



COMPREHENSIVE LAND USE PLAN

TOWN OF HAYESVILLE, NORTH CAROLINA

Planning & Zoning Board

June 17, 2022

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CHAPTER I

INTRODUCTION

Purpose, Scope and Goals for the Future

Prerequisite to future planning for Hayesville is the preparation of a land development plan. An effective land development plan guides the orderly development of the Town in accordance with present and future needs, along with necessary resources. It also promotes the health, safety, and welfare of its citizens, as well as government efficiency.

The purpose of this Plan is to provide the Mayor, Town Council, Planning & Zoning Board, and citizens of Hayesville with standards, procedures, policies, and recommendations necessary for achievement of community goals and objectives.

Elements of this Plan follow:

1. Goals and objectives for development of Hayesville
2. Background for planning
3. Political and socio-economic elements
4. Zoned land use
5. Thoroughfare plan
6. Implementation

The following goals have been adopted by the Hayesville Planning & Zoning Board to serve as guidelines for development of this Plan:

1. Provide citizens with a high-quality environment for living, work and leisure activities
2. Promote suitable housing situated in desirable surroundings for all citizens
3. Protect existing sound residential areas and provide guidelines for new developments
4. Provide a logical land use pattern that facilitates the interrelationships of transportation, public services, and living, work, commercial and recreation areas
5. Provide necessary governmental services
6. Encourage intergovernmental cooperation and coordination
7. Provide adequate employment opportunities that encourage Hayesville's youth to remain in the immediate area
8. Develop a strong and diversified economic base
9. Promote commercial development that satisfies the needs of citizens
10. Protect natural resources for the use and enjoyment of present and future generations

This Plan recognizes the importance of agriculture to the economy of Hayesville and Clay County. No attempt is made to delineate agricultural lands or propose that such use be changed. Farms are included in the residential land use category as a matter of convenience. Moreover, bona-fide farms are exempt from traditional land use controls such as zoning.

CHAPTER II

BACKGROUND FOR PLANNING

Location and Setting

Clay County is the southwestern corner of North Carolina. Geographically, Clay County is the smallest in the state with 141,126 acres or about 213 square miles. The County's southern boundary coincides with the east-west boundary between North Carolina and Georgia. The remaining boundaries mostly follow mountain ranges, giving the county an irregular outline.

Clay County is in the Mountain physiographic region. It is bounded on the north by Cherokee and Macon Counties and on the east by Macon County, and on the south by Rabun, Towns, and Union Counties, Georgia. Maps II-A show the relationship of Clay County to its surrounding region and between Hayesville and Clay County.

Hayesville, the County Seat, is located in the southwestern half of the County, close to the junction of U.S. 64 and N.C. 69. By straight line, the town is approximately 80 miles southwest of Asheville, 136 miles north of Atlanta, Georgia, and 90 miles east of Chattanooga, Tennessee.

The Hayesville Planning & Zoning Area includes the incorporated municipality of Hayesville and a one-mile extraterritorial area surrounding its municipal limits. This area is shown on Map II-B.

Topography

The topography of Clay County consists of mountain ranges with sharp narrow ridges and peaks surrounding foothill areas. Relief of the foothills, along the Hiwassee River and other streams, contrasts sharply with that of the rough mountainous country. These intermountain areas have a rolling to hilly relief, somewhat similar to that of the Piedmont Plateau.

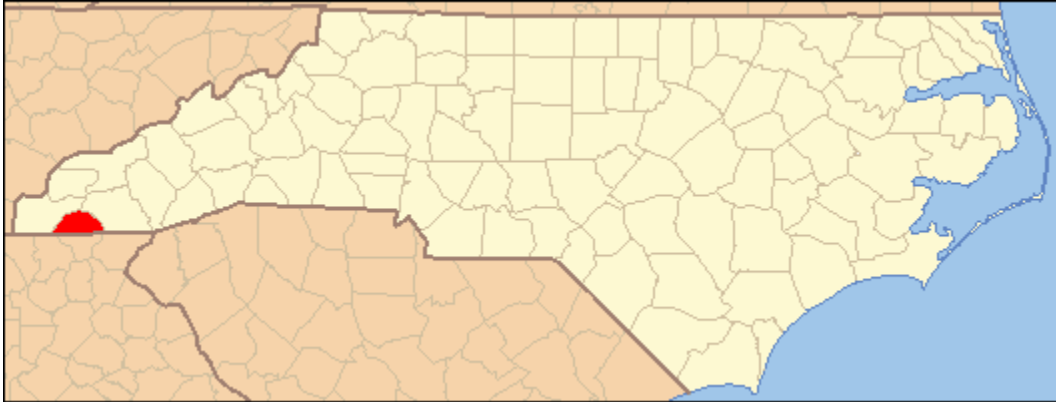
Elevation ranges from 1,600 feet to 5,499 feet above sea level. The highest point is Standing Indian Mountain at 5,499 feet. There are several other peaks over 5,000 feet. Slopes are mostly steep. Only a small percentage of the County is in relatively flat land, and this is found in the vicinity of Elf School, Hayesville and the villages of Shooting Creek, Brasstown and Warne.

Drainage is provided through the Hiwassee River, Shooting Creek, Fires Creek and their tributaries, and is mainly westward. Historically, flooding has not been a significant problem in the County, with only occasional flash-flooding taking place.

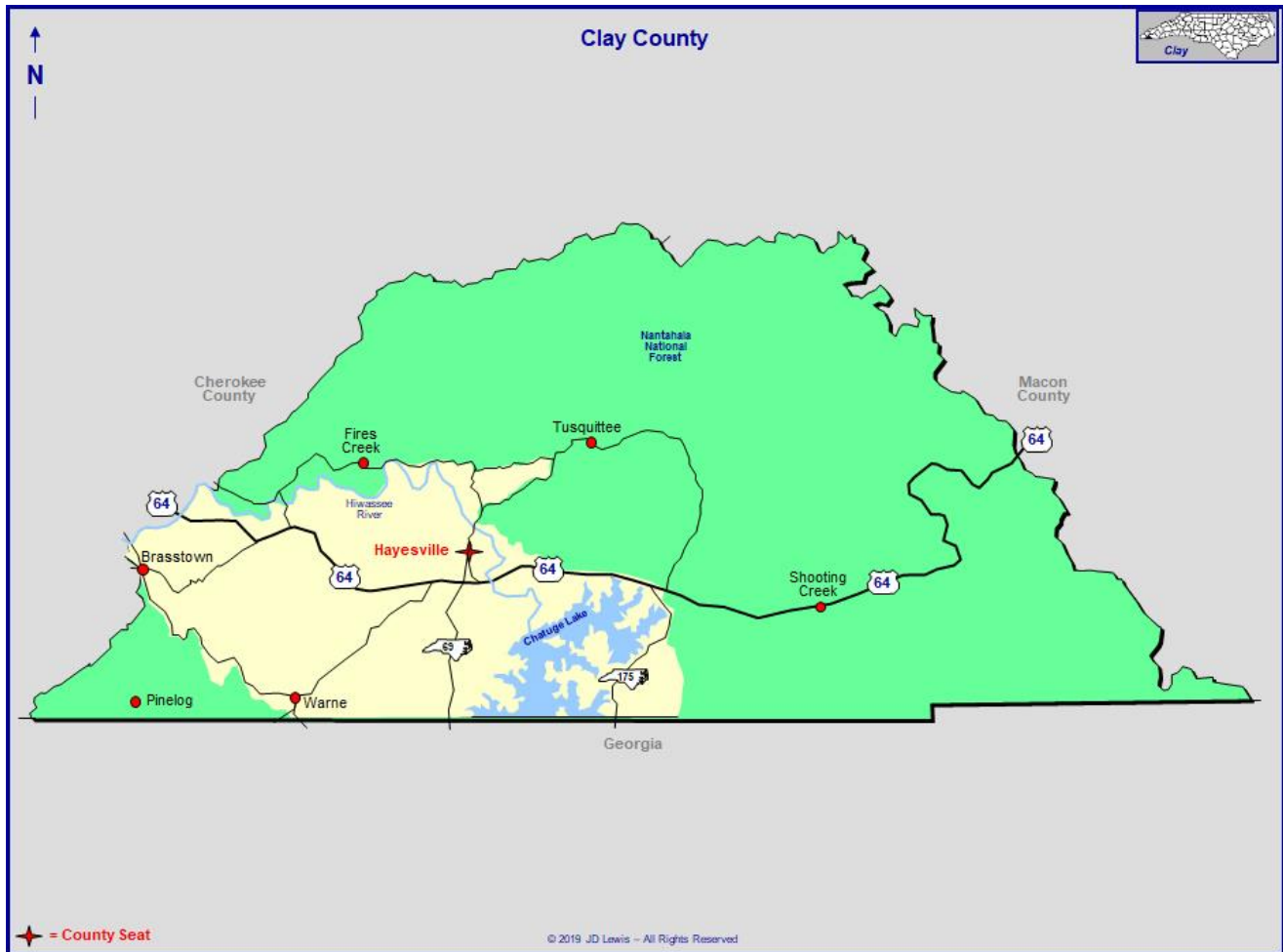
Hayesville is located on the wide river bottom formed by the Hiwassee River. Elevation at Hayesville is 1,850 feet. Topographic limitations in the Hayesville Planning & Zoning area are far less challenging than in the rest of the County. Map II-C is a topographic map of the Hayesville Planning Area.

MAPS II-A

RELATIONSHIP BETWEEN CLAY COUNTY AND SURROUNDING REGION



RELATIONSHIP BETWEEN HAYESVILLE AND CLAY COUNTY



MAP II-B

USGS TOPOGRAPHICAL MAP OF HAYESVILLE AREA



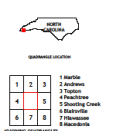
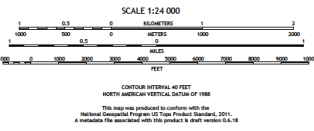
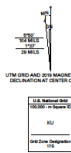
U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



HAYESVILLE QUADRANGLE
NORTH CAROLINA
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
Vertical Datum: Mean Sea Level (MSL)
1:50,000 scale
This map is a digital derivative of the original
topographic map. It is not a substitute for the
original map. For more information, visit
www.usgs.gov



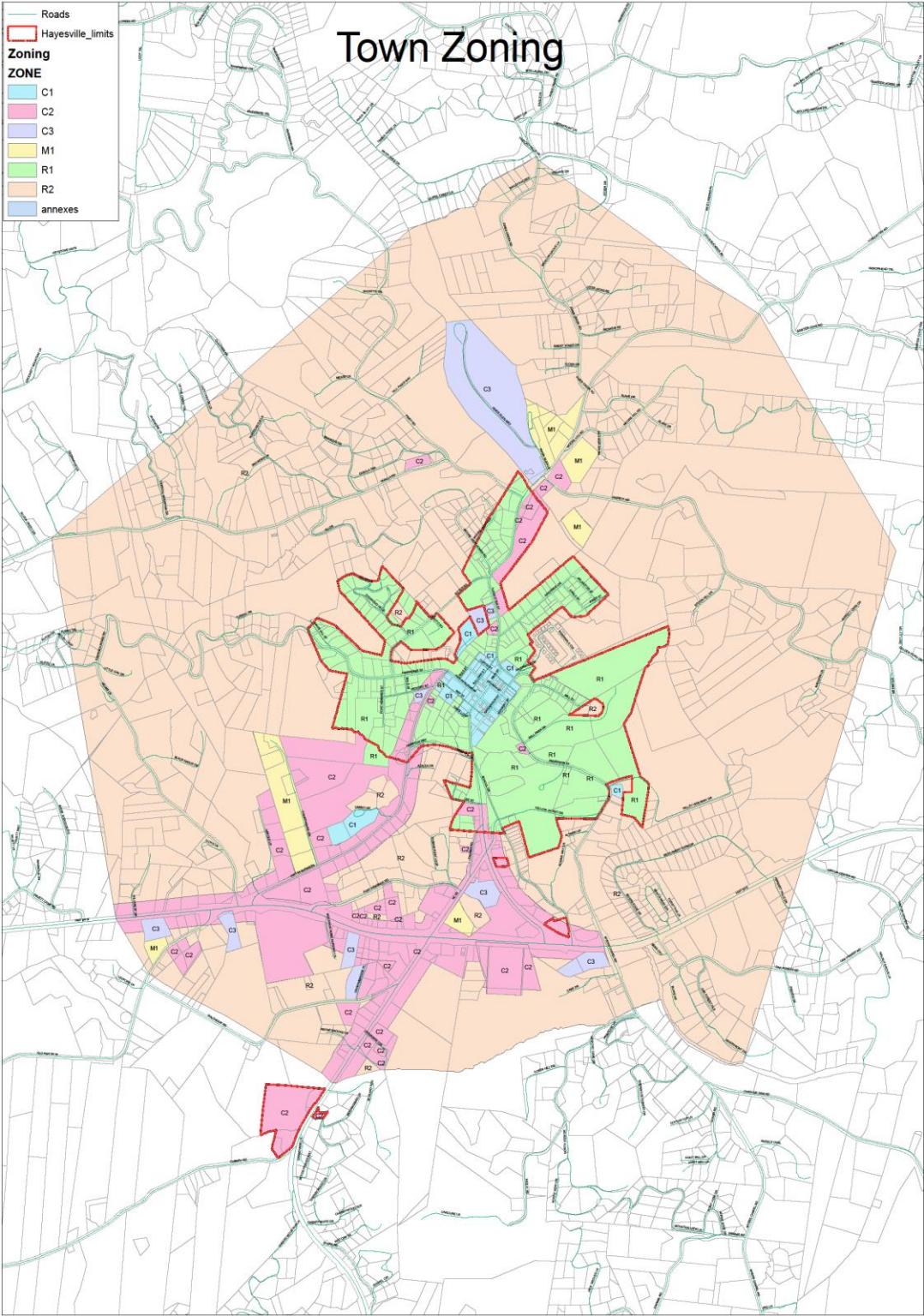
ROAD CLASSIFICATION

Expressway	Local Connector	Local Road	Local Road
Secondary Hwy	Local Road	400	State Road
US Route	US Route	US Route	State Road
Primary Road	Passenger Route	Passenger Route	Highway
Passenger Route	Passenger Route	Passenger Route	Highway

Check with local Post Office for current travel conditions and restrictions.

HAYESVILLE, NC
2019

Map II-C
Hayesville Planning & Zoning Area



Soils

- ***What is soil?*** Soil is a naturally occurring mixture of mineral and organic ingredients with a definite form, structure, and composition. The exact composition of soil changes from one location to another. On average, the major soil ingredients, by volume are:
- 25% Water (the amount varies depending upon precipitation and the water-holding capacity of the soil).
- 25% Air (an essential ingredient for living organisms).
- 5% Organic matter or humus (both living and dead organisms).

A soil is composed primarily of minerals which are produced from parent material that is weathered or broken into small pieces. Beyond occasional stones, gravel, and other rock debris, most of the mineral particles are called sand, silt, or clay. These mineral particles give soil texture. Sand particles range in diameter from 2 mm to 0.05 mm, are easily seen with the unaided eye. Silt particles are between 0.05 mm and 0.002 mm and feel like flour. Clay particles are smaller than 0.002 mm and cannot be seen with the unaided eye. Clay particles are the most reactive mineral ingredient in the soil. Wet clay usually feels sticky.

Water and air occupy the pore spaces—the area between the mineral particles. In these small spaces, water and air are available for use by plants. These small pore spaces are essential to the life of soil organisms, to soil productivity, and to plant growth.

The final ingredient of a soil is organic matter. It is comprised of dead plant and animal material and the billions of living organisms that inhabit the soil ("Conserving Soil," USDA / Natural Resources Conservation Service).

Hayesville detailed soil map. As part of this Comprehensive Land Use Plan for the Town of Hayesville, a custom report was prepared for the Hayesville Planning & Zoning Area. This 93-page report contains the most detailed information on our soils available today (A copy/link to this report is found in the Appendix).

This custom report was generated by the Web Soil Survey (WSS), a national data base that contains soil data and information produced by the National Cooperative Soil Survey. The data base is operated by the USDA Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture (USDA) and provides access to the largest natural resource information system in the world. NRCS has soil maps and data available online for more than 95 percent of the nation's counties. The site is updated and maintained online as the single authoritative source of soil survey information.

Knowledge of basic characteristics of land and suitability of soils for various land uses is essential to planning for orderly and efficient development of the Hayesville Planning & Zoning Area. Our custom report can be used for general farm, local, and wider area planning. Onsite investigation is needed in some cases, such as soil quality assessments and certain conservation and engineering applications.

These and many other soil properties that affect land use are described in this soil survey. The location of each soil is shown on the detailed soil map. Each soil in the survey area is described. Information on specific uses is given for each soil.

Climate

In Clay County, the climate of the high mountains differs greatly from that of the low rolling hills and flood plains of the valleys. The climate is influenced by elevation, aspect, and the moisture-rich winds from the Gulf of Mexico. For example, annual rainfall averages about 63 inches around the town of Hayesville and about 85 inches at the higher elevations on Standing Indian Mountain. Generally, the amount of rainfall increases to the west of Hayesville and decreases to the east. Areas at higher elevations have lower temperatures, more rainfall and snowfall, and shorter growing seasons.

In winter, the average temperature is 37 degrees F and the average daily minimum temperature is 24 degrees. The lowest temperature on record, which occurred at Hayesville on January 31, 1966, is -14 degrees. In summer, the average temperature is 78 degrees and the average daily maximum temperature is 83 degrees. The highest recorded temperature, which occurred at Hayesville on July 1, 1959, is 95 degrees.

During the month, growing degree days accumulate by the amount that the average temperature each day exceeds a base temperature (50 degrees F). The normal monthly accumulation is used to schedule single or successive plantings of a crop between the last freeze in spring and the first freeze in fall.

The total annual precipitation is 63 inches. Of this, 30 inches, or 48 percent, usually falls in April through September. The growing season for most crops falls within this period. In 2 years out of 10, the rainfall in April through September is less than 26 inches. The heaviest 1-day rainfall during the period of record was 4.64 inches at Hayesville on May 28, 1973. Thunderstorms occur on about 56 days each year. Heavy rains from prolonged storms can occur any time of the year, occasionally cover the entire area, and cause severe flooding in the valleys.

The average seasonal snowfall is 8 inches. The greatest snow depth at any one time during the period of record was 8 inches. On an average of 1 day per year, at least 1 inch of snow is on the ground.

The average relative humidity in midafternoon is about 55 percent. Humidity is higher at night, and the average at dawn is about 85 percent. The sun shines 65 percent of the time possible in summer and 42 to 45 percent in winter. The prevailing wind is from the south. Average windspeed is highest, 8 miles per hour, in spring.

Vegetation

Approximately 84 percent of Clay County is forested, the major type being oak-hickory. Loblolly and short leaf pine are the second largest forest type with northern hardwoods (maple, beech, birch) a distant third. The pine variety forest type generally occurs at lower elevations and in once-cleared areas.

Plants and animals influence the formation and differentiation of soil horizons. The type and number of organisms in and on the soil are determined partly by climate and partly by the nature of the soil material, relief, and the age of the soil. Bacteria, fungi, and other micro-organisms aid in the

weathering of rocks and in the decomposition of organic matter. The plants growing on a soil combine plant-essential elements in the soil with carbon from the air and form organic-rich, dark material when they shed their leaves. Insects and animals mix organic material with the mineral material in the topsoil.

Trees are important for the soils in Clay County because they gather plant-essential nutrients through the entire root system in parent material that is naturally low in fertility and concentrate these nutrients in the topsoil. As organic material decomposes, the plant-essential elements which it contains are released for the uptake of growing plants. This cycle can assure continued plant growth unless plants are removed from the soil, as in the harvest of crops or timber.

Because the soils in Clay County formed in rock materials having poor fertility, applications of fertilizer are needed to compensate for the nutrients removed during harvest. If fertilizer is not added, plant growth is retarded because of an insufficient supply of nutrients.

Fish and Wildlife

Soils affect the kind and amount of vegetation that is available to wildlife as food and cover. They also affect the construction of water impoundments. The kind and abundance of wildlife depend largely on the amount and distribution of food, cover, and water. Wildlife habitat can be created or improved by planting appropriate vegetation, by maintaining the existing plant cover, or by promoting the natural establishment of desirable plants. A comprehensive analysis of the relationship between soils and the nourishment needed to support wildlife is found in "Soil Survey of Clay County, North Carolina," USDA & NRCS, 1993, the primary source of data used in this section.

Small game and nongame species inhabit areas throughout Clay County. Some of the small game species and important furbearers are gray squirrel, raccoon, rabbit, fox, grouse, dove, and bobcat. Waterfowl populations are low. A few Canada geese stop at Lake Chatuge during their migration. A small population of wood duck inhabits areas along the Hiwassee River and some farm ponds. The county also has a wide assortment of nongame species, including hawks, many species of songbirds, and a variety of small mammals and reptiles. The Nantahala National Forest supports most of the populations of big game, namely deer, turkey, and black bear.

Wildlife requires food, water, and cover. The variety and abundance of wildlife that inhabit an area depend largely on the variety and abundance of these basic elements. Some wildlife species require greater amounts of food, water, and cover than others and therefore require a much larger area of living space. For example, black bear requires much more living space than deer and gray squirrel. The available amount of food, water, and desirable cover is dependent upon many factors, including soil.

Some of the most productive soils on private land in Clay County are in areas along the Hiwassee River and smaller streams and in coves. This land is used for farming and for residential, industrial, and recreational uses. These activities generally preclude the use of the land by many wildlife species. Consequently, wildlife, especially big game, must inhabit areas of less desirable soils, which support less desirable habitat.

A knowledge of the habits, habitat requirements, and preferred foods of different wildlife species is useful in managing wildlife. The following paragraphs discuss the important game species and furbearers in Clay County.

Black bears require large acreages of mature forest (5,000 acres or more in size). In Clay County, most of this land is available in the Nantahala National Forest. The black bear, however, also roams throughout tracts of private land in the county.

The loss of habitat or living space in the mountains to housing and recreational developments is the greatest threat to populations of black bear. The black bear's living space cannot be replaced. The loss of this habitat can cause a permanent decline in the number of black bears.

White-tailed deer require areas that are 300 to 500 acres in size and that provide proper amounts of food, water, and cover. In spring and summer, deer feed on green, succulent leaves and stems of both woody and herbaceous plants. In fall, acorns, honeysuckle, grapes, apples, and leaves of woody species are important foods. In winter, acorns, honeysuckle, rhododendron, and grasses are important foods. Deer prefer the acorns of white oak, which grows on warm, dry soils.

In Clay County, however, northern red oak produces mast more consistently than white oak and therefore is more important to deer for food. Deer browse areas of crops and pasture on private land in most of the agricultural communities in the county.

According to the NC Wildlife Foundation, the population of Whitetail Deer in North Carolina was 10,000 in 1900. However, the population has steadily grown since then — due to efforts to restore the population — and now is estimated to be around one million.

This may seem like positive growth, but the flourishing of the Whitetail Deer has turned into vast overpopulation. Deer have no natural predators in North Carolina, so the population, especially in protected areas, is growing faster than the biotic communities can keep up with.

One of the biggest ecological problems of overpopulation is that the deer over-graze the vegetation that other small herbivores also feed on.

Deer are known as a keystone species, meaning that they have a large effect on the entire ecosystem in which they live. The wellbeing of other species that share an ecosystem with deer are reliant on the deer population being properly regulated in order to also flourish.

Due to North Carolina state laws, hunting is not allowed in state parks. While this seems like a positive protection of animals, it is actually causing damage because the deer are now running rampant and negatively impacting other plant and animal communities.

When deer over-graze, there are cascading effects. It changes the actual soil composition and how small mammals move around.

Not only does this overpopulation issue negatively affect plants and other mammals, it also has an adverse effect on the human population in multiple ways. One of the most costly and deadly impacts of deer overpopulation comes in the form of vehicle accidents.

According to data from the NCDOT, animal related crashes resulted in nine deaths and 2,975 injuries in 2018 alone. These crashes also caused \$146 million dollars in damages in 2018, and the majority of those involved deer.

The NCDOT also reports an increase of more than 2,300 crashes in 2019 over the 2018 statewide total, with the overall figure reaching 20,331 crashes. In Clay County between 2017 and 2019, 123 deer-related auto accidents were reported. These involved 6 persons injured and damages of \$367,100.

The increase can be attributed in part to North Carolina's continual population growth, with more drivers on the road and more development. That pushes animals — primarily deer— which account for about 90 percent of all animal-related crashes — into more opportunities for a dangerous encounter with vehicles.

Urban sprawl and development contribute to the overpopulation issue because hunting is less popular in those areas. Additionally, deer are a generalist species, which means they can live in urban areas.

A large contributing factor to the overpopulation issue is the inability to hunt in state parks in North Carolina. The protected areas provide a safe breeding ground for the animals without any natural predation.

In Clay County, almost half of the acreage is part of the Nantahala National Forest, meaning that deer hunting is prohibited. Of all the counties in western North Carolina, Clay County has the largest deer population.

One possible solution is regulated hunting in the parks as well as in other areas. While it may seem counterproductive to hunt animals in order to save them and others, it may be the best solution to the problem.

At the same time people enjoy seeing deer around all the time, it must be recognized that deer have a very negative impact on their surroundings. And since people have eliminated all the large predators in the area, people are the ones tasked with controlling them.

By allowing regulated hunting of deer in the parks and regardless of the season, the population will return to manageable numbers, allowing other plants and animals to be contributing members of the biotic communities in which they exist. Population control will also likely decrease the frequency of car accidents.

Wild turkeys require a variety of habitat that generally ranges over large acreages (5,000 acres in size). Wild turkey feed on green, herbaceous leaves and forbs, berries and other fruits, insects, and acorns and dogwood berries when in season. In spring, turkey benefit from grassy open areas where they can have a diet high in insects, which promotes quick growth.

Raccoons are a nocturnal and omnivorous mammal. Its diet includes fleshy fruits, acorns, corn, persimmon, black gum, invertebrates, small mammals, snakes, lizards, salamanders, bird eggs, young birds, carrion, and garbage.

Minks are predators that feed mainly on animals associated with areas of water. It lives mainly in coves, on stream terraces, and on flood plains. Its diet includes fish, frogs, crayfish, mice, songbirds, snakes, lizards, salamanders, rabbits, squirrel, and muskrat.

Muskrat generally is a vegetarian that eats roots, stems, bark, fruit, and leaves of various plants. It prefers grasses, clover, and corn. Occasionally, its diet includes fish, freshwater mussels, insects, crayfish, and snails.

Gray squirrel and red squirrel inhabit Clay County. Generally, the gray squirrel inhabits areas below an elevation of about 4,500 feet where mast and den trees are available. The gray squirrel prefers hardwood mast to pine mast if both are plentiful. The red squirrel lives wherever mast and den trees are available but prefers areas above an elevation of about 4,500 feet. The choice foods of squirrels are acorns, beechnuts, black gum, black cherry, corn, dogwood berries, hickory nut,

mulberries, pine mast, chestnut, hazelnut, walnut, butternut, chinquapin, poplar flowers, and wild grapes.

Rabbit and quail are generally considered farm game species. Many farms lack the cover necessary to support good populations of quail and rabbit. Modern farming technology has eliminated field edges and odd corners, and fence rows no longer support briars or brush. Changes in the kinds of crops that are grown have also affected populations of these animals. Riparian areas between fields and streams can be managed to provide excellent cover for rabbit and quail and to minimize the sedimentation of streams.

Gray fox and red fox inhabit Clay County. Generally, the gray fox inhabits woodland and the red fox inhabits farmland. The foxes eat mice, rats, rabbits, songbirds, and a variety of cold-blooded vertebrates. They also eat grapes, corn, acorns, apples, pokeberries, and persimmons. Generally, practices that improve the habitat of small game species also benefit the habitat of foxes. Foxes can benefit farmers because a main component of their diet is mice and other rodents.

Ruffed grouse is commonly seen in a variety of habitats in Clay County. It commonly eats corns, beechnuts, wild grapes, blackberries, tender leaves, strawberries, serviceberries, dogwood berries, buds of beech, maple, and apple, and rose hips. The grouse requires some amount of evergreen cover, such as small patches of pine in warm, dry areas or thickets of rhododendron and laurel in cool, moist areas. In forested tracts, irregularly shaped clearcuts that are 1 to 5 acres in size provide areas where grouse can feed on a variety of insects, buds, grasses, forbs, and fruits. These cleared areas can provide a variety of foods to grouse for several years after the initial cutting operations.

Bobcat hunt mostly at night. It feeds on rabbits, mice, snakes, squirrels, woodchucks, and birds. Woodland cover is an important part of the bobcat's habitat. The bobcat prefers very thick cover in which it can hide during the day.

Woodchuck, also called groundhog, has a large population in Clay County and is popularly hunted. It lives in a variety of habitats, including pastures, fallow fields, grassy roadsides, croplands, and woodlands. In Clay County, the feeding activities of woodchucks annually cause problems for garden crops.

Fishing. Clay County offers opportunities for both lake fishing and stream fishing. Largemouth bass and bream are the common fish in Chatuge Lake. Chatuge Reservoir is one of the better fishing lakes in the TVA reservoir system. It supports excellent fishing for crappie, bluegill, redbreast sunfish, redear sunfish and smallmouth bass.

Because of the high elevations and woodland cover, cool water flows in many of the streams throughout the county. Consequently, brown trout, rainbow trout, and brook trout are the most abundant game fish in many watercourses in the county. Brook trout is the only trout species native to the mountain waters.

Trout habitat is affected by land and water uses. Erosion control and publicly supported pollution control are important for maintaining the productivity of existing trout waters and for cleaning potential trout waters. Protecting streams and waterways from siltation and various kinds of pollution helps to preserve trout fishery and can possibly increase the recreational fishery resource in Clay County.

Clay County has several trout ponds. Soils associated with trout farms have good filters and thus yield clean water. Other areas are on sandy flood plains along fast-moving, cool streams high in oxygen content are also associated with trout production. Most of the streams in the planning area, including the Hiwassee River and Tusquittee Creek, meet these standards.

Water Quality and Quantity

Water quality has an impact on health whether for drinking, domestic purposes, food production, or recreational purposes. Poor water quality has been linked to disease outbreaks and poor overall health. The community water system in Clay County serves an estimated 18% of the population, most persons being served by private wells. The fraction of the Clay County population served by a community water system is 67% lower than the average for the WNC region and NC as a whole (U.S Census Bureau, 2018).

Everyone wants clean, safe drinking water and we assume this natural resource will always be available to us. However, drinking water sources can be threatened by many potential contaminant sources, including underground storage tanks for gasoline, permitted wastewater discharges and other waste disposal sites, improper handling of hazardous materials, urban storm water runoff, or other types of non-point source contamination such as runoff produced by agricultural activities and land clearing for development. As of 2021, Clay County drinking water sources are listed in Table II-E. These data, along with multiple maps for each water source, and other water quality information, are found in “Source Water Assessment Program Report for Clay County Water & Sewer District, Community Water System, 2021.” A copy/link to this report is located in the Appendix.

Protecting drinking water from becoming contaminated is a wise investment in public health and the community's future. Protection of drinking water is everyone’s responsibility. Citizens can help protect their community’s drinking water sources in several ways: dispose of chemicals properly; take used motor oil to a recycling center, volunteer in the community to participate in group efforts to protect the source, etc.).

Table II-A. Public Water Supply System Information

CLAY COUNTY WATER & SEWER DISTRICT

Source Name	Flow Rate (GPM)	Depth (Feet)
WELL #1	236	205
WELL #2	336	205
WELL #5	336	205
WELL #6	336	205
WELL #7	236	205

Hayesville has a sufficient supply of water, including Chatuge Lake, Hiwassee River, many smaller streams, and ground water. Chatuge Lake provides opportunities for boating, fishing, and swimming. High quality waters flowing through watersheds managed by the U.S. Forest Service are important to the Town’s tourism. Streams flowing through watersheds in areas having many roads, homes, or farms generally have lower-quality water. Sedimentation is the main problem. Stream

quality can be improved by soil and water conservation practices. Drilled wells are the most common source of domestic water, but some natural springs are used for water supplies.

Major streams in the planning area are Blair, Town, Qually, Downing and Tusquittee Creeks. All are tributary to the Hiwassee River which, in turn, is tributary to the Tennessee River. Outside the planning area is Chatuge Lake which is part of the Tennessee Valley Authority's reservoir system.

At present, Clay County relies on five groundwater wells for its water supply. The current capacity of these existing wells is shown in Table II-A above.

The Town of Hayesville provided no significant treatment of wastewater until a central wastewater treatment plant was constructed in the 1960's along Town Creek. This plant was operated by the Town of Hayesville and later, the Clay County Sewer and Water District. It used an extended aeration process for treatment to secondary standards with discharge to Town Creek. The capacity of this plant was 97,000 gallons per day, which was regularly exceeded due to excessive infiltration/inflow in the collection system. This wastewater treatment plant was recently converted to a pump station and replaced with a new 300,000 gallon per day extended aeration plant located just east of Hayesville on the larger Hiwassee River. The current permit to operate this plant is expected to be renewed in 2022.

Farming in Clay County

Agriculture in Clay County has been in decline for several decades, with a rapid acceleration in the loss of farms and farmland in the past 25 years. The County has experienced a near elimination of burley tobacco production and the complete elimination of dairy farming during this period. Agricultural receipts declined from just over \$4.6 million in 1997 to just over \$1.1 million in 2007, a 76% decline. On a per-farm basis, the average market value of agricultural products sold decreased from \$28,181 in 1997 to \$8,131 in 2007.

Along with the decline of economic activity, the County experienced steep drops in the number of farms, land in farms, and the number of active farmers. From 1997 to 2007, the number of acres in farms plummeted by 47.2%. Total cropland declined by 64.8%. The number of full-time farmers declined from 75 to 54, and the median size of farms was cut in half, from 60 acres in 1997 to 30 acres in 2007. According to the Census of Agriculture there were 137 farms remaining in the County in 2007.

According to the 2017 Census of Agriculture, Clay County has 164 farms comprising 12,525 acres, the average farm size being 76 acres. This marked a net increase of 6 percent for number of farms and 7 percent net increase for farm acreage over 2012. However, market value of products sold decreased by 8 percent, government payments decreased by 39 percent, and net cash farm decreased by 88% over the same period.

Table II-B shows number and percent of farms by value of sales. Nearly 75 percent of farms have less than \$10,000 in sales in 2017, while 10 percent had sales over \$25,000. Table II-C shows the number and percent of farms by acreage. Almost 90 percent of farms are less than 180 acres.

TABLE II-B
FARMS BY VALUE OF SALES

Value of Sales	Number of Farms	Percent of Total
Less than \$2,500	65	40
\$2,500 to \$4,999	33	20
\$5,000 to \$9,999	19	12
\$10,000 to \$24,999	30	18
\$25,000 to \$49,999	10	6
\$50,000 to \$99,999	3	2
\$100,000 or more	4	2

TABLE II-C
FARMS BY SIZE

Farms by Size	Number of Farms	Percent of Total
1 to 9 acres	13	8
10 to 49 acres	80	49
50 to 179 acres	55	34
180 to 499 acres	15	9
500 to 999 acres	-	-
1,000 + acres	1	1

Crops comprise 70 percent of the share of sales while livestock and poultry produce the remaining 30 percent. Land in use by farms are cropland (38%), pastureland (23%), woodland (33%), and other (6%). Only 2 percent of land in farms are irrigated.

CHAPTER III

POLITICAL AND SOCIO-ECONOMIC ELEMENTS

Historical Characteristics

Before settlement, Clay County was home to the Cherokee Indians, who were a tribe of Native Americans that made their home in Southeastern United States (principally Georgia, the Carolinas and Eastern Tennessee). They were one of the "Five Civilized Tribes" because of their assimilation of European-American cultural and technological practices. During the late 1700s, the first European-American settler, John Covington Moore, settled here in what was then part of Macon County. The first emigrants moved to this area in the early 1830s (Wikipedia, 2018).

In 1837, General Winfield Scott was hired to gather all the Native Americans in the region and detain them in improvised stockades before transporting them into Oklahoma Territory. Captain Hembree was sent to an area about a mile southwest of Hayesville to construct a stockade to hold the Native Americans until they had all been gathered up. This marks the beginning of the Trail of Tears. The stockade was named after Captain Hembree as Fort Hembree and served as a center of business (Wikipedia, 2018).

In the fall of 1860, George Hayes, who was running for Representative from Cherokee County, promised his southeastern constituents to introduce legislation to form a new county. In February 1861 the legislation was introduced and passed by the North Carolina General Assembly (Wikipedia, 2018). In honor of Mr. Hayes, the then new county's seat was appointed Hayesville and the newly formed county was named in honor Henry Clay, famous American statesman, member of the United States Senate from Kentucky.

Clay County was one of the most secessionist in sentiment of Western North Carolina counties and strongly supported Confederate causes. The nearest Civil War battle was fought at Chickamauga.

Despite having been created in 1861, Clay County lacked an organized, formal government until 1868. Later that year, the first post office opened in Hayesville and the first county courthouse was built in 1888, currently listed on the National Register of Historic Places. Throughout the rest of the nineteenth and early twentieth centuries, Clay County has remained largely agricultural (Wikipedia, 2018). Hayesville remains to this day the only incorporated town in Clay County.

Historical sites of interest in the planning area and county are as follow:

1. ***Historic Clay County Courthouse / Beal Center.*** Built in 1888 in an Italianate vernacular style, the Clay County Courthouse was added to the National Register of Historic Places in 1975. The courthouse was used for official business until 2007, when a new facility was built on the outskirts of town. Clay County Communities Revitalization Association took on the task of preserving the historic courthouse as one of its main goals. The association raised funds to restore the iconic building to the simplicity and beauty of its early roots. In 2018, Hayesville celebrated the grand opening of the historic site. Rechristened the Beal Center to honor local benefactor Ron Beal, the historic courthouse is available for meetings and events including weddings, family gatherings or celebrations of life, trade

expos and cultural events, as well as concerts, dances, community events and children's programs.

2. **Old Jail Museum.** As its name would suggest, the Old Jail Museum is located in Clay County's old jail in a building that sits high on a hill on the way to Hayesville's town square. Built with concrete and cement bricks made on location, the building was a modern and efficiently functioning structure at the time of its construction in 1912. Today, the brick structure houses the Old Jail Museum and the Clay County Historical and Arts Council.
3. **George W. Truett Birthplace.** Birthplace of noted Baptist minister, Dr. George W. Truett, who at one time was pastor of the First Baptist Church in Dallas, Texas.
4. **John C. Campbell Folk School.** Truly a unique reservoir of mountain folklore and culture established in 1926. The school collects, stores and teaches the skills of mountain craftsmen to men and women who come from all over the United States and abroad.
5. **Cherokee Homestead Exhibit.** The Cherokee way of life is displayed in this reconstructed 17th – 18th century village homestead exhibit. It includes a Cherokee summer house, a winter house, food storage crib and more in this free, self-guided tour. The site also features interpretive signs and two walls with public art representing Cherokee legends and stories.
6. **Spike Buck Town.** This Cherokee Indian Village site is located at the juncture of Town Creek and the Hiwassee River at the northeast edge of Hayesville.
7. **Freedom Cemetery.** The graves of more than thirty former slaves are buried in an undisturbed and peaceful setting at the end of Slave Drive. Plans are underway to enhance the natural beauty of the cemetery grounds.

The "Clay County Heritage Tourism Development Plan," (2008) provided source information for this section of the Plan, and a copy/link is located in the Appendix. Another related document that focuses the significance of Hayesville's historic districts for tourism and the local economy is "Historic Hayesville Market Analysis," April 2010. Assembled by a partnership among the Clay County Community Revitalization Association, Historic Hayesville Merchants Association, Hand Made in America, and The Rural Center, a copy/link to the report is included in the Appendix.

Town Government Structure and Responsibilities

The Town of Hayesville is governed by a popularly elected Mayor and three Town Council Members. The mayor and council persons are elected on a non-partisan basis and serve four-year terms. The Town employs a Town Clerk and Finance Officer, and a Zoning Administrator. Police protection and service is provided by the Clay County Sheriff.

The Planning and Zoning Board was established in January 1976. The Town and Planning and Zoning Board have jurisdiction over the corporate limits of Hayesville and a one-mile extraterritorial area surrounding it (See Map III-A).

Public Facilities and Services

The problem of adapting public facilities and services to change exists in every community. A community must recognize that its public facilities and services have to be enlarged, replaced or improved so that the needs of its growing and changing population can be satisfied. Unless adequate schools, libraries, parks, health facilities and other public facilities are provided, the growing and changing population of Hayesville will suffer from a lack of vital services.

Education. The Planning Area is served by Hayesville High School, Hayesville Middle School, Hayesville Elementary School and Hayesville Primary School. These schools serve students who live not only in Hayesville but throughout Clay County. In School Year 2020-2021, these four schools served 1,155 students.

According to NC Department of Public Instruction (2018) between 2010 through 2017, Clay County schools had an average of 1,402 students with a rate of dropout of 1.72 compared to the region's rate of 2.63 and the state rate of 2.59. In a four-year cohort conducted for those starting high school at the start of the 2013 school year and graduating in 2017 or earlier it was found that more than 95% of females will graduate and 86.5% of males will graduate. Of the high school students for this cohort 86.2% of them were considered economically disadvantaged.

Between 2013 and 2017, Clay County had a graduation rate of 89.3% compared to 88.4% for the region and 86.5% for the state. Over the past four years, 89.1 percent of students graduated, compared to 87.0 percent for State of North Carolina. High school students performed slightly below state averages (one to two percentage points) for College Ready testing on the ACT. In statewide testing, Hayesville schools overall performed at or better than State of North Carolina in Math, Science, Biology, and English. However, State of North Carolina schools generally produced larger percentages of top- level achievers on these tests.

On April 28, 2022, it was announced that Clay County Schools has been awarded \$32 million in state funds to build a new school that would provide the following: new classrooms for grades 3-8, a new Hayesville Middle School gym, a new cafeteria to serve grades 3-12, and a new performing arts center to serve grades K-12 as well as the entire community. This would consolidate 11 old buildings under one roof to save future maintenance costs for taxpayers, provide a much safer environment, and help recruit and retain families and teachers for Clay County Schools.

There is one private school located in Hayesville, Carolina Christian Academy School, grades K-5, and 23 students. The school is associated with First Free Will Baptist Church.

During the period 2016 – 2020, 88.1 percent of persons 25 years or older in Clay County were high school graduates and another 27.0 percent held bachelor's degrees or higher. This shows a marked increase over the period 2006 – 2010, in which only 33.7 percent were high school graduates and just 18.7 held bachelor's degrees or higher. As of June 2022, of the 75 graduates of Hayesville High School, 16 are going into the work force, while 22 plan to attend technical or community college, and 33 will attend four-year institutions of higher learning. In addition, three students have been engaged in active discussions to join the military. More information on Clay County Schools is found in the Appendix using a link directly to their website.

In support of Clay County's efforts to provide broad-based community education is the Moss Memorial Library, which fronts on Anderson Street. Part of the Nantahala Regional Library System, it provides access to an estimated 150,641 books and serial volumes, 28,651 electronic books, 18,472 audio and video holdings, and a total circulation of 296,248. Online searching is convenient for searching the library's collection.

Health. Clay County is a very food-conscious county that is concerned about the community going hungry. Matt's Ministry and the Clay County Food Pantry serve the community to ensure there is ample food for those in need. Matt's Ministry provides food to in-need citizens of Clay County with special emphasis on at-risk children and seniors through food boxes distributed within the schools and the Saturday food pantry. Other sources of food for those in need include:

- Clay County Food Pantry, INC
- Hayesville First Freewill Baptist Church
- Matt's Ministry/ Ledford's Chapel UMC
- Hayesville First UMC- Free Wednesday night meal

WNC Healthy Impact is a partnership and coordinated process between hospitals, public health agencies, and key regional partners in western North Carolina, working towards a vision of improved community health. In 2018, the Clay County Health Assessment determined that because the two area hospitals, Erlanger and Union General, are bringing in two all-inclusive clinics in 2019, that this was no longer going to be a need for the community. However, in a consensus it was decided that three health issues are priorities for the community:

- Chronic Disease Prevention and Control –The leading causes of death in Clay County are considered chronic illnesses.
- Mental Health Access to Care – Abundantly clear that the needed resources are not available to adequately serve our community.
- Substance Abuse and Misuse- Substance misuse has increased over the years to the point that it now affects everyone in the county in some way.

According to the county health rankings in 2018, Clay County is ranked 28th out of 100 where 1 is the best. This is an improvement to the 2015 ranking of 48th. The county health ranking is based off of two health outcomes that include length of life and quality of life. In spite of this improvement, the previously noted priorities are no less important, and are being addressed by the county. The “2018 Clay County Community Health Assessment” provided much of the information in this section and a copy/link is provided in the Appendix.

Recreation. In Hayesville, the Clay County Recreation Center was built in 2007 with a workout room and gymnasium for Clay County residents. Fields and pickleball courts are also available for the residents of Clay County. Youth sports are held for ages 4 - 12 in soccer, basketball, baseball, softball, flag football and tee-ball. It was expanded in 2013 to add the fitness room, racquet ball court, showers, and lockers, a state of the art work out facility at a very cost-effective price that all residents may enjoy. For adults, the county provides pickleball courts. Clay County Parks and Recreation offers. Through this department there are also plenty of walking paths, mountain biking, and camp grounds that are accessible to the public. Other healthful recreation areas include:

- Jack Rabbit Walking and Mountain Bike Trails
- Multiple hiking trails: Appalachian, Chunky Gail Trail Head and Rim Trail at Fires Creek
- Multi-Use walking paths and ball fields at Park and Recreation
- The Quanassee Path in downtown Hayesville
- Walking paths between Chatuge Dam and the Clay County Recreation Park
- 18-hole golf course at Chatuge Shores Golf Club
- 9-hole Disk Golf at Hinton Center

Fire & Rescue. Clay County Fire and Rescue became an entity on July 25, 1985 when the Hayesville Fire Department and Clay County Rescue Squad made the decision to bring their agencies together in efforts to better serve the members of the community. In 1991, Clay County Fire and Rescue was able to petition the county and the citizens to agree on a fire tax to help better support the departments. Since then, Clay County Fire and Rescue has grown to a fleet of 13 pieces of

apparatus. This apparatus consists of four engines, three tenders, and two utility vehicles equipped to handle medical calls at an advanced level of care. The department also has two rescue trucks and two multi-service trucks. Clay County Fire and Rescue has six stations. These stations are located in Tusquittee, Fires Creek, and Elf, Brasstown, and Warne, with the main station being located in Hayesville. Clay County Fire and Rescue hired four full time personnel in 2018 that work 24- hour shifts, and are off for 72 hours. This gives a dedicated response 24 hours a day. Although the paid staff ensure call response, the backbone of the department resides in the volunteers who sacrifice to help their neighbor in times of need without expecting anything in return.

Law Enforcement. Hayesville is served and protected by the Clay County Sheriff's Office and the North Carolina Highway Patrol. The Sheriff's Office includes six patrol officers and deputies and four investigators. Two additional officers are responsible for detention. The North Carolina Highway Patrol provides four troopers that serve Clay County. One State Bureau of Investigation (SBI) Special Agent is attached to the county.

Community Transportation. Clay County Transportation (CCT) is a consolidated public transportation system funded by federal, state, and local governments as well as fare revenue collected by the system. CCT provides local trips and long-distance medical trips to Asheville, Atlanta, and Chattanooga, and has a number of vans that are equipped with wheelchair lifts.

Community Paramedicine or Emergency Management System. Part of the response arm of Clay County 911, paramedics are on call to respond to health crises. Moreover, EMS is designed to be proactive and not just reactive to emergency calls. With a registered nurse on board, EMS can find ways to minimize repeated calls by trouble-shooting problems, finding medical solutions and providing advice. The county is shaping the program after a model that uses a mobile integrated care program which includes a community paramedic, a DSS Social Worker and a behavioral health specialist.

Waste Disposal. Clay County operates a transfer station & recycling center in Hayesville. For residents of Clay County, many items are recyclable free of charge as well as most household garbage. Using a private contractor, the Town of Hayesville offers residents (weekly) and local businesses (twice-weekly) trash pickup

Access and Traffic Circulation

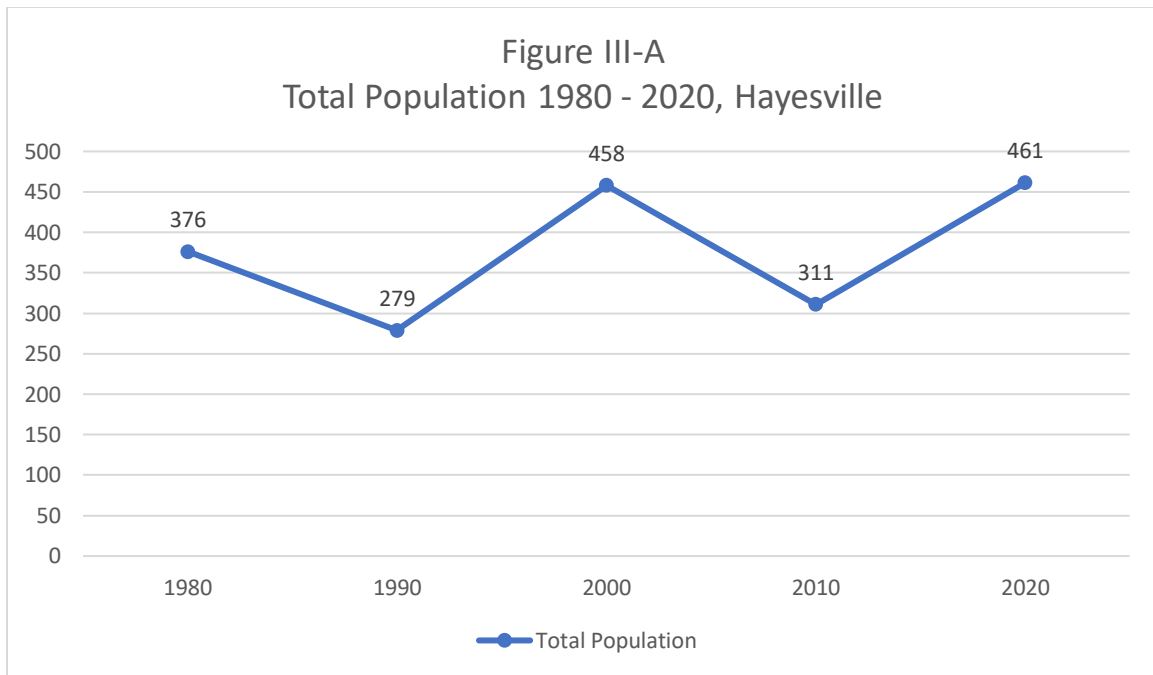
Development of Western North Carolina's transportation network has been restricted almost exclusively to valleys, where slopes are less severe. Clay County's primary transportation arterials, U.S. 64 and N.C. 69, as well as N.C. 175, have also developed within the same limitations. These highways are part of the Appalachian Development Program which could help to improve economic conditions in the county.

Access and traffic circulation will be improved when all improvements are fully completed for these three roads. The four-lane expansion of N.C. 69, when finally finished, should restore and expand commercial activity along this route. A more detailed examination of Hayesville's roads and streets is found in Chapter V, Thoroughfare Plan.

Population Characteristics

The most recent population count for the Town of Hayesville is available from the NC Office of State Budget and Management (OSBM), which reports a 2020 population of 461. According to Census data, Hayesville has had an up and down population trend over the years. As shown in Figure III-A, 1980 and 1990,

Hayesville’s population decreased from 376 to 279, followed by a decade of increases in population, and then a precipitous drop in 2010 down to 311 people. Then, from 2010 to 2020, the Town grew to 461 people.



According to the U.S. Census Bureau, the 2020 Census of the population of Hayesville is described as follow: following characteristics:

Median Age is 42.2 years, compared to 38.9 years in North Carolina. Table III-A shows population by age range, with breakout of the 65 years and over cohort. Hayesville’s 65 years and over cohort (25.8%) is significantly larger than North Carolina (16.3%).

TABLE III-A

POPULATION BY AGE RANGE, TOWN OF HAYESVILLE

Under 5 years	5.2%
Under 18 years	26.1%
18 years and over	73.9%
65 years and over	25.8%
65 to 74 years	13.2%
75 to 84 years	6.7%
85 years and over	5.9%

Median Household Income is \$25,625, compared to \$56,642 in North Carolina. Poverty includes 35.1% of Hayesville’s population. Of this group, a large percentage (32.9%) are 65 years and over. (See Table III-B.)

TABLE III-B

POVERTY BY AGE, TOWN OF HAYESVILLE

Under 18 years	23.7%
18 to 64 years	41.6%
65 years and over	32.9%

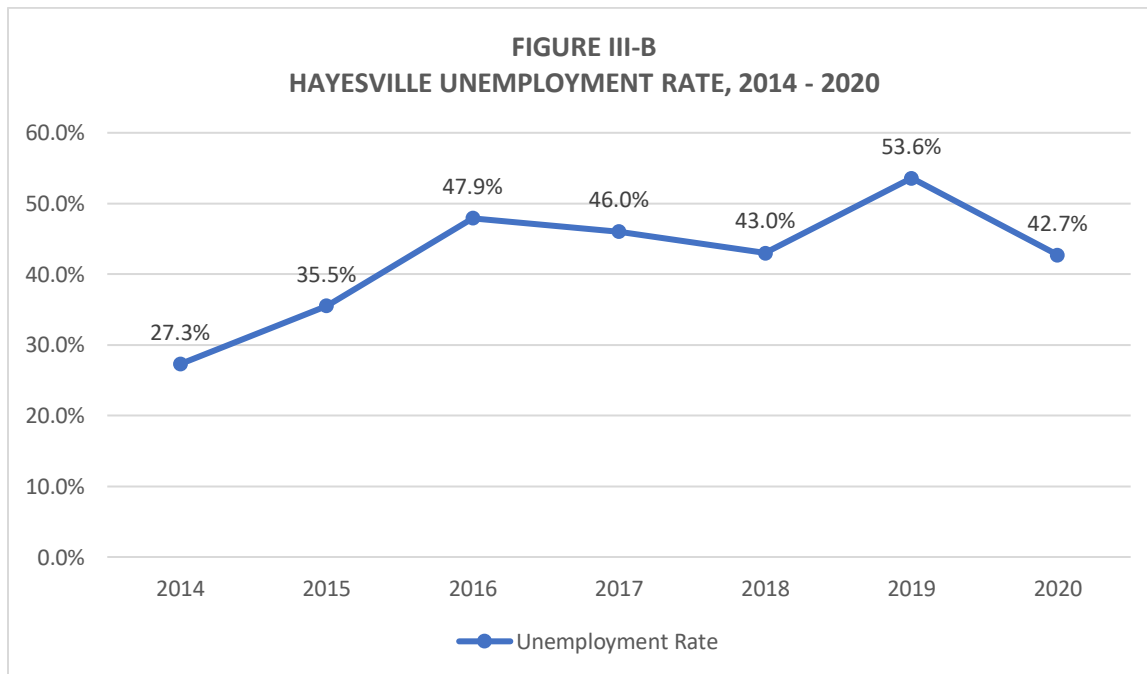
Educational Attainment in Hayesville is relatively low compared to North Carolina. A total of 15.5% of Hayesville residents hold a Bachelor’s Degree or Higher compared to 32.0% in North Carolina. Table III-C shows the levels of educational attainment for Hayesville.

TABLE III-C

EDUCATIONAL ATTAINMENT, TOWN OF HAYESVILLE

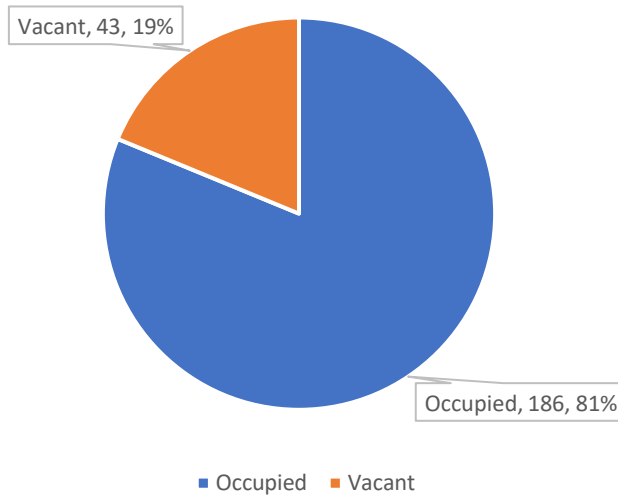
High School or equivalent degree	43.9%
Some college, no degree	11.8%
Associate’s degree	4.8%
Bachelor’s degree	11.8%
Graduate or professional degree	3.7%

Employment Rate has generally trended upward since 2014; however, between 2019 and 2020, there was a ten-point drop from 53.6% to 42.7%. (See Figure III-B)



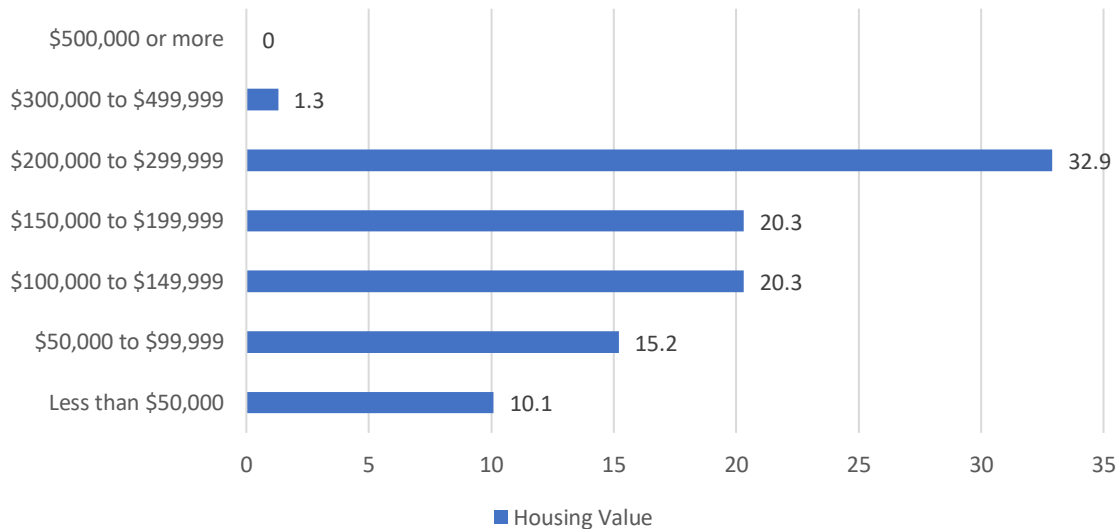
Total Housing Units in Hayesville total 229. Of these, 186 are occupied and 43 are vacant. (See Figure III-C.)

**Figure III-C
Hayesville Housing Units**



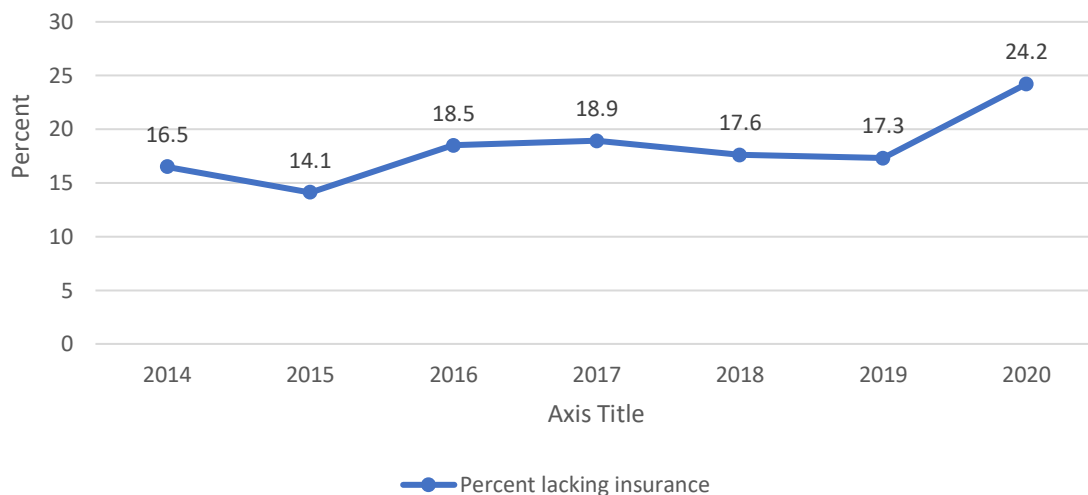
Housing Value in Hayesville is shown in Figure III-D. The largest range (32.9%) of homes is between \$200,000 and \$299,000. As housing prices have surged in recent months, we should expect to see much higher housing values soon.

**Figure III-D
Hayesville Housing Value by Percent**



Without Health Care Coverage: Hayesville has a large proportion of its population (24.2%) without health insurance. Only 10.7% of North Carolinians lack health insurance. What is concerning is that this percentage has grown substantially between 2019 and 2020, which creates a burden for the health care system.

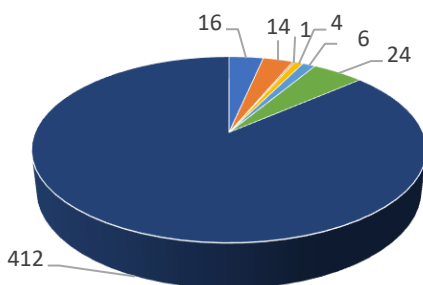
Figure III-E
Percent of Hayesville Population Lacking Health Insurance



Residential Mobility in Hayesville for the year preceding the Census was mostly intra-county, meaning that there is no net gain in population from this group. Most new residents came from either another state (3.6%) compared to North Carolina (3.1%). Remaining net gain came from those who moved from a different county in North Carolina (2.3%).

Race and Ethnicity for Hayesville is shown in Figure III-F.

Figure III-F
Race and Ethnicity



Note – some respondents gave multiple answers.

- Two or more races
- Other race alone
- American Indian and Alaska Native
- Asian
- Black or African American
- Hispanic or Latino

For readers who wish to probe more deeply into population and housing data for Clay County, the Appendix contains a copy/link to “Housing Report for Clay County, North Carolina, July 2019.” This report was prepared for The Hinton Center by T. Ronald Brown: Research & Analysis.

CHAPTER IV

ZONED LAND USE

Land Use Policies

The 1976 Land Development Plan identified 13 policies that were formulated by the Town of Hayesville Planning Board. These policies served to guide the creation of the Official Zoning and Sign Ordinance that is in use today:

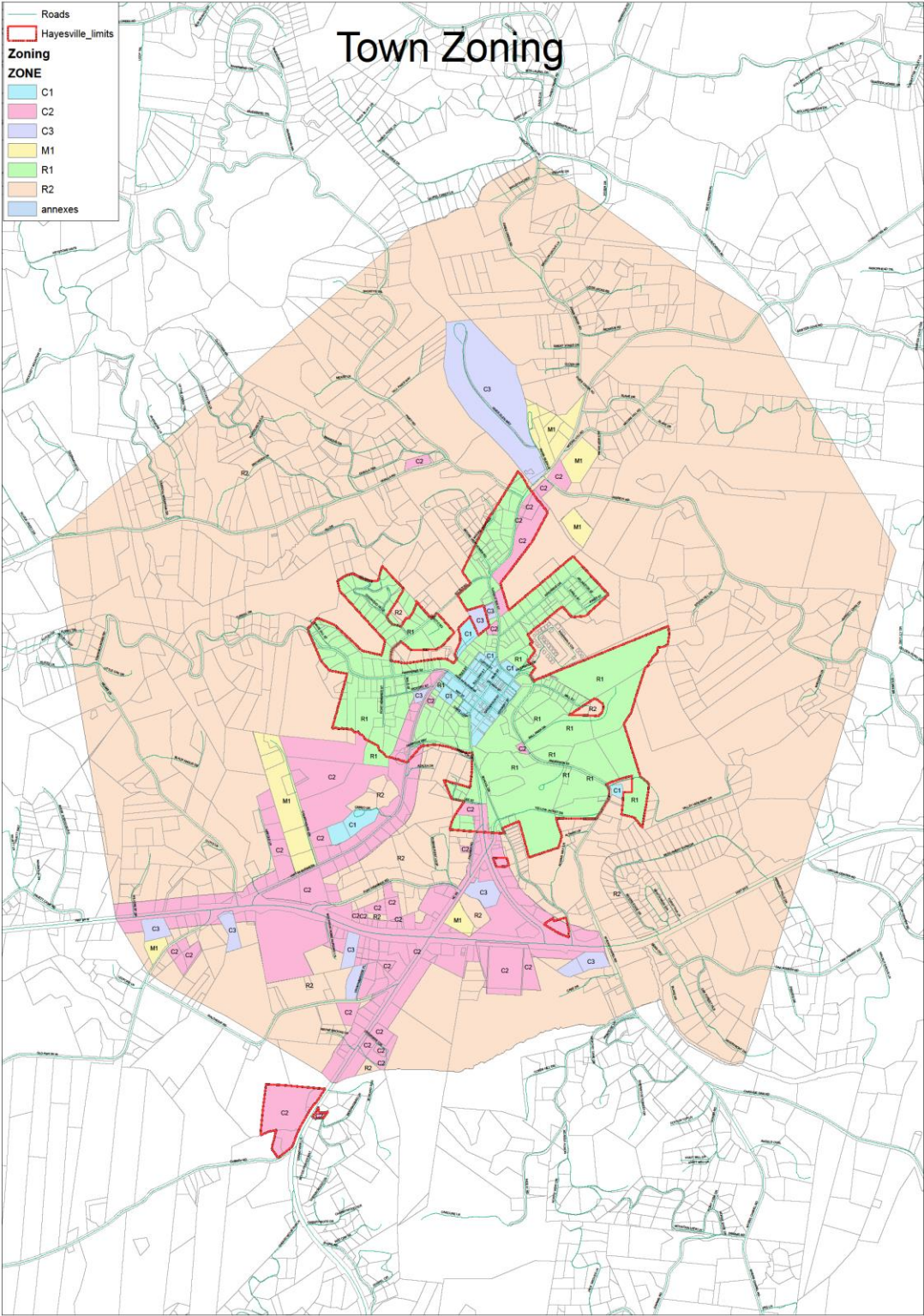
1. To allocate sufficient land to accommodate all functions which can reasonably be expected to locate within the planning area.
2. To provide desirable locations for the various land uses.
3. To offer the opportunity for location choice wherever practical.
4. To minimize conflicts between land uses and their surroundings.
5. To promote development in those areas suitable for extension of utilities.
6. To retain the existing compact, centrally-located commercial area designed to meet the needs of Hayesville residents without undue speculation or traffic congestion.
7. To establish cluster type commercial centers along U.S. 64 by-pass capable of serving the surrounding area and providing an alternative commercial source to Hayesville residents and to the tourist trade.
8. To encourage the location of industry in the planning area and county.
9. To minimize the effects of noise, odor and the discharge of industrial wastes upon surrounding areas.
10. To provide all residents with a broad range of community facilities and recreational opportunities within convenient distance of their homes.
11. To preserve existing natural features and make them available for public enjoyment.
12. To encourage individuals and private organizations to develop recreational resources for public use.
13. To promote the upgrading of public facilities and services.

Land Use Categories

Land uses for the Town of Hayesville are defined in the Official Zoning and Sign Ordinance of the Town of Hayesville, North Carolina (updated October 2021). The Ordinance is implemented on a day-to-day basis by a Zoning Administrator who reports to the Mayor and the Planning & Zoning Board (PZB). There are five members of the PZB (three appointed by the Town, plus two by the County who must reside in the Extraterritorial Town Jurisdiction (ETJ). The Town Mayor is a member of the PZB and normally serves as its chair. There are two alternates, one appointed by the Town and the other by the County, who are called upon in case there is no quorum. The PZB normally meets once every other month.

The provisions of the Ordinance apply within the corporate limits of the Town of Hayesville and within the one-mile extraterritorial area as established on the map entitled, "Town of Hayesville Official Zoning and ETJ Area Map - Clay County" adopted by the Town Council. This map (see Map II-C) and all explanatory matter a part of this Ordinance and is kept on file in the office of the Town Clerk and the Register of Deeds. The Ordinance contains more than operational 50 zoning-related definitions, all of which are clearly delineated so as to avoid any confusion as to their interpretation.

Map II-C
Hayesville Planning & Zoning Area



The area covered by Map II-C is divided into seven use districts designated as follows:

R-1 General Residential District

R-2 Rural Residential District

RO Residential Office

C-1 Central Business District

C-2 General Business District

C-3 General Commercial District

M-1 Industrial District

Each District is defined below:

R-1 General Residential District

The R-1 District is established in which the principal use of and is for single-family dwellings and in order to:

1. Protect the present residential development.
2. Protect and promote a suitable environment for family life.
3. Discourage any use which would create excessive requirements and cost for public services in excess of that of the surrounding area.

Within the R-1 General Residential District, a building or premises shall be used only for the following purposes:

1. Single-family dwelling unit(s) that comply with North Carolina State Building code: Residential Code.
2. Garage apartment for one family located on the same lot and incidental to a single-family dwelling.
3. Churches and other places of worship provided that no building for such use shall be located within 50 feet of any property line and such uses shall be on a lot that abuts and has main access to a major thoroughfare, and there shall be provided a buffer strip at least 10 feet wide planted with evergreen shrubs or trees which at maturity will be between eight and 12 feet high along the side and rear property lines.
4. Customary incidental home occupations, including two boarders or roomers, provided there is no external evidence of such occupation.
5. Customary accessory buildings, including private garages and non-commercial greenhouses and workshops, provided they are located in the rear yard and not closer than five feet to any property line.

6. Elementary and high schools to be enclosed by a woven wire fence at least four feet in height.
7. Family Care Homes
8. Manufactured Home, Class A
9. Bona Fide Farms
10. Private Garages located in the side yard which comply with the Principal Building setbacks, in Article 700.
11. Rooftop Solar Electric panels that provide power to only serve the building's power needs using a single meter array.

Special Uses

1. Group Projects
2. Hospitals
3. Trade Schools
4. Law Offices, Medical Offices and clinics not used primarily for the treatment of drug addicts or alcoholics.
5. Public buildings and cemeteries.
6. Nursing Homes.
7. Multi-family dwellings
8. Child Care arrangements or facilities licensed by the State of North Carolina as a day care center.
9. Public and semi-public parks and playgrounds.
10. Building size exceeding 15,000 Sq. Ft.
11. Building Height exceeding 35 feet above finished grade.
12. Public Utility Facilities
13. Rooftop Solar Electric panels installed by a third party to generate power which is not available to serve the building's power needs, but which will be sold to a utility using a dual meter array.
14. Short Term Residential Rentals

R-2 Rural Residential District

The R-2 District is established in which the principal use of land is for residential purposes. The R-2 District is established in order to:

1. Protect the present residential development.

2. Protect and promote a suitable environment for family life.
3. Discourage any use which would create excessive requirements and costs for public services in excess of that of the surrounding area.

Within the R-2 Residential District a building or premises shall be used only for the following purposes:

1. All uses permitted in the R-1 District.
2. Manufactured homes Class B.

Special Uses

1. All special uses listed for the R-1 District.

Section 630 RO Residential Office.

Uses Permitted

Within the RO Residential Office District, a building or premises shall be used only for the following purposes:

1. All uses permitted in the R-1 District

Special Uses

1. Professional Offices in converted dwellings which are not owner occupied.

C-1 Central Business District.

The C-1 District is established to promote the future development within the business districts to serve as a vibrant nucleus for Clay County residents and visitors, offering information, goods and services, dining and family entertainment.

Uses Permitted

Within the C-1 Central Business District, a building or premises shall be used only for the following purposes:

1. Single family dwelling unit(s) that comply with North Carolina State Building Code: Residential Code. (Must meet R-1 lot requirements).
2. Retail establishments such as department, clothing, sporting goods, variety, drug, hardware, furniture, appliance, floor covering, antiques, jewelry, music, toys, book and stationery, art and crafts stores, but not excluding similar retail outlets.
3. Any retail business making products sold at retail on the premises, providing such manufacturing is incidental to the retail business or service, occupies less than 60 percent of the floor area, and employs not more than five employees.
4. Offices and banks
5. Public buildings
6. Family Entertainment Facilities

7. Public parks
8. Bona Fide Farms
9. Rooftop Solar Electric panels that provide power to only serve the building's power needs using a single meter array.
10. Apartments above commercial buildings
11. Personal Grooming
12. Medical Offices
13. Pet Grooming
14. Coffee and Ice Cream Shops
15. Yoga Studio

Special Uses

1. Multi-family dwelling units
2. Fencing
3. Travelers' Accommodation
4. Hotels and Motels
5. Restaurants
6. Rooftop Solar Electric panels installed by a third party to generate power which is not available to serve the building's power needs, but which will be sold to a utility using a dual meter array.
7. Tattoo and Body Art Establishments
8. Short Term Residential Rental
9. Living Quarters not exceeding 30% of floor area, in rear portion of street level commercial buildings limited to use by owner or manager.
10. Commercial Storage Buildings

C-2 General Business District:

The C-2 General Business District is established in which the principal use of land is for retail businesses primarily of the drive-in type and businesses requiring frontage on a major highway. The C-2 District is established in order to:

1. Protect existing development.
2. Provide for orderly expansion of business requiring highway frontage.
3. Exclude incompatible uses that would pre-empt land designated for highway business uses.

Uses Permitted

Within the C-2 General Business District, a building or premises shall be used only for the following purposes:

1. All uses permitted in the C-1 District.
2. Any business of a drive-in nature including but not limited to banks, restaurants, and pick-up stations for laundry and dry cleaning.
3. Public uses and entertainment.
4. Farm implement sales.
5. Service Stations
6. Public utility offices including sales offices incidental thereto.
7. Lending institutions.
8. Stores offering merchandise for rent.
9. Automobile repair garages.
10. Automobile sales.
11. Bona Fide Farms.
12. Veterinary Hospital per Clay County Animal Control Ordinance
13. Kennels per Clay County Animal Control Ordinance

Special Uses

1. All special uses listed for the C-1 District.
2. Group Projects
3. Wireless Communication Facilities
4. Homeless Shelters
5. Vending Machines for Beverages and Ice.

C-3 General Commercial District.

The C-3 General Commercial District is established for commercial districts generally located on the fringe of the Business Districts and along major radial highways leading out of town. Typically, businesses located in this district dispense retail goods and services to the community and provide space for light manufacturing and warehousing activities:

1. Protect existing development.
2. Provide for orderly expansion of business requiring highway frontage.
3. Provide for warehousing activities and light manufacturing not requiring the M-1 designation

Uses Permitted

Within the C-3 General Commercial District, a building or premises shall be used only for the following purposes:

1. All uses permitted in C-1 and C-2.
2. Any business of a construction nature including but not limited to: Building material storage and sales yards; contractor's offices and storage yards; electrical supplies, equipment, sales, repairs, and storage; cabinet, woodworking, and upholstery shops; building specialties outlets; plumbing and heating supply shops and storage; sheet metal and roofing storage and shops
3. Public works and public utility facilities, including service and storage yards.
4. Wholesale and warehousing establishments.
5. Customary accessory uses and structures including open storage, provided the area devoted to open storage is enclosed by a solid fence not less than eight feet in height within the corporate limits of the Town of Hayesville. A buffer strip as provided in Section 420, item 3 may be used in lieu of the fencing requirement only within the Extraterritorial Jurisdiction of the Town of Hayesville.
6. Greenhouses and horticultural nurseries
7. Machine and welding shops
8. Industrial supplies and equipment, sales and services.
9. Bona Fide Farms.

Special Uses

1. Group Projects
2. Wireless Communication Facilities
3. Solar Panel Installations; "Solar Farm Ordinance for Clay County, North Carolina is added to this section by reference."
4. Wind Powered Electric Generating Turbines
5. Cemeteries

M-1 Industrial District

The M-1 Industrial District is established as a district intended to provide for manufacturing and warehousing and similar uses. It is not the intent of this district to allow such uses in areas where they would be incompatible with surrounding land uses.

Uses Permitted

Within the M-1 Industrial District the following uses are permitted:

1. Any industry which does not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust or fire hazard.

2. Storage yards, not including junkyards, but including open storage (All storage must be enclosed within adequate fencing to ensure public safety.)
3. Wholesaling or warehousing
4. Transportation terminals, freight and passenger
5. Farm equipment sales and services.
6. Public buildings

Special Uses

The following uses are permitted as special uses subject to a finding by the Board of Adjustment that all applicable provisions of Sections 1240 and 1454 have been met:

1. Group Project - Uses allowed in the Group Projects are limited to those uses listed as permitted or conditional in this district.
2. Wireless Communication Facilities
3. Homeless Shelters
4. Hydraulic Fracturing (Fracking)

Uses Prohibited

1. Any facility which produces, mixes, or combines any materials to create asphalt.

RV-C2 Modified General Business.

Special Uses:

1. All Special Uses listed for the C-2 District
2. Section 1280 Travel Trailer (RV) Parks and Campgrounds

Design Restriction:

1. Buffering: Along each C-2, C-3 or M-1 property line which is adjacent to a residential district, the property owner of the tract to be developed, or the developer, shall place and maintain a buffer strip as defined in this Ordinance to provide appropriate visual screening as well as screening against noise, glare, fumes, dust, and other harmful effects. The buffer strip may utilize existing evergreen vegetation.
2. All outdoor area lighting, except for single family residential, shall be full-cut-off downcast lighting which protects the night sky from glare while maintaining ground level illumination.

Zoning Land Use

Map III-A shows zoned land uses for the Hayesville Planning Area. A quantitative summary of zoned land uses in the planning area is provided in Table IV-A.

The amount of land zoned for residential use is approximately 75 percent of the Hayesville Planning Area.

The amount of land zoned for commercial use is approximately 20 percent of the Hayesville Planning Area.

The amount of land zoned for industrial use is approximately 5 percent of the Hayesville Planning Area.

CHAPTER V

THOROUGHFARE PLAN

Primary functions of a thoroughfare plan are to promote efficient movement of traffic and to serve existing and proposed development. It is geared toward the land use planning process in which community goals control and direct growth and development of the Hayesville Planning Area.

The 2012 Clay County Comprehensive Transportation Plan was prepared by Project Engineer Thomas A. Archer, Pam Cook, PE, Mountain Planning Group Supervisor, and the Transportation Planning Branch of the North Carolina Department of Transportation. Cooperating agencies included Clay County, Town of Hayesville, and Southwestern Rural Planning Organization.

A copy/link of the 2012 Clay County Comprehensive Transportation Plan, which contains extensive map visuals of the recommended improvements is found in Appendix B. Highlights of the Plan that are most impactful on the Hayesville Planning Area are summarized below:

HIGHWAY

NC 175, Local ID: CLAY0003-B

NC 175 between US 64 and Georgia borders Chatuge Lake on its eastern bank. Chatuge Lake is a major tourist and recreation destination for visitors to Clay County and residents alike. This area of Clay County is home to residential areas as well as camp grounds along Chatuge Lake.

NC 175 has been significantly upgraded to improve the mobility to these commercial areas and to the Hayesville area. The CTP project proposal (Local ID CLAY0003-B) resulted in the addition of wide paved shoulders from US 64 to Jack Rabbit Road (SR 1155) in order to accommodate bicycles. This step accomplished two of the goals set forth by the Clay County CTP Committee: first, to provide citizens and visitors of Clay County mode choices for their transportation needs; and second, to ease the citizens' and visitors' mobility in Clay County and the surrounding area. This project created a system which provides bicycle access from the Chatuge Lake area to the commercial areas along US 64 and NC 69.

The only remaining work in this project is to install permanent lane lines and to integrate a handful of driveways.

US 64, Local ID: CLAY0001-H

US 64 through Clay County does not meet the future mobility and connectivity needs in western North Carolina and into Tennessee.

This corridor is intended to provide mobility in Clay County and, ultimately, connectivity between Tennessee and Hendersonville, North Carolina. US 64 is designated as a boulevard on NCDOT's Strategic Highway Corridor Vision (SHC) Plan adopted on September 2, 2004. The existing facility is currently a two-lane highway through most of the county. From Old Highway 64 West (SR 1100) to just east of the Hiwassee River, US 64 has a five-lane

undivided cross section. Additionally, a crash analysis performed for the CTP identified six intersections along this corridor as having 10 or more crashes and/or having a severity index above the state's 4.56 average for the most recent three-year period.

CTP project CLAY0001-H includes improving US 64 to a four-lane divided boulevard from Cherokee County to Macon County. Additionally, wide paved shoulders are recommended to accommodate bicycles from NC 69 to NC 175 and sidewalks are recommended from NC 69 to Myers Chapel Road (SR 1140). As development occurs along this corridor, particularly at the intersection with NC 69 where Clay County is growing the most commercially, every effort should be made to limit access in order to maintain mobility and connectivity.

Based on a planning level environmental assessment using available GIS data, the western portion of the proposed project from Cherokee County to east of Hayesville is within the water supply watershed and the target local watershed areas. The eastern portion of the project near Macon County is within a high-quality water and outstanding resource water management zone and goes through the Nantahala National Forest. The entire project is in the vicinity of natural heritage element occurrences. The proposed project also crosses several trout streams/waters and other wetland areas, including the Hiwassee River and Chatuge Lake. There is a sanitary sewer pump, a water distribution treatment plant and a water distribution well located along the project just south of Hayesville. There is also a hazardous substance disposal site located along US 64 approximately one mile west of Old Highway 64 West (SR 1100). Additionally, the proposed project crosses three fault lines in the central part of the county.

The 1972 Clay County Thoroughfare Plan recommended widening US 64 from 10-foot lanes to 12-foot lanes from NC 175 to Coker Road (SR 1145).

NC 69, TIP No. A-0011C

NC 69 from US 64 to Georgia is anticipated to be over capacity by 2035. State Transportation Improvement Program (TIP) project A-0011C is intended to address this problem. The TIP project includes widening NC 69 to a four-lane divided boulevard. Additionally, the CTP recommends wide paved shoulders along this facility from US 64 to Myers Chapel Road (SR 1140) to accommodate bicycles – See Local ID: CLAY0002- B. Several sections of TIP project A-0011 have been completed, but this section is currently unfunded. For additional information about this project, including Purpose and Need, contact the NCDOT Project Development and Environmental Analysis Branch.

Myers Chapel Road (SR 1140), Local ID: CLAY0002-H

The Clay County CTP Committee set several goals in order to increase the choice for modes of transportation in Clay County. An area of focus for the committee is the area surrounding the schools in Hayesville. Improvements are needed to Myers Chapel Road (SR 1140) in order to accommodate bicycles in this area.

Myers Chapel Road (SR 1140) is currently a two-lane facility with 10-foot lanes and no shoulder. The CTP proposed project (CLAY0005-B) includes adding bicycle lanes along Myers Chapel Road (SR 1140) starting from US 64 north to the existing multi-use path at Veterans Park. This will improve mobility for people traveling to and from this area on bicycle. Other

bicycle projects in the area include: CLAY0001-H which recommends wide paved shoulders to accommodate bicyclists on US 64; CLAY0002-H which includes the addition of bicycle lanes along Myers Chapel Road (SR 1140) from US 64 south to NC 69; and CLAY0002-M which includes extending the existing multi- use path to Veterans Park.

MINOR WIDENING PROJECTS

CLAY0004-H: Fires Creek Road (SR 1300) – Widen from 8 foot and 9-foot lanes to 10 foot lanes with paved shoulders from US 64 to Tusquittee Road (SR 1307).

CLAY0007-H: Qualla Road (SR 1305) – Widen from 8 foot to 10-foot lanes with paved shoulders from US 64 to Tusquittee Road (SR 1307).

CLAY0009-H: Tusquittee Road (SR 1307) – Widen from 8 foot and 9-foot lanes to 10 foot lanes with paved shoulders from Fires Creek Road (SR 1300) to Cold Branch Road (SR 1330).

PUBLIC TRANSPORTATION

Proposed Park & Ride Lot, Local ID: CLAY0001-T

A Park and Ride lot is recommended where US 64 Business intersects US 64, between NC 69 and Myers Chapel Road (SR 1140). This location is central to residents of the county, and in close proximity to not only the deviated fixed route operated by Clay County Transportation, but also, NC 69, US 64, and NC 175 which are three of the most used corridors in the county. This location is also convenient to downtown Hayesville.

BICYCLE

US 64, Local ID: CLAY0001-H

Bicycle accommodations are recommended, in the form of wide paved shoulders, as a part of this project from NC 69 to NC 175. (See Highway section)

US 64 Business, Local ID: CLAY0001-B

US 64 Business loops from US 64 into Hayesville, then back south, past the buildings housing local government entities, to US 64. Improvements are needed to accommodate bicycle and pedestrian transportation to downtown Hayesville and US 64, a major east-west corridor in Clay County.

This segment of US 64 is a 2-lane major thoroughfare with 9-foot-wide lanes and no paved shoulders. The CTP project proposal (Local ID CLAY0001-B) is to add bicycle and pedestrian facilities along US 64 Business starting at the intersection with School Drive, north and following the loop made by US 64 Business, and back south to the government complex north of US 64. This would be a step towards accomplishing two of the goals set forth by the Clay County CTP Committee: first, to provide citizens and visitors of Clay County mode choices for their transportation needs; and second, to ease the citizens' and visitors' mobility in Clay County and the surrounding area.

NC 69, Local ID: CLAY0002-B

NC 69 stretches from US 64 south to Georgia and is a major north-south connector in Clay County. Improvements are needed to NC 69 in order to improve mobility for bicyclists.

The NC 69 corridor is the fastest growing area of Clay County commercially, and is predicted to continue to be the area with the most commercial development in the future. It will be one of the most traveled corridors in Clay County with approximately 17,500 vehicles per day in 2035. In addition to the commercial development as NC 69 approaches US 64, there is also residential development to the south. Myers Chapel Road (SR 1140) intersects NC 69 south of the commercial development. Myers Chapel Road (SR 1140) runs partially along the western bank of Chatuge Lake. Near the intersection of NC 69 and Myers Chapel Road (SR 1140) is Chatuge Shores Golf Course. Improvements to NC 69 would improve mobility between the recreational areas and the local residential developments and to the commercial areas to the north.

The CTP project proposal (Local ID CLAY0002-B) is to add wide paved shoulders along NC 69 from Myers Chapel Road (SR 1140) to US 64 in order to accommodate bicycles. This would be a step towards accomplishing two of the goals set forth by the Clay County CTP Committee: first, to provide citizens and visitors of Clay County mode choices for their transportation needs; and second, to ease the citizens and visitors mobility in Clay County and the surrounding area. Further, respondents to the goals and objectives survey, when asked what areas they would like to see improved for bicycles; NC 69 was one of the top replies.

NC 175, Local ID: CLAY0003-B

NC 175 between US 64 and Georgia borders Chatuge Lake on its eastern bank. Chatuge Lake is a major tourist and recreation destination for visitors to Clay County and residents alike. This area of Clay County is home to residential areas as well as camp grounds along Chatuge Lake. Improvements are needed to accommodate bicycles along this facility.

Chatuge Dam Road (SR 1146), Local ID: CLAY0004-B

Chatuge Dam Road (SR 1146) runs from Myers Chapel Road (SR 1140) to a recreational area on Chatuge Lake. A goal of the Clay County CTP Committee is to increase the mode choices of the residents and visitors of Clay County. Improvements are needed to Chatuge Dam Road (SR 1146) in order to accommodate bicyclists traveling from the recreation areas to downtown Hayesville and to the commercial developments along US 64 and NC 69.

Chatuge Dam Road currently is a two-lane road with 8-foot lanes and no shoulder. The proposed CTP project (CLAY0004-B) is to construct wide paved shoulders along Chatuge Dam Road (SR 1146) to accommodate bicycles. This, coupled with the bicycle lanes to be constructed along Myers Chapel Road (CLAY0002-H), will greatly increase the mobility in this area of the county.

Myers Chapel Road (SR 1140), Local ID: CLAY0002-H

Bicycle lanes are recommended as a part of this project from NC 69 to US 64. (See Highway section)

Myers Chapel Road (SR 1140), Local ID: CLAY0005-B

The Clay County CTP Committee set several goals in order to increase the choice for modes of transportation in Clay County. An area of focus for the committee is the area surrounding the schools in Hayesville. Improvements are needed to Myers Chapel Road (SR 1140) in order to accommodate bicycles in this area.

Veterans Park Multi-Use Path Extension, Local ID: CLAY0002-M

One of the objectives of the Clay County CTP Committee was to “Connect downtown Hayesville to the local residential areas, commercial areas, and schools with sidewalks and multiuse paths.” Improvements are needed to improve connectivity and promote mode choices for the citizens of Clay County in their daily transportation needs. Veterans Park currently has a multi-use path leading into the park from the school. It is recommended by the Clay County CTP Committee to extend this path to US 64 Business. This will improve access from the school to the recreation areas in and around Veterans Park. The existing multi-use path runs through an area designated as an archeological area.

Also proposed are pedestrian improvements with focus on the area surrounding the school, including pedestrian improvements to US 64 Business, School Drive, Yellow Jacket Drive, and Myers Chapel Road (SR 1140).

PEDESTRIAN

US 64, Local ID: CLAY0001-H

Sidewalks are recommended as a part of this project from NC 69 to Myers Chapel Road (SR 1140). (See Highway section)

US 64 Business, Local ID: CLAY0001-B

Sidewalks are recommended as a part of this project from May Street south to the government complex north of US 64. (See Bicycle section)

US 64 Business, Local ID: CLAY0001-P

The intersection of NC 69 and US 64, in addition to the area along NC 69, are the fastest growing areas for commercial development in Clay County. This trend is expected to continue into the future. Improvements are needed along these corridors to increase connectivity and mobility for pedestrians.

The Clay County CTP Committee was committed to providing connectivity, as well as mode choice, to this important section of Clay County. This CTP project (CLAY0001-P) recommends pedestrian improvements to help connect Hayesville to this area of commercial establishments. Specifically, sidewalks are recommended on US 64 Business from the intersection with US 64 north to School Drive (SR 1312). This project is closely linked to other recommended projects in the area. Pedestrian improvements are recommended for the areas surrounding the schools. Additionally, pedestrian and bicycle improvements are recommended along US 64.

NC 69, Local ID: CLAY0002-P

The intersection of NC 69 and US 64, in addition to the area along NC 69, are the fastest growing areas for commercial development in Clay County. This trend is expected to continue into the future. Improvements are needed along these corridors to increase connectivity and mobility for pedestrians.

The Clay County CTP Committee was committed to providing connectivity, as well as mode choice, to this important section of Clay County. This CTP project (CLAY0002-P) recommends pedestrian improvements to help connect Hayesville to this area of commercial establishments. Specifically, sidewalks are recommended along NC 69, starting from the intersection with US 64, north to the roundabout at Yellow Jacket Drive (SR 1373).

This project is closely linked to other recommended projects in the area. Pedestrian improvements are recommended for the areas surrounding the schools. Additionally, pedestrian and bicycle improvements are recommended along US 64.

SCHOOL AREA SIDEWALKS

One of the objectives of the Clay County CTP Committee was to “Connect downtown Hayesville to the local residential areas, commercial areas, and schools with sidewalks and multiuse paths.” This is to promote mode choices for the citizens of Clay County in their daily transportation needs. All of the schools in Clay County are located in southern Hayesville. Improvements are needed in the area surrounding the schools to create the mode choice and connectivity for pedestrians.

Elementary School Drive (SR 1204), Local ID: CLAY0004-P recommends adding sidewalks along Elementary School Drive (SR 1204) to the existing sidewalk on Myers Chapel Road (SR 1140).

Myers Chapel Road (SR 1140), Local ID: CLAY0009-P recommends adding sidewalks along Myers Chapel Road (SR 1140) from the end of the existing sidewalk to Yellow Jacket Drive.

School Drive (SR 1312), Local ID: CLAY0012-P recommends adding sidewalks along School Drive (SR 1312) from the end of the existing sidewalk to Yellow Jacket Drive.

Yellow Jacket Drive (SR 1313/1373), Local ID: CLAY0014-P recommends adding sidewalks along Yellow Jacket Drive (SR 1313/1373) from Myers Chapel Road (SR 1140) to the roundabout on US 64.

While all of these improvements are along current alignments, it is worth noting there is a registered archaeological site to the north and east of Myers Chapel Road (SR 1140). Other proposed projects in the area include the extension of a multi-use path and proposed pedestrian facilities near the school to establish connectivity for pedestrians to the commercial areas along US 64 and NC 69 to Hayesville. Bicycle accommodations are also recommended on Myers Chapel Road (SR 1140) to increase mobility options in the area (CLAY0005-B).

HAYESVILLE PEDESTRIAN CONNECTORS

An objective of the Clay County CTP Committee was to provide better access and connectivity for pedestrian facilities in the Hayesville area. Improvements are needed to expand the pedestrian facilities in the Hayesville area, and close some of the gaps which are in the existing pedestrian facilities.

The following CTP project proposals are to add new sidewalks along existing facilities in Hayesville.

Church Street, Local ID: CLAY0003-P from Pass Street to the end of the road.

Hiwassee Street (SR 1309), Local ID: CLAY0005-P closing the gap between Sullivan Street and Main Street.

Jones Street, Local ID: CLAY0006-P from Arlington Street to Eagle Street.

Main Street, Local ID: CLAY0007-P closing the gap between Church Street and Hiwassee Street (SR 1309).

Mill Street, Local ID: CLAY0008-P from Myers Chapel Road (SR 1140) to the end of the road.

Ritter Road (SR 1308), Local ID: CLAY0010-P from Hiwassee Street (SR 1309) to Tusquittee Road (SR 1307).

Sanderson Street (SR 1365), Local ID: CLAY0011-P closing the gap between Tusquittee Road (SR 1307) to Church Street.

Tusquittee Road (SR 1307), Local ID: CLAY0013-P from Sanderson Street (SR 1365) to Main Street and from north of Riverside Drive to Qualla Road (SR 1305).

These projects will contribute to the expansion of the system to the north of Hayesville. These projects will also extend the pedestrian facilities towards the residential areas and the church to the north of Hayesville. There are areas designated as archaeological

sites located in the vicinity of the proposed projects. They are located along the eastern edge of Hayesville.

CHAPTER VI IMPLEMENTATION

A land development plan is of value to a community only if it is implemented. Maps, charts, and published reports are of little value unless they are accepted as effective guides for both public and private decisions. An important function of the Town of Hayesville Planning and Zoning Board will be the determination of means and techniques of enforcing the land development plan. There are several legal methods of realizing or achieving the proposals set forth in the land development plan. Mere adoption of the plan, however, will not accomplish these objectives.

Essential to the achievement of community goals in the implementation of the proposals by all available means, including:

1. Public Improvements Program and Capital Improvements Budget
2. Subdivision Regulations
3. Zoning and Signing Regulations
4. Code Enforcement

It is recommended that the Town of Hayesville Planning and Zoning Board and Town Board of Commissioners pursue the recommendations contained in this report by incorporating the above planning tools and programs into a comprehensive strategy for growth and development in the Hayesville Planning Area.

APPENDIX

- CUSTOM SOIL RESOURCE REPORT FOR CLAY COUNTY, NORTH CAROLINA, HAYESVILLE PLANNING & ZONING AREA, 2022
- SOIL SURVEY OF CLAY COUNTY, NORTH CAROLINA, USDA & NRCS, 1993
- SOURCE WATER ASSESSMENT PROGRAM REPORT FOR CLAY COUNTY WATER & SEWER DISTRICT, COMMUNITY WATER SYSTEM, 2021
- CLAY COUNTY HERITAGE TOURISM DEVELOPMENT PLAN, 2008
- HISTORIC HAYESVILLE MARKET ANALYSIS, 2010
- [NORTH CAROLINA SCHOOL REPORT CARDS, CLAY COUNTY SCHOOLS DISTRICT WEBSITE, 2020-21 DISTRICT PROFILE](#)
- 2018 CLAY COUNTY COMMUNITY HEALTH ASSESSMENT
- HOUSING REPORT FOR CLAY COUNTY, NORTH CAROLINA, JULY 2019
- THE 2012 CLAY COUNTY COMPREHENSIVE TRANSPORTATION PLAN