

# JACKSON COUNTY PLANNING BOARD

## MINUTES

<b>Date:</b> October 14, 2024								
<b>Time Begin:</b> 6:07 p.m.								
<b>Time End:</b> 7:02 p.m.								
<b>Location:</b> Department on Aging, Heritage Room								
Members	Present	Absent		Present	Absent		Present	Absent
Emily Moss		X	Nathan Shepherd	X		Elmer Rhodie Humbert		X
Brian Barwatt	X		Ollin Dunford	X		<i>Vacant</i>		
Michael Cox		X	Joyce Cooper	X		<i>Vacant</i>		
Ken Brown	X		Beverly Crespo	X				

**Staff Present:**

Michael Poston- Planning Director  
 John Jeleniewski- Senior Planner  
 Ashley Clapsaddle- Planner I  
 Allison Kelley- Administrative Assistant III

**Call to Order and Quorum Check**

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

**Approval of the Agenda**

Beverly Crespo made a motion to approve the agenda as written. Ollin Dunford seconded the motion, and it carried unanimously.

**Approval of the Minutes**

Brain Barwatt made a motion to approve August 19, 2024 minutes. Ken Brown seconded the motion, and it carried unanimously.

**Public Comment**

There were no public comments.

**Old Business**

**a) Water Recharge Ordinance Discussion**

Mr. Poston updated the Board that staff met with Katie Price from the Watershed Association of the Tuckasegee River (WATR) to inform her of what the Board is working on with this ordinance. Some of the concept that the Board found important was writing a code that helps and encourage people to preserve the vegetation that currently exist on their property, because it absorbs and recharges the watershed more efficiently than our engineered systems. The Board discussed requiring a percentage if the stormwater gets triggered to be bio-retention or to be some sort of green based type of element. Based on that conversation, Ms. Price indicated that the Board was heading in the right direction based on her profession, and that when there is draft language she would review and offer her feedback to the Board.

Mr. Poston stated the Board asked staff to come back with more information regarding different percentages that would be a trigger mechanism within this ordinance. Currently, the ordinance states that you can develop 70% of your lot with impervious surfaces without triggering any stormwater control other than what is required to meet the base standard. Staff presented the following visual examples of the water recharge study for 50%, 40%, and 30% of impervious surface as follows:

**Water Recharge Study for 50% Impervious Surface (Non-Residential Development)**

*Concept Project Data:*

- Proposed Non-Residential Building is 11,274 square feet in area
- Proposed Paved Parking Area is 9,462 square feet in area with 26 parking stalls
- Proposed Dumpster Pad and Enclosure is 288 square feet in area
- Proposed Concrete Sidewalk is 756 square feet in area

*Concept Project Calculations:*

- Total Property Area = 43,560 square feet (1 acre)
- Total Impervious Surface Area = 21,780 square feet (0.50 acre)
- Total Pervious Surface Area = 21,780 square feet (0.50 acre)

**Water Recharge Study for 40% Impervious Surface (Non-Residential Development)**

*Concept Project Data:*

- Proposed Non-Residential Building is 7,905 square feet in area
- Proposed Paved Parking Area is 8,517 square feet in area with 24 parking stalls
- Proposed Dumpster Pad and Enclosure is 288 square feet in area
- Proposed Concrete Sidewalk is 714 square feet in area

*Concept Project Calculations:*

- Total Property Area = 43,560 square feet (1 acre)
- Total Impervious Surface Area = 17,424 square feet (0.40 acre)
- Total Pervious Surface Area = 26,136 square feet (0.60 acre)

**Water Recharge Study for 30% Impervious Surface (Non-Residential Development)**

*Concept Project Data:*

- Proposed Non-Residential Building is 5,000 square feet in area
- Proposed Paved Parking Area is 7,160 square feet in area with 20 parking stalls
- Proposed Dumpster Pad and Enclosure is 288 square feet in area
- Proposed Concrete Sidewalk is 620 square feet in area

*Concept Project Calculations:*

- Total Property Area = 43,560 square feet (1 acre)
- Total Impervious Surface Area = 13,068 square feet (0.30 acre)
- Total Pervious Surface Area = 30,492 square feet (0.70 acre)

Mr. Poston stated he believed the most dense project we had was in Cashiers for TJ Bailey's at 60% impervious. The Cashiers ordinance requires stormwater retention for every project, however over all the projects that staff has studied over the last two years this project has more impervious surface than what we find in most of the projects. He inquired from the Board which percentage of impervious should they consider to trigger requiring stormwater.

Mr. Jeleniewski stated over his 12 years with the County, they have never had a project that has even approached 70%. Based on that, staff felt a triggering mechanism would be better suited than having a cap at a maximum. However, the Board can consider to cap at a maximum and this ordinance affects only non-residential or multi-family developments. In addition, there are other requirements in the county depending on the development such as septic and wells that will take up your footprint. The topographic features in our County do not lend itself from



property corner to property corner, and that is why we do not see massive impervious surface in the County.

Ms. Crespo inquired if it would be important to know the elevation of the property and it be tied to that elevation, rather than to the impervious surface. Mr. Poston stated the federal government allows you to build in the flood plain as long as you meet the higher building threshold by being at the base flood elevation. The first-floor elevation has to be at that base flood elevation, and locally we require you to actually be two feet above that base food elevation. This ordinance is not so much about managing flood as it is about trying to improve water quality and the quality of our riverine areas. If we get 30 inches of rain, there is no storm water system that you can put in that is designed to handle that amount of rain, and during those flood events it is just going to flood. In addition, he stated we are discussing how we manage in normal conditions runoff and the impacts of runoff into our stream systems.

Mr. Jeleniewski stated there is no regulation that we could have put in place that will would have prevented anything that you saw that happened from Hurricane Helene. The flooding from Hurricane Helene was a 500 and 1000 year flooding that occurred. There is nothing that humans can do, and we would not be building anything if that was a regulator. Mr. Brown mentioned there were models that said that was a 20,000 year flood. Mr. Jeleniewski stated that could be, but if there were regulations that was designed to the 500 year flood nothing would be built anymore. Mr. Jeleniewski stated the important aspect with what they are discussing is that would be treatment and slowing down the water because that causes erosion downstream. In addition, it is important to cool down the water because we have an ecosystem that depends on cooler water. The goal is to detain the water on site in a normal event and it is treated and slowed down.

Mr. Poston stated that staff could try to take a look at Ms. Crespo's inquiry of elevation, however, it may be difficult to administer. Currently, the County bases everything off of an average slope for density because they are able to calculate that and it is easy to understand, manage and apply. We want to address the concerns and issues, but the County has to do it in a way that can be understood by the community and builders and that can be applied evenly throughout the County.

The current ordinance cap at 70% which is when the stormwater measures are triggered is not achieving water quality, and by incorporating a triggering mechanism at a smaller percentage would help achieve the intention of the ordinance. In addition, it would enable water runoff that is coming off of a non-residential site like the visual Water Recharge Study examples to have higher quality when it leaves the site than how it currently is without any treatment. The goal is to also build incentives within the ordinance to encourage bio-retention and underground storage so the water does recharge.

Mr. Brown stated he believed that they should trigger at 30% that they are required to have some bio-retention, storm water, etc. Mr. Jeleniewski inquired if he is saying that we should have a two-step process to trigger at 30% and then at 40% they would be required to do bio-retention. Mr. Brown stated yes, something like that as we are not going to stop development but he believes that the stricter we make the ordinance now it is important for future growth.

Mr. Poston stated the purpose of what they are discussing is to require people to start mitigating the impacts of development at a lower threshold, because we recognize that in Jackson County there are 250 named streams and rivers that is important to our way of life and economy. In addition, we want people that develop in our County to start helping us protect our natural resource.



Mr. Poston stated based on the Boards feedback staff will begin to work on amending the language to have the trigger at 30% and then building in a stair step at 40% to start requiring at least a percentage of their storm water to be a bioretention type of mechanisms or facilities. The proposed changes may likely lead to somebody to buy a little more property and under develop, which leaves more of that property in a natural state. The best form of water recharge to happen is when in its natural state based on research and conversations with WATR. The Board can begin discussing how they are going to mitigate some of those impacts of development to aid in water recharge in a more meaningful way. The water recharge ordinance well intentioned, but it does not really address the impacts of development on our communities as well as we have envisioned. Making these amendments should help to improve some of the concerns that we have and the more we learn about the types of flood waters that have impacted our neighbors to the east, we should get a better sense of what we should be thinking about in terms of floodplain.

There are some private firms that are doing some floodplain modeling with a different methodology than what FEMA uses, which produces our flood maps and are tied to the National Flood Insurance Program. The only way that flood insurance is subsidized in your communities is that communities adopt the flood maps and adopt the regulatory language that is passed down from the federal government through the states to the County. Jackson County has participated in the National Flood Insurance Program since 1987. FEMA is currently developing and looking to finalize new draft maps of Jackson County. Most of the flooding from Hurricane Helene such as in Dillsboro starts to get accounted for in those new maps, and in some areas those new maps may show the flood zone to be expanded or reduced for example when the Dillsboro dam was taken out. FEMA should be sending those updated draft maps likely over the next couple of months.

Mr. Brown stated FEMA may likely consider the private firms maps as they have already been created even though they are doing their own remapping. Mr. Poston stated most of the mapping that happens through the state and our area has not been regularly and routinely updated or kept those flood maps up to date in over a decade. Mr. Brown stated the flooding event from Hurricane Helene is likely going to force us to consider some of those things that these private engineering firms are already putting out there in plain language. In addition, he stated it is interesting that when those firms have already put a map out, and it almost mirrors what happens during an event like that.

Mr. Brown stated there has been discussion amongst water people that if the storm had been 40 or 50 miles west, in this watershed with 250 named streams, more steep slopes, more mountain territory it would have been unbelievable. He stated he has been all over the place and has seen streams completely rerouted up in Greens Creek area, Ox Creek and north of there, and then down into the Chimney Rock area around Hendersonville. The County needs to consider and start thinking, because it could happen here and we were lucky compared to other areas because of the little cool front that push the storm a little east.

Mr. Shepherd inquired in terms of commercial or non-residential, if this ordinance would affect storage units, churches and fair grounds. Mr. Poston stated yes, but area where the County is considering a proposed fairground the impervious surface already exists and pre-dates the ordinance. However, the County will still be required to follow the rules that exist within the ordinance when they begin to start the project.

Mr. Poston stated at 30% we are going to tell a developer that you have to account for your stormwater. The 25 year storm term is an engineering standard, and it does not mean that it will not happen more than every 25 years. With the water recharge ordinance, we will lay out what design criteria that they have to consider, and then at 30% they would be required to meet



that across the site, and they will be required to account for the percentage of impervious surface that is on the site. Mr. Brown recommend that staff talk to Division of Water Resources about what they are planning to push in terms of those 25 year, 50 year, 100 year storms, because both the Division of Water Resources and the Environmental Management Commission is going to push very hard to change those thresholds. Mr. Poston stated they would likely be a time frame issue unless the Board want to wait for the state government to change something. Mr. Brown stated he does not believe they should wait but that they need to look into that and take that into consideration. Mr. Jeleniewski stated that is something that they could always go back to the ordinance for a review and be plugged in later.

Mr. Jeleniewski stated climate migration is a real thing and after these events that have happened this year, we are going to see population growth in western North Carolina. He stated even with these storms and the damage we have seen, people are going to be getting out of Florida for a number of different reasons, such as the insurance mess and all of the other stuff that is happening down there, people are going to seek higher ground. In addition, we are probably going to see an explosion again just like we had right after COVID.

Mr. Brown stated he has met an innumerable amount of people who have moved here and a lot of them are from California, and a lot of them believe that this area has an unlimited supply of water because that information is not readily available of how our water systems actually function.

Mr. Shepherd directed staff to begin drafting the ordinance language starting at 30% with a stair step to 40% of what they would be requiring to achieve better water recharge in the County. The next Planning Board's regularly scheduled meeting falls on the Veterans Day Holiday. Based on staff's schedule and upcoming holidays, the Board determined to cancel the meeting in November to allow more time for staff to draft the language to present to the Board on the December 9<sup>th</sup> scheduled meeting. Mr. Poston informed the Board that multi-family will not be apart of this ordinance because there is already an existing section for multi-family developments and those regulations for stormwater are already built into that ordinance section.

Mr. Poston introduced the new Planner I, Ashley Clapsaddle who joined the department three weeks ago. He stated Ms. Clapsaddle has been with the County for a few years and has experience in Environmental Health and Health Education.

**Adjournment**

With no further business, Ken Brown made a motion to adjourn. Joyce Cooper seconded the motion, and the meeting adjourned at 7:02 p.m.

**Submitted by:**



**Allison Kelley**  
Administrative Assistant – Planning

**Approved by:**



**Nathan Shepherd**  
Planning Board Chairman

