoky Mountain Elementary and middle school. The project itself would bring utilities out to the Camp Creek area with no burden on the County taxpayers. In addition, he stated this project would also increase the property tax base to the county. The EBCI is a member of the Council of Government Southwestern Commission and he stated without fail every single meeting they have the number one top priority is housing, and number two is access to broadband, Wi-Fi, etc. He stated the tribe would provide the fire service, and they have 36 full time firefighters that would be provided at no cost to the county as well. Mr. Sneed stated the

community is well planned and designed, and it is a comprehensive design that exceeds the requirements of the county. In addition, he stated EBCI is here to bring value to being a partner and a good neighbor to the county. EBCI is expanding their footprint at this time for Balsam West and Cherokee broadband that would bring access to the Camp Creek area.

Brain Barwatt inquired how would the tribal fire department work if properties are outside the Qualla Boundary in Jackson County. Mr. Sneed stated that Cherokee would provide assistance with fire through their mutual aid agreement with Jackson, Swain, and Haywood counties that has been ongoing for years for police, fire and EMS.

Mr. Letson inquired if the applicant had received any information from the DOT regarding Camp Creek road. Mr. Sneed stated not to his knowledge, but the road does fall under their jurisdiction and he could follow up and inform the board. Edwin Taylor, Director of Housing for EBCI stated during the preliminary discussion with NCDOT, the way that the road is constructed is sufficient and the traffic flow would be approximately for egress and ingress access points on Camp Creek Road. Throughout the development there are plans to widen it and have turn medians, etc. to slow the traffic through the development. Mr. Taylor stated there has been some discussions but nothing regarding widening from the end of the development.

Joyce Cooper inquired if they had any statistics as far as how many vehicles travel Camp Creek Road every day. Mr. Taylor stated their engineers are working with NCDOT as they have those numbers, and they have not received the report back. Ms. Cooper inquired about traffic lights. Mr. Taylor stated that would be a part of the NCDOT recommendation if they want them to put up flashing lights or turn points to slow any traffic. In addition, he stated DOT has not mentioned anything regarding traffic lights on Highway 441 to slow traffic down at that area.

Kirk Shufelt made a motion to approve the Camp Creek Subdivision with staff's recommendations. Thomas Taulbee seconded the motion, and it passed with a vote 5-1 with Joyce Cooper opposed.

b) UDO: Wireless Communication Discussion

Mr. Poston stated at the last Board meeting staff introduced forthcoming updates to the Wireless Communication Ordinance to reach some options of how to better provide the balance for the welfare and health safety that our ordinances brings versus what types of processes we use to improve those. He stated the county does have mountains, and regarding height, they have seen requests for the height of the tower to be 180 feet. In addition, he stated they are looking at the current quasi-judicial process and replacing it with an administrative process. Mr. Poston stated the ordinance currently has a modification section that is typically reviewed by the Board of Commissioners, which would be removed and replaced, as the administrative process would take care of those common application requirements.

Mr. Poston asked the Board to consider calling for a public hearing on their regular scheduled January meeting for both campground standards and the wireless communication facilities. In addition, he stated if there is any questions or concerns to reach out to staff.

Mr. Poston presented the Certificate of "Awesomeness" and Appreciation of Service to our three members rolling off the Board; Tamera Crisp, Kirk Shufelt, and Mark Letson. Mr. Letson stated that he resigns from the Jackson County Planning Board to not interfere with his role as Chairman of the Jackson County Board of Commissioners.

Kirk Shufelt made a motion to call for a public hearing on January 12, 2023 at 6:00 p.m. regarding text amendments to the UDO for campground standards and wireless communication facilities. Thomas Taulbee seconded the motion, and it passed unanimously.

Adjournment

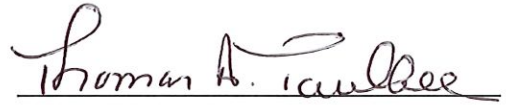
With no further business, Mark Letson made a motion to adjourn and it carried unanimously, and the meeting adjourned at 7:17 p.m.

Submitted by:

A handwritten signature in blue ink, reading "Allison Kelley", written over a horizontal line.

Allison Kelley
Administrative Assistant – Planning

Approved by:

A handwritten signature in blue ink, reading "Thomas A. Paulbee", written over a horizontal line.

Planning Board Chairman