

BEFORE THE CASHIERS AREA COMMUNITY PLANNING COUNCIL

CASHIERS VILLAGE II, LLC'S  
APPLICATION FOR SPECIAL USE  
PERMIT DATED AUGUST 23, 2020

**REQUEST FOR ISSUANCE OF  
SUBPOENA**

NOW COME the Chattooga Conservancy, the Gana-Sita Property Owners Association, Jean Menge, Laura Moser, and Yvonne Johnson (Applicants), by and through counsel, pursuant to N.C. Gen. Stat. § 160D-406(g), to request that the Chair of the Cashiers Area Community Planning Council (the "Council") issue a subpoena to Gerald Green, Planner with J.M. Teague. Applicants request that the subpoena require Mr. Green to produce all documents and reports he will reference, rely on, or present to the Council in support of Cashiers Village II, LLC's ("Cashiers Village") Application for Special Use Permit (the "Application").

Section 3.7.15(d)(vi)(1)(e) of the Jackson County UDO states that the:

"Community Planning Council shall not approve [a] special use permit application and site plan unless and until it makes the following findings, based on the evidence and testimony presented at the public hearing . . . :

- a) That the proposed use or development of the land will not materially endanger the public health or safety.
- b) That the proposed use or development of the land is reasonably compatible with significant natural and topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.
- d) That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the community.
- e) That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.
- f) That the proposed use will not cause undue traffic congestion or create a traffic hazard.

Jackson County UDO §§ 3.7.15(d)(vi)(a–b, d–f). Cashiers Village has submitted an Affidavit from Mr. Green in support of its Application, which contains Mr. Green's opinion on whether the proposed development will meet the above-listed criteria. The Council and the applicants need access to all documents and reports Mr. Green will reference, rely on, or present to the Council in order to evaluate the basis on which Mr. Green has formed his opinions. Additionally, they need access to the traffic impact analysis referenced in his report. This documentation is critical in evaluating the accuracy and credibility of Mr. Green's opinions and testimony. The Applicants do not have access to these documents and if the requested subpoena is not issued the Applicants will be denied the ability to meaningfully cross-examine Mr. Green.

The Applicants have standing under N.C. Gen. Stat. § 160D-1402(c)(2–3) because they will suffer special damages as a result of the proposed development and incorporate by reference the applications and affidavits they submitted to the Council in November 2020 to establish their standing to challenge the proposed development.

The Appellants respectfully request that the Chair issue the above-requested subpoena and require Mr. Green to produce the requested documents by January 6, 2020 in a PDF format.

This the 30<sup>th</sup> day of December 2020.



ROBERTS & STEVENS, P.A.

John E. Noor

Bar No. 43102

P.O. Box 7647

Asheville, N.C. 28802

Telephone: (828) 252-6600

Email: [jnoor@roberts-stevens.com](mailto:jnoor@roberts-stevens.com)

*Attorney for Applicants*

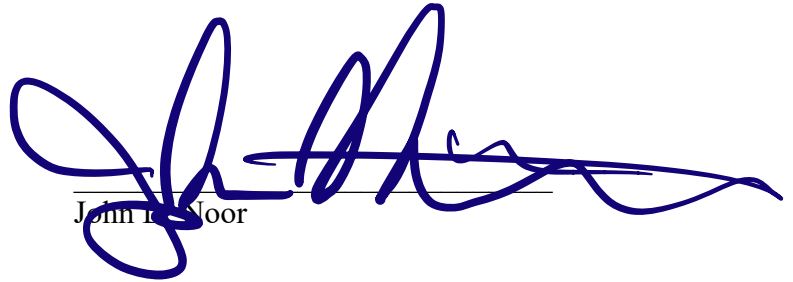
**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this date served the foregoing **REQUEST FOR ISSUANCE OF SUBPOENA** in the above-entitled action, pursuant to Rule 5(b)(1)(a) by email as follows:

Ms. Heather Baker  
Email: [heatherbaker@jacksonnc.org](mailto:heatherbaker@jacksonnc.org)  
*Attorney For Cashiers Area Community  
Planning Council*

Mr. Craig Justus  
Email: [cjustus@vwlawfirm.com](mailto:cjustus@vwlawfirm.com)  
*Attorney for Cashiers Village*

This the 30<sup>th</sup> day of December 2020.

  
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John R. Moor