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

**I. Welcome: Curley Huggins welcomed everyone. The meeting began at 6:00 p.m.**

Call to Order, Curley Huggins – The Transylvania County Cedar Mountain Small Area Planning Committee met for a regular meeting on Thursday, October 24, 2019 at 6:00 p.m. at the County Administration building in the Commissioner Chambers. Members present were Lucia Gerdes, Candy Gray, Curley Huggins, and Tom Oosting. Staff members present were Jason Stewart, Planning and Community Development Director and Kate Hayes, Interim Planner. Mark Tooley was absent (excused). There were around 10 members of the public present.

Curley Huggins welcomed members of the audience and extended his appreciation for their support throughout this process.

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

Curley stated that he would be keeping the group to the allotted 15 minutes. Although the group needs the guidance of the audience and can't implement a plan without them, he asked that everyone be mindful of the time and allow your neighbors a chance to speak. With those comments, he opened the meeting for public comment. One member of the public spoke.

**Joleen Branigan** appreciated the opportunity to be at the meeting and participate.

Before moving forward, Kate mentioned that the agenda did not include a space to approve the agenda or the previous meeting minutes. The group added this as section III.

**III. Approval of Minutes and Agenda**

Candy Gray made a motion to approve the modified agenda and Lucia Gerdes seconded. The motion carried unanimously. Tom Oosting made a motion to approve the minutes from the September 24 meeting and Lucia Gerdes seconded. The motion carried unanimously.

**IV. Presentation 2025 Comprehensive Plan (Kate)**

- A. Focus Areas** – Kate presented information from the Transylvania County 2025 Comprehensive Plan to give the committee information from the county level to keep in mind as they proceed with the planning process. She also opened the presentation by discussing what a small area plan can accomplish including things such as allowing a community to determine their own future and providing confidence to property owners. A community can address concerns such as separating land uses, limits for advertising or development, locations and setbacks, as well as storm water/erosion control and potential transportation concerns. A small area plan needs to be in alignment with other adopted plans such as the 2025 Comprehensive Plan. One focus area

of the comprehensive plan is land use and livability which includes things such as land development, floodplain regulation, public safety access, zoning/ordinances, and housing needs. Other focus areas included economic health, environmental health, and overall health/culture/equity in the county. The land use and livability goal supports private property rights while also seeking ways to promote new growth. There was a survey conducted at the time of the comprehensive plan. Kate discussed survey results from the Comp plan to provide a baseline for the direction the county sees itself going in the next five years. The survey respondents felt that the most important assets to maintain in the county were the public land and the natural beauty. Economic development was a priority in the county-wide survey with people wanting to see small businesses, outdoor recreation, and educational services as the top businesses.

- B. Designated Growth Areas and Commercial Nodes – A portion of US 276 South which goes through Cedar Mountain is designated as a Commercial Node in the 2025 Comprehensive Plan which means this area could potentially see economic growth in the future, but it does not currently have utilities such as water and sewer. The commercial nodes are frameworks for potential infrastructure expansion. The commercial node is circled in orange in the picture below.

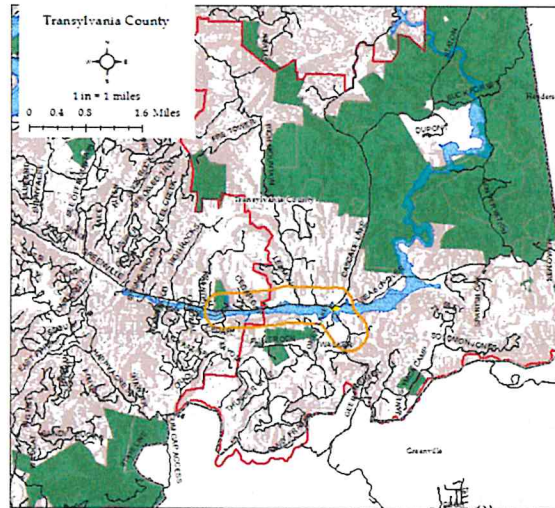


Figure 1: Cedar Mountain Commercial Node

- C. Discussion – Candy would like to see how the Cedar Mountain respondents of the 2025 Comprehensive Plan compared to the county responses. She’s interested in seeing how the two groups compare because she felt there were some differences in priorities in the Cedar Mountain Steering Committee Survey and the Transylvania County Comprehensive Plan Survey. Lucia doesn’t want to limit Economic Development, but she also wanted to see the comparisons of Cedar Mountain and the county. Tom would like to separate out the value system of Cedar Mountain specifically to see where they are in comparison to the overall results. Lucia mentioned there probably wasn’t as high of a focus on economic development from Cedar Mountain residents, but that isn’t something we can “small area plan for or against.” Jason mentioned the survey results would be more of where we target our focus; it doesn’t mean we are necessarily unresponsive of Economic Development because this could be a sentiment in the county, but not all areas in the county. Lucia asked if the Small Area Plan can address what is supported by the comprehensive plan? Jason mentioned that the plan is a guiding document that outlines growth, but the group can determine how to institute that plan. Growth can be like a faucet, the committee can determine how much water is coming out. Curley doesn’t disagree

with Lucia, Economic Development is going to happen whether we want it or not. He mentioned his desire to reach everyone in the community because they might want economic opportunities for their children and the people who live there. It's a matter of balancing that growth. The group would like Kate to pull out the survey results from the Comprehensive Plan to only focus on the results from Cedar Mountain residents. Kate will have to look into what data the Planning Department has to see if she can analyze the raw data. She will come prepared at the next meeting to hopefully discuss those results as they compare to the overall county results. The feelings of Cedar Mountain are important; Candy mentioned that we are doing a Cedar Mountain plan, but we can compare the two data sets and work together toward a common goal.

Tom began discussing the boundaries of Cedar Mountain and questioned how far the Fire Department covered. Kate provided a handout on the current census tract area, Fire Department response district, as well as public lands within Cedar Mountain. He asked how the line compared to Conestee; the boundary line of Cedar Mountain Fire and Rescue is the beginning of Conestee Fire and Rescue. Lucia mentioned that even though Cedar Mountain starts at the post office, in the past East Fork has also been included. She asked what the group regards as the small area of Cedar Mountain? How does the survey area of the steering committee of around 1,800 tax units compare to the census map/tract? Robert Lawson got up to address the question. Their map of Cedar Mountain resulted from hours of discussion on what people consider to be the cultural area of Cedar Mountain. The group did not take a scientific approach; rather, they spoke with people who have lived in the area for generations. Jason stated that there is no right answer of boundary lines; it is up to the group and what makes sense to the committee. Tom liked Robert's boundary line process.

## **V. New Business**

- A.** Draft Mission and Vision Statement – The group began discussing potential mission and vision statements after Curley asked Kate what would be a good starting point? She mentioned that the group could choose to use the vision statement from the Comprehensive Plan, and then make it more specific to Cedar Mountain. It is a citizen driven plan/policy, and the group felt those words should be included. Lucia wanted to include preserve and protect the environmental headwaters and Candy also wanted to include promoting responsible development within the greater Cedar Mountain community. Tom addressed balancing development against the need to preserve and protect the community's aesthetic and environmental values. Lucia mentioned that balance of being part of our "unbuilt environment." Curley would like to see the vision statement mention preserving the natural beauty, protecting the fragile ecosystem, and protecting the rural feel for community members. Candy brought up the priority in the county's comprehensive plan to balance the natural environment versus economic development. She would like to see the plan lead with the environment because the land in Cedar Mountain supports plants that can't grow anywhere else; it is a delicate and fragile ecosystem that needs to be protected. The group would like Kate to draft a vision statement to vote on at the next meeting.

Tom appreciated Robert's vision. Robert Lawson's concept of the community's vision has been established over the 65 years that the community center has been in existence. He is a result of their board and input from the community center. His perception of Cedar Mountain is more of a cultural definition; after all the years, he stated that people knew "who was in the family and

who wasn't." It is something that has been established over decades. He mentioned that it was interesting for outsiders compared to people who have lived in the area for generations. Robert felt that it was important that the community centers establish their own areas for any small area plans that come in the future because it would be a good starting point of the cultural perceptions.

Tom mentioned that a mission statement is what the group is setting out to do or try to do; it was the perspective of the committee that a mission statement is the same as a vision statement. The mission statement could be what you reference while the vision statement would be the ultimate goal. Curley referenced a mission statement that would facilitate long-range planning, development, and conservation measures through the implementation and enforcement of zoning/ordinances/land use regulations. Candy asked if they could use the word zoning in the statement? Jason advised that he would use the words land use regulations or controls. Tom thought he was talking about land use regulations which Candy said were "fighting words." Kate mentioned instead of a vision and mission statement, the group could decide to put together goals and objectives. Candy suggested the group would list important statements and concepts that Kate will then capture and draft a statement to bring back to the group. Tom asked if there were any restrictions to having an open dialogue about the topics with the Planning Department; Jason advised that they have to be careful because of open meeting laws. However, each member can send planning staff their thoughts and then Kate will compile into a single vision statement.

## B. Establishing Goals and Objectives

### 1. Boundaries

Lucia initiated the discussion by asking if the boundary would be from East Fork Road to the state line and to the Henderson County line; she asked for any alternative from other committee members. Tom mentioned that because there is already a commercial node identified on US 276, he can see the merit of commercial development to support the community and its visitors. He's against an all embracing policy that tried to enforce development restrictions on all other lands in the area; he wouldn't call it zoning. He would prefer to urge people to build in a certain manner; it's a balancing act between commercial development and other uses. Lucia reminded the committee that they were defining the boundary lines at this time, not allowed uses. Tom asked if this would be a boundary for commercial uses or all of Cedar Mountain because you have to realize there's two kinds of properties—commercial and non-commercial.

Lucia asked if the plan would include minor streets such as Rich Mountain Road and Reasonover Road, but Tom would like to limit it to US 276. Lucia mentioned that the boundaries would be different than the nodes. Jason encouraged the committee to answer the question what are you trying to protect and where are you trying to protect in the future? Lucia would also like to see Cascade Lake Road and Staton Road even though they appear as forest land on the map because there is a concern about someone purchasing a residential parcel and changing it to a commercial use such as a gas station. She also has the same concerns about Reasonover Road, Rich Mountain Road, and parts of See Off Mountain Road. Curley would like to discuss the boundaries and then decide on internal roads. Jason asked the committee what they would like to see and what they wouldn't want to see over the next 30 years; he advised to set the boundaries then the committee can come back and

change later if needed. Curley said there would probably be significant growth over the next 20 years; Lucia said nothing is stopping a home in Sherwood Forest Golf Course from turning it into a business or changing the use. Tom questioned if Dunn's Rock wanted to undergo a Small Area plan next, shouldn't the areas border one another? Lucia did mention that Dunn's Rock doesn't have a highway (US 276) and it is more residential without the presence of DuPont State Recreational Forest. She also thought that Cedar Mountain should include East Fork Road and Cascade Lake Road, and then Reasonover Road to the state line. Candy questioned how these boundaries related to the Cedar Mountain Fire and Rescue Department; it stops at Little River on Staton Road not too far from Lake Imaging Road and DuPont Road. The South boundary will be the SC state line. Tom acknowledged that the plan can't include the actual forest, but there are properties along Reasonover and Staton Road that need to be included. There was a question if the area would include See Off Community or Stones Lake which are deed restricted communities. Tom mentioned an initiative in a local neighborhood for dark sky exterior lighting and the possibility of reinforcing it in Sherwood Forest. It helps reduce noise pollution and could potentially be discussed for Cedar Mountain.

The group was in agreement that the boundary would extend to the state line and within DuPont State Recreational Forest, but include the pockets of property along the roads accessing the forest. Jason mentioned that the plan could be used for transportation improvements along "state parks." It could be a stronger case for improvements if it is already part of an area plan of development. Tom mentioned taking the line to where Rich Mountain Road hits 276 and where See Off Mountain Road becomes Becky Mountain Road. Lucia then questioned if we would include Solomon Jones Road along the NC/SC border. Lucia mentioned the problem of only one side of Solomon Jones Road getting snow plowed in the winter because of the state line and jurisdictional boundaries. The group discussed if certain neighborhoods would be included and Candy stated that she would not like to see a lot of exemptions, she would like to make it a complete area with boundaries.

## 2. Overlays

Jason began the discussion of overlays by stating that they are how the committee is going to control what you don't like and encourage what the committee does like. What is the committee trying to prevent from happening and what do they want to see happen? Candy mentioned that Cedar Mountain doesn't want in your face development; she understands that growth will occur as time goes on, but they do not want glaring developments. The committee would like to see development that fits in with the surrounding environment. They mentioned that the Cedar Mountain Café and the Proper Copper fit in with the community. Jason mentioned strict lighting standards could be an example of an overlay. Candy would like to see less environmental disruption such as cutting down trees as well as less glaring signs. She referenced the McDonald's in Biltmore Village in Asheville and the Ingles on Highway 17 in SC as examples of what she would like to see aesthetically.

Curley felt that the steering committee did an excellent job portraying what Cedar Mountain wants and he agrees with Candy. He made a comparison to southern Myrtle Beach and said it was an ugly area, but if you travel south to Litchfield, it looks completely different. He wants to preserve that small town look and feel for Cedar Mountain; Litchfield had to have had something in place. He doesn't want Cedar Mountain to get overwhelmed by

development before they have the chance to implement a small area plan. He encouraged the people of Cedar Mountain to take the initiative in the plan and share their voices with the committee.

Lucia realizes US 276 will remain a commercial corridor with lighting and setbacks, but could the committee implement improved restrictions to potentially maintain appropriate distances between residential and other uses. Candy could see a business like The Hub wanting to locate to Cedar Mountain and she just wants to ensure that it blends in. Curley asked if there was an ordinance about aesthetics of buildings? Jason mentioned places can be regulated based on form in a form based code that relates more to the placement and looks of something on a piece of property instead of the actual use.

Tom brought up the design component of impervious driveways and surfaces and the possibility of making it an overlay. Jason felt that developers would meet most requirements put in place within reason. Could the plan possibly encourage a level of solar power by a certain year? Jason didn't think the plan would address this, it could encourage developers to utilize solar, but it can't require that. Is the Army Corps currently involved for building? According to Jason it depends on where development is occurring; projects would have to go through the county, state, and the Army Corps of Engineers if the development affects a stream or waterway. Those rules are already in place and do not need to be included in the plan. Candy wanted to also make sure there was a focus on wetlands. Jason said the group could look at buffers along the streams in the area. Lucia mentioned several properties located on headwater streams. Jason said that buffers along streams are already taken into account for subdivisions, but not for commercial development. Lucia would like to know if there's a standard for buffers that would address things such as distance and types of materials such as shrubbery or trees. Candy would like to see examples of similar counties; Jason mentioned he could look at counties in Western North Carolina and then similar rural communities across the state. Tom asked if there are specific setback regulations for Little River because it is a Class C trout stream. Jason mentioned that there are already erosion and sediment control measures as well as floodplain regulations, but Lucia mentioned that the small area plan could go further in terms of the streams and creeks that feed into Little River. Curley questioned what type of regulations Buncombe County has?

Candy had a question about parking lots and regulations associated with those. Lucia questioned if that was determined by the building code to have a number of parking spaces based on square footage of development. Jason mentioned there are ADA requirements in place, but parking is more of a land use issue. The committee could reinforce the building code, and take it a step further if they wish. These additions would be included in a site plan that would be submitted for approval. Candy would potentially like to see a limit on number of parking spaces allowed to prevent large developments from locating in the area. Overlays such as setbacks, parking, and allowed materials would be targeted towards larger commercial development. Jason also wanted to be sure to target smaller developments as well and things such as overflow parking. Impermeable parking would be beneficial in floodplain areas because the committee doesn't want to create additional flood waters because a portion of Cedar Mountain is located in the 100-year floodplain.

Curley thought that the committee had a fairly good idea of where they want to go and asked planning staff if there is a template they can work from anywhere in NC and then address unique concerns of Cedar Mountain? Tom mentioned that Banner Elk has regulations in place, but because it is a town, they can require buildings to look a specific way. The committee should look at their built development as an example. Curley questioned if there was a state statute about form based code. Jason mentioned that form based code is more about the aesthetics and less concerned with the use on a property. It regulates the land, but focuses on placement and appearance. Lucia asked if the codes would be applicable to commercial development and Jason said it depends on how far the committee would like to take regulations. Lucia addressed that the final plan would still ultimately need to be adopted by the Board of Commissioners. Tom mentioned that designating US 276 as a Scenic Corridor was a step in the right direction. He said there was nothing wrong with pushing the limits and then compromising later. Jason said the committee should be prepared to make some modifications along the way.

Bob Twomey, a member of the planning board and audience, spoke about floodplains in Transylvania County. When water doesn't have a place to go, it typically enters homes. Having some type of form based code that talks about permeable parking lot surfaces along 276 would reduce the amount of water entering culverts and entering Little River. Candy believes that if the small area plan committee makes a recommendation based on good engineering and common sense, she doesn't think the planning board will say no to their recommendation. She wants to be able to provide background information and back up their plan. Sound recommendations would be more acceptable than arbitrary decisions. Tom felt that the Board of Commissioners would not want people to stop going to see DuPont based on ugly development along 276. The committee's next step is for planning staff to come up with examples from other communities and other ordinances. Candy wants staff to make sure they look into lighting, trees, and buffers specifically; Jason also added erosion control and parking lot materials. Lucia wanted to make sure staff focuses on erosion control and construction, and how the county enforces current ordinances better. She wants to enforce through the small area plan instead of through the department of natural resources. Kate mentioned the regulations could work the same way as the Pisgah Forest zoning area. Developments would submit a site plan to be approved and coordinated through multiple agencies before Planning signs off and send to Building Permitting and Enforcement. The committee was concerned about enforcement; Jason said the plan could add an extra layer of protection in addition to the EPA and Soil and Water District currently reviewing. Candy questioned Jason on how they know if construction is up to code currently? How does a citizen know a developer is up to all regulations? Jason said that staff relied on the community to let them know. The committee members mentioned that there was a lot of community input on the Dollar General property and it didn't do anything; they felt ineffective because the developer railroaded them and didn't take input into consideration according to Candy. She's very supportive of something happening with community input to protect themselves. She didn't feel like they had a voice and there were no rules or regulations in place at the time; she felt that the developer lied to community members.

## VI. Public and Board Member Comments

**Robert Lawson** – Mr. Lawson stated that the steering committee has gone through this process. The small area plan was thrown around as a catalyst to begin talking about what the priorities of the community were. Their survey was step number one to identify those priorities and organize their voice. Each community will approach the process differently even with the overarching county Comprehensive Plan; each community will have different needs and priorities. The steering committee brainstormed potential solution and applicable planning tools that could be utilized. They wanted something to be enforceable with teeth. Robert has reviewed the pros and cons of around 20 planning tools that he will send to planning staff. Topics of the tools ranged from access management, architecture, encroachment, floor area ratios, and form based code including setbacks and restrictions. Each planning tool needed to be mapped and aligned back to the community's priorities. All the tools can play differently to each priority and each small area plan; Robert encouraged the committee to look at what would be the most reasonable place to start. It should be a living plan that will grow and evolve, not a one-time plan.

**Suzanne Lawson**—Suzanne wanted the committee to keep stream issues in mind when they are looking at development. She referenced the clear cutting that occurred with Dollar General and that there are loopholes if the development is less than one acre. Candy addressed the same thing occurring along NC Highway 280 at Dirt Works. Suzanne personally enjoys the natural beauty along US 276; she addressed that Cedar Mountain is a rural community and that is what people come there for.

**Giles Singleton** – She's lived at Caesar's Head for generations and has visited Cedar Mountain many times. She spoke about any building plans in the area because it would be nice to have a place to congregate because Stones Lake is no longer open. She would even be happy with a nice looking gazebo. Curley addressed that they would look to incorporate open areas into their plan.

**Lenoir Bishop** – He has been a resident in Cedar Mountain for six generations. He referenced a time when Cedar Mountain was clear cut to the bone, and it has come back to what it is today. He questioned if taxes would have to be raised for this small area plan and possible zoning. They still need a workforce in Cedar Mountain. He is scared of gentrification and people coming into the community from outside. He doesn't understand why the committee is interested in including See Off Community as part of Cedar Mountain. "The clan" sees gentrification moving in, property values increasing, and people coming in who don't want additional buildings. It is Lenoir's opinion that Dollar General is not part of Cedar Mountain because that watershed runs to Gwynn Valley. He referenced the famous flood in Cedar Mountain that went to Sherwood Forest but did not knock out the dam. He would like to know about the taxes and codes of what will be allowed under the small area plan, such as a double-wide for example. He also mentioned that the EPA has gotten involved with rivers, but people have gotten around the rules. He wants to make sure the committee is fair in their decisions even if he has to go out and get petitions signed to show what the Cedar Mountain interests are because the county is concerned with county interests. He questioned if the plan would be open to the public to vote on to verify what's best for Cedar Mountain.

Curley has been expecting feedback like Mr. Bishop's and acknowledged that he himself is not from the area; he has been hoping to hear from people who have lived in the area for generations. Lucia mentioned that the process to serve on the committee was open to the public and Lenoir could

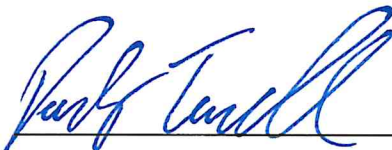


have applied to be on the committee. Lenoir hopes that the committee will be fair to everyone, but Lucia mentioned that taxes are set by the county; the small area plan committee does not control that. Candy answered that the committee can't do anything tax oriented; it's more about protecting what they have and maintaining a status quo. They are addressing mainly commercial aspects that would fit in with the community while also protecting the environment. Commercial development would help the tax base and Candy wanted to mention that she has a double wide. There is no direct charge for the committee, but Jason and the county will have to administer it and there are potential code amendments that come out of the committee.

**Faith Bishop**—She said that the common folk can't afford big fancy houses, they work for the people that can. She wanted to know how much is going to be dictated about their property? She has a different viewpoint because she is from Lake Toxaway but the side closer to Rosman. She is also concerned that everyone has different viewpoints and different definitions of beauty. She doesn't want to see anything changed in Cedar Mountain. What determines the cutoff? Curley said that he is not trying to push anything through and the committee welcomes everyone's input to help develop a plan that is best for everyone in Cedar Mountain. Lucia said that the plan could possibly be applicable to commercial and not necessarily residential, and focus more on things such as gas stations or big restaurants.

**Kimsey Jackson** – He began by stating that he is a hybrid because he was born here, lived here until he graduated, moved away to Florida, and then came back. He stated that good things come out of committees. As you interact with one another, you'll get a good result from that. He referenced a very restrictive community in Florida, Sanibel Island where there aren't even any street lights. There are also regulations about trimming trees; it's a pretty place to visit, but he didn't think the committee wanted that for Cedar Mountain. He said they want reasonable control of commercial development. He said he was ready for the comments from the Bishops because it's their property. He said don't harm your neighbors. The committee needs to map out what is Cedar Mountain and publish a vision statement.

- VII. Adjourn** – The next meeting is scheduled for Wednesday, November 20<sup>th</sup> at 6:00pm at the Cedar Mountain Community Center located at 10635 Greenville Highway. There being no further business Tom Oosting moved to adjourn and Lucia Gerdes seconded the motion, which carried unanimously. The meeting ended around 8:00pm.



Kate Hayes, Interim Planner



Curley Huggins, Chair