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April 7, 2025

Village of Forest Hills  
Councilmember Ingersoll  
Councilmember Shields  
Councilmember Kehrberg  
Councilmember Couture

Dear Councilmembers:

As a member of the Planning Board, we have the responsibility to help assist City Council and the neighborhood with our expertise and advice on zoning, development, construction and future planning decisions within our neighborhood.

On March 25, 2025, Michael Poston, Director of the Jackson County Planning Department, attended our meeting and gave an informative presentation on current codes, regulations, and development standards applicable to our area. The primary focus of our discussion was the 72.65-acre recreational parcel in the valley of Forest Hills that is currently for sale.

Brown Haven Homes (BHH), a local builder, has expressed potential interest in purchasing the land. At the last meeting, they submitted an informal proposal to construct 142 single-family homes and 38 villa-style townhomes. Although John Allen from BHH was unable to attend that meeting, we have extended another invitation for him to attend our next meeting, scheduled for April 29, 2025, at 7 PM. We are also encouraging all interested neighborhood residents to attend and respectfully participate in the planning process.

Mr. Poston's presentation last month included a detailed slideshow outlining many key county ordinances and zoning regulations. Presently, the Village of Forest Hills primarily falls under the R-1 zoning classification. Under this designation, properties without access to public water and sewer must have a minimum one-acre lot size and 100-foot lot width. If connected to public utilities, the minimum lot size is reduced to half an acre, with required 25-foot front, rear, and side setbacks. These setback requirements help ensure safety, aesthetics, and consistency throughout the community. The current code also outlines standards for subdivision design, road construction, open space preservation, and stormwater management.

Based on existing zoning regulations, the maximum allowable number of homes on the 72.65-acre parcel is approximately one unit per acre, or 72 units, before accounting for reductions due to open space requirements, roadways, or other ordinance-related restrictions. A prospective developer may increase the density to one unit per half-acre, or up to 145 units, if County water and sewer services are provided to the development. Any request to exceed these maximum thresholds would require both neighborhood support and formal approval from City Council.

BHH's current proposal requests approval on increased density to 180 total units; a reduction from one half acre lots to one-third-acre lots; and zero lot line setbacks on villas.

As a semi-retired licensed Professional Engineer in both Florida and North Carolina, I believe I can contribute meaningfully to the Planning Board by using my technical background and expertise to support our community's long-term planning goals.

Typically, most jurisdictions require formal development plans be submitted that include impact studies for traffic, utilities, drainage, waste management, preserved areas and wetlands (if any), and other community resources. These studies help inform the public and local authorities, and ideally include proposed solutions or mitigation efforts from the developer. The Applicant has not yet completed any of these studies, supplements, site plan, or proposed layout for review by the Board.

Given the scope of the proposed project and its potential impact on our community, I would recommend that we retain legal representation to guide us in evaluating all recommendations, proposed amendments, or any formal responses to BHH. Legal counsel would be instrumental in ensuring that any commitments made by the developer, such as those related to utilities, road improvements, and other critical infrastructure, are clearly defined and enforceable.

Another item of concern raised by several residents is the desire to connect to Tuckasegee Water and Sewer Authority ("TWSA") County water and sewer services, should these be extended into the neighborhood. I reached out to Mr. Daniel Manning, Executive Director of TWSA, to confirm the availability of these services for our area.

While specific system details from this development are still unknown, (such as whether a gravity line, force main, lift station, or other compliance components) Mr. Manning provided a general list of the necessary approvals, easements, and construction standards. Importantly, he emphasized that if these standards are not met, we would be unable to connect to or utilize TWSA services and may forfeit the opportunity to do so in the future.

Typically, infrastructure improvements -such as utility and sewer connections, drainage, topography and access points, road upgrades, and associated easements or mutually agreed-upon amendments - should be prioritized and thoroughly detailed in a formal development plan before City Council considers any variances to the current zoning code. Without such a plan in place, the neighborhood risks losing decision-making authority through preemptive blanket approvals and may forgo potential access to these utilities or other infrastructure benefits.

Before the upcoming meeting, I plan to review the current zoning code and any applicable overlays adopted by the Village of Forest Hills (Jackson County UDO - <https://www.jacksonnc.org/PDF/Adopted-UDO-8-6-19.pdf>). I will recommend that the Planning Board begin compiling a list of public comments and potential community improvement recommendations that could be incorporated into the project, should it move forward.

In summary, to support a comprehensive and well-informed recommendation from the Planning Board, I believe it is essential to request and prioritize professionally designed plans, confirmed infrastructure locations, appropriate construction standards, and clearly defined right-of-way (ROW) and easements as part of the initial planning and approval process. Including these elements early will help ensure a successful, sustainable development that serves the long-term interests of the entire community.

As a newer member of this community, I look forward to engaging with residents and helping ensure that everyone's concerns and support are equally heard and considered. I am hopeful we'll have a strong turnout at our next meeting and that our discussion will allow the Planning Board to make an informed and balanced recommendation to City Council.

Thank you for your time and dedication.

Sincerely,



Jim Hartley, PE  
Village of Forest Hills Planning Board

Cc: Mayor Almond  
Clerk Stephanie Gibson  
Village of Forest Hills Planning Board  
Village of Forest Hills Neighborhood

Enclosure(s): Public Comments and General Questions  
Property Report Parcel #: 7548-89-4070  
County Planning slideshow

Request for Information and/or  
Key Questions and Concerns  
Public Comments

- **Equal Access to Utilities:** Will all residents adjoining the proposed development be granted equal access to County water and sewer, especially if the developer is seeking approval for a more intensive use and providing these utilities to new residences?
- **Road Capacity and Safety:** What improvements, if any, can be made to our existing road infrastructure, particularly given the potential increase of approximately 1,000 additional trips per day on N. Country Club Drive?
- **Short-Term Rental (STR) Impacts:** How might the current Short-Term Rental (STR) ordinance affect this development and its integration into our existing community?
- **Engineering Report:** A referenced engineering report was reportedly completed for the benefit of the neighborhood - can a copy be published or made available for Board review?
- **Open Space and Preservation:** Are there any planned preservation requirements, green space commitments, or public park components included in this development proposal?
- **Additional Resident Feedback:** To be determined - additional comments and concerns will be compiled as received from residents.

# Village of Forest Hills Presentation



# JACKSON COUNTY Planning Department



# Planning Department Responsibilities

- Long Range Planning
  - Comprehensive Planning for future growth and development
  - Comprehensive Transportation Planning
  - Small Area Plans
- Current Planning
  - Ordinance enforcement and maintenance
  - Support of planning boards and councils
  - Plat and subdivision approvals
  - Site plan review
  - Cell tower and co-location review
  - Housing and community development

# Planning Department Responsibilities

Interlocal Agreement Between Jackson County and  
The Village of Forest Hills

## Section 2: Zoning Administration

- The County will administer the provisions of the Village Zoning Ordinance as it is duly adopted and amended from time to time. In fulfilling its responsibilities hereunder, the County shall undertake permitting, inspection and enforcement services as necessary.

## Section 5- Mountain and Hillside Development

- The County shall the administer within the Village of Forest Hills limits the provisions of its Mountain and Hillside Development Ordinance as it is duly adopted and amended from time to time.



# Planning Department Responsibilities

Interlocal Agreement Between Jackson County  
and The Village of Forest Hills

## Section 6- Subdivision

- The County shall the administer within the Village of Forest Hills limits the provisions of its Subdivision Ordinance as it is duly adopted and amended from time to time.

## Section 8- Historic Preservation

- The County shall the administer within the Village of Forest Hills limits the provisions of its Ordinance Establishing a Historic Preservation Commission as it is duly adopted and amended from time to time.

# Planning Boards and Councils

- Municipal-
  - Town of Sylva
  - Town of Webster
  - Town of Dillsboro
  - Village of Forest Hills
- County-
  - Planning Board
  - Cashiers Planning Council
  - Cullowhee Planning Council
  - 441 Corridor Planning Council
  - Historic Preservation Commission
  - Housing Committee
  - Board of Commissioners

# Planning Board Powers and Duties

Duties. – A planning board may be assigned the following powers and duties:

- (1) To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
- (2) To facilitate and coordinate citizen engagement and participation in the planning process.
- (3) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

# Planning Board Powers and Duties

(4) To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.

(5) To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.

(6) To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.

(7) To perform any other related duties that the governing board may direct.

(2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d)).

# Review and Decision Processes

- Three Processes
  - Administrative
  - Legislative
  - Quasi-Judicial

# Administrative Review and Decision

- NC Statutes: 160D Article IV
- Authorization. – Local governments may appoint administrators, inspectors, enforcement officers, planners, technicians, and other staff to develop, administer, and enforce development regulations authorized by this Chapter.
- Duties. – Duties assigned to staff may include, but are not limited to, drafting and implementing plans and development regulations to be adopted pursuant to this Chapter; determining whether applications for development approvals are complete; receiving and processing applications for development approvals; providing notices of applications and hearings; making decisions and determinations regarding development regulation implementation; determining whether applications for development approvals meet applicable standards as established by law and local ordinance; conducting inspections;

# Administrative Review and Decision

## Duties (cont.)

- issuing or denying certificates of compliance or occupancy; enforcing development regulations, including issuing notices of violation, orders to correct violations, and recommending bringing judicial actions against actual or threatened violations; keeping adequate records; and any other actions that may be required in order adequately to enforce the laws and development regulations under their jurisdiction. A development regulation may require that designated staff members take an oath of office. The local government shall have the authority to enact ordinances, procedures, and fee schedules relating to the administration and the enforcement of this Chapter.

# Administrative Review and Decision

- Staff Administrative Decisions include:
  - Issuance of Zoning Permits- By-Right Uses are those uses permitted in the zoning ordinance. Permits can be issued if applicant demonstrates they can meet the requirements of the zoning ordinance.
    - Most Common Example- Single Family Home in a Residential Zoning District.
  - Minor, Family, and Major Subdivisions- Level I (99 lot or fewer)- County's Subdivision Ordinance
  - Ordinance Interpretation
- Planning Board Decision:
  - Major Subdivision- Level II- 100 lots or more- County Subdivision Ordinance



# Legislative Review and Decision

- Legislative Review and Decision making rules found in 160D Article VI- Process for Adoption of Development Regulations
- Procedures for adoption, amending and repealing development regulations.
- For Zoning Map Amendments- A Change of zoning designation
  - Requires a public hearing
  - Requires published notice, mailed notice to abutting property owners, posting of the property.
  - Notices must state the nature of the request, date, time, and place of the hearing.
- Text amendments- Changes to zoning text
  - Requires a public hearing
  - Requires published notice
  - Notice must state the nature of the amendment, date, time, place of the hearing.

# Legislative Review and Decision

- Roles and responsibilities in the Legislative process:
- Staff
  - Receives and reviews application for completion
  - Provides report on the request
  - Coordinates with Village Planning Board and Village Council for review and hearing process
- Planning Board
  - Reviews application/request and Staff report
  - Makes a recommendation to the Village Council
- Village Council
  - Calls for and holds a Public Hearing
  - Reviews application/request, Staff report, and Planning Board Recommendation
  - Adopts a Statement of Consistency- address if the request is consistent with adopted land use plan
  - Approves or Denies request

# Quasi-Judicial Review and Decision

- Quasi Judicial Review and Decision making rules found in 160D Article VII Section V
- Procedures for hearing an appeal to zoning administrator's decision, special use permit, or variance request
- Hearings are a legal proceeding- It mirrors a Court of Law and has different rules of procedures than a legislative hearing.
- Decisions must be based on competent, material facts and evidence.
- Witnesses give sworn testimony and on many subject matters must qualify as experts
- Hearing is open to the public, but must have legal standing to participate.
- Village is required to provide published notice, mailed notice to abutting properties, and post the property with the request, date, time, and location of the hearing

# Quasi-Judicial Review and Decision

- Roles and responsibilities in the Legislative process:
- Staff
  - Receives and reviews application for completion
  - Provides report on the request
  - Coordinates with Village Board of Adjustment for review and hearing process
- Board of Adjustment
  - Opens the quasi-judicial hearing
  - Collects through testimony of staff, applicant, and experts competent, material facts to base their decision.
  - Approves or Denies request
- Village Council
  - Is not a part of the decision making process.
- Superior Court
  - Hears appeals to Quasi- Judicial decisions

# Forest Hills Zoning Ordinance

- Forest Hills has 8 zoning districts:
  - R-1, R-1A, R-2, R-3, R-4
  - M-1
  - P-1
  - Mixed Use District
- Residential Districts include allowable Permitted Uses (Uses by right), Special Uses (conditional uses), minimum lot size and lot width, setback requirements, and maximum height of structures
- Motel District allows all uses in R-1, motels and their associated facilities, cemeteries, and Residential Planned Unit Developments as a Special Use
- Professional Office District allows all uses in R-1, medical/dental offices, and other professional uses. Disallows service stations, food services, and like uses.
- Mixed Use Districts- Residential Mixed use, Commercial Mixed Use- Conditional Zoning Process (Rezoning required)

# Forest Hills Zoning Ordinance

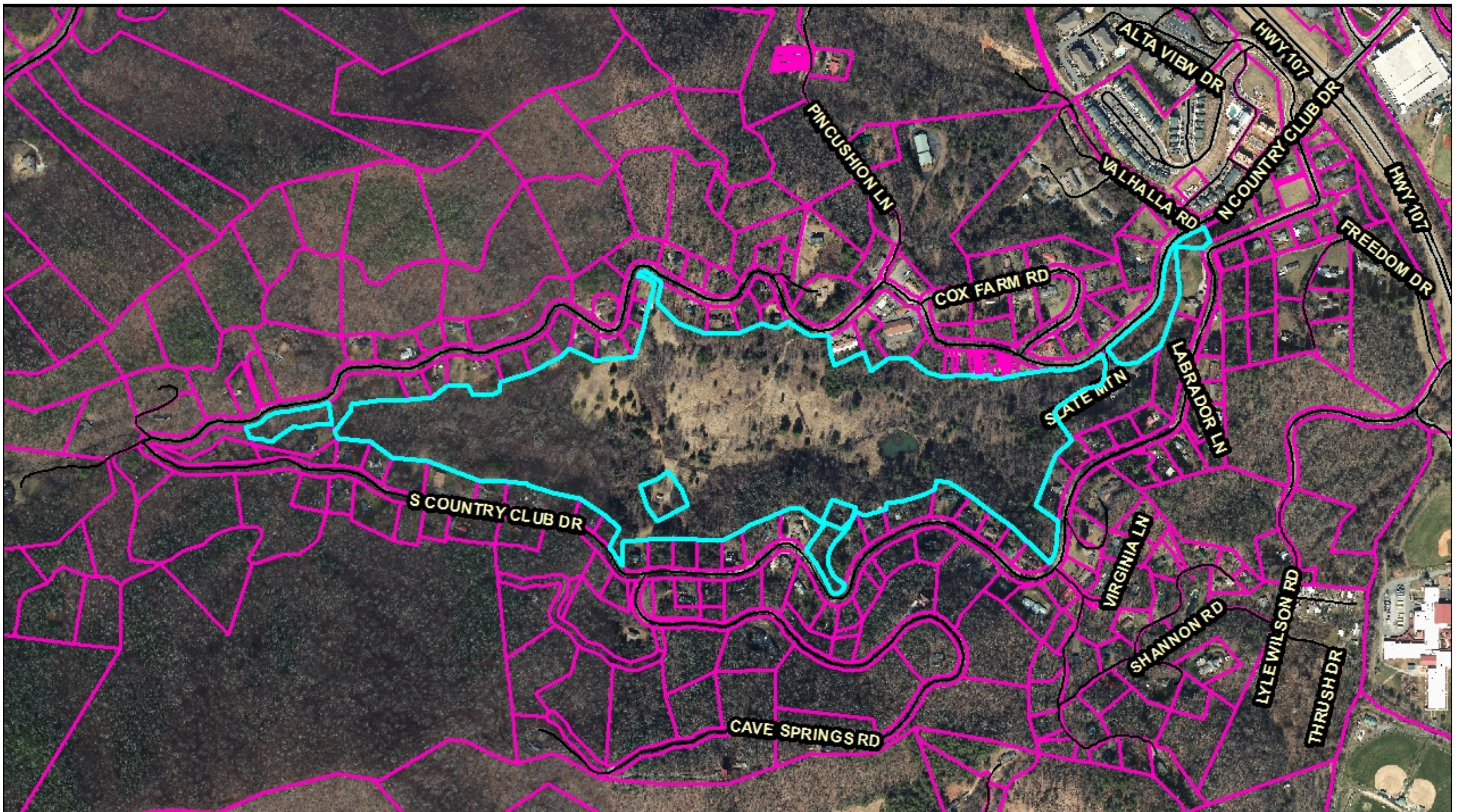
- R-1 District:
  - Minimum lot size:
    - With both Public Water and Sewer- ½ acre with 100 ft. lot width
    - Without- 1 acre with 100 ft. lot width
  - Single Family Homes allowed as a permitted use (by-right use)- Stick built and Modular
  - Setbacks- Front, side, and rear- 25 ft.
  - Height- 35 ft. maximum

# Subdivision Regulations

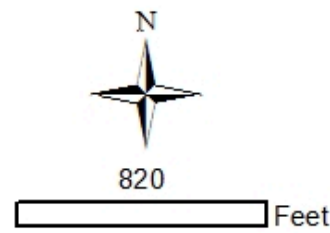
- Jackson County Subdivision Regulations
  - General Subdivision Design regulations
  - Road design regulations
  - Open Space regulations
  - Stormwater regulations (related to road design)
- Forest Hills Zoning
  - Density
  - Lot size and width
  - Setbacks
  - Height

# Property Report for 7548-89-4070

4/7/2025



— Centerlines  
 [Pink Outline] Parcels



**\*WARNING: THIS IS NOT A SURVEY!\*** This map is prepared for inventory of real property within Jackson County. It is compiled from recorded deeds, plats, and public data records. Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification. Jackson County or any County representative assumes no legal responsibility for the contents of this map.

<p><b>Parcel Information</b></p> <p><b>Parcel ID:</b> 7548-89-4070  <b>Parcel Address:</b> LT 1-37 N COUNTRY CLUB DR  <b>Neighborhood Name:</b> Forest Hills  <b>Property Description:</b> LT 1-37 DILLARD  <b>Sale Date:</b> 2018-01-24  <b>Sale Price:</b> \$0  <b>Plat Reference:</b> None  <b>Transferring Reference:</b> 2206/929  <b>Township:</b> CULLOWHEE  <b>Assessed Acres:</b> 72.65</p>	<p><b>Ownership Information</b></p> <p><b>Owner Name #1:</b> LONE WOLF INVESTMENTS LLC  <b>Owner Name #2:</b> None  <b>Mailing Address 1:</b> PO BOX 1127  <b>Mailing Address 2:</b> None  <b>City/State/Zip:</b> BRYSON CITY NC 28713  <b>Owner Account:</b> 180385</p>	<p><b>Tax/Value Information</b></p> <p><b>Fire District:</b> CULLOWHEE 5 MI  <b>Building Value:</b> \$0  <b>Land Value:</b> \$864,540  <b>Assessed Total Value:</b> \$864,540</p> <p><b>Zoning Information</b></p> <p><b>Zoning District:</b> None  <b>Zoning Area:</b> Forest Hills R-1</p>
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