

**PLANNING AND
COMMUNITY DEVELOPMENT**



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**TRANSYLVANIA COUNTY PLANNING BOARD
MINUTES
Regular Meeting, July 16, 2020**

Call to Order: The Transylvania County Planning Board met in regular session on Thursday, July 16, 2020, in the Commissioners Chambers. Members present were Chairman, Kimsey Jackson, Vice-Chair, Lauren Wise, Bob Twomey, Rick Lasater, John Wayne Hardison, Karen Gleasman and Beecher Allison. Staff members present were Interim Director of Planning and Community Development, Allen McNeill, Planner, Darby Terrell and Administrative Support Specialist, Beth Webb. One member of the public was present. No media attended.

- I. **Welcome:** Chairman Jackson welcomed everyone. The meeting began at 6:58 p.m. Mr. Hardison said the invocation and Mr. Allison led the Pledge of Allegiance.
- II. **Public Comment:** None
- III. **Agenda Modifications:** Chairman Jackson asked if there were any agenda modifications and there were none.
- IV. **Consent Agenda:**
 - A. Minutes (June 18, 2020)
 - B. Subdivision Approvals and Updates
Chairman Jackson asked if there were any changes to either of these two documents. Chairman Jackson asked for a motion to approve the consent agenda. Mr. Twomey motioned to approve the consent agenda, Mr. Allison seconded the motion and it carried unanimously.
- V. **Presentations/Recognition:**
 - A. Citizen Advisory Council Training – Mr. McNeill advised this is training given to all of the County’s Citizen Advisory Council Boards. Ms. Terrell presented the Citizen Advisory Council Training Power Point presentation for the Planning Board members. Planning Board members discussed when a conversation between Planning Board members becomes a violation. Mr. McNeill advised once you reach your quorum of four board members and you are discussing planning board business, that is when you are subject to State statute and are violating the open meetings law. Ms. Terrell also went over Conflict of Interest, Section 160D – 109B and relationship conflicts with the Board. Ms. Gleasman asked if the Planning Board is just the Planning Board and not the Board of Adjustment. Mr. McNeill answered, the Board is the Planning Board and acts as the Board of Adjustment when required to do so.
 - B. North Carolina General Statute Chapter 160D Changes – Mr. McNeill advised a new law passed last year to formally introduce Part II, S.L. 2019-111 (Senate Bill 355), NC GS 160D. This presentation is to provide Planning Board members a general introduction and a source for the Planning Board to refer to as you review the land use ordinances. Updates to the land use ordinances are required by July 21, 2021. The NC School of Government website provides

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a resource for the land use ordinances <https://www.sog.unc.edu/resources/microsites/planning-and-development-regulation/ch-160d-2019>. The ordinance changes have to be treated like text amendments, we have to go through the public hearing process required by State statute, required by existing county policy. Providing adequate notice which is no more than 25 days in advance and no less than ten days in advance. Allowing a public hearing and then approval by the Board of Commissioners. These changes are very non-confrontational ordinance modifications, there are a lot of reference changes, so where the ordinance references 160A, has to be changed to 160D. There are also a couple of definition changes. Planning Board members discussed the review of the Comprehensive Plan, which has to be reviewed annually. Mr. McNeill advised the Planning Board that per the Bylaws, the Comprehensive Plan is in effect through 2025. The Bylaws state that it's this Board's job to annually review the Comprehensive Plan, assess the status of the plan and provide a review to the Board of Commissioners, if any recommended modifications or any general recommendations you might have on the Plan's status annually.

B. Small Area Planning – Mr. McNeill provided context to what a Small Area Plan looks like in the State of North Carolina. The presentation overview included how a Small Area Plan is defined, legal requirements, Transylvania County Small Area Planning process, contents of a Small Area Plan, timeline, key steps and outcome.

Mr. Lasater questioned if the budget comes out of the general fund? Mr. McNeill answered there is no budget for the Cedar Mountain Small Area Plan, it is solely staff facilitated. If county funded, then it would come out of the general fund.

Mr. Twomey questioned if a community comes up with recommendations, which is a word that carries throughout the entire document, that may be what the community wants, but if the Board of Commissioners disapprove, then it's a moot point. Mr. McNeill answered there is no legal obligation for the Governing Board to adopt a Small Area Plan that has been approved by other Advisory committees. If the Board of Commissioners do not feel it is good for the community, then they do not have any obligation to adopt it.

Ms. Gleasman commented if they do adopt the Small Area Plan, does that imply commitment or follow up on the recommendations? Mr. McNeill answered if you look at the 2025 Comprehensive Plan and there are a number of different recommendations, achieving those recommendations is dependent on your budget, your timeline and resources made available. An example would be transportation. Counties in North Carolina do no road maintenance or road construction. Ms. Gleasman commented some of the recommendations will be constraints, like we don't want a big box builder putting a building on our property. If this is adopted or accepted, is it enforceable? Mr. McNeill answered depending on the recommendation, if it is a means of land use regulation that is being recommended, it will be some sort of ordinance. It could be addressed to Cedar Mountain or to the county as a whole, if the Board of Commissioners deem it's appropriate. Mr. McNeill commented something to keep in mind with Small Area Plans and recommendations are feasibility. A community can be in favor of any number of items like transportation and a bike lane. Is it feasible that the County provide a bike lane? It's feasible, but it is going to require some cooperation. The same with land use regulation, if it is the community's desire to have land use regulation, who is going to enforce it, how are we going to pay for that enforcement process?

Mr. Twomey questioned when looking over the Cedar Mountain Small Area Plan progress, it should help alleviate and minimize conflict with what we think their wishes will be versus what the Board of Commissioners are going to look at through the 2025 Comprehensive

Plan. Mr. McNeill answered, yes. Their planning process was constructed in a manner where you are going to see a lot of their content prior to the draft being constructed.

Ms. Gleasman questioned the definition of planning tools. Mr. McNeill answered tools are any means of making the recommendation a realization. He gave an example of the bike lane, if a recommendation is that the community is provided a bike lane along 276, then the tool would be the County Commissioners and staff lobbying North Carolina DOT to assist in the development of a bike lane down NC 276.

Vice-Chair Wise asked to look at slide 13, What's Typically in a SAP, not sure if that would help us understand what we should be looking for in a Small Area Plan. Mr. McNeill advised there is no standard structure for a SAP in the State of North Carolina, these are items that are found and identified in every plan. Vice-Chair Wise thinks it is great framework for the planning board to use. We may want to understand more comprehensively what data analysis we are looking for. If any major ones are missing, we may be able to say this is a major point that we would like to see.

VI. Old Business:

- A. Cedar Mountain Small Area Plan Update – The committee met on June 23rd and discussed the proposed Planning Boundary, Timeline and Outline, which were all approved unanimously. The committee chose to have staff reach out to a local historian to revise the draft Cedar Mountain history section. Modifications were made to a couple of the questions on the draft survey, which were approved so staff could present it to the public. Staff has collected 453 electronic survey responses along with a couple of physical responses not included in this total. Postcard notifications of the survey were mailed to 1,061 parcels in the defined planning boundaries, 49 of those were returned undeliverable. Two advertisements ran in the Transylvania Times. The next meeting will be on Tuesday, July 28th at 6:00 p.m. in the Commissioners Chambers and can be viewed via Livestream.

VII. New Business:

- A. Future Transylvania County Land Development Ordinance Modifications (160D) – the County Manager and the Governing Board identified this as an opportunity to identify other changes that can be included with the whole modification with this amendment and include in one lump sum. It is up to the Planning Board how to go about the process. It can be done inside a consent agenda. Mr. McNeill recommended that the Planning Board know what is in the ordinances and what they supervise. Mr. McNeill presented a proposed process that is being used by other localities on how to attack these amendment modifications to be made over the next year. Staff can create an agenda item at a future meeting to identify all the required 160D changes to get those out of the way and Mr. McNeill will identify each one of those mandated changes and proceed with other non-mandated changes after that. Mr. McNeill advised the Board they can make a motion to review any mandated changes in accordance with NCGS 160D at the October meeting. This will give staff time to work on the changes, send the changes to Teague and Campbell, our attorney, who will need to see the required 160D changes before adopted. We want to make sure we are getting the references correct and the definitions stated correctly according to 160D. We will post them on the website and provide notice to the public to inform them that this Board will be looking at those mandated changes at their October or November meeting. Once the mandated changes are made, then this Board can start discussing other changes to include in this text amendment at the end of the process. There was much discussion between Planning Board members regarding all of the ordinances that need to be updated in addition to the 160D mandated changes. Mr. Allison made a motion to proceed with making the 160D clerical changes by October. Mr. Twomey seconded the motion. The motion was approved unanimously.

B. Transylvania County Planning Board Bylaws Review – Mr. McNeill advised that the Bylaws are the Planning Board’s Charter. It is one of those ordinances that is subject to the 160D clerical changes. Mr. McNeill provided a staff recommended change. Your Bylaws say that it is your obligation to review the comprehensive plan annually, but doesn’t indicate when. Determining when you want that review in the fiscal year would be a possible recommendation. Mr. Hardison made a motion to move the Bylaws review to next month’s agenda. Ms. Gleasman seconded the motion. Chairman Jackson reminded the Planning Board there is another section called Rules and Procedures of the Transylvania County Planning Board, which we may want to include. Mr. McNeill did not recommend any changes to the Rules and Procedures until he can get feedback from legal counsel on whose authority it is to change the Rules and Procedures. It is the Commissioners authority to change your Charter. Chairman Jackson stated that Mr. Hardison’s motion is that we table this for the moment and come back to the next meeting to make recommendations to the Board of Commissioners. Mr. Hardison asked if what they are planning on reviewing can be sent to them. The motion was approved unanimously.

C. Director’s Report

- Our office has been working for the last month in a temporary office structure, as the County has improved our office space. We got a new HVAC system, carpet, a remodeled break/workroom. We hope to move back in by early next week.
- The Board of Commissioner’s meeting on August 10th has been cancelled.

VIII. Public Comment (15-minute time limit. Speakers are limited to three minutes.): Christy Blakely asked about the Small Area Plan process. Looking through the Cashiers and East Flat Rock examples, those plans identify the Regional Transportation Planner, Chamber of Commerce, Economic Development (Cashiers), Farm Service Agency, Natural Heritage, Historical Society and County Transportation. In East Flat Rock, a commissioner serves in those processes. Is there a formal invitation of like Transylvania County entities that could engage, educate and support the Small Area Plan process and possibly advocate or endorse what that small area community might recommend or suggest. The reason is two-fold, one is it could help the community. Maybe, if County EMS comes in and says in your mapped area you get flooding all the time. Some may know that and some may not. So, that may form a decision for them. Maybe Natural Resources talks to them about what natural resources they have that could percolate some thinking on their part of what to include in their plans. The other reason why it is relevant and important is those agencies experts, whoever they are, might give this planning board a better opportunity to approve and support, if there is also other support coming from these other groups. And, then there is the feasibility of it being approved and adopted by the Board of Commissioners, if they see there is support from Economic Development, the Chamber of Commerce, Natural Resources and so on. She knows this as being a bigger thing in other communities that have done a small area plan. She knows some folks are thinking, they are putting all their eggs in the Planning Board basket, hoping that you will champion them onto the Commissioners. And, then hoping and praying that the Commissioners will take action. So if they can support, then she thinks it will help all parties involved.

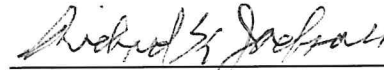
IX. Board Members’ Comments: Mr. Allison appreciates the training from Mr. McNeill. Mr. Hardison thinks it was a great meeting, excited to keep moving forward and to have momentum. Ms. Gleasman acknowledged the letter in the Transylvania Times signed by citizens asking what the planning board is doing relevant to the comprehensive plan and updating our ordinances. Chairman Jackson commented that he and Mr. Twomey both attended the Board of Commissioners meeting on Monday and there have been some changes on the Federal and State level that our flood damage ordinance is going to have to conform to. Mr. McNeill commented there will be some updated maps in the future, but he doesn’t know of

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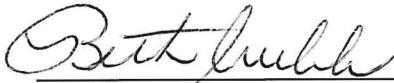
any mandated text amendments. Mr. Twomey commented based upon what Mr. McNeill and Ms. Terrell presented, reinforces even though we are seven individuals on this board, this is one of the best boards, he has ever had the privilege to work on. Mr. Twomey commended Mr. McNeill's approach of putting recommendations on things we need to do. Mr. Lasater thanked staff for all the work put into this each month and taking note that COVID in this County has tripled in the past 14 days. Mr. Lasater thanked Vice-Chair Wise and Chairman Jackson for wearing their masks tonight. Vice-Chair Wise commented that planning is killing it, and thanked staff for all the work you have been doing. It is amazing everything that was put together for today. Vice-Chair Wise also thanked Ms. Gleasman for bringing up the letter in the Transylvania Times and thinks this Board is really starting to work well. Thank you for all the effort you consistently put in every time. Chairman Jackson thinks this has been a good meeting and we are getting ready to do what we really need to do for the County.

Adjournment: The next Planning Board meeting is scheduled for August 20, 2020, at 7:00 pm in the Commissioners Chambers. There being no further discussion, Mr. Allison moved to adjourn. The motion was seconded by Mr. Twomey and carried unanimously. The meeting ended at 9:17 p.m.

MINUTES APPROVED



Richard K. Jackson, Chair



Beth Webb, Recording Secretary

