

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 Richard Robson, President of the North Carolina Appraisal Company. Applicants request that the subpoena require Mr. Robson produce his "workfile" (as that term is known and defined by the Uniform Standards of Professional Appraisal Practice) prior to the Council's January 6, 2021, hearing on Cashiers Village II, LLC's ("Cashiers Village") Application for Special Use Permit (the "Hearing").

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 . . . :

- c) That the proposed use or development of the land will not substantially injure the value of adjoining or abutting properties.

Jackson County UDO § 3.7.15(d)(vi)(a, e). This presentation requires that evidence be produced regarding the impact of the proposed development on the value of adjoining or abutting properties. Cashiers Village has submitted the Affidavit of Richard Robson in support of its application for special use permit, which contains Mr. Robson's opinion on the impact the proposed development will have on the property values of adjoining or abutting properties. As a result, Mr. Robson is required to maintain a workfile that includes the documentation necessary to support an appraiser's analyses, opinions, and conclusions. The Council and the applicants need access to this documentation to evaluate how Mr. Robson came to the opinions and conclusions included in his affidavit and report. This documentation is critical in evaluating the accuracy and credibility of Mr. Robson's opinions and testimony. The Applicants do not have access to Mr. Robson's workfile and if the requested subpoena is not issued, the Applicants will be denied access to the documents needed to meaningfully cross-examine Mr. Robson testimony.

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.

Appellant respectfully requests that the Chair issue the above-requested subpoena and require Mr. Robson to produce the requested workfile by January 6, 2020 in a PDF format.

This the 30th day of December 2020.

ROBERTS & STEVENS, P.A.

A large, stylized handwritten signature in blue ink, likely belonging to John D. Noor, is written over the printed name and firm name.

John D. Noor

Bar No. 43102

P.O. Box 7647

Asheville, N.C. 28802

Telephone: (828) 252-6600

Email: 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
*Attorney For Cashiers Area Community
Planning Council*

Mr. Craig Justus
Email: cjustus@vwlawfirm.com
Attorney for Cashiers Village

This the 30th day of December 2020.



Jonna S. Noor