

**MINUTES OF A PUBLIC HEARING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
APRIL 23, 2015**

The Jackson County Board of Commissioners held a Public Hearing on April 23, 2015, at 6:00 p.m., Jackson County Recreation Center, 88 Cullowhee Mountain Road, Cullowhee, North Carolina.

Present: Brian McMahan, Chairman
Mark Jones, Vice Chair
Charles Elders, Commissioner
Vicki Greene, Commissioner
Boyce Deitz, Commissioner

Chuck Wooten, County Manager
Angela M. Winchester, Clerk to Board

Chairman McMahan called the public hearing to order and stated the purpose was to receive public input for consideration of the proposed Cullowhee Development Standards.

Gerald Green, Planning Director stated The Cullowhee Community Planning Advisory Committee has recommended adoption of development standards, with a development district map, for the Cullowhee community. The preparation of the development standards and map is authorized by Section 153A-342 of the North Carolina General Statutes. In addition to authorizing counties to adopt development standards for portions of the county, the legislation establishes standards for the area:

- Minimum of 640 acres
- At least 10 separate tracts
- At least 10 separate owners

The Cullowhee Planning Area contains approximately 1700 acres with approximately 400 separate properties and approximately 350 separate owners.

The Advisory Committee worked for almost a year and a half to formulate the development standards, incorporating several opportunities for community input during the process. Community meetings were held prior to the initiation of the effort to determine if the community supported the effort. Based upon comments made at these meetings, the Board of Commissioners appointed the Cullowhee Community Planning Advisory Committee in August 2013 and charged them with the following tasks:

- Determine whether planning is needed in the Cullowhee community.
- Recommend the boundaries of the Cullowhee planning area.
- Determine if development standards are needed for the Cullowhee planning area and, if so, to recommend appropriate development standards.
- Solicit and incorporate community input into their recommendations.

The recommended development standards provided for the Board's consideration are the results of the Committee's efforts. The Committee identified the need and support for managing the growth of the Cullowhee community, identified appropriate boundaries for the Cullowhee planning area and the need for development standards in this area, and incorporated community input into their recommendations. A dedicated website was created for the effort to provide information to community residents, property owners, and others interested in the project. Two community meetings were held to solicit community input on the initial draft development standards, with letters mailed to all property owners in the designated area informing them of the meetings. In addition, individual meetings were held with some members of the community to answer their questions.

Based upon input provided on the initial draft of the development standards, they were revised and the boundaries of the area were adjusted. The revised development standards and map were made available to the community and a third community meeting was held to solicit input on the revised draft. The Advisory Committee directed additional revisions to the proposed development standards and adjustments to the map based upon comments received during this comment period. The recommended development standards and map are provided for your consideration.

The proposed development standards would establish criteria for the development and major redevelopment of property located within the designated area. Existing development would not be addressed by the standards and all existing uses could remain. Standards for single family development are minimal and a variety of uses could be made of single family properties, from home occupations to student rentals to bed and breakfasts. Development standards for multi-family residential are more extensive and include standards to assure that adequate infrastructure (water, sewer, transportation) are available to meet the needs of the development. In addition to infrastructure, the proposed development standards address:

- Density
- Lot size and setbacks
- Building height
- Parking and access
- Landscaping and buffers
- Signage

The Cullowhee Planning Area map designates the following districts and identifies their location:

- Single family
- Single Family – manufactured home
- Townhome – Low density multi-family
- Medium density multi-family
- High density multi-family
- Institutional
- Commercial
- Parks/Open Space

In most cases, the designation of the property reflects the current use of the property or the anticipated future use as identified by the property owner.

The next step in this process is the consideration of the Cullowhee Community Planning Advisory Committee's recommendation by the Board of Commissioners. Should the Board decide to move ahead with possible adoption of the development standards and accompanying map, a public hearing is required. Adequate public notice, which includes publication of the map and mailed notice to all property owners in the area, must be provided for the public hearing.

The Cullowhee Community Planning Advisory Committee has recommended adoption of the Cullowhee Community Development Standards and the Cullowhee Planning Area map.

PUBLIC COMMENTS:

(a) Mary Jo Jones of Cullowhee stated her family has lived in the area for over a century. She talked to her family and many others, and they believe 93 pages is too restrictive. These regulations are based on Sylva and Cashiers. Cullowhee is not typical of Sylva, Asheville or Cashiers. WCU and the current apartments are the largest portion of Cullowhee. The remainder is a small portion that they are seeking to zone. The issue with the apartments has already happened and now they want to go in afterwards to put in restrictions for the rest. The apartments are there to stay and the county has already zoned new apartments, so she failed to see why it needed to be addressed again. WCU is in the process of pulling students back into dorms and they are building new student buildings. This would basically freeze the status quo in Cullowhee. Today's commercial buildings cannot renovate because they won't meet codes for distance from the river or offsets from the highways. Therefore, they are going to have to sit as they are and they cannot sell because they will not meet standards. Everything has been designated, other than the commercial, as single-family, which means everyone who has land can only build houses. She was not sure that

there is such a demand for houses and those landowners are basically stuck. They can't build apartments and when they regulate the apartments so much, they will just move outside of the restrictive area like they did in Sylva. Every homeowner is going to be adversely affected. Most of the homeowners do not have city sewer and water because it has never been given or allowed. If someone had an acre lot, a disclosure would have to be made to the buyer that it did not meet the requirements of this zoning. It is going to really become very restrictive for everybody in Cullowhee, not just the apartments.

(b) Arbra Gibson of Cullowhee stated the proposed zoning in the Little Savannah area is not proposed in its actual use except for her property, which is 30 acres and it is being unfairly singled out. In January, Little Savannah Road was removed from zoning because it was not contiguous, but NCCAT and the Norton heir's tracts were added. NCCAT is owned by WCU and WCU Properties are excluded. The Norton Property was voluntarily land-locked when Highway 107 was built and there is a narrow strip of property between NCCAT and the Norton property that is not zoned. How does adding an excluded property and a landlocked property make this contiguous? Also, the 93 page Planning Standards document states the lot sizes, setbacks, buffers, types of trees and shrubs that can be planted. Regarding student rentals, the maximum number unrelated persons in a house shall be three if the house is more than $\frac{3}{4}$ of a mile from WCU and five if the house is $\frac{3}{4}$ or less from the campus. There are 11 pages on signage, there are zoning permits, temporary use permits, conditional use permits, designer review, staff review, formal review and she is sure all of these have fees with them. The planning department staff may enter any structure or premises to perform any duty imposed on them by this ordinance. Any violations shall be subject to civil, a \$500 per day fine and criminal penalties. This is a very short synopsis of the document – read it. The Board of Commissioners, Planning Board and Cullowhee Community Planning Council, which is appointed by the Commissioners will probably approve this. The citizens don't even have the right to vote on these very restrictive regulations. According to the Sylva Herald, dated February 15, 2013, the Cullowhee Revitalization Endeavor's (CURVE) Mary Jean Hertzog, who has moved, was the main spokesperson and started a petition creating the council. The petition had only signatures of 1/3 of the property owners that would be in the planning district. They need to do all they can to keep this from happening. The Cullowhee Planning Council documents state that the members shall reside in or own property or a business in the Cullowhee Planning Area. Do these committee members meet these standards?

(c) Gail Debnam of Cullowhee thanked the Commissioners and the Cullowhee Planning Committee for working hard on the ordinance. At first she thought it was a good idea and she thought they did a good job with the apartments, but it is after the fact. There is not a lot that can be done about it now. As she went through the 93 pages and realized that the multiple properties she owns in Cullowhee would not fit under the ordinance, it became very distressing to her. She thinks there are some concerns that perhaps should be looked at before anything else. The residential restrictions as they are stated in the ordinance, to her, take away flexibility, creativity and diversity. She thinks they should be honest about what they are attempting to do. If they don't want to see the junk, then do an ordinance or a fine to get rid of the junk. She drove by 50 beer cans on her way to the meeting through campus, but the trash is not being addressed. No one is addressing mobile homes that are uninhabitable like is across the street. She thinks they need to take a long hard look at what they are really trying to do. Are they really trying to plan this or are they trying to punish the people who live there? She thinks they need to take a long hard look at the residential ordinances. They wouldn't work for her and she does not think they would work for the Commissioners either.

(d) Jack Debnam of Cullowhee stated he was very familiar with the creation of the group, the work they have done and he commended them. But he thought some things were too far. He has a development beside the Cullowhee Café that under these ordinances he couldn't put back as it is because it would not meet the standards that are in the ordinance. They talk about affordable housing in the area and this is the first thing that is done. They have already taken a good area where they had water and sewer available on 441 North and now they are going to take this area that has water and sewer infrastructure and they are going to shut it down. It is going to raise the price of single-family residential housing until it is beyond reach. They think it is beyond reach of most people at the university now, but when this goes into effect, with sidewalks etc., someone would have to build a \$300-400K house just to meet standards. When thinking about this ordinance, think about what it is going to do to the population that they are supposed to be trying to help. If the college wants to buy a contiguous piece of property that's zoned residential and the Board decides that they don't think that the university needs to grow anymore, they couldn't use that property and the only thing they could use is commercial and institutional. That is putting a lot of weight in the hands of the Board. He commended the people that worked on it, they did a good job, they are neighbors, but he thinks they need to look at it some more.

(e) Doug Parker of Cullowhee stated he lived in the Cullowhee area his whole life. He has several different properties in the area and his family owns others. The first way he found out about the planning committee was through the grapevine. The planning committee seems to be addressing the needs, wishes and wants of a few that don't own the majority of acreage in this area. He thinks the input of some of the other landowners needs to be addressed. Cullowhee needs to be a district area, somewhat, he was not against all the rules and regulations. When the road moved from old 107 to new 107 business would have to do so also. Old roads never host the businesses they once had. The so called single-family designation looks to be 75-80% of the map. Some research had been done and in the last five years there had only been one dwelling built inside this planning area that was used for that purpose. It doesn't seem like there is a high demand for that at all. He thinks they really need to think this through, talk to the citizens around and don't listen to some of the sugar coating that the planning committee put out. Talk to the people that voted and ask them how they feel about it.

(f) Richard Wright of Sylva stated he is going to look at this from the other side. He is a building contractor. He has built all over the United States and the zoning have in Jackson County is totally ludicrous, it is too rigid for the area. He has dealt with Raleigh and Charlotte and Jackson County is more stringent than any he had encountered in those areas. What Jackson County has is a perfect planning department that does a great job. When he goes into the reviews it costs money on his end to do a customer's home. When he goes into a zoning area, it is the first thing people look at and they pull away because its more money. Is zoning wanted to curtail development? If they are going to do more to revitalize Cullowhee, give them stimulus money so they can develop and do something to attract people. This county is going to have to address the issue for a new sewer treatment plant in Cullowhee again. There are a lot of other issues in the county other than just zoning in Cullowhee.

(g) Brenda Gray of Cullowhee stated she feels that they want to speak out and does not want to seem as though they are just complaining. Her family has lived in the proposed area for over a century. They have supported Cullowhee, paid taxes, given land gifts to the college, made contributions and done volunteer work. Now they ask the Commissioners to support them in keeping their land free of zoning. Some people have pensions, some have 401K's, but a lot of people have land they have saved through generations and that is their investment they plan to hand it over to their children. But they are told that all the land can be used for is single-families. Down the line maybe they would like to put up a little country store or maybe they would like to have a development. They are not interested in a board of seven or eight people telling them what they can do with their land. So they ask the Commissioners to support them, as they have supported the Commissioners for years.

(h) Geoff Goehle of Cullowhee voiced his general support for the planning initiative. There seems to be a lot of good points made about specific regulations and those should definitely be taken into account. On the other hand, planning and zoning is a normal government function, so it seems reasonable that Cullowhee would get that as it grows up.

(i) Frances Mincey of Cullowhee stated she is a native, her family has been there at least 60 years and her husband's family has been there at least 100 years. She is for zoning, but she does not know about all that is in it. She feels something has to be done. She lives in an area behind Carolina Apartments with a lot of pasture - a lot of land that could be abused by people coming in and purchasing it. In the past, they have dealt with problems with fraternities and apartments. Through the years it settles down, everything goes along great and then it hits them again and it is not only apartments. They had an offer on a pasture to put in solar panels, which would have ruined the area. Zoning does give people who live there an opinion where they could say they don't want something. Another example is on top of Dick's Gap where there is a four-story monstrosity in front of a nice neighborhood and they couldn't say no, they did not have an opinion on that going in there. Families want their families to have the property, generally those people are going to sell because they don't live there. What is it doing to the property value of the people who do live there? She knows there has not been a lot of single-family houses being built there. Some people she knows did not build because they did not know what was going next to them. The only way they can have a decent home and decent lot with nothing going around them is putting in a development like Edgewater where they are protected. The people who live there need to be protected. She asked why people in her area did not receive letters and she thought they would be able to vote.

(j) Tucker Kirk of Cullowhee stated he lived on Edgewater Drive. He thanked the Commissioners for letting everyone express their opinion and he respected everyone's opinion. He thought the committee did a phenomenal job putting together restrictions, which he thinks really are needed in the area. His only request is that on Edgewater Drive a large area was left out on the east side of the river. Since part of the zoning is to protect the river, he requested that portion be added back in.

(k) Mike Doppke of Cullowhee stated there were a lot of good points and a lot of bad points on both sides. There is a lot of merit to it when zoning is done right it can have great benefits, but also when done wrong can have a very negative impact. His challenge to Commissioners would be to review the plans, listen to all the comments and make a good solid plan based off that feedback that satisfies the desires and the needs of the community. As the Cullowhee community grows, there will be challenges. Those challenges need to be addressed now, sooner than later or the door will be open to bigger problems like were faced over the last couple of years and that is not good for the community. Please listen to both sides and make any changes necessary, but work with the plan because it has benefits going forward.

(l) Laura Setzer Lembeck of Cullowhee stated there had been a lot of great statements and she had learned a lot from her neighbors. She is Joel Setzer's sister, who had to leave early. He spent a lot of time and consideration on this and she read his written comments:

"Dear Commissioners and Chuck,

I was planning on speaking tonight, but I have a conflict and cannot stay past 6:25 PM. In case I am unable to speak, I wanted to go ahead and share with you my comments regarding the proposed "Cullowhee Development Standards". Chuck, I did not find an email address for Commissioner Elders and would appreciate your sharing these thoughts with him should I not be able to speak tonight. First, I want to thank the Commissioners, Planning Board, and the Planning Department for embarking on this endeavor. I have either lived in Cullowhee or visited my parents in Cullowhee my 50 years. I believe as WCU continues to grow, continued pressures on surrounding properties is inevitable. Without some type of vision and plan, there will be continued and growing dissatisfaction with the actions and choices of developers and new neighbors. I believe this community is ready to come together and make choices that mutually benefit us all and offer some level of protection. I view this plan as doing just that. Through a process facilitated by the county, the community is coming together to make mutual agreements for the benefit of each one of us. This is not government telling us what we can and cannot do with our property. It is "We the People" making a choice. I have attended many of the meetings regarding this plan. I think the plan, though not perfect, is a good start. If we wait for a perfect plan, we will never get one. In the meantime, WCU will continue to pursue its vision of growth and the surrounding community will see change. Throughout the process of developing the plan, the Advisory Committee and the Planning Department have demonstrated their willingness to listen and make reasonable adjustments. This helped sway me to surrender some of my property ownership rights in favor of mutually beneficial rules. I encourage the Commissioner to adapt the proposed ordinance. I also encourage the Commissioners to take a look at the rules in a two year timeframe to see what is working well and what may need adjusting. Lastly, I want to thank the Cullowhee Community Planning Advisory Committee and the Jackson County Planning Department for their hard work and dedication to this effort. I deeply appreciate the work they have produced."

(m) Joseph Pechmann of Cullowhee stated he supports the zoning process and the draft plan. He realized there may be some changes that need to be made, but overall, the idea of zoning is to protect the community and protect property because what people do on their land affects others land. He thanked the committee, Mr. Green and everyone worked very hard and have to listen to comments that people have made and incorporated those. He encouraged them to continue to do that.

(n) Caroline Lewis of Cullowhee stated she is a native resident of the Cullowhee community. Her family has a lot of property there and her concern is that over the years they have seen a lot of growth with Western as the Cullowhee community has died a very slow, painful death. A lot of the restrictions in this ordinance will allow Western to continue to grow and expand what they are doing, but will not allow the community to reap any of the benefits from that. She believes the zoning will further hinder the revitalization of the Cullowhee community as far as the river district. It has been said over and over that the restrictions are so ridiculous it will not encourage growth. She is concerned about Western's plans to require all freshman and sophomores live on campus. Also, they have lots of restaurants on campus and they keep all of the business there. The only way to ever compete with that is to have businesses off of campus that are close enough that the students want to come to. The Cullowhee community was killed off when the by-pass was put in. It was thought to be a wonderful and great idea of probably a group much like this thinking they were doing something great for the community, but obviously it was not. There is no growth in Cullowhee right now. Yes, it would probably protect those few houses that are there, but for anyone who owns property they cannot use it for anything else. She does not think zoning is going to make people start building houses there. She thinks poor decisions were made in the past and this would just further those decisions. Take another look at how business is directed in the community to promote growth as an important part rather than just putting a lot of policies in place that discourage small businesses from coming in.

There being no further public comments, Commissioner Elders moved that the public hearing be adjourned. Commissioner Jones seconded the Motion. Motion carried.

Attest:

Approved:

Angela M. Winchester, Clerk

Brian Thomas McMahan, Chairman