

**PLANNING AND  
COMMUNITY DEVELOPMENT**

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**TRANSYLVANIA COUNTY PLANNING BOARD MINUTES**

**Regular Meeting, June 21, 2018**

**Call to Order, Chair Hogsed**

The Transylvania County Planning Board met in regular session on Thursday, June 21, 2018, at 7:00pm in the Community Services Building Conference Room. Members present were Chair Daryle Hogsed, Vice-Chair Mack McNeely, Kimsey Jackson, Bob Twomey, Sandy Watson, Lauren Wise and Steve Woodsmall. Staff members present were Transylvania County Planning and Community Development Director Mark Burrows, County Planner Joy Fields and Program Assistant Kalen Lawson. Also present were four members of the public. No media were present.

**I. Welcome**

**II. Public Comment**

none

**III. Approval of Agenda**

Kimsey Jackson moved to approve the June 21, 2018 agenda. The motion was seconded by Bob Twomey and carried unanimously.

**IV. Approval of Minutes**

Sandy Watson moved to approve the minutes of the May 17, 2018 regular meeting. The motion was seconded by Mack McNeely and carried unanimously.

**V. Subdivision Approvals and Updates**

**A. Subdivision of Land:**

- Joy Fields notified the Planning Board that there were nineteen (19) exception plats, and two (2) 2-lot subdivisions approved between May 17, 2018 and June 21, 2018.

**B. Variance Request and Master Plan Review for the Preserve at Rock Creek:**

- Joy Fields presented a preliminary plat for the Preserve at Rock Creek, a gated community located off US 64 near the Jackson County line. Last November, Joy Fields, Mark Burrows and Sandy Watson visited the subdivision to review a road for five new lots. The original subdivision from 2011 was never approved. The subdivision is in both Transylvania and Jackson Counties. Earlier this year, planning staff met with a representative of Pesterfield (the developer), Bruce Orange, and discussed Phase 2, water and roads. The presented preliminary design is for a total of 32 lots. It is Planning Board's authority to approve master plans for subdivision developments.
- The variance request is for three curves in the road design that do not meet the minimum subdivision road design criteria. The three curves have a 65 foot curve radius, rather than the required 90 foot curve radius. The Transylvania County Fire Marshal, Gerald Grose, has reviewed the preliminary plant and road design and found this variance acceptable as he believes the firetrucks can operate in the three tighter curves.

## TRANSYLVANIA COUNTY PLANNING BOARD MINUTES

Regular Meeting, June 21, 2018

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- Joy Fields read the e-mail request for the variance (attached).
- Joy Fields noted that the second sheet of the preliminary design shows the four (4) different phases of the subdivision. At the junctions between phases, modified Y's will be constructed for emergency vehicles to use as the next phase is developed.
- The subdivision owner, Tim Bright, and the developer, Bronce Pesterfield, introduced themselves and thanked Joy Fields for her thorough and accurate summation of their preliminary plat and variance request. Mr. Bright stated that he has been the subdivision owner since 2000, and noted that current property owners in the development are pleased with the development thus far. He stated he did not get final approval years ago due to the market downturn.
- Mark Burrows stated there are two issues for the Planning Board to consider. One is approval of the preliminary master plan, and second is consideration of the variance request.
- Mark Burrows stated that he was comfortable with the three curves in the variance request. He noted that there were some minor things in the plat details regarding the schedule and some diagrams, but that those would be a discussion between the developer and the planning department.
- The permit application for the subdivision is not complete as the developer is waiting to submit erosion and sediment control plans to the Department of Natural Resources (DNR) until they had approval from Planning Board. The dry hydrants are yet to be approved by the Transylvania County Fire Marshall. Therefore, the approval of the preliminary master plan would be conditional on approval from DNR for the erosion/sediment control and the Fire Marshal for the hydrants. Mark Burrows stated that those conditions would be handled between planning department staff and the developer.
- Mack McNeely noted that the developer has been a good customer of his business and requested that he be recused from discussing the request for variance and vote on the phase development.
- Daryle Hogsed moved that Mack McNeely be recused from discussions and votes regarding the Preserve at Rock Creek for both the preliminary master plan and variance request. The motion was seconded by Steve Woodsmall and passed unanimously. Mack McNeely left the room following the vote.
- Bob Twomey asked about the dry hydrants on page 4, and expressed concerns about their suitability for modern pumpers. Mark Burrows responded that the hydrants would have to be approved by the Transylvania County Fire Marshall.
- Bob Twomey asked if the 65 foot curve radius includes the use of a ladder truck. Mark Burrows responded he did not ask about specific trucks, but the Transylvania County Fire Marshal stated the curves in the variance are acceptable for Lake Toxaway emergency vehicles.
- Steve Woodsmall asked why a smaller the 90 foot radius was needed or being requested. The developer said topography was the reason. Mark Burrows noted they were trying to follow the natural contours. He also said the property has topographic challenges. He also said it was the responsibility of the planning department to ensure the as-built roads adhere to approved design.
- Bob Twomey asked if a geological survey had been done. The developer said they had not done a geological survey, nor had they had issues thus far.
- Lauren Wise asked for the topo map interval measurement and it was noted it was five feet. Kimsey Jackson noted the intervals on lot 26 appeared to be ten feet. Mark



## TRANSYLVANIA COUNTY PLANNING BOARD MINUTES

Regular Meeting, June 21, 2018

---

Burrows noted the topo interval needed to be the same, but for approval of the master plan, it was not critical for this discussion.

- Lauren Wise asked what parameters the Planning Board is evaluating. Mark Burrows said the subdivision ordinance charges Planning Board to give review preliminary designs and give approval for developer to move forward. Approval of preliminary designs is not a final approval of the whole subdivision. It allows the developer to continue building out. The planning department has not received the details for any of the four (4) phases. Joy Fields noted the preliminary approval phase gives the department an understanding of the total number of lots which is used to determine road criteria, hydrant needs, water needs, etc.
- Bob Twomey asked about the water supply. The developer said the water line has been put in over the years with multiple gravity tanks to supply current and future homes.
- Steve Woodsmall moved to approve the preliminary master plan as presented. The motion was seconded by Lauren Wise and carried unanimously.
- Kimsey Jackson moved to approve the variance as requested pertaining to the three curves detailed in the attached email correspondence. The motion was seconded by Bob Twomey and passed unanimously.
- Mark Burrows noted that Joy Fields had done a great job moving the process along.

### VI. Old Business:

none

### VII. New Business:

#### A. Transylvania County Watershed Protection Ordinance

- Joy Fields explained different classifications of water and that a water supply / water shed is for drinking water. The Cathey's Creek Watershed is in Transylvania County, serves the City of Brevard water system, and is regulated to protect it from pollution.
- Much of the watershed is protected by the Pisgah National Forest.
- The City of Brevard owns approximately 24 acres near and including the intake area.
- Joy Fields showed the watershed on a map and detailed the critical area as the first half mile, which is the most important area to protect. The remaining area is regulated as well, just not as stringently.
- The Transylvania County Watershed Protection Ordinance is just for the Cathey's Creek Watershed. The ordinance adopted in 1993, and is not as detailed or well-defined as more modern ordinances. Planning Board can make sure terms are correct, and the ordinance is current with all state and federal rules.
- Sandy Watson stated she read the existing ordinance and found it to not be very clear or easily understood. Nor is it consistent with the format of other ordinances.
- Mark Burrows noted this ordinance is not used often and thought the Planning Board could finish its review by August 2018.
- Joy Fields showed a map of the watershed so Planning Board could view the surrounding parcels. There is a Christmas tree farm and a trout farm at the headwaters. Kimsey Jackson asked if chemicals were used on the farms and Mark Burrows responded that he believed the answer to that would be 'yes'. It was discussed that, overall, there are not a lot of opportunities for things to go wrong and little activity. Joy Fields noted that siltation from roads may be the biggest issue (sedimentation).

- Mark Burrows said Planning Board should keep in mind that the watershed intake could be moved anytime. So it should be considered how the county would enforce the ordinance if it were in a different location. If actually moved, it would essentially amount to zoning changes for the new surrounding area. With a 50% maximum drawdown, the community may need to look at a new intake in the future.
- Bob Twomey noted that Asheville outgrew their watershed and intake. He pointed out that inter-basin transfer is illegal, but we should still be aware that some other municipalities may pursue Transylvania County water sources in the future.
- Joy Fields passed out a document, "Guide to Surface Freshwater Classifications in NC" (attached), noted that Cathey's Creek is a Water Supply Watershed Classification II (WS-II), and in the critical area, impervious surfaces are limited to 6% of a parcel.
- Joy Fields stated the Planning Board's support was need to move forward with updating the ordinance, with staff initiating the first red-lined mark-up.
- Sandy Watson moved for staff to begin editing the Transylvania County Watershed Ordinance, to ensure current state and federal laws are met. The motion was seconded by Bob Twomey and passed unanimously.

**B. Transylvania County Voluntary Agriculture District Ordinance**

- Mark Burrows said that Bart Renner, the Director of the Transylvania County NC Cooperative Extension Office, presented a draft update of the Transylvania County Voluntary Agriculture District Ordinance to the County Commissioners at their last meeting.
- This ordinance was originally written by the Planning and Community Development Office.
- Planning staff has reviewed the current draft as the Board of Commissioners directed NC Cooperative Extension to seek guidance and input from Planning Board.
- Mark Burrows said staff would have modifications for Planning Board to review and/or approve in July or August. Nothing is required now of Planning Board, but if members would like to review it now, they can send questions and/or comments to staff via email.
- Bob Twomey shared that farms used to be required to have a Farm Service Agency assigned number to officially designate legitimate farms that would qualify for reduced tax compensation.

**C. Planning & Community Development Department Director's Report**

- Joy Fields demonstrated the new layers on GIS mapping that depict protected mountain ridges and historic designations (local and national), as well as existing layers that show the watershed, floodplain, and other zoning. These layers will help all departments of both municipalities to know when permits are required. This came about to address situations of permitting where there are local historic designations (one was permitted last year without obtaining a certificate from the Joint Historic Preservation Commission).
- The Board of Commissioners will consider the Mountain Ridge Protection Ordinance after the budget is passed. Mark Burrows and Joy Fields will present it in July for a public hearing and action afterward.
- Grants:
  - The Wayfinding Grant was highlighted in the newspaper. This \$50,000 grant was meant to highlight economic nodes. The grant is formally closed.



**TRANSYLVANIA COUNTY PLANNING BOARD MINUTES**  
**Regular Meeting, June 21, 2018**

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- There will be a stakeholders meeting for the Comprehensive Bike Grant at 4:00pm next Tuesday, followed by a community drop-in at Little River Community Center to obtain citizen input. Other drop-ins will be in Rosman, Brevard and Cedar Mountain.
- Steve Woodsmall asked staff to have the Friends of the Ecusta Trail make a presentation at a future Planning Board meeting. Mark Burrows stated he would contact them to schedule.
- Mack McNeely asked if bikes could be banned on certain roads. Mark Burrows noted that for infrastructure (including bike lanes), it takes a community desire outlined in a documented plan. And then it takes time to implement, but bikes could not be banned on certain roads without legislative authorization.
- The NC Commerce Grant for the Greystone Inn Building Re-use was executed for \$100,000.
- Currently, there is a grant being formulated for approximately \$300,000 in partnership with the Transylvania Economic Alliance.
- The Golden LEAF Grant reimbursement requests are underway which includes \$1M in grant funding for construction of the Ecusta Road building with TEA, and \$100,000 for STEM in schools.
- All active community centers will have their hot spots active in July 2018. The Board of Commissioners again allocated \$50,000 for community centers for the upcoming year.

**VIII. Public and Board Member Comments**

- Norm Bossert stated he enjoyed attending the meeting.
- Bob Twomey asked if there was any feedback from Cedar Mountain on their small area plan. Mark Burrows noted that planning staff would be meeting at Sherwood Forest soon.
- Bob Twomey asked if there were updates on the Renova property (the old Ecusta mill site). Mark Burrows stated he had no updates other than it is on market. It was noted that the delay on construction of the road passing through the property was an environmental issue.
- Daryl Hogsed thanked planning staff and board members for their volunteered time and said he had an appreciation for everyone's varied expertise.

**IX. Adjourn**

There being no further discussion, Kimsey Jackson moved to adjourn. The motion was seconded by Steve Woodsmall and carried unanimously.

**MINUTES APPROVED**



Daryl Hogsed, Chair



Vice-Chair



Kalen Lawson, Recording Secretary