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MEMO

To: Jackson County Board of Commissioners
Cc: Don Adams, County Manager
From: Michael Poston, Planning Director
Date: March 8, 2023

RE: Proposed UDO amendments- Campgrounds and Wireless Communications

Planning Staff has been working with the Planning Board on proposed amendments to Article VI of the UDO- Development Standards. The proposed amendments will amend the current Wireless Communications development standards and add development standards for campgrounds.

The proposed amendments to the Wireless Communications standards are mostly related to the changes to the approval process. Currently, all new towers must apply for a special use permit and receive approval from the Board of Commissioners through a quasi-judicial hearing process. The proposed amendments would provide an administrative approval process for all wireless communications facility applications. The reason for the recommended change is two-fold. The first reason is that the County has held several hearing for wireless communications towers over past seven years with little to no participation from adjacent property owners and community members. When the Planning Staff is contacted about these towers, a majority of those calls are about when the area can expect improved service. The second is that the quasi-judicial process, as the name suggest, is more akin to a court case than a public hearing. It is a regimented process open only to those people with legal standing. That combined with recent changes to the state statutes regarding appeals of quasi-judicial cases that create legal liability issues for local governments is leading to communities re-evaluating their approval processes.

Also included in the proposed amendments are changes that increase tower heights up to 199 feet (including appurtenances) and addresses additional regulations that are difficult to apply. The tower height increase is in recognition of our County's unique topographic challenges and that we require all towers to include co-location space for two additional providers. These factors led staff to recommend the proposed change in maximum height. It should be noted that towers that exceed 200 feet are required by federal regulations to be lit at night. Our maximum height recommendation is below that level. The remaining technical standards included in the ordinance (i.e. fall zones, engineering requirements, access road standards) are not being changed in the proposed amendments.

The proposed campground regulations were first discussed at our Permit Review staff meeting that includes representatives from the Code Enforcement Department, Environmental Health, Planning, and other related

departments. In these meetings staff discussed complaints received by each department regarding newer campgrounds and discussed the impact and associated health, safety and welfare concerns for users of these facilities. The County is seeing an increase in the number of campgrounds being proposed and developed. However, there are no existing regulations that guide development of campgrounds in the County.

The proposed standards will better guide campground development in Jackson County to provide for the health, safety and general welfare of the County and campground users. The proposed regulations included minimum lot size to establish a campground, maximum density (number of sites per acre), setback distances for property lines and adjacent campsites, minimum road construction requirements, 911 addressing and signage, and requirements for bathhouses and laundry rooms (depending on the size of the proposed campground).

It should be noted that these proposed amendments also require changes to Article II and Article III regarding Board responsibilities and permit process. If the Commissioners approve the proposed campground development regulations, they would not apply retroactively. They would only apply to campgrounds developed or expanded after the date of approval.

The Planning Board held a public hearing for the proposed changes and no public comment was made. The Planning Board unanimously recommended that the Board of Commissioners consider adoption of the proposed amendments.