MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
NOVEMBER 19, 2024
COUNCIL CHAMBERS CITY HALL

Brevard Planning Board met for a regular meeting, Tuesday, November 19, 2024, at 5:30 PM, in Council Chambers at City Hall.

Members Present:
Greg Hunter, Chair
Reid Wood, Vice Chair
Alan Mercaldo
James Carli
Molly Jenkins
Peter Chaveas
Karen Darity
John Schommer (Resigned as ETJ Member prior to call to order)

Staff Present:
Aaron Bland, Assistant Planning Director
Emily Brewer, Senior Planner
Stephanie Holland, Planner
Janice H. Pinson, Board Clerk

I. Welcome

At 5:30 PM, Greg Hunter, Chair called the meeting to order.

II. Introduction of Planning Board Members

Chair. G. Hunter welcomed Karen Darity. The Board introduced themselves.

III. Certification of Quorum

G. Hunter, Chair confirmed with the Board Clerk that a quorum of the Board was present.

IV. Approval of Agenda

Motion to approve the agenda by R. Wood, second P. Chaveas, unanimously carried.

V. Approval of Minutes

Motion to approve September 24, 2024 minutes by A. Mercaldo second by J. Carli, unanimously carried.

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VII. New Business

a. Consideration of Request for Contiguous Annexation ANN-24-003 by Mills Ave Properties, LLC for property located on Forest Hill Road further identified by PIN#s 8585-36-0021-000; 8585-35-0899-000; 8585-35-1747-000; 8585-35-1676-000.

Aaron Bland, Assistant Planning Director, presented his staff report a portion of which follows:

Background On September 13, 2024, Mills Avenue Properties, LLC. ("Applicant") submitted a request for voluntary continuous annexation for four properties on Forest Hill Drive, further identified by PINs 8585-360021-000, 8585-35-0899-000, 8585-35-1747-000, and 8585-35-1676-000.
Discussion The subject properties are located within the City's Extra-Territorial Jurisdiction (ETJ) adjacent to the corporate limits and is zoned General Residential – 4 (GR4). The Applicant wishes to annex the entirety of the four parcels. There are currently no structures on the property, but the applicant has expressed interest in developing the parcels with residential units.
Policy Analysis Voluntary, contiguous annexations are governed by North Carolina General Statute §160A-31 which authorizes cities to annex any area contiguous to its borders on receipt of a petition signed by all the owners of real property within the area proposed for annexation. The subject property qualifies for annexation under this statute. **Fiscal Impact** There will be a minor increase in property tax revenue and the cost of extending services will be borne by the property owner. Service impacts are anticipated to be minimal.
Recommendation Staff recommends approval of the proposed annexation. The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are to recommend approval or denial of the annexation as presented.

After a brief discussion, J. Carli moved to approve, second by R. Wood, unanimously carried.

b. Consideration of Text Amendment, TXT-24-009 Emergency Response

Emily Brewer, Senior Planner, presented her staff report a portion of which follows:

Background In late September, Western North Carolina was struck by a series of storm events, including Tropical Storm Helene, that brought mass damage to our communities. The full extent of the damage is unknown at this time, but the County experienced flash flooding, high winds, landslides, fallen trees, and debris flow. Communications and power outages were widespread across the county. Dozens of roads remain impassable due to fallen trees, landslides and other hazardous conditions. For weeks after the storm, thousands of households and businesses remained without power and cell service quality continues to fluctuate as repairs occur throughout the greater Western North Carolina area. On September 29th, President Biden approved major disaster declaration for many

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Western North Carolina counties, including Transylvania County. In the wake of this major disaster, many government agencies, aid organizations, and local nonprofits brought aid to those that lost their homes, livelihoods, and belongings in Transylvania County. The City's Unified Development Ordinance does not contemplate temporary solutions in the aftermath of an emergency, particularly as it relates to uses and signage, and how the ordinance and its procedures need to be flexible in response. This is a staff-initiated text amendment to establish a framework that enhances community resilience in the face of disasters and emergencies. The regulations aim to ensure that development activities following a declared emergency:

- Support swift response and recovery efforts post-disaster,
- Improve the response capabilities of the City's Unified Development Ordinance,
- Ensure displaced residents have safe and adequate temporary housing options,
- Allow for efficient restoration of essential services and infrastructure, and
- Promote the timely rebuilding of affected areas.

Proposed Amendments The proposed amendments establish a new Chapter 21 – Emergency Response and Recovery – that would only be applicable following a declared emergency. This would apply during any declared emergency, not just for natural disasters. The new chapter adds stipulations for temporary uses (residential and non-residential) and signage. Page 22 of 71

Temporary housing: Immediately following Tropical Storm Helene, temporary housing solutions came to the surface as a critical need. Staff consulted with local nonprofits and housing advocates to assess potential ways to codify temporary dwelling options. The proposed amendments include three options for where new temporary housing units can be placed: (1) on a lot where active repair and reconstruction of the primary structure is occurring, regardless of the underlying zoning district; (2) on a lot within a residential zoning district as a type of temporary accessory dwelling unit (ADU); or (3) on a lot within a residential zoning district as a type of group development that is set up for multiple temporary dwellings. Given this new Chapter, the section of Chapter 3 that discusses temporary housing has also been amended to reflect the changes. Additionally, this section includes a caveat that preexisting non-conforming short-term rentals and other lodging uses may be used for temporary housing accommodations without putting their non-conforming status in jeopardy.

Temporary non-residential uses: Temporary non-residential uses can vary from temporary personal services (e.g., pop-up laundry services or showers) and medical facilities (e.g., vaccination sites) to government or social service offices. This section is relatively open-ended, but states that the permit is valid for six months, with an optional extension of six months if evidence is provided that the service is still required.

Temporary signage: Temporary signage is an important form of communication during states of emergency. As such, the proposed amendments allow certain types of temporary signage to be placed without a permit by non-residential uses that are actively engaged in public service efforts.

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Policy Analysis Though the *Building Brevard 2030* Comprehensive Land Use Plan does not contemplate emergency response and recovery, the plan does include goals and actions related to resilience and how the city and maintain the improve the quality of life for all.

GOAL 8: *Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.*

EDIR-18: *Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather.*

After review and discussion, the following revisions were recommended:

21.2 Applicability B. add "may extend or shorten".

21.4. Temporary Signage A.2.a. "shall be allowed two temporary signs".

Motion to approve with revisions by A. Mercaldo with reference to the Consistency Statement (Attached and labeled, "Exhibit A"), second by P. Chaveas, unanimously carried.

c. Consideration of Text Amendment, TXT-24-010 Legislative Changes

Emily Brewer, Senior Planner, presented her staff report a portion of which follows:

Background & Discussion
This is a staff-initiated text amendment that codifies changes to address recent updates to state legislation related to zoning and land use. The changes include the following:

Session Law	General Statutes	Description	UDO
2023-137	NCGS 160D-702	Three- and four-unit residential buildings are incorporated into the residential code and are no longer subject to architectural standards	5.2, 5.3, 5.9, 5.11
2024-32	NCGS 106-645	Cities can only regulate beehives in the corporate limits, not the ETJ	3.13.1
2024-32	NCGS 160D-903	Horse-related businesses included in the definition of agriculture and bona-fide farms	3.10.1, 19.3
2024-45	NCGS 160D-912.1	On-premises advertising sign may be relocated / reconstructed within the same parcel provided it complies with the ordinance at the time it was constructed	12.5
2024-49	NCGS 143-214.7D	Amended definition of "built-upon area" or impervious surface that	19.3

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		local governments are required to use	
2024-49	NCGS 160D-111	Zoning administrators are not permitted to make administrative decisions on the scope of work covered by architects or engineers	6.6, 9.3, 17.12
2024-49	NCGS 160D-804	Allowance for developers to use NCDOT curb and gutter design standards adjacent to low-density residential (4 units or less)	13.5
2024-49	NCGS 160D-804.1	Changes to the procedure for release of performance guarantees and local government authority over sidewalks in the ETJ	13.2, 16.12

Policy Analysis
This text amendment is neither consistent nor inconsistent with the City's adopted plans and policies.

After review of the required changes, motion by M. Jenkins to approve with reference to the Consistency Statement (Attached and labeled, Exhibit "B") second by J. Carli, unanimously carried.

IX. Remarks - None

Stephanie Holland was introduced as the City's new Planner.

VI. Public Comments – Monica Driscoll expressed her frustration with not being able to access information on the City's website and stated that she could not view the agenda packet in advance of the meeting. Aaron Bland went through the steps to show her how to access the agenda packets on the City's website.

X. Adjournment

There being no further business, P. Chaveas made a motion to adjourn seconded by A. Mercaldo, the motion carried unanimously, and the meeting adjourned 6:25 PM.

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Greg Hunter, Chair

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Janice H. Pinson, Board Clerk

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