

**TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING MINUTES
MONDAY, NOVEMBER 25, 2024, 6:00 PM
1500 BLOWING ROCK ROAD AND VIA WEBEX SOFTWARE**

COUNCIL MEMBERS PRESENT: Mayor Tim Futrelle, Mayor Pro Tem Dalton George (via WebEx), Eric Plaag, and Edie Tugman

PLANNING COMMISSION MEMBERS PRESENT: Adrian Tait-Chair, Frank Veno-Vice-Chair, Chris Behrend, Garrett Kight, Anne Pruitt, and Smith Warren

PLANNING STAFF PRESENT: Jane Shook-Director, Brandon Wise-Deputy Director, Amy Snider-Commercial Zoning Administrator, and Brenda Henson-Board Clerk

OTHER TOWN STAFF/REPRESENTATIVES PRESENT: Todd Moody-Public Works Director (via WebEx)

Call to Order

Mayor Futrelle called the Town Council to order at 6:02 p.m. Chair Tait called the Planning Commission to order at 6:02 p.m. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road and via WebEx.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Plaag moved to approve the September 23, 2024, Public Hearing minutes as written. Council Member Tugman seconded the motion.

Vote: Aye – 3
Nay – 0
Absent – 2 (Carter, Roseman)

The motion passed.

Commission Member Behrend moved to approve the September 23, 2024, Public Hearing minutes as amended. Commission Member Warren seconded the motion.

Vote: Aye – 6
Nay – 0

The motion passed.

PUBLIC HEARING

Case A24-0917 Temporary Disaster Relief Uses – UDO Text Amendment

A Unified Development Ordinance (UDO) text amendment to authorize temporary commercial and residential disaster relief uses, including temporary housing units, disaster relief volunteer housing, and non-residential disaster relief trailers.

The proposed UDO text amendment aims to authorize temporary commercial and disaster relief uses, including:

1. Temporary housing units

2. Temporary disaster relief volunteer housing
3. Temporary non-residential disaster relief trailers

Jane Shook, Director of Planning & Inspections, presented the request as outlined in the meeting packet. She noted that temporary disaster relief housing authorized by FEMA after Hurricane Helene was not permitted in Town under the current UDO regulations. Ms. Shook stated that staff had used Pender County's regulations as an example to create the proposed text.

Ms. Shook referred to the meeting packet pages 24-26 containing the proposed text. She noted that temporary disaster relief uses would only apply when a state of emergency had been declared due to a natural disaster or other emergency that rendered an occupied structure unsafe for continued occupancy. Ms. Shook outlined that the text for emergency temporary housing units would allow one emergency temporary housing unit per lot that contained a damaged, unsafe structure; setbacks could be waived up to 75%; land use intensity requirements would not apply; the permit would be valid for 18 months with an ability to extend the permit for one year; and the temporary housing unit must be removed within 30 days following the issuance of a certificate of compliance, certificate of occupancy, or expiration of the related permit.

Ms. Shook outlined the text for disaster relief volunteer housing, noting that this type of housing would be permitted in non-residential or R3 zoning districts. The applicant must be a federal, state, or local agency or a recognized voluntary organization active in disaster and provide evidence of liability insurance for the emergency temporary housing units. Land use intensity would not apply. Setback requirements would apply and units could not be placed in the landscape buffer or impede vehicular traffic. The permit would be valid for six months, with the ability to extend the permit for six months. Emergency temporary housing units for volunteers must be removed within 30 days after operations were suspended or expiration of the related permit.

Ms. Shook then outlined the text for non-residential disaster relief. A temporary commercial trailer would be allowed on-site where a non-residential building sustained damage to the extent that it was unsafe until repaired. Street and interior setbacks must be met, but there was an ability to waive those requirements under certain circumstances. Land use intensity requirements would not apply. The permit would be valid for 18 months with the ability to extend the permit for one year, and the temporary trailer must be removed within 30 days following the issuance of a certificate of compliance, certificate of occupancy, or expiration of the related permit.

Ms. Shook referred to the meeting packet page 27 containing the Table of Temporary Uses, noting that temporary disaster relief uses would be allowed in all zoning districts, subject to the regulations contained in 15.62 Temporary Uses.

Council Member Plaag asked if the temporary uses could be located within the stream buffer. Ms. Shook replied that they would not be allowed in the stream buffer by FEMA or under the Town's regulations. Council Member Plaag asked what kind of site FEMA looked for when trying to locate the larger commercial temporary trailer sites. Ms. Shook stated that they preferred to locate on an active mobile home or RV park site or a site that was easily accessible and usable.

There was no public comment on this case.

Discussion ensued on possible ways the text could be taken advantage of. Commission Member Pruitt asked if there was a time limit for applications. Ms. Shook stated that no time limit had been given in the proposed text. She explained that sometimes the recovery process could take an undetermined amount of time. Commission Member Pruitt asked if staff had considered limiting the occupancy of the housing to only those who had occupied the structure that was damaged. Council Member Plaag replied that he

was not overly concerned that a handful of people might do something like that because the temporary structure would be under permit, there would be an expiration date on the permit, and some construction progress would need to occur on the property.

Chair Tait asked if Planning & Inspections had a process to track the 18 months a permit would be valid. Ms. Shook replied that a process was in place.

Vice-Chair Veno asked who would apply for a temporary housing permit. Ms. Shook replied that the homeowner or a federal, state, local, or recognized agency could apply.

Council Member Plaag asked if Staff were aware of any other groups bringing in any small, temporary emergency housing such as tiny homes into town. Ms. Shook stated she was not aware of any such circumstance.

With nothing further, Mayor Futrelle closed the public hearing for this case at 6:36 p.m.

Adjournment of Town Council

Council Member Tugman motioned to adjourn the Town Council at 6:36 p.m. The motion was seconded by Council Member Plaag.

Vote: Aye – 3
Nay – 0
Absent – 2 (George, Roseman)

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Board Clerk

Adrian Tait, Planning Commission Chair

PLANNING COMMISSION

Approval of Meeting Minutes

Commission Member Behrend moved to approve the September 23, 2024, Planning Commission meeting minutes. Commission Member Pruitt seconded the motion.

Vote: Aye – 6
Nay – 0

The motion passed.

Case A24-0917 Temporary Disaster Relief Uses – UDO Text Amendment

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First Motion and Vote: Vice-Chair Veno made a motion that the proposed amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.3.3 Housing and Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.

F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

The motion was seconded by Commission Member Pruitt. Commission Member Behrend wished to amend the motion to add:

Comprehensive Plan Policy 2.2.4 Public Safety

D. The Town shall place renewed emphasis on enforcement of the state building code and flood prevention regulations to avert or minimize loss of life and property during natural disasters.

Vice-Chair Veno accepted the amendment.

Vote: Aye – 6
Nay – 0

The motion passed.

Second Motion and Vote: Vice-Chair Veno made a motion that the Planning Commission recommends approval of Ordinance A24-0917 within Exhibit A and believes approval is reasonable and in the public interest because of the need for more infrastructure to support natural disasters was identified by the recent disaster (Hurricane Helene). The motion was seconded by Commission Member Pruitt.

Vote: Aye – 6
Nay – 0

The motion passed.

Other Matters

Ms. Shook stated that the draft text of Boone Next, the Town's Comprehensive Plan, would be presented at an open house on Monday, December 9, 2024, at 6:00 p.m. in the Town Council Chambers. The text would also be available online following the open house. A meeting with the Planning Commission and Town Council would be scheduled sometime after the open house for Planning Commission members to provide feedback.

Ms. Shook informed the Commission that their December 23, 2024 meeting would be canceled and thanked the Commission for their hard work over the past year. She noted that the Town was very appreciative of their work on Boone Next and was looking forward to working with the Commission to close the project out and start on the work that would come after adoption of the plan.

Adjournment of Planning Commission

Commission Member Behrend made a motion to adjourn the meeting at 6:53 p.m. Commission Member Warren seconded the motion.

Vote: Aye – 6
Nay – 0

The motion passed.

Adrian Tait, Planning Commission Chair

Brenda Henson, Board Clerk