
TRANSYLVANIA COUNTY
CEDAR MOUNTAIN SMALL AREA PLANNING
Regular Meeting, September 24, 2019

I. Welcome: Jason Stewart welcomed everyone. The meeting began at 6:00 p.m.

Call to Order, Jason Stewart – The Transylvania County Cedar Mountain Small Area Planning Committee met for their first meeting on Tuesday, September 24, 2019 at 6:00 p.m. in the Community Services Building conference room. Members present were Lucia Gerdes, Candy Gray, Curley Huggins, Tom Oosting and Mark Tooley. Staff members present were Jason Stewart, Planning and Community Development Director and Kate Hayes, Interim Planner. There were also around 25 members of the public in attendance, including several representatives from the Cedar Mountain Community Small Area Plan Steering Committee and representatives from the Cedar Mountain Community Center. Many who attended the meeting are either full or part-time residents of Cedar Mountain.

II. Citizen Advisory Committee Procedures

As this is a new committee formed by the Board of Commissioners, the Committee will need to elect a chair and vice chair for future meetings.

A. Election of Chairman

1. Lucia Gerdes made a motion to nominate Curley Huggins as the Cedar Mountain Small Area Plan Committee Chair. Mark Tooley seconded the motion which carried unanimously.

B. Election of Vice Chairman

1. Mark Tooley made a motion to nominate Lucia Gerdes as the Cedar Mountain Small Area Plan Committee Vice Chair. Candy Gray seconded the motion which carried unanimously.

III. Presentation - 2018 Cedar Mountain Community Small Area Plan Project (Steering Committee member(s))

- A.** Robert Lawson presented the 2018 Cedar Mountain Community Small Area Plan Project Overview on behalf of the Cedar Mountain Community Center Steering Committee. The steering committee has been working on a small area plan since early 2018 and the project started with the community center because they have a good idea of the demographics in the area. The plan wasn't based arbitrarily on what the census determines is representative of Cedar Mountain. The steering committee was fostered and "home grown" by the community center. Joy Fields, County Planner at the time, became involved in the project and agreed to meet with and talk to members of the community. Cedar Mountain was the first community to self-initiate a planning process. One of the first steps and deliverables in the process was to gather statistical information from the community. According to Mr. Lawson, a statistically accurate sampling and good representation of the area and demographics would be around 10%. At the time when the data was compiled, 11-12% of the population had responded to a survey that is ongoing. The steering committee wanted to track data for people residing in what they considered to be Cedar Mountain; the area is loosely defined by the eastern portion of census tract 9604.02.

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Mark Tooley questioned if this area included the entire Cedar Mountain Fire District response and Mr. Lawson did not believe so, but stated he would need to check.

Part of the area of Cedar Mountain consists of three major recreational areas (Headwaters State Forest, DuPont State Recreational Forest, and Mountain Bridge Wilderness Area), but there are also many residential areas throughout the community. Mr. Lawson stated the Cedar Mountain area is a big draw for traffic coming into the county because of the natural areas of DuPont, Caesars Head State Park in SC, and now Headwaters State Forest. The steering committee wanted to balance development and conservation so "we don't destroy what we have." The area currently has access points for biking, hiking, and horseback riding. Candy Gray volunteers with the Cedar Mountain Fire Department and believed there are around one million visitors coming through DuPont State Recreational Forest each year. There has been huge growth in DuPont in recent years for biking.

Mr. Lawson continued and emphasized that about half of residents in Cedar Mountain are part-time residents and that it is an interesting mix of property owners. The steering committee is pleased to see one original member, Lucia Gerdes, on the Small Area Plan committee. The steering committee researched and developed a survey to gather data on the opinions of Cedar Mountain residents that was representative of the community itself. The intent was to get as many responses as possible, by meeting at the community center, churches, and the fire department. The survey is still active and can be found at <https://www.cedarmountaincommunitycenter.com/community-survey>. The committee's goal was to create an enforceable plan and to look at regulatory measures that are already in place such as regulations surrounding the Headwaters, a Class C trout stream that flows into the French Broad. The committee had collaborated with the Planning Board at the time to get the initial design for the plan. The small area survey that was created was distributed to the group. The survey was comprised of 27 questions scored 1-5 for importance, and there were 4 freeform questions and comments to collect additional information. At the time of the initial presentation, the group had collected over 100 data points –locations that responded to the survey and were then overlaid onto a map to determine who resided in Cedar Mountain. Some responses were excluded if they were outside of the boundaries between Sherwood Forest and Conestee at See Off Mountain and East Fork Road (Image 1 attached). In total, there were 136 qualified responses. There are around 4,000 homes in the census tract, less than 2,000 in the Eastern part of the tract, and then only half who are full-time residents; this means it was estimated that there are around 1,000 full-time residences in the area of question (Image 2 attached https://www2.census.gov/geo/maps/dc10map/tract/st37_nc/c37175_transylvania/DC10CT_C37175_001.pdf).

The priorities that were gleaned from the survey include protecting the community against certain types of development, while ensuring the quality of the environment and the community. Other priority areas included maintaining open space and community areas, a rural atmosphere, limiting signs and billboards, wooded areas, parks and outdoor recreation, property values, reducing flooding through storm water management. Areas of the survey that

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were deemed least important included a historic district, commercial development, multi-family residential development, and industrial development. There was a comment made questioning if the survey respondents were mainly retirees or working individuals because they might have differing opinions on the importance of development. Mr. Lawson mentioned that the demographics of Cedar Mountain are mainly retired individuals. He read a few comments from respondents which included the following items of importance: rural and undeveloped green space, and a small town feel with community involvement. Of the survey responses, the following items were what people liked least about Cedar Mountain: speeds along 276, Dollar General signage and other comments, lack of cell service and amenities, and the highway noise. Changes for improvement should include a lower speed limit, working with property owners to eliminate trash, and preserving the environment. The steering committee continues to gather information, but it had been about a year since they had talked about the plan. They are pleased that the Board of Commissioners has appointed the Cedar Mountain Small Area Plan Committee. Mark Tooley asked Mr. Lawson if he could share all of the comments made on the survey, but because it is a collaborative project he won't be able to share the information without the board's approval. Mr. Lawson noted that he would like to collaborate with the Committee and leverage each other's resources.

The audience questioned if there were setbacks county wide, and if the county wants to move in that direction. The only ones in place pertain to the sign ordinance and building setback. Citizens have the ability to let their representatives know their concerns. Larry Chapman took the opportunity to let everyone know the process of creating such an ordinance. The Cedar Mountain community could be the first step with citizens coming together, and then bringing a matter to the Planning Board, and then continuing to the Board of Commissioners. Other communities could look to Cedar Mountain to organize themselves; according to Robert Lawson, people in the communities want to become involved and Cedar Mountain could be a model for others moving forward.

IV. Public Comment (15-minute time limit. Speakers are limited to three minutes.)

- A. Gus Napier** is compiling photographs of Highway 276 and he is concerned about the speed limit on the road and the danger of vehicle accidents. He addressed the issue as a quality of life concern for residents of Cedar Mountain and would like guidance on how to apply pressure to the speed limits. According to Larry Chapman, the county has no control over the roads or speed limits; this is a concern for NCDOT and a state responsibility. Lucia felt that DOT was complaint driven and has found them to be very responsive from online complaints. Mark mentioned that the county has a Transportation Advisory Committee and 276 is a highway and that it is looked at more than a State Road.
- B. Curley Huggins** stated his appreciation to Robert for the presentation and agreed that it will be a difficult task to balance growth and economic opportunity as well as environmental and social concerns. He appreciates the community involvement and concern, especially the leadership of the Cedar Mountain Community Center Steering Committee and their initiative. It will be essential to the planning process.
- C. Bob Twomey** discussed the topography of 276 South with mountains to the left and right and once you drop into SC on the Piedmont escarpment and how Dollar General had no choice but

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to cut into the bank. Any development would face considerable cut and fill. There was reference to Boone and Banner Elk's development procedures for businesses to fit the local landscape of the community and architecture. Our natural resources will dictate what types of land use can be accommodated in the area, such as floodplain, soils that can't handle septic systems, and unstable slopes. Members of the audience questioned Bob about the floodplain and streambank stabilization along Sherwood Forest because culverts are filling with sediment and losing capacity. The county has strict rules about the floodzones because they participate in the Flood Insurance Rate program through FEMA. Development in the floodway requires a no-rise certification to prevent unintended consequences to neighboring properties. Robert Lawson questioned taking action with Dollar General as silt is coming into the rivers. There is currently already an ordinance which regulates erosion control if the area of disturbance is greater than one acre. The group agreed that bystanders need to let county and state officials know of property owners not following those requirements.

- D. **Susanne Lawson** has gone to the Soil and Water office in the past and was referred to Kevin Mitchell, the Environmental Specialist for Water Quality Regional Operations at the Asheville Regional Office of the NC Department of Environmental Quality. Robert Lawson stated that there needed to be a plan in place for those who circumvent regulations; he wanted the Cedar Mountain plan to be enforceable.
- E. **Doug Ombries** mentioned some observations he has of Cedar Mountain coming from South Florida. He thinks it is time to find out what can be done in reference to allowing commercial buildings along portions of 276 and other designated land uses. He thought this should be first before getting into zoning or setbacks; commercial could be the first step and existing businesses would be grandfathered in.
- F. **Jason Stewart** mentioned that the plan does need to be enforceable, but the commissioners will have to balance the need for more staffing, departments, and finances of the county.
- G. **Peggy Baldwin** addressed the fact that because the county does not have zoning in place, we don't have much control over what happens in the area. The small area plan process is a way for a small community with consensus to achieve what they want to see and what the community wants its businesses to look like. Lighting and setbacks are some examples of what could be included in the plan. Development restrictions would then be governed by the county. They would apply the regulations to growth in the county. Dollar general slipped through because of the lack of zoning, and they have heard many complaints from residents. The community wants to get ahead if they are approached by another development. Dollar General could have planned their development differently if the county had restrictions in place. Could the county let the community know in the future what is coming or what has been permitted?
- H. One citizen mentioned the possibility of spot zoning and asked if this was frowned upon by the county?
- I. **Tom Oosting** asked how the steering committee sees working together with the new committee formed by the county commissioners. He would like to get together with the newly appointed representatives to exchange ideas.
- J. **John Wayne Hardison** appreciates the attendance of the group because "none of us are as smart as all of us." He appreciates the committee's time to make suggestions to the planning board so they can go to the commissioners on their behalf. He mentioned that it slows the process down if they only hear complaints and no solutions and emphasized that people need to

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do their research ahead of time and then come to the board with potential solutions or at least a place to start.

- K. **Kimsey Jackson** mentioned the outcome of this process will be quasi-zoning and regulations, but that this can be a double edged sword. He spent his life working in communities with zoning regulations and to keep in mind that not everyone will agree with the consensus.
- L. **Margaret Napier** referenced an article in the Transylvania Times from a few weeks ago she thought was written by John Lanier about how wonderful Brevard is, which speaks to the uniqueness of the area, but there wasn't much of a reason to visit outside of town. Cedar Mountain wants to protect against that type of development.
- M. **Curley Huggins** asked how the groups could meet together, referencing the NC open meetings law.
- N. **Jason Stewart** advised that there could be a potential representative from the steering committee on the Small Area Plan committee.
- O. **Robert Lawson** wants to see the group move forward, potentially using the steering committee's document as a tool to implement. He mentioned how helpful Joy Fields had been from the planning department. The original steering committee had built short-term strategies, but they haven't shared anything with the new committee; they will have to go through the same path, but he doesn't know how that will be achieved.
- P. **Jason Stewart** has no issue with input from the steering committee, but these meetings will be the proper avenue for that input.
- Q. **Lucia Gerdes** reiterated to the group that this is their chance for public input.
- R. **Candy Gray** mentioned that the groups are essentially meeting as a team, but the appointed committee is providing information from the subset.
- S. **Mark Tooley** mentioned that the project timeline (some of which is already complete) should allow the group to plug in pieces and move forward.
- T. **Suzanne Lawson** questioned when the next meeting would be scheduled and made vocal recommendations of items to include such as setbacks, signage, protecting the stream, and allowing businesses that fit in with the culture and environment. She has seen communities destroyed from losing green space, and thinks that Cedar Mountain needs to be on the forward edge.

V. New Business

- A. **Planning & Community Development Department** –The group discussed the meeting times and Jason mentioned that there should be a goal to meet monthly especially in the beginning of the process. Lucia has conflicts on Tuesdays because this is her only day she is not working. The group discussed the possibilities of meeting at the Community Center, but it is not available on Thursdays. Jason thought it was best to meet at the community services building again next month. The group came to a consensus to meet on the **4th Thursday of each month at 6:00pm**. A member of the audience was concerned about the group's ability to meet on those days with Thanksgiving and Christmas coming up and she didn't want to see the group skip several meetings. Jason mentioned that we can address conflicts as they arise.
- B. **Inquiry from TNRC about field trip to Community Center** Kate brought it to the committee's attention that the Transylvania Natural Resources Council would like to schedule a field trip to

Cedar Mountain potentially in September of 2020 to learn more about their process and see if they have included the natural resources in their plan.

- C. Establishing Goals and Objectives (Boundaries, Overlays, etc.)** The group felt that they didn't need to readdress the concerns that had been discussed throughout the meeting. Jason advised to look over their packets, develop goals individually, and then come back collectively to discuss potential land use regulations with discussion.

D. Other

1. Scenic Corridor Signage

- i. Tom Oosting questioned where signage is if highway 276 is a scenic corridor. To him, it brought up a larger question of the attitude of the Cedar Mountain community and how they think about the corridor since it was established in January of 2018 he believed. Anything the group could do to save that road would be his priority.

VI. Public and Board Member Comments

- A.** Lucia doesn't want to limit the commercial businesses along that route. She referenced the Dollar General to say that if they would have had regulations beforehand, it could have changed things. Zoning can't be by mob rule and we can't change anything mid-stream, these changes would need to be developed beforehand. Could there be a possibility of a commercial node along 276? There is a market for commercial development and a node at Cascade Lake Road that is a pleasant rural appearance which includes the Fire Department.
- B.** Candy Gray stated that the area needs to grow businesses in order to grow development. She referenced the McDonald's that is located in Biltmore Village because the brand was modified to fit into that area. She has an issue with the Dollar General and attempted to boycott the business for a time period. The Dollar General was not asked to blend in before they located here. There was talk of a rustic appearance sign, but the company did not follow through with this agreement. That is precisely the charge of this committee to determine what standards the community would like. Jason mentioned the possibility of form based code that regulates land development not necessarily the type of use.
- C.** Mark Tooley stated that we need to balance nature and commerce. Businesses will occasionally come into a location with three sets of plans: Plan A with no zoning, Plan B where a locality can influence the business slightly, or Plan C where they will tweak the business plan to match the community character. He wants the "Plan C." There are such ordinances in place in areas like Biltmore Village and Banner Elk.
- D.** Robert Lawson does not want the committee to forget what they have learned so far. He referenced the "donut hole" in DuPont and the hazardous waste at that side. The turnaround to today led to increased visitation and revenue to the area.
- E.** Bob Twomey felt that DuPont is a "good corporate neighbor" and has planted millions of trees on the property.
- F.** Suzanne Lawson felt that it is a failsafe to have public access for people to come enjoy nature. She also questioned the meeting schedule in November and December around the holidays because she wants there to be a chance for input from the public. The committee will make every attempt to meet during those months. She also thanked the committee for their willingness to serve and taking the time to meet. She invited the members to events at the

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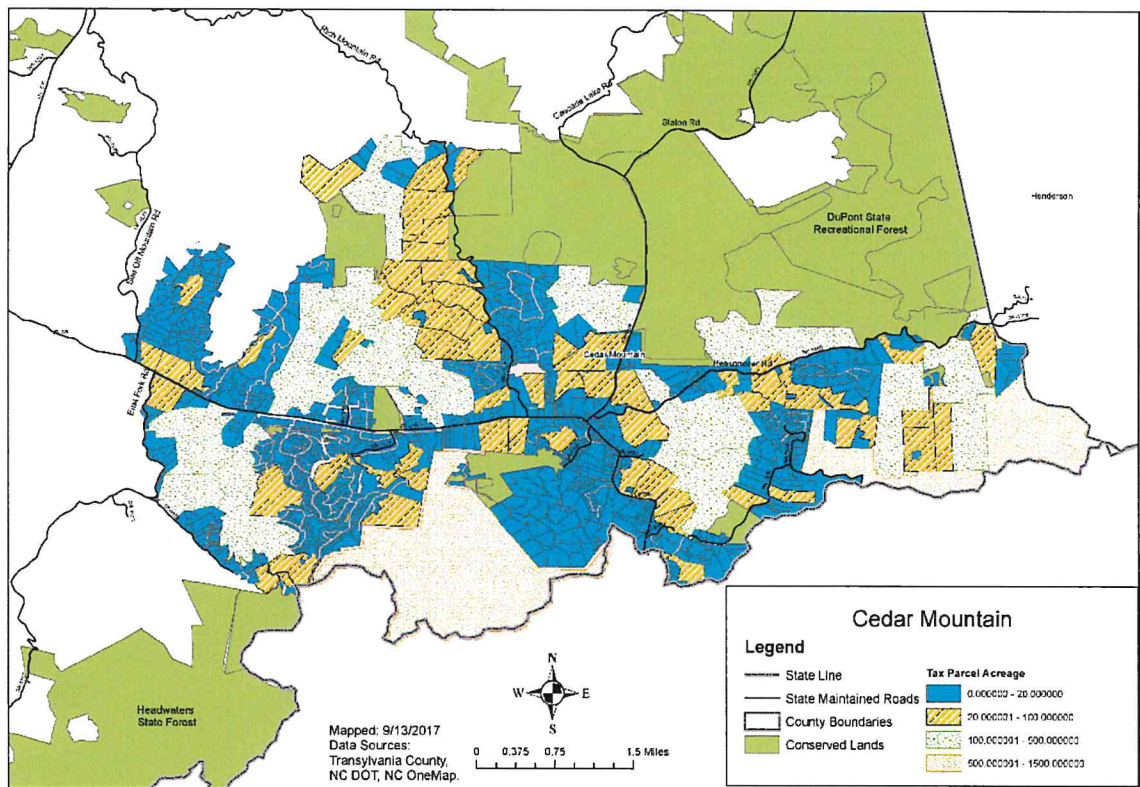
community center held the second Monday of each month, with October being a BBQ fundraiser.

G. Curley Huggins thanked the audience and members of the committee as well as the planning staff for their expertise. He believes that the steering committee is vitally important to this process.

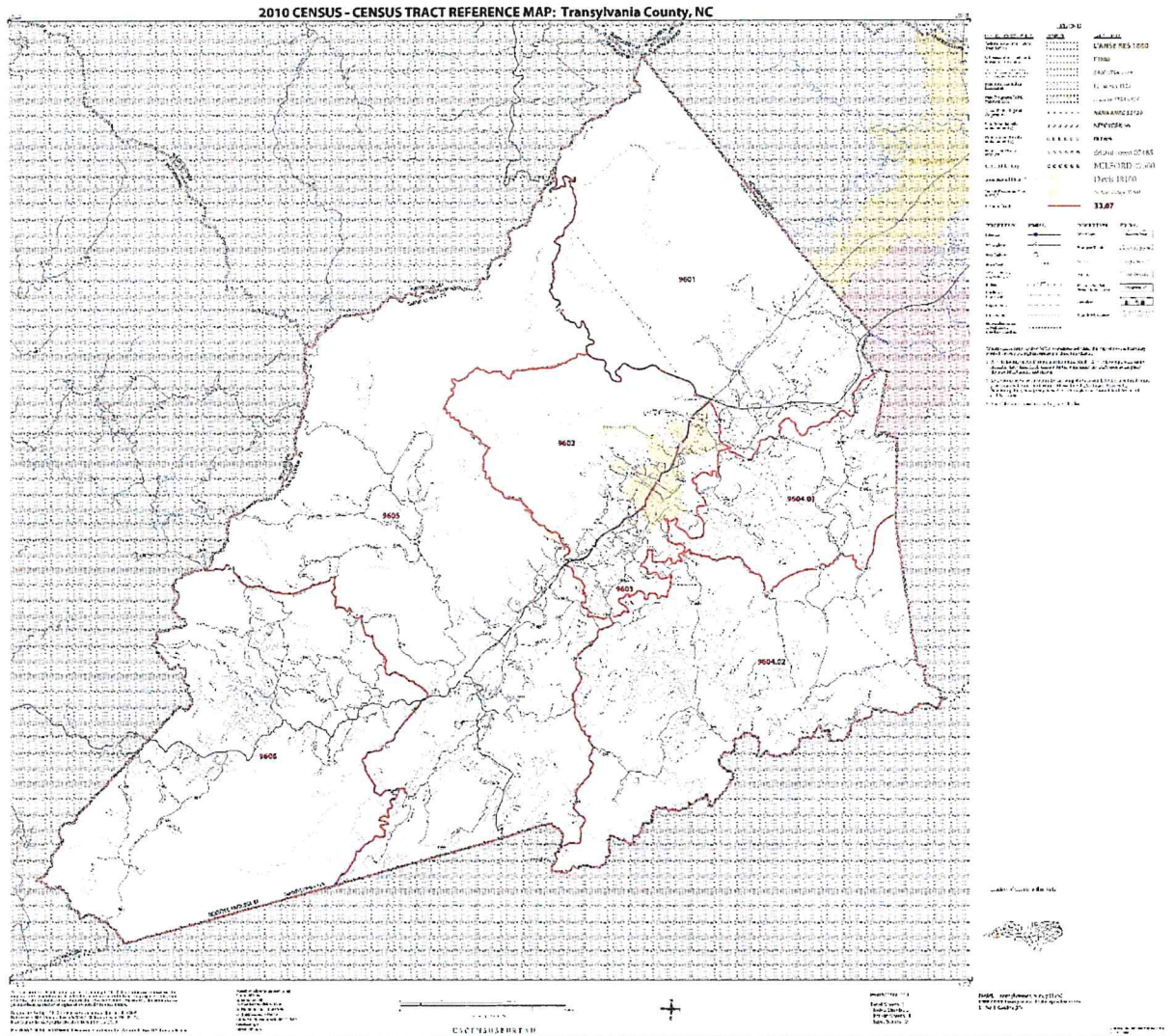
VII. **Adjourn** – The next meeting is scheduled for October 24th at 6:00pm in the County Administration Commissioners Chambers at 101 South Broad Street. There being no further business Mark Tooley moved to adjourn and Candy Gray seconded the motion, which carried unanimously. The meeting ended around 8:00pm.

VIII. **Attachments** –


A. **Image 1:** Boundaries of Cedar Mountain Steering Committee



B. Image 2: Census Tract 9604.02 (Eastern portion is Cedar Mountain)




Curley Huggins, Chair


Kate Hayes, Interim Planner