

**MINUTES OF A PUBLIC HEARING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
NOVEMBER 02, 2021**

The Jackson County Board of Commissioners held a Public Hearing on November 02, 2021, at 5:55 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Boyce Deitz, Vice Chair
Mark Jones, Commissioner
Tom Stribling, Commissioner
Gayle Woody, Commissioner

Don Adams, County Manager
Heather C. Baker, County Attorney
Angela M. Winchester, Clerk to the Board

Chairman McMahan called the public hearing to order and stated the purpose of the public hearing was to receive public input concerning amendments to the Unified Development Ordinance to comply with General Statute 160D and associated amendments.

Mr. Poston stated that they had discussed this over the past two years about the state making changes and how the statutory changes would impact the county's Unified Development Ordinance.

He presented a summary: Unified Development Ordinance (UDO) 160D and Associated Amendments:

(a) UDO Background: Prior to the UDO, the county regulated development through a series of county ordinances.

- The UDO was a framework document that combined the previously 21 standalone ordinances into one document.
- This process was designed to consolidate the land development regulations into one document.
- The UDO framework consolidated several areas of the development ordinances: administration, processes, enforcement and definitions.

(b) What was 160D and why did they need to amend the UDO?

- The state of North Carolina modernized the statutes that gave local governments the ability to regulate land development:
 - 153A granted counties the authority
 - 160A granted cities the authority
- The state combined the two statutes into one new statute 160D.
- They needed to amend the UDO to reflect the new statute references as well as definitions and additional regulatory language adopted.
- Staff also recommended additional amendments to clarify existing policies.
- Prior to the UDO, they would have had to hold approximately 28 public hearings to amend the ordinances.
- This amendment process would require five total public hearing, one for each Planning Council, the Planning Board and on for the Board of Commissioners.

(c) Changes included in the proposed 160D amendments:

- Update all statute references from 153A or 160A to 160D.
- Update terminology:
 - Conditional Uses were now Special Uses.
 - Special Zoning District to Conditional Zoning District.

- Add conflict of interest statements for staff, appointed boards and elected boards.
 - Ensure that definitions were consistent with state definitions.
 - Amendments to Subdivision regulations: Performance guarantees – cannot specify the type of guarantee or use guarantees for repair or maintenance of infrastructure.
 - Amendments to Vested Rights and Permit Choice:
 - Vested Rights change allows for a two year vesting for all site specific development approvals.
 - Permit Choice stated that if a regulation was in the process of being changed when the application was submitted, the applicant may choose which regulations would be applied to the application.
 - Prohibits third party down zoning.
 - Amendments to Enforcement:
 - Specifies how the notice of violation would be used and delivered.
 - Required a 30-day appeal timeframe.
- (d) Amendments for clarification and update processes: Staff made several recommendations, in addition to the required 160D updates that would clarify existing polices and improve processes:
- Include a general provision that graphics and images were for illustrative purposes only.
 - Consolidation of the Board of Adjustment and Watershed Review Board into the Planning Board duties.
 - Clarify the Administrative Review of Special Use Permit applications. Shifts language from approve/deny to complete/incomplete.
 - Clarify the definitions of minor/major subdivision.
 - Clarify how text amendments were initiated.
 - Clarify road design criteria in the subdivision regulations.
 - Clarify stream buffer requirements in the watershed.
 - Remove graphics that were difficult to amend and change to tables. This was done in the US 441 and Cashiers Districts.
 - Update UDO with previously adopted regulations that were inadvertently excluded.
 - One request from 441 Council to add duplexes as an allowable use in the Rural Living District.

Commissioner Jones inquired about when Cashiers Council voted to not support this at the time.

Mr. Poston stated that they voted to recommend the required 160D amendments and not any additional language that would not specifically be related to the statutory changes.

Commissioner Jones asked if it was a unanimous vote?

Mr. Poston stated that there were five members present and it was a 4-1 vote.

PUBLIC COMMENTS: Robin Walker stated that she was a full-time resident of Cashiers and was involved with the Develop Cashiers Responsibly Group. They were asking the Board to respect the wishes of the Cashiers Planning Council when they voted to only approve the 160D changes that were required by law and not to adopt Section 1.5D or to make any changes to the graphics in 9.3 that pertained to Cashiers 9.1 and 9.2. In November, 2020, there was a large development proposed at the Cashiers Crossroads. Citizens adjacent to the development were extremely concerned and hired their own attorney. When the attorney came back in January to present his arguments against it, he brought up the issue of the 5000 in the graphic, which was one of the contested legal issues that was part of his motion. The developer's application was withdrawn in February.

At the March hearing, members of the public expressed to the Cashiers Planning Council that they would like to see maximum building size standards in Cashiers so there could be a check on very large developments. There was a presentation made with suggested standards. Since that time, Cashiers had been working on a maximum building size, but when the amendments came to a public hearing in June, many members of the public came out and requested to not get rid of the graphics at that stage. Also, they requested to not adopt Section 1.5 that stated that the graphics were just for illustrative purposes. That was the only check they had at that time on maximum building size. If they got rid of those standards, there was nothing holding back a developer from putting in an application and being able to use the ordinance before the new maximum building size standards would be adopted.

There being no further public comment, Commissioner Deitz moved to adjourn the public hearing. Commissioner Stribling seconded the Motion. Motion carried and the meeting adjourned at 6:15 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk

Brian Thomas McMahan, Chairman