

## CHAPTER THREE: AGRICULTURAL, NATURAL, AND CULTURAL RESOURCES

This chapter of the CCCP contains background information related to the county's agricultural preservation, natural resource conservation, and historical and cultural resources.

### AGRICULTURAL RESOURCE INVENTORY

#### HISTORY OF AGRICULTURE

For Clay County and other counties in the region, the river and creek valleys and their accompanying floodplains as well as the area's rich forestry resources were the source of the natural wealth that early settlers used to establish themselves. In 1910, about fifty years after the formation of the county, there were five farms for every one person in the county<sup>10</sup> and the total value of all farm property was valued at \$1,126,177 (about \$25 million in today's dollars). Clay County would not have developed as it did without this agricultural wealth. Agriculture was the basis for the county's earliest industries – including cattle and poultry farming, tobacco and other crop farming, and timber harvesting.

Until 2004, tobacco was the county's primary crop—39 farms grew tobacco in 1987, down to just five in 2007. The decline is due to North Carolina's 2004 Tobacco Buyout Legislation<sup>11</sup> that all but stopped tobacco farming in the state. Cattle farming and poultry were the primary livestock commodities, but here too, significant changes have occurred. In 2007, there were four poultry farms in operation compared to 128 in 1987. There were 128 cattle farms in 1987 and only 65 in 2007. The following table highlights selected data to quantify these agricultural changes.

	1992 (Pre Tobacco Buyout)	2007 (Post Tobacco Buyout)
Number of Farms	184	137
Acres in Farmland	16,405	9660
Market Value of Farm Products	\$7.1 Million	\$1.2 Million

**Source: CCCP Committee Presentation, November 2009:**  
<http://claycountycomp.files.wordpress.com/2009/02/11-16-09-powerpoint.pdf>

#### ASSESSMENT OF FARMLAND VIABILITY

A recent report, the *Clay County Farmland Preservation Plan*, made possible by a grant from the North Carolina Agricultural Development and Farmland Preservation Trust Fund and compiled by Smithson Mills, Inc., provides an excellent overview of the state of agriculture in the county today (need reference on where to obtain). Using data, mapping, personal data gathered through a survey, and personal interviews, the *Preservation Plan* paints a somewhat bleak outlook for the county's agriculture community. The bulk of information reported in this chapter was gleaned from the *Preservation Plan*.

<sup>10</sup> 1910 Census of Agriculture:

[http://www.agcensus.usda.gov/Publications/Historical\\_Publications/1910/Reports\\_by\\_state\\_Nebraska\\_Wyoming/41033898v7ch3.pdf](http://www.agcensus.usda.gov/Publications/Historical_Publications/1910/Reports_by_state_Nebraska_Wyoming/41033898v7ch3.pdf)

<sup>11</sup> See the Tobacco Buyout Information Website for more information: <http://www.cals.ncsu.edu/advancement/tobaccobuyout/index.htm>

## *Soil Suitability*

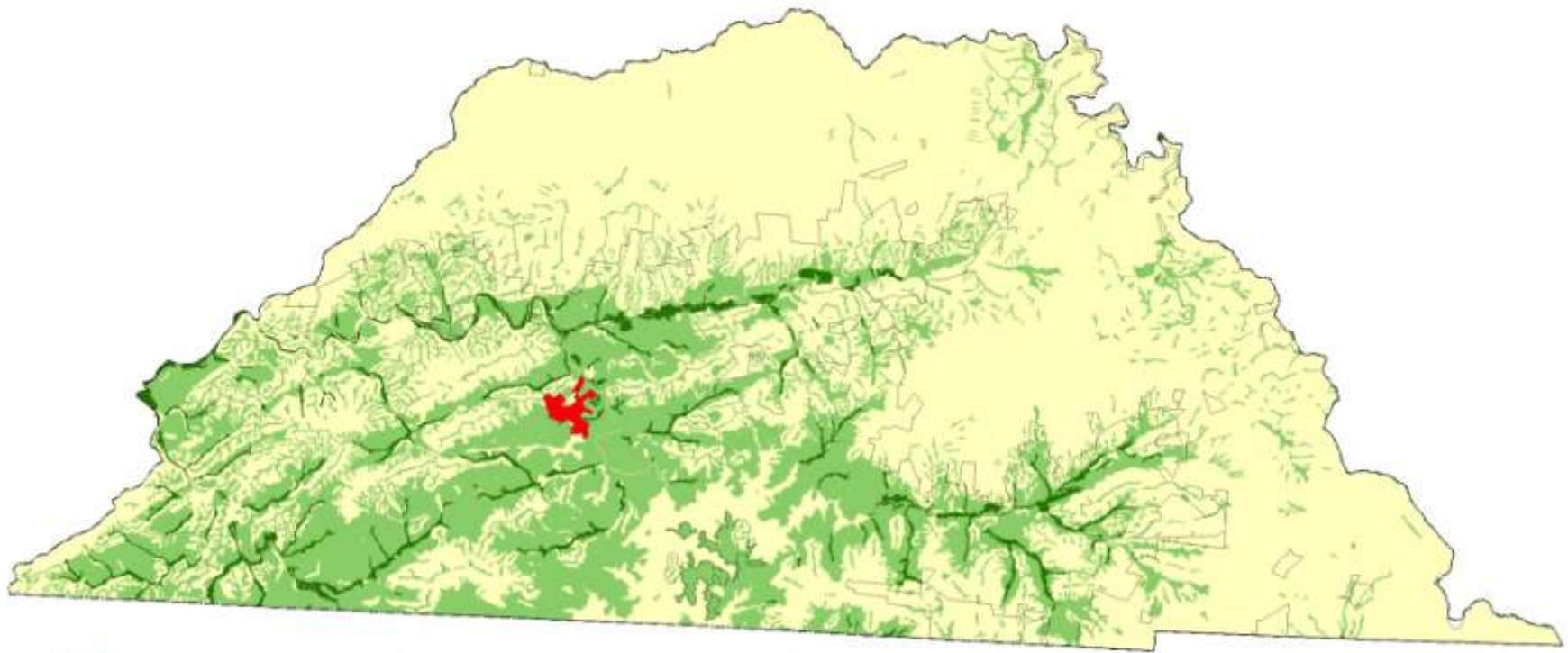
Assessing farmland viability begins with the dirt. The Natural Resources Conservation Service (NRCS) groups soils based on their capability to produce common cultivated crops and pasture plants without deteriorating over a long period. These capability classifications are based on numerous criteria that include, but are not limited to: the soil's salinity, capacity to hold moisture, potential for erosion, depth, and texture and structure, as well as local climatic limitations (e.g. temperature and rainfall). Soils are separated into classes under this system. Generally, Class I and Class II soils are the best suited for the cultivation of crops.

Class I soils have few limitations that restrict their use—they can sustain a wide variety of plants and are well suited for crops, pastures, rangelands, and woodlands. Class II soils are similar to Class I, but they have moderate limitations that restrict the types of plants that can be grown or they require conservation practices or soil management techniques to prevent deterioration over time. Soils in Class III have limitations that, under natural circumstances, restrict the types of plants that can be grown, and/or alter the timing of planting, tillage, and harvesting. However, with management and conservation practices, these soils may still be used for farming activity.

According to the *Farmland Conservation Plan*, “Clay County possesses ten soil types that are classified as prime farmland, along with five types that are prime farmland if adequately protected from flooding.” The report also notes, “there are eighteen soil types deemed of local importance, and nine types that are classified as of statewide importance.” Most of the prime farmland (as defined by soils) is located in the mountain valleys along riverbanks and tributaries of the county’s major waterways—most notably along the Hiwassee River.

Map \_\_\_ shows prime farmland located in the southwestern section of the county including Brasstown and near Brasstown Creek, in the area around Hayesville, in the Tusquittee Valley, and along Shooting Creek and its tributaries. Appendix \_\_\_ is a listing of all prime farmland soils, soils of local importance, and soils of statewide importance.

# Prime Farmland



- Prime Farmland (39,267) (acres)
- Not Prime Farmland (98,254)
- Prime Farmland Potential (3,979)



0 0.5 1 2 3 4 Miles

It is important to note that identification of a prime soil in a particular location does not mean that the soil's area is used for farmland or even that it could be used. It is entirely possible that a large residential subdivision is sitting atop land containing prime soils. A detailed process that identifies prime farmlands in areas that remain open to farming is beyond the scope of the CCCP. Therefore, it is recommended that the county conduct such a study to identify undeveloped farmland to ensure the county's prime farmland has an opportunity to be preserved.

## **AGRICULTURE CHALLENGES**

As the History of Agricultural section previously noted, agriculture no longer has the presence it once had. The farmers surveyed and interviewed for the *Farmland Conservation Plan*, identified the following list of challenges that have and continue to contribute to agriculture's decline. These challenges, explored in detail in the *Farmland Conservation Plan*, include: increasing land values, land constraints, small properties, scarcity of good non-farm employment, scarcity of farm labor, and marketing constraints.

## **FARMLAND PRESERVATION EFFORTS**

In spite of the dreary outlook for the county's agriculture community, a variety of tools and initiatives are available to preserve existing farmland, and to make farming more profitable for those who currently farm or for those who have an interest in farming. The *Farmland Preservation Plan* outlines the following opportunities and solutions to strengthen the agriculture network.

### ***Opportunities and Solutions***

The *Farmland Preservation Plan* presents a list of policies and actions that both protect agricultural land and improve the viability of agriculture opportunities and solutions that, if implemented, will assure the continuance of farming. A summary of the policies and actions follow. Readers are strongly encouraged to read the *Farmland Preservation Plan* in detail, as only the highlights have been provided here. The policies fall into six categories, each containing a number of possible actions:

Agriculture Policies, Opportunities, and Solutions	
Policy	Opportunities and Solutions
<p>1. Promote agriculture as an engine of economic growth on a local, regional, and national level. Use agriculture as a reason to stimulate economic investment in Clay County.</p>	<ul style="list-style-type: none"> <li>• Incorporate some of the agriculture strategies used in Polk County, North Carolina, such as hiring an agriculture economic developer.</li> <li>• Raise the profile of agriculture, integrating agriculture into all aspects of community life.</li> <li>• Expand outreach to owners and users of farm and forest land that is, or might be, managed for recreational or conservation as well as more conventional agricultural use.</li> <li>• Celebrate Voluntary Agriculture Districts (VADs) and Enhanced Voluntary Agriculture Districts (EVADs).</li> <li>• Develop information campaign to promote the implications and value of these districts.</li> <li>• Identify and inventory the general areas, historic buildings, and, where appropriate, specific parcels of lands that are most important to keep open for their agricultural, forestry, aesthetic, environmental, cultural, or recreational importance.</li> <li>• Create a website that includes maps of agriculture districts, conservation focus areas, and related events, information, and contacts.</li> <li>• Designate county staff time designated for advancing the <i>Farmland Preservation Plan</i>.</li> </ul>
<p>2. Promote and facilitate farmland protection through Voluntary Agriculture Districts, Present Use Value taxation, estate planning, easements, development ordinances, and development planning.</p>	<ul style="list-style-type: none"> <li>• Develop a county <i>development plan</i>. [<i>The Clay County Comprehensive Plan serves this purpose.</i>]</li> <li>• Encourage the <i>Voluntary and Enhanced Voluntary Agriculture Districts (VAD and EVAD)</i>.</li> <li>• Encourage <i>easements</i> and designate a county employee to shepherd this process to make it accessible to a wide range of people.</li> <li>• Adopt <i>development ordinances</i> to induce or require developers to consider donating an easement on prime soils, important forest environments, or other inventoried assets within their properties just as they can enforce specifications on roads and sewage disposal.</li> <li>• Consider and promote <i>tax policies</i> that encourage agriculture and landscape preservation, such as Present Use Value (PUV) or the leasing of development rights. (See Map __ for current PUV properties).</li> <li>• Encourage farmers to engage in <i>estate planning</i> by promoting the idea and facilitating access to basic information.</li> </ul>
<p>3. Promote and facilitate leases and other multiple use agreements to bring farmland owned by non-farmers into productive use.</p>	<ul style="list-style-type: none"> <li>• Discourage the use of informal lease agreements.</li> <li>• Engage in outreach, education, and technical support for the owners of unused land and potential operators to generate deeper cooperation.</li> <li>• Encourage long term leases based on the expectation of higher productivity and a wider range of benefits to the landowner to directly subsidize farmers in return for the non-cash benefits of good land management.</li> <li>• Provide technical and social support for farmers and landowners to work through setbacks.</li> </ul>

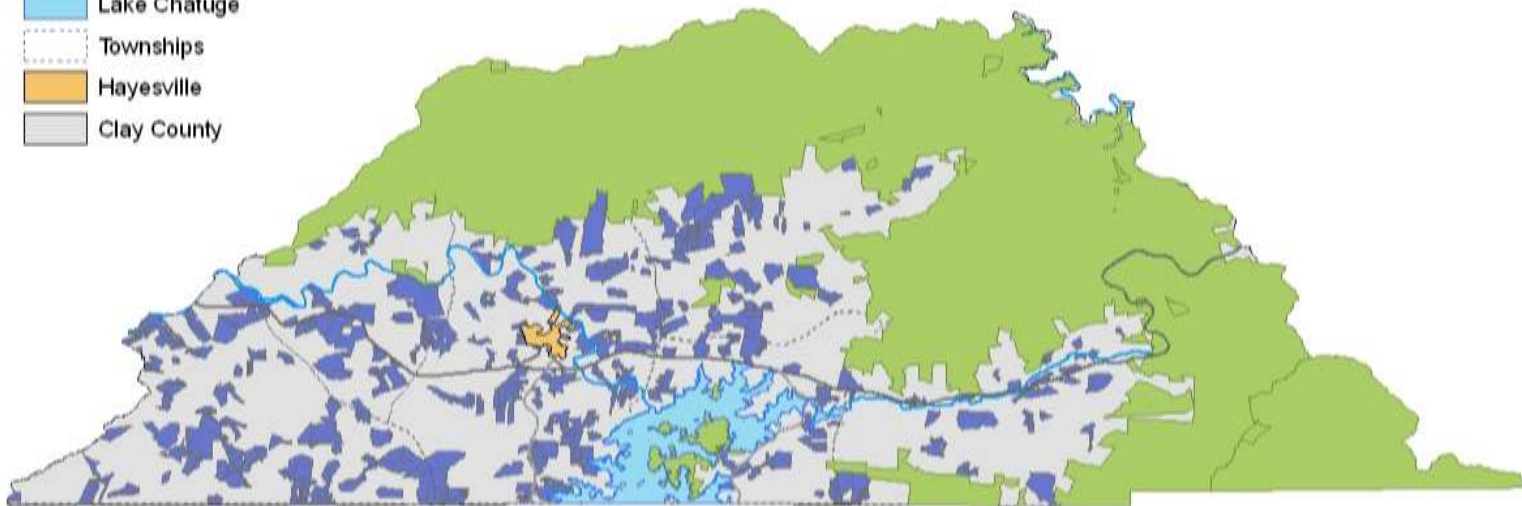
**Agriculture Policies, Opportunities, and Solutions**

Policy	Opportunities and Solutions
<p>4. Develop marketing and processing resources to support a greater variety and increased profitability of agricultural enterprises.</p>	<ul style="list-style-type: none"> <li>• Build local outlets and processing resources such as weekly farmers’ markets, direct sales to schools and institutions, and internet marketing.</li> <li>• Look to other counties for examples, such as the county-supported washing and packing facility in Madison County that helps small producers prepare food for direct sale to retailers, restaurants, and other bulk consumers.</li> <li>• Support regional processing endeavors such as livestock auction expected to open soon in Haywood County.</li> </ul>
<p>5. Provide promotion, training, and support for grass farming and other production techniques to lower costs, minimize capital requirements, increase margins, and meet the environmental and aesthetic requirements of a healthy rural landscape.</p>	
<p>6. Develop and carry out the forestry plans required for Present Use Value tax assessments</p>	
<p><b>Source: Clay County Farmland Preservation Plan</b></p>	

# Clay County Comprehensive Plan Property Taxed at Present Use Value

## Legend

-  PUV Parcels
-  NC Highway
-  US Highway
-  Major Rivers & Creeks
-  Publicly Owned Land
-  Lake Chatuge
-  Townships
-  Hayesville
-  Clay County



0 0.5 1 2 3 4 Miles



## SUMMARY OF KEY AGRICULTURAL RESOURCE ISSUES AND OPPORTUNITIES

The following are some of the key issues and opportunities identified in this chapter:

- Even though agriculture has been on the decline in the community, tools and incentives to protect existing and support new farmers are becoming more prevalent.
- The *Farmland Preservation Plan* thoroughly outlines six categories of opportunities and actions. The *Preservation Plan* provides more detail than what is addressed in the CCCP and readers are strongly encouraged to refer to this document.
- A detailed analysis documenting undeveloped prime farmlands is needed to preserve what is left of the county's dwindling farm land. The Hiwassee River Watershed Coalition and the Land Trust for the Little Tennessee have a model used for this purpose along the Hiwassee and Valley River corridors.
- Efforts to protect and foster agriculture activity can contribute to economic growth throughout the county.

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## AGRICULTURAL RESOURCES CONCEPT PLAN

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The agriculture strategy presented in the CCCP, when implemented, will result in the preservation of agricultural and open lands that have long defined the county's rural character. Clay County will connect to the broader region by promoting economic activities that boost the agricultural and overall economies. Finally, an agricultural focus promotes sustainability through a local and regional foods movement by reserving areas for food production and processing.

1. **AG-1 Goal: Cooperate in local and regional efforts to preserve agriculture as a component of the regional landscape, economy, and lifestyle.**
  - 1.1. Encourage agricultural land preservation and the long-term viability of agriculture in Clay County where landowners have committed to agriculture operations.
  - 1.2. Advance the viability of agriculture through promoting agriculture-related economic development in the county.
  - 1.3. Work with local and regional groups and organizations to preserve farming and farmland in ways that are consistent with the CCCP.
  - 1.4. Build and expand the food production and processing economy through helping to more effectively link products with potential markets—this is similar to the Foothills Connect model. Options to consider include:
    - 1.4.1.1. Through research and relationship building, position Clay County's agriculture community to capture a portion of the agriculture-related economic clusters in the metropolitan markets. For example, food processing in Knoxville, food and beverage manufacturing in Chattanooga, bio-pharma in Greenville, and life sciences/natural products in Asheville.
    - 1.4.1.2. The local food movement has gained momentum locally, regionally, and across the nation. Clay County's agriculture community can take advantage of this growing market. Support the agriculture community to emerge into this market, such as supplying local restaurants and restaurants in the metro areas with farm products from Clay County—again, this is similar to the Foothills Connect model. Include raw products or value added products such as jams or cheese.
  - 1.5. Work with regional agriculture stakeholders to train property owners interested in small scale, intensive farming.
  - 1.6. Adopt and implement the *Farmland Preservation Plan*
2. **AG-2 Goal: Adopt policies that balance agriculture preservation with growth and development.**
  - 2.1. Through incentives and changes to the subdivision ordinance, allow for and encourage compact or conservation development practices to help minimize the use of prime farmland or significant agricultural land.

- 2.2. Through planned infrastructure expansions, encourage a variety of development such as commercial, small-scale residential, infill, and redevelopment along the urban corridors of Highways 64 and 69 and Historic Hayesville to prevent the spread of development in rural areas.
- 2.3. Identify undeveloped prime farmland throughout the county and encourage its preservation. Engage in a partnership with the Land Trust for the Little Tennessee to educate property owners on land conservation tools and strategies. If the land is developed, encourage the use of compact or conservation subdivision techniques to minimize soil disturbance.

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## NATURAL RESOURCE INVENTORY

The quality and character of Clay County's natural resources are central to its quality of life. The county grew up around the rivers, streams, valleys, coves, and mountains, and today, these natural resources remain a geographic and recreational anchor for the county. Understanding Clay County's natural features shed light on constraints and opportunities for particular land uses. For instance, while some areas of the county may be ideal for development, other areas are environmentally sensitive and therefore development is not appropriate or desirable. Focusing development where it is most appropriate will prevent developmental or environmental problems that may be difficult or costly to correct in the future. Maintenance of natural features is also important for community appearance and the functions they perform for natural communities.

### LANDSCAPE AND TOPOGRAPHY

Clay County is located at the southern end of the Appalachian Mountains and is within the Blue Ridge Province. Spanning from the Shenandoah Valley in Virginia to northern Georgia and eastern Tennessee, the Blue Ridge Province contains some of the highest peaks on the east coast, including Mount Mitchell at 6,648 feet. The primary mountains in Clay County, the Nantahala's, range from peaks of 5,800 feet in Jackson County to low point of 1,200 in Cherokee County. Clay County's topography mirrors that of the larger Blue Ridge and Nantahala areas—high mountain peaks, sloping mountainsides, and fertile and rolling stream and river valleys. The highest point in Clay County, reaching 5,499 feet, is Standing Indian Mountain along the Appalachian Trail on the border of Macon County. The lowest point in Clay County is 1,579 feet, where Old Highway 64 crosses the Hiwassee River into Cherokee County, just north of Brasstown.

### WATER QUALITY

The abundant water sources in the county meet a variety of needs. They provide residents with drinking water, they keep farm operations running, and they provide a place to play. The next sections speak to the importance and regulation of Clay County's water.

#### *Groundwater*

Groundwater is comprised of the portion of rainfall that does not evaporate, transpire from plants, or runoff to streams and rivers. This water percolates down through the soil until it reaches the saturated zone of an aquifer. Quality groundwater is a vital resource for Clay County residents and businesses. With the exclusion of a small number of residents connected to the Towns County Water and Sewer System, all residents and businesses receive water from groundwater systems—either from private wells or from the Clay County Water and Sewer District's (CCWSD) public water supply. CCWSD draws its water from two wells located on Lake Chatuge's shoreline. With the entire county reliant upon quality groundwater, measures that protect the county's water supply are extremely important. The Hiwassee River Watershed Coalition (HRWC) developed a comprehensive set of measures to protect water quality that are summarized in Figure \_\_. The CCCP incorporates many of the HRWC's recommendations in the Natural Resources Concept Plan.

# Long-Term Issues Related to Water Quality/Quantity in Clay County, N.C. & Strategies for Addressing the Problems

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## I. Protect Lake Chatuge

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**Problem:** Excess nutrients & sediment in runoff are causing accelerated eutrophication (algae growth & accompanying concerns such as low dissolved oxygen, warmer temperatures, & imbalance in the aquatic life community)

**Strategies:**

- 1 Endorse the Lake Chatuge Watershed Action Plan and support HRWC in its efforts to implement the plan.
- 2 Work more closely with Towns County, Ga. on issues related to the lake
- 3 Implement strategies associated with the other three major concerns presented below.

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## II. Sediment/Erosion Control

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**Problem:** Excess sediment is the #1 contributor to water quality impairment in our streams.

**Strategies:**

- 1 Establish a local sediment/erosion control program with a full-time county staff member dedicated to education, technical assistance, & (when all else fails) enforcement
- 2 Adopt guidelines for private access road construction to alleviate problems with ongoing erosion and drainage/safety concerns
- 3 Adopt guidelines for steep slope (greater than 25%) development/mountain protection

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## III. Stormwater Management

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**Problem:** Too much water is running off of the landscape when it rains, rather than sinking into the soil to replenish groundwater supplies and base stream flows. This excess runoff also carries the sediment & nutrients.

**Strategies:**

- 1 Develop incentives for businesses, industries and residences to properly manage stormwater, particularly associated with new development.
- 2 Install retrofit stormwater BMPs to serve as demonstrations on county/school properties.
- 3 Create a stormwater master plan for the county and implement it.

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## IV. Residential Waste Treatment & Water Supply

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**Problem:** Septic systems are marginal treatment systems in many areas and are likely too concentrated in others, but piped water/sewer county-wide is not an appropriate solution.

**Strategies:**

- 1 Map existing waste treatment systems throughout the county & create a plan for future expansion of various treatment options based on appropriateness for serving various areas of the county.
- 2 Seek to connect areas that contain faulty or failing septic systems to sewer service first.
- 3 Plan meticulously for maintenance of all existing water/sewer lines and treatment facilities.

## Surface Waters

The Hiwassee River, Lake Chatuge, and a network of creeks and streams traverse the county; each has received a Surface Water Classification from the North Carolina Division of Water Quality (NC-DWQ). The classifications, “define the best uses to be protected within these waters (for example swimming, fishing, drinking water supply) and carry with them an associated set of water quality standards to protect those uses.”<sup>12</sup> Some water body classifications have protection rules that affect land use and others water bodies have more than one classification.

**Growth and Development Implications:** The NC-DWQ provides this guidance to property owners (or potential property owners) with a surface water body on their property: “Before one buys property, plans a new development project, constructs a new road or undertakes other land use activities, the property owner (or potential property owner) should check with local, state and federal agencies about the assigned surface water classification for the water body on the property.” Many of the classifications, especially those designed to protect drinking water supplies

### Lake Chatuge

Lake Chatuge is one of Clay County’s most important natural resources and prominent features. The Hiwassee River Watershed Coalition (HRWC) has amassed a wealth of data on the lake itself, its condition, and strategies to improve and protect the lake’s water quality. The most extensive document pertaining to Lake Chatuge is the *Lake Chatuge Watershed Action Plan* (March 2007). The CCCP does not go into detail about Lake Chatuge because this information is readily available through HRWC. The CCCP does encourage leaders to review and implement recommendations from the Lake Chatuge Watershed Plan (<http://www.hrwc.net/lakechatuge.htm>).

and certain high quality waters, have protection rules that regulate activities, such as development, to protect surface water quality. In addition, depending on the classification of an adjacent water body, some types of activities may be restricted.

### Water Regulation Zones

There are three water regulation zones in the county summarized below and depicted on Map \_\_\_\_.

**Water Supply Watershed IV:** A water supply watershed (WSWS) is an area that feeds a public water system. Located in Cherokee and Clay County, NC and Towns County, GA,

the Hiwassee River Watershed in North Carolina is classified as WS-IV by NC-DWQ. The Watershed area comprises 54,633 acres of the west side of the county, covering about 39% of the county.

**Development Implications:** Development in this area is subject to *Clay County’s Watershed Protection Ordinance*, which takes effect when a subdivision or development project requires a sedimentation and erosion control plan. The *Ordinance* has restrictions and requirements related to density, buffers, erosion and sedimentation controls, and others. A development requires a soil erosion and sedimentation control plan when the development plans indicate that an acre or more of land will be disturbed. This level of disturbance also triggers the need for a watershed permit. To avoid intense land use, there are density restrictions in the watershed: two dwelling units per acre for single family residential or a maximum of 24% built-upon area for all other residential and non-residential development. A maximum of three dwelling units per acre or 36% built-upon area are allowed for projects without a curb and gutter street system. The *Ordinance* also allows for cluster development..

**Local Watershed Plan:** Peachtree-Martins Creek is the only Local Watershed Plan in the county. A local watershed *is not* regulated like Water Supply Watersheds. The NC Ecosystem Enhancement Program (EEP) designated the Peachtree-Martin’s Creek Local Watershed to coordinate efforts to “(1) assess stream quality in the watershed, identifying key sources of degradation and pollution, and (2) develop a comprehensive

<sup>12</sup> <http://portal.ncdenr.org/web/wq/ps/csu/classifications#classes>

strategy to address watershed needs.”<sup>13</sup> The *Peachtree-Martins Creek Local Watershed Plan*<sup>14</sup> available from HRWC’s website. The *Peachtree-Martins Creek Local Watershed Plan* does not regulate development, but rather offers management strategies to protect and improve water quality in the Local Watershed area.

**High Quality Waters (HQW) and Outstanding Resource Waters (ORW):** These state classifications are intended to protect waters which are rated excellent based on biological, physical, or chemical characteristics and are monitored by the NC-DWQ. An ORW designation, a subset of HQW, is intended to protect unique and special waters having excellent water quality and being of exceptional state or national ecological or recreational significance. To qualify, waters must be rated as Excellent by DWQ and have at least one outstanding resource values as defined by NC-DWQ. The Fires Creek and Upper Nantahala areas have a ORW designation, while the Tusquittee area has a HQW designation.

**Development Implications:** These designations have restrictions related to density, buffers, additional erosion and sedimentation controls, and mandate the use of best management practices for agriculture, forestry, and transportation. Of the three areas, only a portion of the Tusquittee Creek HQW area is outside the Forest Service boundary. Property developers in the Tusquittee Creek HQW area should consult with NC-DWQ before land disturbing activity begins.

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<sup>13</sup> HRWC—add link

<sup>14</sup> <http://www.hrwc.net/peachtreemartinslwplan.htm>

# Clay County, North Carolina Surface Waters

## Legend

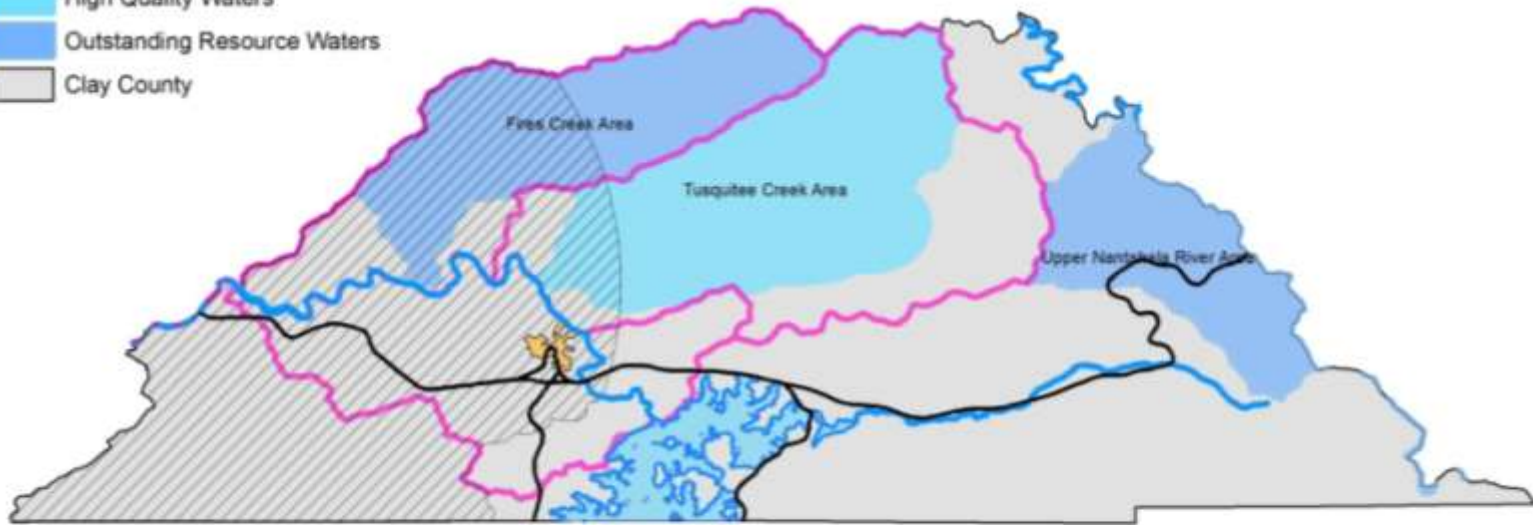
- Hatchery Supported Water
- Undesignated Water
- Wild Trout Water
- Wild Trout Water with Natural Bait
- Highways
- Lake Chatuge
- Hayesville
- Publicly Owned Land
- Clay County



# Clay County, North Carolina Water Regulation Boundaries

## Legend

- Highways
- River or Creek
- Lake Chatuge
- Hayesville
- Hiawassee River Watershed
- Peachtree-Martins Creek Local Watershed
- High Quality Waters
- Outstanding Resource Waters
- Clay County

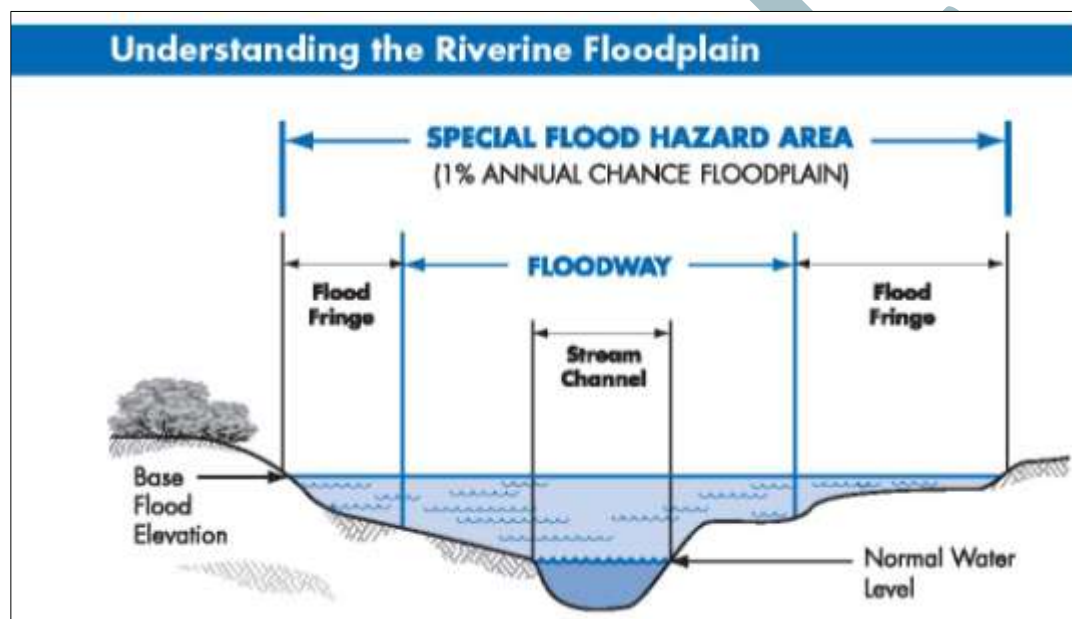


0 0.5 1 2 3 4 Miles

## Floodplains

The Federal Emergency Management Association (FEMA) designates floodplain areas across the country. FEMA re-mapped Clay County's floodplains in 2007 based on new topographical data. The NC Division of Emergency Management in partnership with FEMA maintains this data in the form of Flood Insurance Rate Maps (FIRMs). FIRMs identify flood-prone areas and make flood insurance available to property owners in these flood-prone areas. FIRMs have a number of flood zones, each of which has a different impact on the property owner.

A floodplain is any location that has a fairly good chance of flooding. As noticed in Map \_\_\_\_, not every water body in the county has a floodplain mapped on the Clay County's FIRMs. Based on computer modeling, FEMA has mapped the areas that have been determined to be the most hazardous and most susceptible to property damage and loss of life. According to the National Flood Insurance Program, "Some parts of floodplains may experience frequent flooding while others are only affected by severe storms. However, areas directly outside of these high-risk areas may also find themselves at considerable risk." Development within floodplains is strongly discouraged to prevent property damage. In regards to development, there are two areas with which property owners should be aware:



**Special Flood Hazard Area (i.e. 100-Year Floodplain):** A Special Flood Hazard Area (SFHA) has at least a 1% annual chance of flooding, which equates to a 26% chance of flooding over the life of a 30-year mortgage. All homeowners in these areas with mortgages from federally regulated or insured lenders are required to buy flood insurance.

**Non-Special Flood Hazard Area (i.e. 500-Year Floodplain):** Also of consideration is what the Non-Special Flood Hazard Area (NSFHA), or the 500-Year Floodplain. In these moderate-to-low risk areas, flood risk is reduced, but not completely

removed. These areas are outside the 1% annual flood-risk floodplain areas, so flood insurance isn't required for federally regulated or insured lenders, but it is recommended for all property owners and renters.

**Development Implications:** Development within floodplains is strongly discouraged to prevent property damage. However, when building in a designated flood prone area, the builder must apply for a Floodplain Development Permit from the county and will be required to submit a

FEMA Elevation Certificate. The *Clay County Flood Damage Prevention Ordinance*<sup>15</sup> regulates development in the floodplains. The *Hazard Mitigation Plan for Clay County, North Carolina and the Municipality of Hayesville* provides flood mitigation actions; which are summarized in Appendix \_\_.

Map \_\_ shows Clay County's mapped flood prone areas.

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<sup>15</sup> [http://www.clayconc.com/pdf/2008\\_Flood\\_damage\\_prevention\\_Ord.pdf](http://www.clayconc.com/pdf/2008_Flood_damage_prevention_Ord.pdf)

# Clay County, North Carolina Flood Zones

## Legend

- 100 Year Flood Plain Rivers and Creeks
- 100 Year Flood Zone
- Highways
- Lake Chatuge
- Hayesville
- Publicly Owned Land
- Clay County



## WETLANDS

According to the US Fish and Wildlife Service, “Wetlands are areas where water covers the soil, or is present either at or near the surface of the soil all year or for varying periods of time during the year.” Wetlands, according to the US Fish and Wildlife Service, “provide a multitude of ecological, economic and social benefits. They provide habitat for fish, wildlife and a variety of plants...wetlands are also important landscape features because they hold and slowly release flood water and snow melt, recharge groundwater, act as filters to cleanse water of impurities, recycle nutrients, and provide recreation and wildlife viewing opportunities.” They play significant roles in maintaining the quality of groundwater and surface water and provide valuable habitats for fish, birds, and other wildlife. The US Fish and Wildlife Service maintains the Federal Wetlands Inventory, the spatial data which can be downloaded from the US Fish and Wildlife Service or North Carolina One Map. According to that data, wetland habitats comprise about 5½% of the county’s total land area, 5% of which is Lake Chatuge. The following table details the types of designated wetlands in the county.

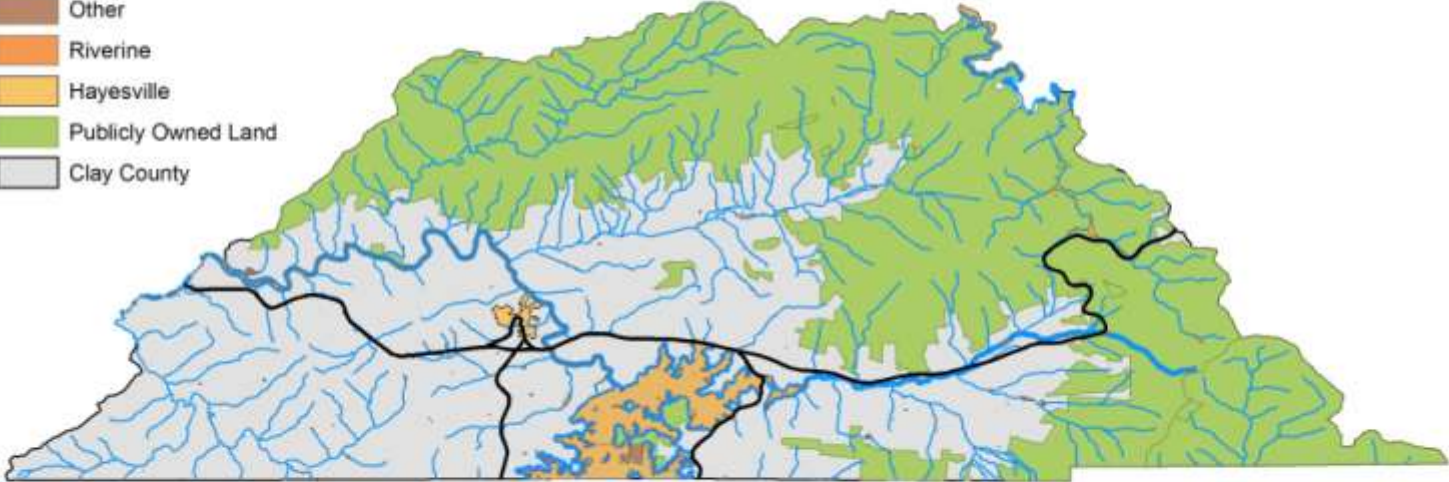
**Development Implications:** A wide variety of laws and regulations govern development in areas on or near wetlands. Developers should consult with NC-DWQ if a wetland is on their property. NC-DWQ generally has regulatory jurisdiction over wetlands, although some wetlands fall under the US Army Corps of Engineers’ jurisdiction.

<b>Wetland Type</b>	<b>Acres</b>	<b>Percent of County</b>
Freshwater Emergent Wetland	47	0.03%
Freshwater Forested/Shrub Wetland	131	0.09%
Freshwater Pond	73	0.05%
Lake	7,207	5.10%
Other	94	0.07%
Riverine	315	0.22%
<b>Total</b>	<b>7,867</b>	<b>5.57%</b>
<b>Source: National Wetlands Inventory</b>		

# Clay County, North Carolina Federal Wetlands Inventory

## Legend

- Highways
- River or Creek
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Hayesville
- Publicly Owned Land
- Clay County



## RARE SPECIES OCCURRENCES

North Carolina's Natural Heritage Inventory program maintains data on the general location and status of vertebrate and invertebrate animals, vascular and nonvascular plants, and natural communities that are threatened, endangered, or of special concern. Each species or natural community may have a state and/or federal status designation. Species and communities on the Natural Heritage Inventory receive a designation, such as endangered or threatened, from either a state or federal agency, or in some cases both. The North Carolina Endangered Species Act protects species or communities designated by the state as endangered, threatened, or of special concern. The Endangered Species Act of 1973, as amended through the 100th Congress, protects federally designated endangered or threatened species. There are thirty-three identified species in Clay County protected by the North Carolina Endangered Species Act--eight are endangered, six are threatened, and nineteen are of special concern. Only two species in Clay County are protected by the Federal Endangered Species Act--one that is endangered and one that is threatened. Map \_\_\_ details Natural Heritage Areas in the county. A complete list of Clay County's Natural Heritage Areas is included as Appendix \_\_\_.

**Development Implications:** Because of the widespread presence of protected species in Clay County, property developers should consult with the Asheville US Fish and Wildlife office or the NC Wildlife Resources Commission if the presence of an endangered or protected species is suspected. As Clay County enhances its GIS, it can help property owners identify the location of their property in relation to the general areas of rare species occurrences. The NC Bar Association has a guide for property owners who suspect they have or do have a protected or endangered species on their property.<sup>16</sup>

→Combine Rare Species and Wetlands Maps

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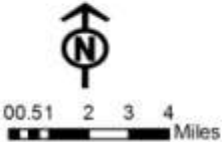
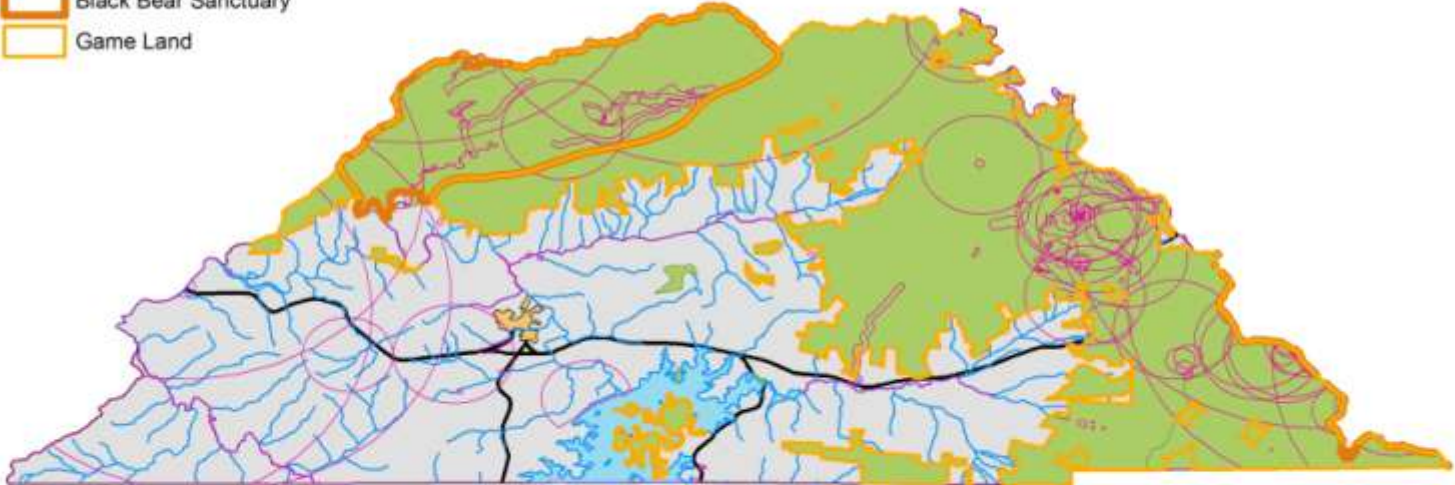
<sup>16</sup>

[http://environmentenergyandnaturalresourceslaw.ncbar.org/media/3743401/endangeredSpecies.pdf?keepThis=false&TB\\_iframe=false&height=480&width=640](http://environmentenergyandnaturalresourceslaw.ncbar.org/media/3743401/endangeredSpecies.pdf?keepThis=false&TB_iframe=false&height=480&width=640)

# Clay County, North Carolina Natural Heritage Areas Game Lands

## Legend

- River or Creek
- Highways
- Publicly Owned Land
- Lake Chatuge
- Hayesville
- Natural Heritage Areas
- Black Bear Sanctuary
- Game Land



## THE NANTAHALA NATIONAL FOREST

Clay County's natural resource inventory would be incomplete without addressing the presence of the United States Forest Service's Nantahala National Forest. The Forest comprises approximately 66,000 acres, or 47% of the county. The Forest spreads across southwestern North Carolina, encompassing portions of Clay, Graham, Cherokee, Swain, Macon, Jackson, and Transylvania Counties. Clay County's portion of the Forest is in the Tusquittee Ranger District and is primarily in the eastern and northern portions of the county. There are smaller sections along the eastern shore of Lake Chatuge and a section along the Hiwassee River close to Cherokee County. The Southern Nantahala National Wilderness Area and the Appalachian Trail are within the southeastern corner of the Forest. To the northwest is the Fire Creek Wildlife Management Area. Also within the Forest's boundary are designated North Carolina Game Lands in the eastern and northwestern portions of the county.

### *Wildland/Urban Interface*

In general, there is little friction between everyday life in Clay County and Forest management. However, as development moves closer to forested areas, the risk for life and property damage resulting from wildfires increases. The wildland/urban interface (WUI) is the area where human development mixes with or is adjacent to natural areas. It is in these areas where it is likely that a wildland fire will reach beyond natural fuels, such as trees and brush, to habitated areas and homes. According to the Tusquittee District Ranger, North Carolina has more wildland/urban interface than any state in the south. Clay County, too, has an abundant wildland/urban interface area that has grown as more people move to areas near the Forest. Structures in approximately 30,000 acres (21% of the county) are within the wildland/urban interface. Map \_\_\_ shows Clay County's WUI and structures that have a greater risk of property damage due to wildfires.

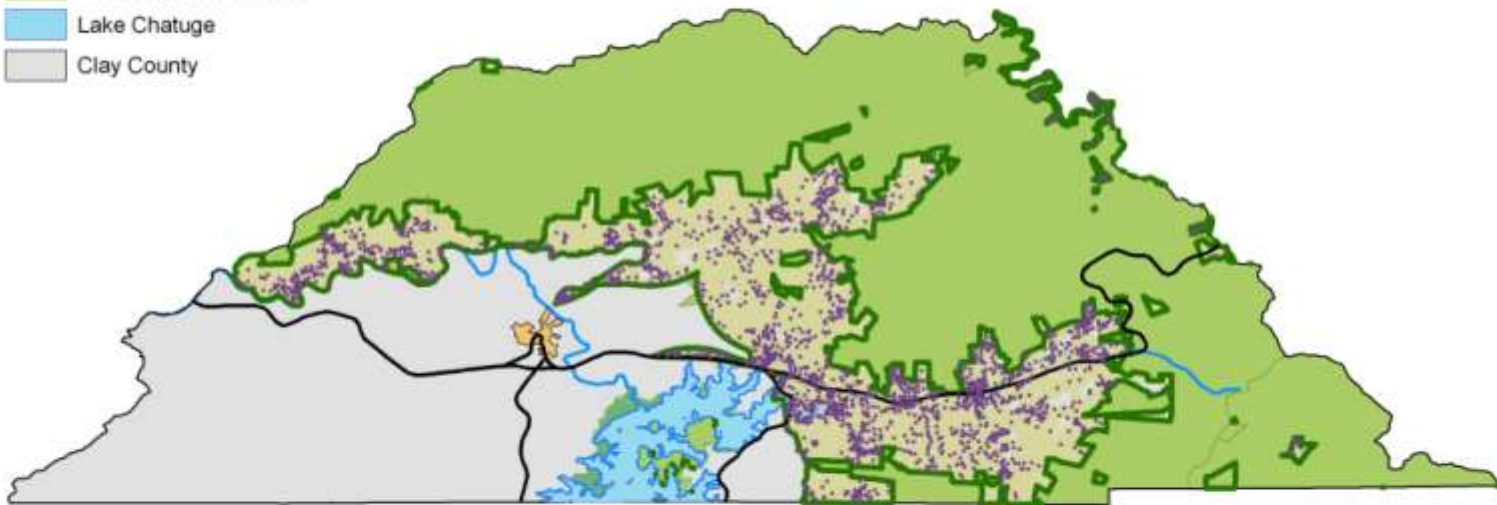
According to the District Ranger, there are two approaches to protect structures in the WUI. A community wildfire protection plan is the first approach. This type of plan educates citizen on the dangers of wildfires and incorporates techniques such as those developed by the *Firewise Program* ([www.firewise.org](http://www.firewise.org)). Firewise techniques instruct property owners to mitigate fire risks through the use of Firewise landscaping, fire-resistant native vegetation, Firewise construction materials, fire-free space surrounding the structure, stone and/or other non-flammable building components for walkways and driveways, and thinned vegetation near the home. Clay County annually receives around \$20,000 from the US Forest Service through the Secure Rural Schools Program (i.e. Title III) generated through the sale of forest products and other forest activities. Clay County could use a portion of the Title III funds to complete a community wildfire protection plan.

Prescribed burning (i.e. intentionally setting a forest fire) is the second approach for greater home protection in the WUI. Prescribed burning reduces hazardous fuels on the drier southern slopes and ridges where the threat of catastrophic wildfire is greatest. Fires are a natural part of a forest's life cycle—they will eventually occur in a natural uncontrolled manner unless prescribed burns are used. Prescribed fires provide Forest Service firefighters with greater control of the burning process because they can control the intensity of the fire, and set the fires under the right conditions with appropriate techniques. Prescribed fires can be alarming if citizens are not aware of their benefits or that they are taking place. The Forest Service needs to provide citizens with adequate information and notice before commencing with prescribed burns.

# Clay County, North Carolina Wildland/Urban Interface

## Legend

- Highways
- Rivers, Creeks and Streams
- ▭ Wildland/Urban Interface (WUI)
- Structures in the WUI
- ▭ Hayesville
- ▭ Publically Owned Land
- ▭ Lake Chatuge
- ▭ Clay County



0 0.5 1 2 3 4 Miles

## SOIL EROSION AND SEDIMENTATION

Clay County has a wide variety of soils, some that are better suited for development than are others. Soil suitability is a key factor in determining the safest and most cost-effective locations for new development. Problems that limit development on certain soils include poor drainage, erosion, thin soils on steep slopes, and soils that fail percolation tests for septic systems. Of significant concern is the effect development has on soil erosion and sedimentation. Uncontrolled or poorly executed land-disturbing activities, particularly on steep slopes and/or near surface waters, are the primary causes of accelerated erosion in Clay County. Poor development practices can lead to excess sedimentation in Clay County's waters, harming aquatic life and overall water quality. Clay County manages soil erosion from development activities through the state's Soil Erosion and Sedimentation Control program.

**Development Implications:** A Soil Erosion and Sedimentation Control plan is required by the state when a planned development will disturb an acre or more of land. Plans may address slope stabilization, groundwater concerns, and stream buffer zones among other topics. Agreed-upon plans must be followed or the property owner can be fined. Counties across North Carolina have the option to design and operate a local soil erosion and sedimentation program. At one point, Clay County wanted to develop a sedimentation control program to target smaller (less than one acre) land-disturbing development activities. However, this prospect proved to be cost prohibitive. It is recommended that Clay County work with surrounding counties to identify a cost-sharing model that would permit the county to have a local program to protect and improve the county's surface waters.

## STEEP SLOPES

Across the mountainous region of North Carolina, there is very little mandatory regulation applicable to development on mountain slopes and ridges. The only universally applied regulation is the Mountain Ridge Protection Act. In 1983, the North Carolina State Legislature passed the Mountain Ridge Protection Act (NC § 113A-205) in response to Sugar Top Condominiums, built on top of Little Sugar Mountain in Avery County. The Act protects ridges above 3,000 feet and which are 500 feet above the adjacent valley floor from construction of tall buildings, as defined by the statute. Most of the protected ridges in Clay County are

### Region-Wide Slope Regulation on the Horizon?

During the 2009 legislative session, the General Assembly established the Mountain Resources Commission (Session Law 2009-485, Senate Bill 968) to "encourage quality growth and development while preserving the natural resources, open spaces, and farmland of the mountain region of Western North Carolina." At an initial planning meeting, Commission members, "noted the top resource concern is slope development and ridge top protection, with resulting water quality problems where regulations are poor or non-existent. Current regulations vary from country to county, and the group's consensus was that there needs to be some statewide controls or perhaps a regional authority."

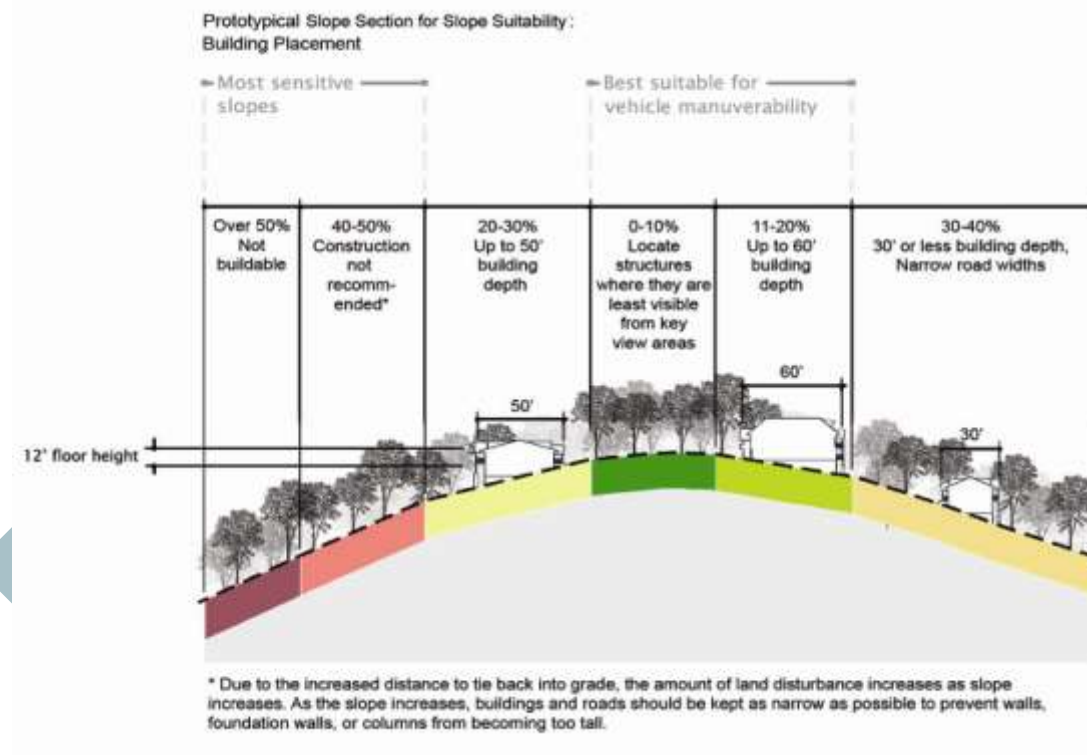
It is widely anticipated that legislators will again introduce a bill to regulate steep slope development in the 2011 Legislative Session. There appears to be more support for regulation when compared to previous efforts. This is most likely a response to a recent series of landslides in WNC, the most current being the Ghost Town slide in Maggie Valley. Recommendations and guidance from the Mountain Resources Commission will likely shape the General Assembly's regulation approach. County leaders should remain up to date on the work of the Commission—a record of their work is kept on the One NC Naturally web site. Leaders should also engage the legislative delegation in conversation if, and when, a steep slope development bill is introduced.

[http://www.onencnaturally.org/pages/CO\\_Mountain\\_Resources\\_Commission.html](http://www.onencnaturally.org/pages/CO_Mountain_Resources_Commission.html);  
[http://www.onencnaturally.org/PDFs/MRC\\_PLANNING\\_SESSION\\_NOTES\\_May\\_14\\_2010.pdf](http://www.onencnaturally.org/PDFs/MRC_PLANNING_SESSION_NOTES_May_14_2010.pdf)

in the Nantahala National Forest. There are, however, a very small number of ridges in the county's jurisdiction. The small circles on Map \_\_\_ indicate the protected ridges in Clay County that are outside of the Nantahala National Forest.

The Mountain Ridge Protection Act does not address slope or steepness. There is not a universally accepted definition of a steep slope in North Carolina, nor is there a state law or local ordinance in place to regulate steep slope development in Clay County. Therefore, the CCCP uses guidance from a recent report, *Mountain Ridge and Steep Slope Protection Strategies*, published by the Land of Sky Regional Council, to analyze steep slopes in Clay County. The following diagram from the report provides slope development guidance.

**Figure 1: Slope Suitability**



Source: Mountain Ridge and Steep Slope Protection Strategies, Land of Sky Regional Council.

Thirty-three percent of Clay County’s steepest slopes, those between 40% and 50%+, are within the Nantahala National Forest (the Forest). Only 10% of the slopes outside of the Forest are in that slope range. In general, development begins to be problematic on slopes between 30% and 40%. If Clay County were to regulate development on slopes from the most conservative stance, beginning with slopes of 30%, less than a quarter (18%) of the county land outside of the Forest would fall under steep slope regulation. Regulations would only affect 11% of developable land if the county adopted a more moderate stance by regulating slopes greater than 40%.

**Table 13: Percent of Slope by Acreage**

Percent Slope	Acres OUT of Nantahala National Forest	Acres IN Nantahala National Forest	Total
0-10	12%	1%	13%
10-20	12%	2%	14%
20-30	9%	4%	14%
30-40	7%	7%	14%
40-50	5%	9%	14%
50+	6%	24%	31%
<b>Total</b>	52%	48%	100%

**Source: NC DCA**

While only a small fraction of the county falls into the category of what is generally considered steep, the safety trade-offs of doing nothing to regulate slope development in these areas are too big to ignore. The Clay County Comprehensive Planning Committee recommends implementation of an appropriate set of slope development regulations aimed at minimizing safety hazards—specifically actions that minimize the risk property damage due to landslides, and life and property damage related to wildfires, and poor emergency access. How and to what extent the county should regulate slope development is beyond the scope of the Comprehensive Plan, as this topic needs more research and technical assistance than what was available during the planning process.

***Landslide Safety***

Clay County is not immune to the geologic hazards that span Western North Carolina. Even without development disturbance, this part of the state is susceptible to landslides—a damaging landslide occurs nearly every year in the region and major landslide events occur about every nine years somewhere in the region.<sup>17</sup> While not an everyday occurrence, the cumulative effects of hillside development are more noticeable. These include increased water flow to downhill properties, risk of structure destabilization from water and debris flows, and development of gullies and channels that alter natural patterns of rainfall events. These effects, and others, increase the likelihood of landslides.

<sup>17</sup> Mountain Ridge and Steep Slope Protection Report

### *Wildfire Safety*

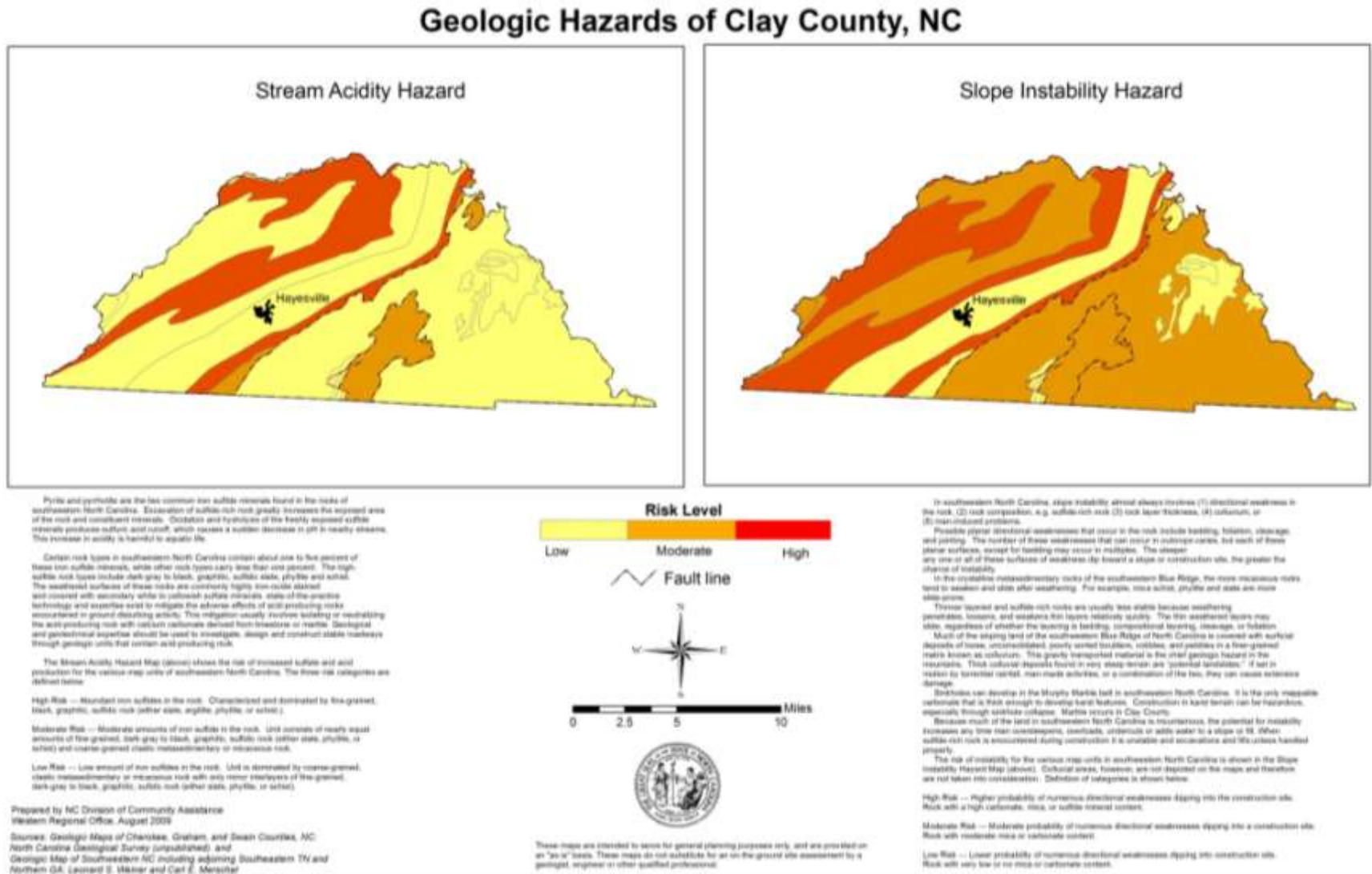
The *Mountain Ridge* report details the interaction between weather, topography, and vegetation and wildfires on steep slopes. The report states that, “a wildfire can spread twice as fast on moderately steep slopes (40%) and four times as fast on very steep slopes (70%).” As property developers build more homes on steep slopes, the risk of life and property damage increases. The previous section provided detail pertaining to wildfires and safety.

### *Fire and Emergency Response Safety*

Fire and EMS personnel who participated in the community input process indicated that narrow roads and roads with steep grades hinder emergency response. Emergency trucks that cannot turn around or pass one another, limited access to water, and the distance of some residences combined with the challenges of steep winding roads are a few of the challenges emergency personnel face. Suggestions to improve emergency vehicle access are found on page \_\_\_.

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Figure 2: Geologic Hazards of Clay County

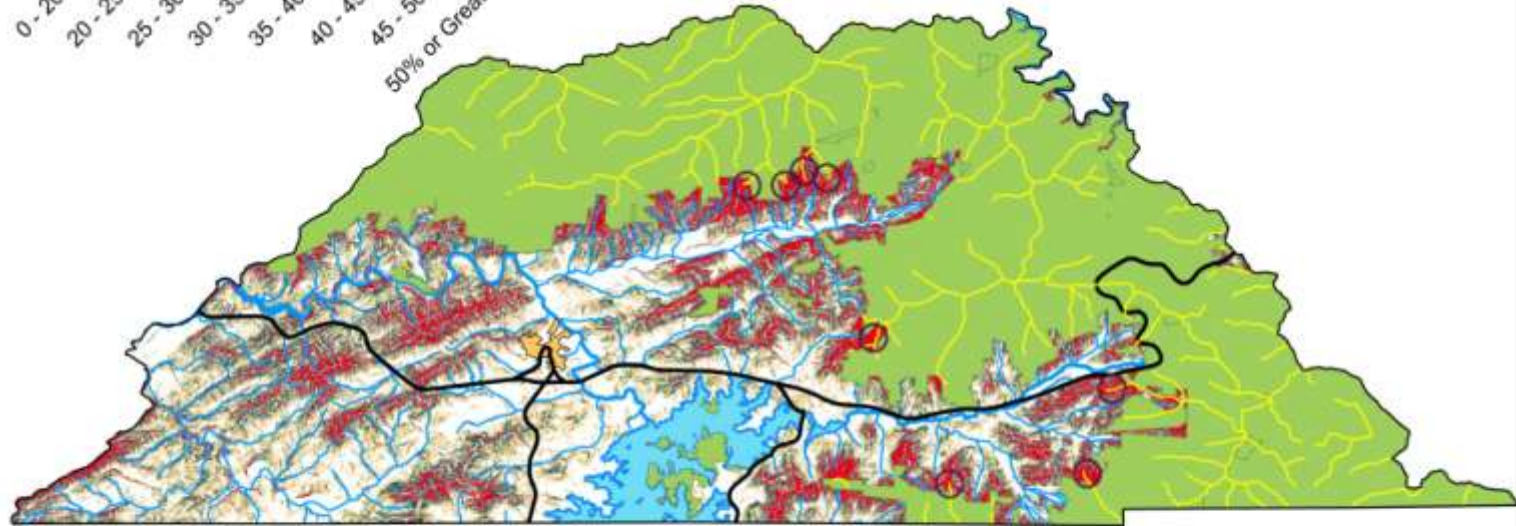
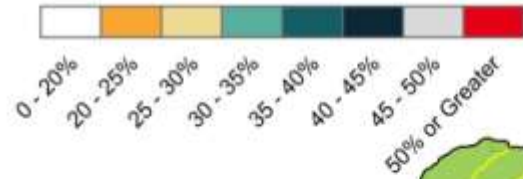


# Clay County, North Carolina Slope Map and Protected Ridges

## Legend

- Protected Ridges
- Protected Ridges in County Jurisdiction
- Highways
- Rivers, Creeks and Streams
- Hayesville
- Publically Owned Land
- Lake Chatuge

## Percent Slope



## SLOPE REGULATION IN OTHER COMMUNITIES

In general, communities in Western North Carolina use a variety of steep-slope regulation tools with differing slope regulation thresholds. Some communities have a standalone ordinance, while others address slope development through their subdivision and/or soil erosion and sedimentation control ordinances. The following chart outlines some ordinances from other communities in Western North Carolina. →add Haywood County and Polk County

<b>Local Government</b>	<b>Ridge Protection or Slope Development Regulation</b>
Transylvania County	Ridges covered include all ridges that are at least 500 feet above the elevation of an adjacent valley floor, regardless of elevation. Project approval dependent upon adequate water supply, safe waste water disposal, adequate fire protection and preservation of natural beauty. ( <i>Mountain Ridge Protection Ordinance, Subdivision Ordinance</i> )
Town of Waynesville	Regulates amount of grading and density based on slope. Construction on mountain sides governed by Haywood County and state regulations. ( <i>Hillside Protection Ordinance</i> )
Jackson County	Regulates all types of development and land disturbing activity in the Mountain and Hillside Development District. Limits grading, height, density, and vegetation removal. Requires compliance with Best Management Practices in ordinance. ( <i>Mountain and Hillside Development Ordinance</i> )
Henderson County	County follows state ridge law, but allows for conservation subdivisions, which encourage conserving steep slopes as open space through a density bonus. ( <i>Land Development Code</i> )
Town of Boone	Regulations focus on public safety and viewshed protection. Land disturbance is limited in viewshed areas. Developers are encouraged to minimize visual impact on ridges and steep slopes. ( <i>Steep Slope Protection Ordinance; Viewshed</i> )
City of Asheville	Applies to areas above 2,200' in elevation and with an existing grade $\geq 15\%$ and designated ridges. Regulates amount of disturbance, road design, building height, density, and vegetation removal. Incentives for building on less steep/sensitive areas. ( <i>Unified Development Ordinance</i> )
Town of Black Mountain	Subdivision and Land Disturbance and Slope Protection ordinances regulate disturbance, road design, vegetation, public safety and require low-impact design (LID) and conservation subdivision design in some cases. ( <i>Land Disturbance and Slope Protection Ordinance</i> )
Town of Brevard	Regulations focus on minimizing land disturbance and ensuring safe construction. Creative designs are encouraged and development potential may be transferred from steep areas to less-steep areas of parcel. ( <i>Unified Development Ordinance, Environmental Protection</i> )
Buncombe County	Regulates amount of land disturbance, impervious surfaces, density, road design and building height for subdivisions and multifamily dwellings. Emphasis is on limiting disturbance and impervious surfaces on steep slopes; encourages clustering development in less-steep areas of parcel in return for a density bonus. ( <i>Subdivision Regulations and Zoning Ordinance</i> )

**Source: Mountain Ridge and Steep Slope Protection Strategies**

## SUMMARY OF NATURAL RESOURCE OPPORTUNITIES

- The natural resources in Clay County are vast and diverse. Protecting and enhancing these resources improves public health, public safety, and quality of life.
- Clay County can take steps to better protect its natural resources without adding layers of new regulations. Increased coordination of efforts, education, and monitoring can make a big difference.
- Clay County is not unique—it can look to other communities for program models, ideas, and cost sharing opportunities to efficiently protect and enhance natural resources.
- While steep slope regulation has many benefits, public safety is the driving force behind the recommendation to regulate development on steep slopes.

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## NATURAL RESOURCES CONCEPT PLAN

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The natural resources strategy presented in the CCCP will guide county decisions so that natural resources may be protected to the greatest extent possible. The actions will also help determine areas that may not be suitable for development based on environmental opportunities and constraints, including unfavorable soils, floodplains, and water resources. Such protection will focus on open space preservation, including parks and green spaces, and promoting development that is suitable for the site on which it is built and conserves as much space as possible.

**1. NR-1 Goal: Protect the exceptional natural resources of Clay County through policies and programs. Preserve the natural features of the area – including Lake Chatuge, the Hiwassee River, streams and creeks, floodplains, groundwater, woodlands, wildlife habitats, and other natural features.**

**Policy Objectives:**

- 1.1. Explore and apply strategies that balance new development with the protection of the natural features and systems important to the county.
  - 1.1.1. Provide resources that enable the Clay County building department and developers to conduct a site analysis on developments that also require a soil erosion and sedimentation control plan (those that disturb more than an acre of land).
  - 1.1.2. Minimize/discourage building in the floodplain; encourage use of best management practices when building in the watershed or sensitive water areas.
- 1.2. Maintain high quality surface and groundwaters for drinking, recreation, and natural habitats.
  - 1.2.1. Collaborate with the State, other local governments, and other organizations for the protection of water quality in the county.
    - 1.2.1.1. Encourage Clay County Government to formally endorse and put into practice recommendations from the Hiwassee River Watershed Coalition's Lake Chatuge Plan.
    - 1.2.1.2. Building on the work of the Hiwassee River Watershed Coalition, continue to identify and work with land owners to mitigate non-point source pollution.
    - 1.2.1.3. Encourage vegetative buffers between developed areas and water bodies.
  - 1.2.2. Ensure erosion control techniques are used for protection and continued improvement of water quality.
    - 1.2.2.1. Using existing resources and knowledge, offer incentives to those contractors who incorporate best management practices during the development process or take extra measures to protect water quality.
    - 1.2.2.2. In the subdivision or soil erosion/sedimentation control ordinance, increase stream buffer minimums around sensitive surface waters and water sources such as High Quality and Outstanding Water Resources, sensitive trout streams, etc.
    - 1.2.2.3. Consider a local program supported through cost sharing with other counties.

**2. NR-2 Goal: Promote development on steep-slopes in a manner that protects health, safety, public welfare, and property investment.**

**Policy Objectives:**

(NOTE: The scope of the CCCP is too broad to recommend that one of the first tasks of the Clay County Planning Board [to be appointed] should be to research technical details of safe steep-slope development.)

- 2.1. Direct the Clay County Planning Board to evaluate and identify appropriate safety related slope development regulations.
  - 2.1.1. Use the *Mountain Ridge and Steep Slope Protection Strategies* publication as a guide.
  - 2.1.2. Plan to use individuals with technical knowledge, such as a geologist, a soil scientist, or planners from other communities.
  - 2.1.3. Evaluate the merits of the trigger guidelines outlined in the *Mountain Ridge and Steep Slope Protection Strategies* publication.
    - 25% slope: trigger for slope review
    - 30% slope: trigger for geotechnical analysis and a more in depth plan review
    - 40% slope: building not recommended
    - 50% slope: building not allowed
  - 2.1.4. Determine if steep slope regulation should be addressed through:
    - (a) a standalone ordinance,
    - (b) the subdivision ordinance,
    - (c) the soil erosion and sedimentation ordinance,
    - (d) or other tool.

**3. NR-3 Goal: Develop a network of greenways and parks as a natural resource protection measure.**

**Policy Objectives:**

- 3.1. Develop a set of tools to designate parks and greenways as a tool for natural resource protection as future County plans are prepared, subdivision plats are proposed, or properties are designated for conservation easements. Partner with developers, property owners, community groups, etc., to ensure that parks and greenways are integrated with their projects.
- 3.2. Prioritize the development of parks or portions of parks that focus on natural resource preservation and passive, nature-based recreation.

**4. NR-3 Goal: Increase the amount of private land reserved for conservation.**

**Policy Objectives:**

- 4.1. Cooperate with and financially support the Hiwassee River Watershed Coalition to protect water quality in the Hiwassee River Watershed, and actively work with the Land Trust for the Little Tennessee as it identifies and begins to acquire property set aside for conservation.
- 4.2. Work with landowners at the time development is proposed to preserve wooded areas and other environmental features that serve to protect natural resources.

5. **UCF-5 Goal: Damage to structures from wildfires in Clay County will be reduced.**

**Policy Objectives**

- 5.1. Cooperate with volunteer fire departments, US Forest Service and home owners to keep structures safe from wildfires.
  - 5.1.1. Support the Forest Service's effort to conduct controlled burns through education and awareness.
- 5.2. Incorporate a Firewise education program in building department materials, make Firewise education available on the county website.
- 5.3. Incorporate wildfire knowledge during the steep-slope planning process.

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## HISTORIC AND CULTURAL RESOURCES

Residents can experience the history and culture of Clay County through the Clay County Historical Museum, the Cherokee Winter House, Historic Hayesville, and the soon-to-be-completed Clay County Historic Courthouse. One can also experience the history of Clay County by traveling through the county to see the many remaining structures that tell the story of the county's past. Clay County has been successful in preserving many of its historic and cultural resources. This section of the plan provides a brief overview of the county's historic and cultural resources.

### NATIONAL REGISTER OF HISTORIC PLACES

The 1966 National Historic Preservation Act created the National Register of Historic Places, which recognizes properties of local, state, and national significance. Properties are listed on the National Register because of their associations with particular persons or events, their architectural or engineering significance, or their importance to our history. Designation on the National Register confers certain benefits to private properties, including federal and state investment tax credits for historic preservation projects. Designation also provides limited protection from federally financed or licensed actions that may adversely affect such buildings.

There are two buildings and one site in Clay County on the National Register of Historic Places.

- The Clay County Courthouse, added in 1975 on Main Street in Hayesville.
- The John Covington Moore House, added in 1983, in Tusquittee.
- The Spikebuck Mound and Village Site, added in 1982, east of Hayesville on the Hiwassee River.

The North Carolina State Historic Preservation Office (SHPO) and the North Carolina Office of State Archeology maintain data on a historic properties and sites as well as archeologically significant sites throughout the State. The most recent architectural survey for Clay County occurred in 1979 when Clay County was part of a reconnaissance survey of the ten westernmost counties in the state—a project co-sponsored by Western North Carolina Associated Communities and the State Historic Preservation Office.

### SAMPLE OF HISTORICAL AND CULTURAL RESOURCES

#### *The Clay County Historical Museum*

The Clay County Historical Museum is located in the Old Clay County Jail in Hayesville. Constructed in 1912, the building housed the Clay County Jail until 1972, when the sheriff's department moved to a new building and the Clay County Historical and Arts Council took ownership of the building. The Museum displays a variety of artifacts to portray the life times of Clay County from early history to modern times. Exhibits highlight the area's Cherokee heritage (particularly the area's connection to the impact of Cherokee removal/Trail of Tears), agriculture and rural culture, and the effect of modernization.

#### *Cherokee Winter House*

The Cherokee Winter House is a new exhibit at the Nelson Heritage Park next to the Clay County Historical Museum. The winter house is part of a larger outdoor exhibit designed to portray a typical Cherokee homestead from the 1600s. The Nelson Heritage Park opened to the public in the spring of 2010. Students from Clay County Schools and Western Carolina University assisted in building the wattle-and-daub walls of the

winter house. The winter house is the first exhibit in what is hope to be an extensive set of interactive displays that draw attention to Clay County's history.

### *Historic Clay County Courthouse*

Perhaps the most significant historical resource in Clay County is the Clay County Historic Courthouse (HC), or rather, what the Courthouse will become. Built in 1887-1889, the HC was the hub of Clay County Government until the new Clay County Courthouse opened in 2007. Shortly after the move took place, the HC's interior was gutted because it was in such poor shape. Additionally, a few key exterior repairs were made to halt further structural damage while the HC awaits renovation. In March and May 2009, the *Historic Clay County Courthouse Preservation Plan* and *Clay County Historic Courthouse Re-Use Plan*, respectively, were published with funding assistance from the NC Rural Center's Building Re-Use Program. The *Preservation Plan* documents existing conditions and makes recommendations for a full exterior rehabilitation and interior renovation of the HC. The *Preservation Plan* estimates the cost of restoration/rehabilitation at \$1,387,854. The *Re-Use Plan* looked at courthouse projects in other counties and solicited community input to identify the best future use and management option. The *Re-Use Plan* concluded the best use for the HC is to, "become a destination for community activities and events that broadly support the active life of the community in Clay County generally and Hayesville in particular." The *Re-Use Plan* recommends that, "CCCRA be charged with establishing a subsidiary LLC (Clay County Historic Courthouse, LLC) to lease the HC and its grounds from the county." With this organizational structure, Clay County Government would maintain ownership of the HC and its grounds. At the time of CCCP writing, the county and CCCRA continue to research renovation/rehabilitation funding sources; they are also involved in the infancy stages of a management agreement. Copies of the *Preservation Plan* and *Re-Use Plan* are on the Clay County Comprehensive Plan website.

### *Peacock Playhouse, Licklog Players*

Established in 1978, The Peacock Playhouse, home of the Licklog Players, is a non-profit performance art space that hosts around six live performances a year. The Playhouse is a 250-seat, fully equipped complex in Historic Hayesville. The Playhouse has extensive renovation needs and is currently raising funds for this effort.

### *Clay County Communities Revitalization Association (CCCRA)*

The CCCRA is a non-profit organization whose mission is, "to serve as a catalyst to bring forth a cooperative, creative spirit within Clay County that enables us to reclaim and preserve our unique mountain heritage and natural resources, create new jobs and provide opportunities, and to encourage economic growth and prosperity." CCCRA has been instrumental in the Historic Courthouse's renovation plans and will manage the facility upon completion of renovation. CCCRA has a close association with HandMade in America, an organization that provides economic development support for small towns.

### *Historic Hayesville, Historic Hayesville Merchants Association*

Historic Hayesville centers on the Historic Clay County Courthouse and is Clay County's traditional commercial center. A variety of revitalization efforts and plans are underway to strengthen the overall image and offerings of and in Historic Hayesville. Historic Hayesville is also an economic generator and employment center—businesses within a one-mile radius of the Courthouse generate over \$4.5 million dollars in sales and employ over 700 people. The Historic Hayesville Merchants Association (HHMA), while not a historical or cultural resource, per se, is an important player in the life of Historic Hayesville. The HHMA, an unincorporated association of merchants located near downtown Hayesville, is mentioned here because, according to the *Clay County Courthouse Re-Use Plan*, HHMA, "has a vested interest in seeing that the Historic

Courthouse serves as a magnet for bringing more people to the downtown area. Special events and ongoing programs will have a measurable economic impact on may shopkeepers' businesses."

### *Cultural Events*

In Clay County, one can ring in the New Year watching an opossum drop from a pole at Clay's Corner Annual 'Possum Drop. By November, one can see pumpkins soar across a field at the Chamber of Commerce's Annual Pumpkin Chunkin' contest. Between the months, an extensive list of events take place. The Clay County Farmers Market, Festival on the Square, Concerts in the Park, Car-B-Que, and Trick or Treat on the Square are just a few of the volunteer-powered events that bring community residents together, entertain visitors, and raise money for community organizations.

### *John C. Campbell Folk School*

Founded in 1925, the John C. Campbell Folk School is an internationally know school for craft and folk art. Today, the school offers more than 800 weeklong and weekend classes in traditional and contemporary craft, art, music, dance, cooking, gardening, nature studies, photography, and writing. Located just over the county line in Cherokee County, the Folk School brings in visitors who may otherwise never come to Clay County.

### *Moss Memorial Library*

The Moss Memorial Library is located at 46 Anderson Street in Hayesville. Moss Memorial, overseen by a three-member board of trustees, is one of the four libraries in the Nantahala Regional Library System. The Friends of the Library raise money for the library from sales at their used bookstore and other events to support library programs and services. In addition to its traditional lending library role, Moss Memorial is a community center that provides computers for internet access, a community meeting space, and a hub to distribute community information.

## CONNECTION TO THE REGION

The County is part of a much larger region that offers a broad range of recreation, historic, and cultural resources. Through identifying and advertizing its unique resources such as those listed above, Clay County carves out a niche that sets it apart from other communities, while not trying to compete with those communities. Linking the county's unique resources to the historical and cultural offerings in nearby communities and developing complementary, rather than competitive, opportunities is a win-win situation for Clay County and its neighbors. Possible regional offerings to link with and promote include: arts and crafts; heritage and cultural sites; outdoor recreation (human powered sports such as mountain biking, hiking, canoeing); boating, skiing and fishing; and cultural events, festivals, and fairs.

## KEY CULTURAL RESOURCE ISSUES AND OPPORTUNITIES

- The Historic Clay County Courthouse is perhaps the county's most valuable asset. As a downtown center point, its rehabilitation will increase business activity in Historic Hayesville, bring community members together, and draw visitors.
- Clay County has unique resources to differentiate itself from other communities, yet it also has enough similarities to connect to the broader region.
- Preserving and enhancing historic and cultural resources protects the small town feel and rural character of the county.
- Cultural and community events are an avenue for volunteerism and community building.

→add People's Store Museum to list

→add map

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## HISTORIC AND CULTURAL RESOURCES STRATEGY PLAN

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The Historic and Cultural Resources strategy presented in the CCCP, will protect, develop, and market the historic and cultural resources of the county. The actions make the connection between historic and cultural resources and economic development and rural character.

### 1. HCR-1 Goal: Celebrate and preserve the culture and history of Clay County to advance the county's quality of life, rural character, and potential as a heritage tourism destination.

#### Policy Objectives

- 1.1. Preserve and promote existing historical resources.
  - 1.1.1. Work with the State Historic Preservation Office to conduct a thorough study of the county's historic homes, structures, and areas that contribute to the cultural heritage of Clay County.
  - 1.1.2. Explore initiatives to spotlight the history and culture of the county, while enhancing quality of life and the county's potential as a destination.
- 1.2. Integrate historic and cultural activities with travel and tourism and economic development efforts.
  - 1.2.1. Develop a historic and cultural branding campaign to market the history and culture of Clay County and to build the area's potential as a unique and attractive destination.
  - 1.2.2. Cooperate with neighboring communities to spotlight the attractions of the region to market to and capture loop tourists.
  - 1.2.3. Encourage all who are promoting tourism, events, and recreation opportunities to co-market the county as a destination through the internet, brochures, events, and other strategies. (Chamber, TDA, CCCRA, HHMA, Peacock Playhouse, etc.)
  - 1.2.4. Continue to collaborate with entities and organizations working to promote events and attractions in Clay County, and work to raise awareness of these events.
  - 1.2.5. Consider building some type of event grounds near the existing recreation center (land would need to be acquired).
  - 1.2.6. Explore opportunities to attract tourists from the interstate ring that circles Clay County. Advertise Clay County as an ideal place for a day trip.
  - 1.2.7. Coordinate marketing activities with broader regional events and activities.

### 2. HCR-2 Goal: Promote the revitalization of Historic Hayesville as the historic and cultural center of the community.

#### Policy Objectives

- 2.1. Establish a system of community pathways (driving, biking, walking, etc.) and an accompanying wayfinding system that directs people through Historic Hayesville.
- 2.2. Encourage [and support if it does] the Town of Hayesville to complete a current Land Use Plan that complements the goals of the CCCP.
- 2.3. Complete the Historic Courthouse renovation to be re-used in accordance with the *Clay County Historic Courthouse Re-Use Plan*.

2.4. Support the CCCRA and the Historic Hayesville Merchants Association's efforts to implement recommendations made in the *Historic Hayesville Market Analysis*.

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