

BOARD OF ADJUSTMENT

April 5, 2022 - 5:00 PM

Bryant H. Womack Building

40 Courthouse Street

Columbus, NC 28722

MINUTES

Members Present: Frank Monterisi (Chair), Paul Weidman, Hal Green, Michael Axelrod, Alexander Hagerty

Staff Present: Hannah Lynch (Zoning Administrator), Chelsea Allen (Secretary), Cathy Ruth (County Planner), Jana Berg (County Attorney)

1. Call to Order

Frank Monterisi called the meeting to order at 5:02pm.

2. Approval of Agenda

Paul Weidman made a motion to approve the agenda, seconded by Hal Alcott. A vote was taken and all were in favor. The motion passed unanimously.

3. Approval of Minutes from March 1, 2022

A. Approval of Minutes from March 1, 2022

Paul Weidman made a motion to approve the minutes from March 1, 2022, seconded by Alexander Hagerty. A vote was taken and all were in favor. The motion passed unanimously.

4. 2022-04 (SUP) - Wilderness Cove Campground, Andrew Garcia

Present to testify on behalf of the applicant: Andrew Garcia, Zach Stoltenberg, Ali Thomas

Present to testify in opposition: Brenda Willey

Present to testify: John Grace

Frank Monterisi stated the Board is ready to proceed with an application for the Orchard Lake Campground expansion. He read an overview of the Board of Adjustment's procedures, expectations, and responsibilities for evidentiary hearings. He asked the Board if there were any ex-parte communications or relationships with the applicant to be disclosed to which there were none.

Frank Monterisi swore in Hannah Lynch (Zoning Administrator), Andrew Garcia (Wilderness Cove Campground), Zach Stoltenberg (Architect, Clockwork), Ali Thomas (Realtor, Beverly Hanks Real Estate), and Brenda Willey (neighbor).

Hannah Lynch presented the staff report to the Board. She went over the packet for the Board:

- EX-A. General Application Form, project information and site plan submitted by Andrew Garcia.
- EX-B. Zoning Permit / Application and receipt of \$100.00
- EX-C. Notice of public hearing and signed and notarized Affidavit of Mailing to adjacent property owners, property owner, and applicant.
- EX-D. Signed and notarized Affidavit of Posting of notice of public hearing.
- EX-E. Recorded deed in the Register of Deeds Office for Tax Parcel P21-56, dated November 22, 2021, Book 465, Page 876-878.
- EX-F. Recorded deed in the Register of Deeds Office for Tax Parcels P21-40 and P21-57, dated November 22, 2021, Book 465, Page 879-881.
- EX-G. Recorded survey in the Register of Deeds Office for Tax Parcels P21-56 and P21-57, dated March 14, 2008, Book E, Page 1973.
- EX-H. Polk County Property Card Tax Record for P21-56.
- EX-I. Polk County Property Card Tax Record for P21-40.
- EX-J. Polk County Property Card Tax Record for P21-57.
- EX-K. Tax Parcel Report for P21-56, P21-40, and P21-57 from the Polk County GIS site with an aerial view.
- EX-L. Aerial view from Google Earth of Tax Parcels P21-56, P21-40, and P21-57.
- EX-M. Aerial view of the surrounding parcels' current uses and zoning around P21-56, P21-40, and P21-57 from the Polk County GIS site.
- EX-N. Sign posting locations and photos taken from the site.
- EX-O. North Carolina Flood Risk Information System maps showing floodplain areas, Limited Detail Flood Hazard Data Chart
- EX-P. Aerial view of property showing NCGS landslide informational layers from Polk County GIS.

Hannah Lynch requested the packet be entered into evidence. Frank Monterisi accepted it as Zoning Administrator #1 (ZA-1).

Frank Monterisi stated there is a lot contained within the packet this Board has no jurisdiction over such as EPA, Environmental Impacts such as floodway and river stream requirements Therefore, the Board should keep their questions focused on what is within the authority of the Board of Adjustment.

Hal Green asked if the park is located relative to coming downhill from Saluda and on the right side of the road before crossing the bridge. Hannah Lynch and Andrew Garcia confirmed that was correct. There were no further questions from the Board.

Andrew Garcia approached the Board and asked that the Wilderness Cove Presentation be entered into evidence. Frank Monterisi accepted the presentation as Applicant #1 (AP-2).

Andrew Garcia introduced himself and his architect Zach Stoltenberg to the Board. They would both be contributing in the presentation at different points.

Andrew Garcia is the managing partner of Outdoor Venture Partners and gave an overview of his background. He had seven years of experience in investment banking serving as previous Vice President of Real Estate, Gaming, Lodging and Homebuilding Investment Banking at J.P. Morgan, has advanced expertise with real estate appraisals and transactions. He is certified and licensed by the SCC and holds Series 7 and Series 63 Licenses.

He explained Outdoor Venture Partners identifies, purchases and operates campgrounds, RV resorts, outdoor arenas, and invests in towns that have strong growth potentials and unique access to outdoor recreational pursuits and natural attractions.

Andrew Garcia stated the third-party operator for Wilderness Cove Campground will be Advanced Outdoor Solutions, the largest non-branded provider of outdoor hospitality in the United States. The management, hiring of skilled employees, accounting, marketing, environmental impact and all other issues related to outdoor recreations on site will be operated by Advanced Outdoor Solutions. Two full time employees will be living on site 24/7 and both are members of US Veteran families. The two employees have been trained by Advanced Outdoor Solutions on day to day campground activities and operations.

Zach Stoltenberg continued the presentation. He is an architect with Clockwork in Kansas City. Clockwork is involved in thirty-plus outdoor resorts across the country. The outdoor recreation resort industry is very expansive right now and so is the investment being put into it. His company is focused on minimizing environmental impact.

Zach Stoltenberg summarized the development plan and location for existing and proposed expansion areas. Phase one will include no expansion/growth or addition of units. Since they purchased the property they have put in a new well water system, due to the existing one failing shortly after the sale. Phase one will focus on getting the 14 existing sites up to par for this coming season and laying the ground work to be able to responsibly expand in the future, not overtaxing the natural resources. They are only proposing to start construction on the expansion when the timing is right, such as in the off-season. Andrew Garcia stated over half of the property has no proposed expansion.

Zach Stoltenberg stated the glamping operation would be separate from the tubing operation. One of the highest needs of the property is onsite parking. Last year, there were 22,000 tubers who frequented the tubing operations and there was inadequate parking to accommodate that need.

Zach Stoltenberg explained phase two would involve increasing the density with some added tents, cabins, and couple of seasonal RV sites. Local excursions will be operating five to six months out of the year. To balance the off season, they have proposed adding the RV sites to the campground, as well as a convenience store so that guests have access to much needed items without having to drive several miles.

After showing some example photos of glamping structures and set ups, he explained during phase 1, the glamping tents will be more primitive with power only, no restrooms or running water inside. These glamping structures will replace the current sites. There will be a mix of sizes, but most will be singles with some larger to accommodate families.

He continued to state phase two will take them from 14 to 24 additional sites. He stated they do not have any proposed new development or structures in the flood plain. All existing cottages are going through rehabilitation as they were not up to code and had limited, if any, permitting paperwork on them. A licensed professional electrician was brought in to examine each of them.

Andrew Garcia stated they have had an initial assessment done of the landslide areas by a geotechnical engineer and their insurance agency to arrive at a solution to preserve the safety of anyone on the site. They have no proposed development in the landslide areas shown on the map.

Andrew Garcia referenced the Polk County Zoning Ordinance, section 6.2.14, and stated some areas of the county have density restrictions for RV parks which are 15 sites per acre. He stated they are only proposing seven sites per acre.

Frank Monterisi asked about the topography of the site. Zach Stoltenberg stated most of the new development is in existing flat areas due to slope grades and to preserve natural buffer areas for privacy. He stated why would be developing less than half of the nine acres.

Zach Stoltenberg shared they would be fixing the existing roads on the property to bring them into compliance for fire and safety. Parking for each new lodging accommodation will include at least one new space and they will be extending the existing parking area, which will help address overflow parking. The RV spaces will be in the main parking area in the off-season. The RV campers will be advised to enter from the east, and they will only be allowing RVs under 25'. Campers will have a maximum stay of ten days. When they book, they will receive directions on how to approach the campground from Silver Creek Road and receive a phone call to verify this information to help mitigate RVs going down the switchbacks on Green River Cove Road.

Michael Axelrod asked about the access to the public game lands on their property. Andrew Garcia stated the entrance to that area is maintained by them and they will keep that open and accessible to the public.

Andrew Garcia introduced Ali Thomas, a realtor from Beverly Hanks Realty. She was present to testify that their expansion proposal would not negatively affect property values. She has some time restrictions and introduced her to testify for the third requirement for the Special Use Permit. She has 17 years of real estate experience and evaluating property values in Western North Carolina, mainly in Polk County.

The proposed use will not be detrimental or injurious to property, property

uses or property values, or to public improvements, in the neighborhood of such proposed use.

Ali Thomas approach the Board to testify and requested her packet be entered into evidence. Frank Monterisi accepted it into evidence as Applicant #2 (AP-2). She stated she looked at comparable properties in a two-mile radius to look at the effect on property values. There was a net increase in sales values of properties once Wilderness Cove Campground was purchased. Two properties were sold before the purchase and closing and one after which had a 171% premium to prior sale value comparisons. Andrew Garcia restated Ali Thomas's expert opinion that there is no data that supports a negative effect on property values in surrounding areas and if anything, there is a positive trend.

Michael Axelrod stated two of the properties presented in evidence were before the applicant closed on Wilderness Cove and one property was from after. The property after closing was valued higher per acre and is improved with septic, water, and is creek front. The other two properties are unimproved and not creek front and therefore not be fair comparisons. Andrew Garcia replied due to limited information on real estate sales around the immediate area, they do not claim a positive effect but do claim it will not be injurious or detrimental to property values. Andrew Garcia asked if there were any questions for Ali Thomas, before she had to leave. There were no questions from the Board.

Andrew Garcia continued the presentation starting with requirement number one.

The proposed use complies with the standard for such use, if any, contained in the Zoning Ordinance.

Andrew Garcia stated the proposed expansion is in the Multiple Use Zoning District and a Special Use Permit is required for RV and campgrounds. The plan is in compliance with requirements, and they will continue to collaborate with Polk County Building Inspections and undergo all permitting processes required. They had difficulty finding historical documents and permits for the property but the use (a campground) for the property has been the same for over a decade and they are just requesting a permit for an expansion of the property.

Andrew Garcia continued to state they are currently installing a new well and pump, having water tested, fixing electric, and in general working on maintenance that was deferred over the years. There is an existing septic system and vault toilet and have no plans to change as they are currently functioning. The roads are being redone and rebuilt to safety codes. The property is currently in compliance with all setbacks as most areas are over 100' from property lines.

The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood.

Zach Stoltenberg stated the campground has been in operation continually for more than a decade and has not hurt the neighborhood in the past, and it will continue to not affect health or safety of the neighborhood. They are simply requesting a permit to enhance what is existing and expand. They are establishing new rules to promote a family-oriented environment. Before their purchase of the property, the rules were loosely enforced. Under the new owners, the live on-site staff will help enforce the new family-oriented rules and keep the campground safe.

Michael Axelrod asked if the “no alcohol on the river rule” will be enforced and Andrew Garcia replied they have posted rules stating that alcohol is prohibited. They would not be selling beer or wine in their store as Polk County is a dry county.

Zach Stoltenberg stated as this is a business, the employees will have no hesitation to call authorities, if needed. In most places, resort owners foster a positive relationship with first responders by facilitating police and fire days. Zach Stoltenberg stated the additional parking being proposed will take some of the load off the main road and current parking situation. There will be new signage in the area for wayfinding throughout the site and to the public Game Lands. One of the big concerns is trash along the road, river, and elsewhere, and they plan to install new bins and receptacles that their third-party management staff will handle.

Zach Stoltenberg stated they are very concerned with being environmentally friendly in everything they do. As a part of Multiple Use Zoning, he stated a six-unit condo could be built, but as they prefer a “light touch,” they chose to do glamping which is minimally invasive.

Hal Green asked if the glamping sites are dismantled at the end of the season. Zach Stoltenberg replied the tents are canvas and will be dismantled and cleaned before being stored onsite. He confirmed the wooden platforms they will sit on would remain in place in the off-season.

Zach Stoltenberg presented a letter from Fire Marshal, Bobby Arledge, approving the plans for roads. Frank Monterisi accepted it as Applicant #3 (AP-3).

Andrew Garcia went back to requirement number three, *“the proposed use will not be detrimental or injurious to property, property uses or property values, or to public improvements, in the neighborhood of such proposed use.”*

He stated in his professional opinion, the use will not harm or injure property values in the area, and they are planning to improve the surrounding area and property values by adding benefits to the broader area. The store on site will sell basic staples, such as grocery items, and eventually limited food service. He does believe this will have a net positive benefit to other properties in the area.

Andrew Garcia stated they have looked at the cost of AirBNB and VRBO

rentals in the area and on the Green River. They are at a significant premium. Their presence, in his professional opinion, has not and will not be detrimental to the values of these properties. He reaffirmed that Ali Thomas stated this as a professional real estate agent.

Zach Stoltenberg stated he compiled an economic impact study. He stated figuring a 55% annual occupancy rate, they estimated thirty sites would generate \$3600 per day, around \$100,000 a month in local spending, and over \$1.3 million a year. Camping is a huge industry and even though Covid-19 hurt many businesses, it has had an opposite effect with their industry.

Michael Axelrod asked if they could confirm the glamping tents and other rentals would be subject to the county occupancy tax. Andrew Garcia responded if there is a room, it is taxed like a hotel room. Alexander Hagerty asked them to clarify if it is open year-round. Zach Stoltenberg stated it would not be open year-round to begin, but possibly in the future. Andrew Garcia stated the full-time employees will be there year-round, but the campground would most likely be closed December-February.

The proposed use is designed and will be operated in such a manner as to be in harmony with the neighborhood in which it is to be located.

Zach Stoltenberg stated in regard to harmony, it is their intention to balance the business with maintaining a rustic and natural setting without intensive development on the property. In the past, the business was in harmony and it will continue to be in harmony. The new campground rules will facilitate and promote a family-oriented campground, which would promote harmony with the neighborhood, limit traffic and congestion. The majority of the neighboring properties were unoccupied land. Andrew Garcia stated most neighboring properties to campgrounds are affected by noise and light pollution, but since there are no immediate neighbors, that would not be an issue. He said regardless of that, they are still instituting rules to diminish and prevent those types of concerns.

Michael Axelrod asked how many sites Outdoor Adventure Partners handles and Andrew Garcia replied they have two in progress one in Jacksonville, Florida, and this was the first.

Zach Stoltenberg gave an overview of the lighting for the site with downward pointing lights, lit paths, minimally invasive, and small features.

Michael Axelrod asked about the time frame for development, if approved. Andrew Garcia stated they are currently working on and will continue to work on the existing grandfathered sites in time for main tube season. Phase 1 will contain no expansion just improvement. Phase 1 is important, they do not want construction occurring during the main tubing season. They may start submitting permit applications for the construction of the new structures on the sites, and then do the work during the off-season to prepare for summer 2023. That entails compliance with Polk County Building Inspections, Zoning, Health

Department, Environmental Health, Fire and Safety requirements, engineering, etc. They will see how certain accommodations rent out before deciding on more or less of certain ones, but that this would remain within the proposed density being submitted.

Hal Green asked them to clarify how many people would physically be on site in the summer. Zach Stoltenberg stated they could assume two people per unit, and maybe single occupancy on some of the primitive tent sites, and possibly 25 people at a group site. Hal Green asked how many vehicles that would be. Andrew Garcia stated they will add infrastructure for vehicles to any new sites.

Frank Monterisi asked if the Board had any further questions for the applicants. There were none.

Brenda Willey approached the Board in opposition to the proposal. She is a neighbor across the road and she does not see how having more people on the river would make it safer for her on her property. In the past, she has dealt with a lot of erosion on the creek area on her property which feeds directly into the Green River. She has added security cameras due to trespassers who get off the river early and walk across her property back to the main road. She is also concerned about the risk of fires and concerned about large vehicles and RVs entering from the Saluda entrance with the switchbacks. It sounds like Wilderness Cove is planning to become very large, and she was not sure how they could come to an agreement with a company they have never heard of until tonight and was only notified by the signs on site.

Frank Monterisi asked her to clarify where she lived on the map. The Polk County GIS map was pulled up and she stated she lives at 3473 Green River Cove Road, parcel P21-48. The Board established from the GIS aerial view of the campground and the surrounding properties that her home is approximately one quarter mile away from the entrance of Wilderness Cove Campground.

Andrew Garcia clarified for the Board that there is only one entrance for Wilderness Cove, and it is the existing one.

Frank Monterisi asked Brenda Willey if she had any questions she would like to pose to the applicants. Brenda Willey asked Andrew Garcia how big the campground was going to get after Phases One and Two.

Andrew Garcia stated that Phases One and Two were the total sum of the phases and there are no future plans of expansion beyond those two phases.

Brenda Willey asked Andrew Garcia twice if they were affiliated with Yellow Brick Properties. Andrew Garcia stated there was no association or affiliation between Wilderness Cove and Yellow Brick Properties.

Paul Weidman asked if there was an aspect of their company that affected the erosion on Brenda Willey's property.

Brenda Willey stated people cut through their driveway and land as a short cut

through when they decide to exit the river prematurely and she was afraid there would be more with this new expansion.

Paul Weidman asked what the causes of concern for more erosion were and how that was specifically contributed to by the tubers.

Brenda Willey stated there are two creeks on their property, and one flows directly into the Green River. It continues to get wider and by the excess tubers and other trespassers walking through it was her cause for concern. She was concerned about the current drinking that occurs on the river and with more people there would be more drinking.

Paul Weidman asked what Brenda Willey's concerns were regarding fire. Brenda Willey stated her concerns were related to local weather and wind advisories and where there is camping there is also fires, therefore with more camping there would come more fires.

Frank Monterisi stated that it would be difficult to make this one operation (the camping) address the causes from the other operation (the tubing), but the campground could put in their rules that guests and tubers are to stay off private property. Michael Axelrod stated the river runs from west to east and the tubers go down stream which would already be below Brenda Willey's property. Brenda Willey stated that many of the tubing operations start at Fish Top which is above her property and in fact they do pass by her property when tubing. Zach Stoltenberg stated one tubing operation does go to Fish Top and there are three different tubing excursions. Andrew Garcia stated they would be willing to put that into the rules of their operation to stay off private property.

Zach Stoltenberg stated it would not be fair to put it that as a stipulation on this permit specifically because it is singling them out from the other two tubing operations as this facility is also a campground with glamping not just a tubing operation. He stated they were willing to adhere to this requirement but not as a condition on the Special Use Permit.

Jana Berg advised the Board they were only there to consider the campground not the tubing aspect of the business.

Alexander Hagerty made the point that "glampers" could also trespass. Zach Stoltenberg stated rivers are for public use and that someone in the river cannot be considered trespassing.

Andrew Garcia stated they would be willing to ask their guests to follow the trespassing guidelines and would advise them to stay keep off private property as a part of the campground rules. Brenda Willey stated her concern for the large vehicles entering in from the West and getting stuck in the switchback curves on the Western entrance from Green River Cove Road and asked who would get them out in that case.

Frank Monterisi asked John Grace if he had any concerns. John Grace stated he attended the hearing mostly for informative purposes, but his biggest

concern was excess garbage in the river. He said he has been running the Green River Narrows race for twenty-six years. He cited previous experiences seeing tubers run into rocks and multiple pieces of trash came flying out into the river. Michael Axelrod agreed trash along the river was a problem. Andrew Garcia stated they were willing to and have begun conversations with the other tubing and campground operations on Green River Cove Road to no longer allow tubers to bring alcohol or certain items onto the buses.

Frank Monterisi asked if there was any more evidence to be presented before the Board, to which there was none.

Frank Monterisi explained the next phase of the Special Use Permit decision and voting process. He stated only a simple majority is needed to approve the Special Use Permit and no more evidence or testimony would be heard or accepted at that meeting.

5. Other Business

None.

6. Public Comments

None.

7. Adjournment

Frank Monterisi stated the hearing would reconvene next Tuesday, April 12, 2022 for a final determination. Frank Monterisi adjourned the meeting at 7:33pm.