

Jason Stewart, Director
Kate Hayes, Interim Planner
Beth Webb, Program Assistant

**TRANSYLVANIA COUNTY PLANNING BOARD MINUTES
Regular Meeting, December 19, 2019**

Call to Order: Chair, Sandy Watson - The Transylvania County Planning Board met in regular session on Thursday, December 19, 2019, in the Commissioners Chambers. Members present were Chair, Sandy Watson, Vice Chair, Kimsey Jackson, Bob Twomey, Rick Lasater, Beecher Allison, Lauren Wise and John Wayne Hardison. Staff members present were Transylvania County Planning and Community Development Director, Jason Stewart, Interim Planner, Kate Hayes and Program Support Assistant, Beth Webb. Approximately 35 members of the public were present. No media attended.

- I. **Welcome:** Sandy Watson welcomed everyone. The meeting began at approximately 7:00 p.m. Kimsey Jackson said the invocation and John Wayne Hardison led the Pledge of Allegiance.

- II. **Public Comment:** Alan McClung, full time resident at 281 Mill Cove Road. He has concerns to share about the impact on the proposed construction on the flooding that annually occurs at Route 276 and includes Becky Mountain Road. Hogsed Creek, an environmentally protected stream runs through Mill Cove under Becky Mountain Road through a cornfield and into the French Broad River. FEMA has designated large portions of the pasture and adjoining cornfields as a high risk (a.e. floodplain). Because it becomes a lake size watercourse during heavy rain. When 276 was built, the highway was raised out of the original floodplain, by creating a levy, the floodplain was divided. A two-hole conduit is the creeks only escape and when the French Broad swells, the watercourse is forced to push into the cornfields and Mill Cove, typically crossing Becky Mountain Road. The pictures provided tonight, serve as demonstrative proof. We confidently contend that building in this floodplain will violate the Transylvania County Flood Damage Prevention Ordinance. Please follow my logic, continued flooding is inevitable. Construction changes where water can go redirect the flood waters that block Becky Mountain Road, will restrict emergency services. This is a violation of the flood ordinance. Now a dirt bank, the 2019 flood brought down two huge Creekside trees at our road entrance. Increased flood levels will intensify the destructive erosion effects in Mill Cove, another ordinance violation. A flooded underwater septic tank, will not operate as designed. An additional violation of the flood ordinance. The county's flood ordinance offers a variety of grey areas from which the Flood Plain Administrators get to choose. We know that it's impossible for any developer to guarantee that the flood waters will not be redirected. We know that there will be increased flood erosion and we know with absolute certainty that a septic field will not perk under water. As our appointed land use stewards, we ardently request that you choose to deny any construction in this floodplain before regrettable decisions are made, we urge you to choose a moratorium on all floodplain construction. Time is needed to make informed choices that are based on thorough and thoughtful examination of the facts.

John Koury, resident on 245 Hogsed Road. The proposed development at Route 276 and Becky Mountain Road, his comments aren't related to zoning, land use or area planning, but like Alan, they are mostly related to flood issues. We all love living in the land of waterfalls and our tempered rainforest, but it also means that we also live in the land of situations. The site in question does flood with frequency. In 2018 and 2019, it floods to varying extents, some pretty severe. The proposed development will fill a portion between Hogsed Creek, Route 276 and Becky Mountain Road to elevate the finished floor of this building to the base flood elevation.

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By doing that, it's going to displace a lot of the flood area that would have normally been there. But, they are compounding their issues, by filling in about two-thirds of their site and blocking off a relief drain, which is on the north side of the site. It will result in more flooding on the north side of Hogsed Creek and Mill Cove. We don't know because one of the compounding actions is that they are replacing a cornfield with incur bias areas. Roughly 9,100 square feet of roof area and with a parking lot, his guess that it is somewhere around 14,000 square feet of incur bias area that they are going to be adding to the volume that is going into the Hogsed Creek. He knows that there is no Stormwater Ordinance there, but really what we are talking about is our flood waters. As has been stated, the Flood Hazard Ordinance is in place to protect the county's management of access to the roads and also private property. And to have any sort of meaningful management in his layman's view of how to address this, we all in trying to do this development by the rules. Really, what he is asking is the county use the ordinance and use all the provisions within the ordinance to leverage the outside oversight agencies so all reviews can take place. In his quick assessment of it, when you displace all that capacity of raising the finished floor, you are going to have to increase the flow through capacity under Route 276, from the floodplain out to East Fork. And, that should not be on the county's dime that should be on the developer's dime.

Sasha Jones, mother of three young children that lives on Becky Mountain Road and someone who drives by the proposed sight six to eight times a day. As someone who chose to own a home here, because she believes the Transylvania County Planning Department has its resident's safety in mind when reviewing permit applications. Particularly when it involves a project that will increase flooding on Becky Mountain Road, a road the county owns. And to that point, we have over 6,000 signatures on our petition showing that those folks feel the same way. Sasha showed a picture (top) that she took, when she had to meet her babysitter several times at the bottom of Becky Mountain Road because of the flooding, she couldn't make it to our driveway. She requests that the Army Corp of Engineers have the opportunity to weigh in on whether they require a 404 permit. The question is straightforward, we assert that the property has wetlands on it, based on soil and hydrology and we need a jurisdictional wetland determination. Initiate the process for the 2019 FEMA maps to be evaluated and updated. We have ample justification from all our dated flood pictures alone that FEMA established base flood elevation is outdated. The county does have the power to ask FEMA to reassess this site, we are showing you actual conditions on the ground at the most local level with all of our pictures, there is ample justification for you to make this request. She thinks that it is a significant disservice to this community and a conflict of interest to not have an independent engineer review the plans, but rather you rely on the out of state permit applicants own engineer to get it right. Your job is not to rubber stamp a permit, but to consider whether all aspects of this project have been reviewed properly and are in agreeance with your own published Flood Damage Prevention Ordinance. Isn't this the point of the permitting process? Bottom line, she really feels like your hands are not tied, and the window is not closed. We have confidence in all of you to use the tools that you do have to make the best planning decision and contract with the specific resources, regional, state and federal that they have suggested. Thanked planning board for their time and service to the county.

Carol Clay, she and her husband live on top of Becky Mountain. Love or hate them, Dollar General Corporation targets small rural communities like ours because of our lax zoning and ordinances. These developers are adept at flying in under the radar and getting projects like this started quickly, leaving the community to play catchup. Right now, one of the most beloved and

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scenic parts of the 276 corridor is in their crosshairs. From the time that we all found out about this project, it has been a steep learning curve for everyone, but we have dug deep, we've examined this scope of the project and its impact and we have questions. How can our county have a Flood Plain Protection Ordinance that restricts what type of development can be done in a 100 year floodplain and it's in place presumably to protect the neighbors from backup floodwaters and debris, but allow a project like this with a 9,100 square foot building and a parking lot on over an acre of this floodplain. The proposed building would be raised up several feet above the floodplain, creating an island in the middle of a flood basin, which would only make more flooding in a flood prone area to become worse and compromise the safety and the property of the neighboring community. How can we have a farmland protection plan that still allows this three acre parcel that has been farmed for years and years to be destroyed? The county's own Farmland Protection Plan goes to great lengths to outline the benefits of farmland protection and the detriments of permanent loss of farmland. Even though the plan is not an enforceable ordinance per say, it is methods of guiding principal for the county and in no way does the plan suggest converting farmlands to commercial retail stores. How can we say with a straight face that we value our environment, but let this project go forward with any leniency knowing that runoff from the building, the loading dock, the trash bin and toxic chemicals left behind from the cars will all flow into the protected trout watershed of Hogsed Creek and its conformance with the French Broad River adjacent to the site. The immediate question is what can be done to stop this particular project within the laws, ordinances and agency oversight that already exists? But, the bigger question and ongoing discussion is how can the county fix what I believe is a flawed system so that it can operate from a position of strength, stay true to our community values, and protect what we love for generations to come. To paraphrase singer, Joni Mitchell, if we don't act now, one day it's going to be our kids and grandkids who will look around and be asking, *"Why did they paint paradise and put up a parking lot?"*

Elizabeth Thompson lives in Cedar Mountain. She has lived in Transylvania County since 2012, but she has been coming here her entire life. Her mother grew up on Island Ford Road in the Dunn's Rock community. She would like to ask the Planning Board to put a moratorium on all outside corporate box stores, while we give the small communities a chance to develop a sustainable, thoughtful and inclusive plan for this county's growth, especially in the rural areas. She spoke about protecting livelihoods. If you start at Wilson Road and make your way all the way to the state line, you will find a variety of retail, construction, artisan, repair, and service businesses. They don't necessarily stand out, some do, but they just belong on the landscape. She highlighted three, Whistle Stop, which was Cedar Mountain Quick Stop and Creekside. All three of these businesses have the convenience items that people seem to say that they want and need so they don't have to drive to town. These establishments have all price points (from basic bread to locally handcrafted artisan breads), Sealtest milk to small batch local milk in glass jars. When people say they need to save gas, then go to one of those stores. But, that didn't happen when Dollar General (See Off) opened. One of the businesses she mentioned lost more than \$30,000 in revenue the first full year that Dollar General was open. All three of the businesses had to stop carrying the items because they were rotting (expiring) on the shelves. Two of the businesses had to rethink their business plan as in what to offer to the community. The Quick Stop was sold and is now the Outpost, and they have almost completely eliminated convenience items. Do we really want to force our established local businesses to have to continue to rethink their business plan every time a Dollar General or some other box store shows up to this county? She feels like we as a community, as a county have failed these businesses. If we allow another one to open, we will hear about businesses going under. And,

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don't forget that those businesses employ people, way more people than all the Dollar General's combined in this county. And, they also pay more. Is that what we want for people who are from here or have chosen to be here who have poured blood, sweat, tears and money into their businesses? We owe it to them to put a moratorium on all outside or corporate box stores, while we give the small communities a chance to develop a sustainable, thoughtful and inclusive plan for this county's growth, especially in rural areas.

Martha Bridges lives in Sherwood Forest, they are part time residents but very happy residents. She attended another Planning Board/Commissioner meeting when the first Dollar General decided to spring up. Their community was very concerned and upset about that. She knows that for the Planning Board coming out for this meeting, night after night and month after month, it is something that you probably don't feel very much appreciated for when you get community response that sounds critical. We do not mean to be critical of your service, we appreciate you very much and hope that we can influence you to do the things that will meet our point of view. The people who have spoken before me have been very eloquent about the things that need to be considered here. In the earlier meeting a couple of years ago, she heard a couple of you express concerns about property owners rights and property owners values. She knows that it has to be a concern for the planning board, because people that own property want the right to sell that property when they need to and if the right price comes along. But for all of us who own property in this area, we know that our property values are heavily dependent on the beauty of the area, the forest that we have, the mountain highway that comes down from Caesar's Head and we would like to be sure that the planning board tries to be aware of the rustic and scenic value of all of our property values. A place like Uncle Bucks is not necessarily what you would call polished and beautiful, but it fits, as does the Whistle Stop. All of these places are really important to maintain that. She knows that we have a designation of Highway 276 as one of the scenic highways, but from what she understands is that we have not met or have not applied for higher status than that using more strength and limiting what comes there, that's what she would like to see us pursue. An outfit like Dollar General does have the option to build a different looking box store, they have one in Banner Elk, NC, because they were forced to meet zoning requirements there, which didn't interfere with anybody's rights to sell their property to Dollar General, it just meant that anything they built was much more in harmony with the community itself. Most of those corporations can do that. She would like for the board to take those kinds of things into account and try to work with us on this situation.

Nick Freedman owns Duck Pond Pottery, which is caddy corner to the proposed Dollar General on Highway 276 across from Becky Mountain Road. He has a 20 year vantage point of the area that is being proposed, he is up higher, when he is sitting in his parking lot this time of year, he can look to the right and he can see the entire floodway on the other side of the river. When he looks down 276, he has a great view of the fields below him. He has watched this every day for 20 years. His question, what is the distinction between floodway and floodplain in this situation? The fields on the other side of the river from him are floodway and those go underwater anytime we have more than five inches of rain in 24 hours and sometimes it goes many feet underwater of the entire field and this is a much bigger parcel of land than what we are talking about on the other side of 276, where the construction is, so when he stands in the lot and he looks down 276, what he is looking at is a land bridge, a causeway, a manmade straight shot going over flat land and the land on the right of the road towards the French Broad River is designated as a floodway, whereas the land on the left, where they propose to build the

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Dollar General is called 100 year floodplain. You need to get rid of that wording, 100 year floodplain, because everyone knows around here that is ridiculous. Why? Is it an arbitrary designation of that area where the Dollar General is proposed to be built, is it an arbitrary designation that is considered floodplain and not floodway. Because he guarantees that it is the same exact elevation, the only distinction is that they put a highway down the middle. Now, if that's the case, he is wondering would that set some kind of precedence. Where if he owns land on the other side of his shop, it's all floodway could he just build a road down the middle of it, a road to nowhere to divide the property to say oh this is floodway now and everything on the other side is floodplain. He would like to have that answered during this process, because he thinks that there is something that really addresses the critical part of this whole question.

Bob Twomey, Planning Board member, advised Madam Chairman that he believes he can explain what Mr. Freedman is questioning. All floodplains have floodways and all floodplains have flood fringes. The sum of the fringe, the floodway, which includes the channel, the other side of the river of the floodway and the flood fringe from edge to edge is all the 100 year floodplain. A 100 year storm in Transylvania County of which there is a 1% chance in any given day, during any year is 11 – 13 inches of rainfall in 24 hours. That is the standard for a 100 year flood. If we get 11 – 13 inches of rain in six hours, we may have gotten the same volume of rain, but it may have rained at the rate of a 500 year storm. Or, like in 2004, when Hurricane Francis came through, we got 17 inches of rain, but that was over 36 hours. So, the rainfall and the resulted runoff all change relative to the time span and a thing called time of concentration, where the water from up here, comes down here. The flood fringe, if he understands the floodplain ordinance correctly, and he used to work with the floodplain and farmers in Transylvania County when he was with NRCS. The flood fringe, the way this is written, there is a certain amount of what he calls mooching in towards the floodway, such that the volume of water displaced by filling either in this flood fringe or this floodway, or both of them together, will not cause the water to rise more than one vertical foot in the floodway. The difference between the floodplain and the floodway is that the floodway is absolutely required volume and surface area to carry the runoff of a 100 year, 11 to 13 inch rainfall only 24 hours. That's the standard. So, that's why part of it is named fringe and part of it is named floodway. The current cross section at this particular site is labeled AE, which is the 100 year floodplain. The causeway effect of Highway 276 that bisects those four fields, there is enough, according to FEMA, enough room from that causeway to the river and over on the other side for the floodway to continue to carry the 100 year runoff, even though the causeway is there. If the causeway was not there, does that mean that the floodway might be a little bit wider? Another example: the causeway across the French Broad River and Everett Road, when you go down 64 and turn on Everett Road at the Duke Power substation, right before you get to the bridge, there was a big blowout on the left hand side. How many of you know what caused that? The 100 year flood in 1964, overtopped that causeway. When they built that causeway that goes from the substation to the radio tower antenna. The only surface area for all of that water upstream to pass was under that highway bridge. There was more water than what could be carried under the bridge, it overtopped the highway and there was about a 45 foot gap between the end of the bridge and the causeway, where it was washed all the way down to ground level. And that big blowout that you see immediately on your left as you approach that bridge is still there today because of the tremendous force of the water that blew all of that soil out, in the 100 year flood. So, that's what happens when you mooch in on the floodplain. It doesn't matter if it's the floodway or the flood fringe, if you take a pan of water and set a brick in it, that brick displaces a certain volume of water. The footprint of that store and everything around it will displace floodwater. That

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flood water may only be two to four feet deep, but over how much surface area. It is not possible for this magical engineering term to have compensatory storage in the floodplain. Where are you going to store it in the floodplain? It's already flooded. There is nowhere to put it. Therefore, the water has to go somewhere. Another thing that really complicates this problem is that you've got two floodplains that come together right at the causeway. There is the Hogsed Creek floodplain, which is in and of itself and the French Broad floodplain together and where the two come together, who knows how high the water is going to get. All of the flood insurance rate maps that show the base flood elevation for the 100 year flood are based on a very critical assumption that the channel remains open, there are no landslides, there are no debris slides into the water, there's no jammed bridges, there's no jammed culverts. If you get an outbuilding that washes up against the bridge and closes off one-third of the surface area near that bridge, then all bets are off on how high the water goes then, because they can't calculate that. All they can calculate is the surface area as it is at the time the survey is done.

Kimsey Jackson added that the highway has been there a long time. He thinks it was there long before there was any concern about floodplains and floodways and probably not any designation as such. Audience questioned if the highway was raised up at some time? Bob Twomey answered that they did, they had to raise it in order to keep it travelable above the 100 year base flood elevation, but that came at a cost, because you cannot put enough culverts under that highway to carry the 100 year flood and that's why the water backs up to Mill Creek. Mill Creek can't flow into the French Broad River at flood stage, so it mooches further upstream. Bob Twomey talking as a citizen and not a member of the planning board, where are you going to put the septic system? The last time he talked with Environmental Health, you can't put septic tanks and drain fields in a floodplain, it has already got a high water table.

Mac Morrow commented that this topic has been in his family for the last few weeks. Shared an email between himself and Bart Renner, North Carolina Cooperative Extension, about the topic of saving farmland, because for Mr. Morrow this is a big deal. Mr. Morrow advised that walking in tonight, he is just so appreciative for what is this whole conversation, because when you think about Mill Cove, you don't realize that's a 1,000 acre preserve that has been protected for over 100 years. For families of Mecklenburg, we are who we are, have been there and saved this land, it is very special to those of us in Dunn's Rock. He is thankful that Phillip McGaha isn't alive today. He continued by reading his email to Bart. Bart, not sure you are familiar with the term tragedy of the commons. It's a concept from an 1833 economist, but last week in an exchange with my sister about Hogsed Creek, it popped to the surface. I'm using the term commons as it refers to any shared unregulated resource. Such as rivers, river bottoms especially when environmental protection concerns are raised about communities. The current "No Dollar in the Holler" challenge reminded me that we need a better farmland protection discussion. I am distressed about this project for several reasons, but this land is in active agriculture, has the benefit of tax discounts and is downstream of a 1,000 acre preserve with incredible environmental value and will allow urban sprawl at the expense of this environmental legacy. Our appreciation for rural character is threatened. But, the loss of agricultural land says a lot about what we consider important. We talk about property or owner rights, but not about land use. Transylvania County's Planning Director is new to the position, my hope is that he will understand his responsibility to his public who deserve more and will educate his superiors to their options. Public stewardship is an educational process, other counties are ahead of us, but in your professional capacity, do you have any suggestions as to who should take the lead? Bart answered, Hey Mac, thank you for including me in the conversation, I'll note that the Ag

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Advisory Board did write a Farmland Protection Plan for our county, this plan is already ten years old, but many of the concerns and proposed solutions are still in effect today. One possibility would be greater awareness of our county's Voluntary Ag District Program. The ordinance around this program was rewritten in 2018, so it could be more inclusive to smaller farmers. And, in addition it is voluntary so it does not carry the permits that can make other conservation easements seem too risky for some farmers. I think that many of us come back to the fact that profitable farmland is resilient, sustainable farmland. Extension has been working closely with our local farmers to make them as profitable and resilient as possible, but our farmers are susceptible to the national and international market trends that do not favor small farms. Our local farmers market is another avenue that is aided in farm profitability. But as someone interested in the long term future of the county, I agree it would be nice if we had a solid plan allowing businesses to come into this county without disrupting its heritage and threatening our ability to feed ourselves. I am happy to be of service where best I can. Mac advised that he shared that, because he has three things on his list. Please look for ways to protect farmland from commercial use, look for ways to protect scenic corridors and look for ways to enhance floodplain accordance. He would like to see the county consider adopting what they did in Brevard.

Pam LeBow has lived here two and a half years. She comes from Louisiana and was a victim of a flood, much like what has been expressed by her fellow community members. She lived in a home in Louisiana for 25 years and one night at 1:00 a.m. the water came in. She had six feet of water in her home due to continuing development in that area. She bought a home here and her friends back in Louisiana asked if she checked the flood elevation. She bought a home on top of a knoll. She started a business, Lezard Brevard and it supports local artisans. She is extremely concerned about the visual impact of Dollar General and while she is extremely concerned about the economic impact of Dollar General upon other local businesses. She has a larger concern for her new community. She implored the board that they do the right thing. Because you are looking at in the eyes of someone who is a survivor and it was not easy to live through that flood. And if we fast forward a few years down the line and you allow this development, you will have your local citizens asking why you didn't do something different.

Carol Parker – believes in global warming, partly because he's a farmer and sees the difference in the crops and the crops we can't have because it's raining too much. He read a scientific article that was talking about our problems with planting and made a point that we are using data from the past, not data from the future. This particular article said that we have had three five hundred year floods in one year and that was in the states. Are we planning for the future when we give permits to build in the flood plain? That may be the wrong thing to do. The other thing he is concerned about. For some of us who drive Highway 276 regularly, probably have the occasion of someone passing at 70 – 75 miles per hour because they want to get up the mountain ahead of us. He thinks that the lack of a turning lane is going to accelerate accidents. We are not talking about safety, we are assuming that the two lane road can handle the turns and no one has told him that in doing the permitting if they actually have to look about our bicycle industry. There are a number of bicyclists who use that road. Are we considering their safety, they are part of our industry in this community now. So those are two things that he would like to look into now. I wish we could go back and get a traffic count in the summer and try to look at the value of the safety for our bicycle riders. We hear complaints all the time about not being able to pass them. Mr. Parker thinks we need a turn lane for this if it goes through. The other thing that concerns him is if they meet all of our present codes, they are not

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liable for the future, so what happens if it proves this would be more flooding and more damage, who is going to pay for the change in that road. It won't be them, it will be us. We need to think about the future and not the past with the 100 year flood.

Simon Milendez recent renter in Brevard lives on Angley Road. Today is the first he heard about the Dollar General. A couple of things that he wanted to point out was that he hears people saying this is a part time location and come here for the beauty and the landscape of Brevard and that's a lot of our tourism and a lot of our money and our income for local businesses. He disagrees with adding another box store in here and also giving people a reason to come back in the tourism season. If everything was the same as everywhere else, then there is nowhere else to go. Also, another suggestion obviously because where you guys are trying to locate is in a flood plain, flood fringe, which is not the best place to put it. Why not look at places where businesses have gone down and there are empty shop locations or empty places to lease? Or better places where there's more shopping around. He doesn't necessarily think that that's the best option, but it's better than putting it where you are talking about.

Joe Lenair, lives in Brevard. He has a question about the placement of the Dollar General as in toxic runoff from the business itself and vehicles in the parking lot – antifreeze, oil, gasoline flooding into the flood plain when it rains. Also, how and where are the semi-trucks that are going to supply the Dollar General, how are they going to maneuver onto Becky Mountain Road, that doesn't seem to be physically possible and that could back up traffic and cause more accidents on Highway 276.

Bob Twomey asked if they realize why this is happening. About 67% of this county is state and federal land, so that is off limits. The French Broad River flood plain is plus 10,000 acres or more in size that is off limits. The mountain sides that are not state and federal land are so steep you can't build on them, there are landslide issues and how are you going to put a septic field on a slope like that? So what remains is a small percentage of land and this county has 243,283 acres and it is all being parceled out based on state, federal ownership, private and flood plain. Years ago, it became an obvious fact that in time we would lose our two biggest industries (Ecusta and DuPont), which were the tax base. That tax base is forever gone. We are never going to have a factory like that again and we have nothing to offer them. No county water, no sewer, there is no land big enough to put a factory. Why would a factory come here because we are too far away from the Interstate? That's why we have so much emphasis on recreation and retirement in this county. The other side of the coin is, there is only a finite acreage that's left. Now they are going to try to start developing those fringes. Just like Mac Morrow said, that the city decided to go with a two foot tree board. If you raise two feet of water over quite a large acreage of land, and from fringe to fringe, that protects a lot of land.

John Wayne Hardison thanked all of the community for coming out and for their concern and care for our community, and for the environment as a whole. He knows that a lot of you have concerns, but it sounds like a lot of you are focusing on the environment. Thank you for your concern. As the county planning board we have nothing to do with this being passed or not passed. Land use and small area planning different levels of regulating the use of land. It is obvious that we, as a planning board, need to re-evaluate. Passion has made it such, that there is not a person in Transylvania County not aware. The group has done an amazing job of spreading the word.

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Kimsey Jackson stated that there are land use regulations in the county and there is no zoning. It is a problem. The solution would be to have some zoning. Zoning will not be met with acceptance. There are problems.

Bob Twomey mixed commercial/industrial could have put it in anyway. There are ways for them to petition to change the zoning if it was zoned as residential. A lot in this county think that without zoning and adequate education can do more to prevent than the county zoning regulation.

Kimsey Jackson was born in this county and has seen a lot of change.

Jason Stewart stated there are legal considerations the attorney would have to advise us on having a moratorium for big box stores. He is not up to speed on those regulations. He stated it is a tool to use, but like zoning it is a double edge sword as well. It has very specific rules as to how to apply it.

Lauren Wise stated that the scenic corridor has sign control and is a good place to look at this problem. He also stated we can't continually turn a blind eye to it. Kimsey Jackson stated no chain stores are allowed in some of the areas he is familiar with, but states there are some drawbacks to having these regulations in place.

John Wayne Hardison asked Jason Stewart if there is leeway to ask a third party for third party review. Jason Stewart replied that there is currently no mechanism for us to ask for a third party engineering review. We can ask our state representatives and we already work very closely with State Representatives who handle flood issues.

III. Approval of Agenda: Kimsey Jackson made the motion to approve the agenda as presented, the motion was seconded by Lauren Wise and carried unanimously.

IV. Approval of Minutes: John Wayne Hardison moved to approve the Regular Meeting minutes for November 21, 2019, as presented, the motion was seconded by Beecher Allison and carried unanimously.

VI. Subdivision Approvals and Updates: Kate Hayes notified the Planning Board that since November 20, 2019, there have been twenty-two (22) subdivision and exemption plats reviewed. Four (4) recombination of approved lots, three (3) greater than 10 acres, two (2) family subdivisions, nine (9) changing of boundary lines between adjoining property owners, two (2) 2 lot subdivision, one (1) review only (boundary review) and one (1) conservation easement.

VII. Old Business:

A. Noise Ordinance – Natalia Isenberg, Partner, with Teague Campbell. The county is under contract with new legal representation. Ms. Isenberg has a few suggestions and additional language to make the Noise Ordinance a little bit clearer and to make it so an enforcement officer has clear language. A copy of the Noise Ordinance is included with the highlighted changes. Beecher Allison questioned when the meeting with County Commissioners would be and was advised the earliest will be January.

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Jason Stewart advised that we would take the comments, review and revisit at the next meeting.

- B. Cedar Mountain Small Area Plan – The next meeting will be on Tuesday, January 28th, at the Cedar Mountain Community Center at 6:00 p.m. No update, but welcomed Planning Board members to listen to the process.

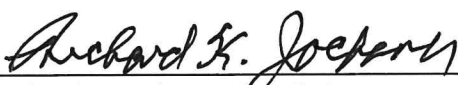
VII. **New Business**


- A. Overview of Planning Department Related Ordinances – Basics of what we do and as far as zoning – protecting public health and safety – uses are the issues it hinges upon taking and it is a taking or pay the property owner for the loss of use and what is considered taking. Retail is all retail and can't make that distinction. Can't mix and match. John Wayne Hardison asked if these are state laws. Can't apply retroactively, do not have to abide by newly adopted regulations, discriminatory. Asked to refer to the zoning PowerPoint document, which was presented at the board of commissioners meeting. A copy will be provided to the Planning Board members.
- B. UNC School of Government Training Video – Bob Twomey questioned if this would count towards their required training. Introduction to Land Use Regulations – Adam Lovelady. Planning Board members would like a copy of the training document.
- C. Planning & Community Development Department – update Jason Stewart advised that Darby Terrell will start on January 13th.

- VIII. **Public and Board Member Comments:** Sandy Watson is not going to reapply to be on the Planning Board. She has lots of stuff going on and has loved all three years she has served on this board. Sandy has been the chair since May and she will miss everyone. Bob Twomey advised that Sandy Watson has brought a calmness to the Planning Board meetings. Kimsey Jackson endorsed Bob Twomey's comments. January will be Sandy's last board meeting. Officers will be elected in February. Jason Stewart extended his appreciation and the county's.

- IX. **Adjourn:** The next Planning Board meeting will be a joint meeting with the Transportation Advisory Committee and is scheduled for January 14, 2020, at 7:00 pm in the Commissioners Chambers. There being no further discussion, Lauren Wise moved to adjourn. The motion was seconded by Bob Twomey and carried unanimously. The meeting ended at approximately 10:00 p.m.

MINUTES APPROVED


Richard K. Jackson, Vice Chair


Beth Webb, Recording Secretary