

**PLANNING AND
COMMUNITY DEVELOPMENT**

Allen McNeill, Interim Director
Darby Terrell, Planner
Ashley Minery, Administrative Support Specialist



106 East Morgan Street, Suite 207
Brevard, NC 28712
828-884-3205
planning.transylvaniacounty.org

**Transylvania County Planning Board
April 15, 2021 at 7:00PM
Commissioners Chambers, 101 South Broad Street**

To protect the health and safety of everyone, Transylvania County will adhere to the limitations for public gatherings and practice social distancing. The Planning Board meeting can be viewed online at (<https://livestream.com/accounts/10832559/events/9620411>).

MINUTES

- I. **Welcome:** Chair Kimsey Jackson called the meeting to order. In addition to Mr. Jackson, Vice Chair Lauren Wise, and Members Rick Lasater, Beecher C. Allison, Karen Gleasman, and Terry McCracken were also present. Mr. Jackson led the invocation and Mr. Lasater led in the Pledge of Allegiance. A quorum was present.
- II. **Public Comment:** There were no public comments.
- III. **Agenda Modifications:** There were no agenda modifications.
- IV. **Consent Agenda:**
There were no objections or issues with the consent agenda. Ms. Gleasman moved to approve the consent agenda as a whole, and Mr. Jackson seconded the motion. All present members voted in favor and the motion carried.
- V. **New Business**
 - A. Pisgah Forest Community Zoning Ordinance Amendment Review (NC G.S. 160D). Allen McNeill, the Director of Planning and Community Development presented all recommended reference and text changes to NC G.S. 160D. The board briefly discussed the recommended amendments. The recommended changes are below, the crossed out wording is being removed and the colored and underlined text will replace:
 - Pursuant to the authority and provision conferred by the General Statutes (G.S.) of the State of North Carolina (~~Chapter 153A, Article 18,~~ Part 3 Chapter 160D, Article 7, Section 702), the Transylvania County Commissioners hereby ordain and enact into law these articles and sections

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- ***Bona fide Farm*** means all land on which agricultural operations are conducted as the principal use as defined in ~~G.S. 153A-340~~ G.S. 160D-903.
 - ***Building*** ~~means any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals or chattels. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building. The word "building" includes the word "structure" and "manufactured homes."~~ Any structure used or intended for supporting or sheltering any use or occupancy.
 - ***Dwelling*** Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of Article 12 of this Chapter, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.
 - ***Dwelling Unit*** ~~means a building, or portion thereof, providing complete and permanent living facilities for a single family~~ A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating cooking and sanitation.
 - ***Planning Board*** means a body composed of those members organized and appointed by the County Commissioners under the authority granted in ~~G.S. 153A-321 and G.S. 153A-322~~ G.S. 160D-301. The power of the Planning Board to perform its duties is granted in Chapter 58, Article II, of this Code.
 - ***Zoning Vested Right*** means a right pursuant to ~~G.S. 153A-344.1~~ G.S. 160D-108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.
 - **Enforcement generally; duties of enforcing officers and agencies** - All questions arising in connection with the enforcement of this ordinance shall be presented first to the Zoning Administrator who shall be responsible for the day-to-day administration of this ordinance. The Board of Adjustment shall have the authority to rule on matters of
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- interpretation of this ordinance, consider appeals from decisions of the Zoning Administrator, ~~issue conditional use permits,~~ and grant variances
- Conflict of interest - No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.
 - No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.
 - **Penalties for violations** - Any person adjudged in violation of this ordinance shall be subject to fine or punishment as provided in ~~G.S. 153A-323 or G.S. 14-4~~ G.S. 160D-601. Each day's continuing violation, as determined by the zoning administrator, shall constitute a separate and distinct offense. Civil penalty for violation of this ordinance shall be \$50 for the first violation, \$100 for the second violation, \$200 for the third violation, and \$500 for the fourth and each succeeding violation.
 - **General proceedings** - The chairperson, or in his absence the vice-chairperson, may administer oaths and request the attendance of witnesses in accordance with ~~G.S. 153A-345~~ G.S. 160D-302. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and keep records of its examinations and other official actions.
 - Authorize upon appeal in specific cases such variance(s) from the terms of this ordinance as will not be contrary to the public interest and upon a finding by the Board of Adjustment that all the following conditions exist (~~G.S. 153A-345~~ G.S. 160D-302):
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- Conflict of interest - Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
 - Appeals from decision of Board of Adjustment - Appeals from decisions by the Board of Adjustment shall be taken to the courts pursuant to ~~G.S. 153A-345~~ G.S. 160D-302.
 - Initiation of amendments - Proposed changes or amendments to this ordinance may be initiated by the Transylvania County Commissioners, Planning Board, Board of Adjustment, one or more owners of property within the area proposed to be changed or by any third party. Notifications shall be made in accordance with ~~G.S. 153A-343~~ G.S. 160D-601.
 - Public hearing, notices and postings - Before enacting any amendment to this ordinance, the County Commissioners shall hold a public hearing. The notice shall include the time, place, and date of the hearing and include a description of the property or the nature of the change or amendment to the article and/or map. The County Commissioners shall mail notices to the Planning Board, adjoining property owners, and to other such persons as the Planning Board may direct at least ten days and no more than 25 days in advance of the hearing...When a zoning map amendment is proposed, the county shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public road or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons. (~~G.S. 153A-343~~ G.S. 160D-601)
 - Statutory vested rights provisions - The purpose of this section is to implement the provisions of ~~G.S. 153A-344.1~~ G.S. 160D-108.1 as amended for establishment, duration and termination of a site specific development plan vested right.
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VI. Public Comment:


There were no public comments.

VII. Board Member' Comments:


Ms. Gleasman questioned other board members' desire to prepare a statement for the Board of Commissioners review of the Cedar Mountain Small Area plan separate from Planning Department Staff's report. Other members of the Planning Board were not willing to do so and agreed for Mr. McNeil to be solely responsible for the report.

VIII. ADJOURNMENT

At 8:25PM, Ms. Gleasman motioned to adjourn the meeting. Mr. McCracken seconded the motion. All present members voted in favor and the motion carried.



Ashley Minery, Recording Secretary



Kimsey Jackson, Chair

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- Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under ~~G.S. 153A-344.1~~ G.S. 160D-108.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."
 - Limitation - Nothing in this ordinance is intended or shall be deemed to create any vested right other than those established pursuant to ~~G.S. 153A-344.1~~ G.S. 160D-108.1.
 - Repealer - In the event that ~~G.S. 153A-344.1~~ G.S. 160D-108.1 is repealed, this section shall be deemed repealed and the provisions hereof no longer effective.

Mr. Lasater moved to recommend the amendment changes to Transylvania County Commissioners. Vice Chair Wise seconded the motion. All present members voted in favor and the motion carried.

B. Comprehensive Plan 2025 Annual Review:

Mr. McNeill presented background information on the Transylvania County 2025 Comprehensive Plan and its development process and opens the floor for the board to discuss the plan. Mr. McNeill also went through each goal that was presented in the plan. After briefly discussing and questioning portions of the plan, the members agreed it would be best to receive more information about current County projects and statistics before making any recommendations to the Transylvania County Commissioners. They agreed to discuss it more at the May 2021 meeting.

C. Director's Report:

Mr. McNeill reminded the Planning Board of their upcoming meetings:

- **Thursday April 29, 2021 @ 7:00PM in the Commissioners' Chambers (Special)**
- **Thursday May 20, 2021 @ 7:00PM in the Commissioners' Chambers (Regular)**

Mr. McNeill also announced the new member vacancy on the Planning Board. He informed the board there would be an upcoming announcement calling for new member applications. Planning board members are appointed by County Commissioners.
