

TOWN OF BOONE PLANNING RETREAT
Thursday, February 6, 2025

Town Council members in attendance: Tim Futrelle-Mayor, Dalton George-Mayor Pro Tem, Todd Carter, Eric Plaag, and Virginia Roseman

Planning & Inspections Staff in attendance: Jane Shook-Director of Planning & Inspections, Brandon Wise-Deputy Director, Jessica Mitchell-Advanced Planning Specialist, John Helton-Residential Liaison/Housing Specialist, and Brenda Henson-Administrative Coordinator

Legal Counsel in attendance: Allison Meade-Town Attorney

Call to Order

Mayor Futrelle called the meeting in Town Council Chambers at 1500 Blowing Rock Road to order at 9:11 a.m.

Moment of Silence

A moment of silence was observed.

UPDATES

Department Year-In-Review

Jane Shook, Director of Planning & Inspections, reviewed the organizational structure of the Planning & Inspections Department, noting that Brandon Wise was now the Deputy Director. She also expressed a need to backfill the Environmental Planner position.

Ms. Shook noted that the Planning & Inspections Department performed damage assessments in the Town, Watauga County, and Ashe County after Hurricane Helene.

Council Member Plaag questioned the total of 25 Neighborhood Conservation District parking stickers issued. Mr. Wise replied that 25 new stickers were issued during the year. He stated there was a period after Hurricane Helene when NCD enforcement was not at the forefront of concern, but that staff was now patrolling the neighborhoods again.

Board/Commission Updates

Jessica Mitchell, Advanced Planning Specialist, presented the Historic Preservation Commission's Work Plan and stated that the HPC agreed with the plan as presented. The Town Council agreed with the proposed work plan.

Council Member Plaag expressed concern about the difficulty in filling board vacancies. He asked what ways other jurisdictions used to entice participation other than the stipend. Ms. Shook replied that staff had looked at what other areas did and felt the Town was doing everything other jurisdictions did. She reminded Council members that they had discussed the possibility of handling the Board of Adjustment differently. Ms. Shook stated that staff could research that topic and bring back other legal options regarding the Board of Adjustment.

Boone Next Updates & Recap

Ms. Shook stated that public comment for the Boone Next had been received. She noted that there was very little comment on the future land use map. Ms. Shook asked for further discussion on the future land use map to help identify a clearer vision of where uses should be located. Ms. Shook stated that final edits were being made, the document would go through public hearing, and the Council would then adopt the plan. The discussion of the land use map could affect the time frame for adoption.

Allison Meade, Town Attorney, stated that the land use map was crucial because it would be cited by opponents and proponents of every rezoning that happened as long as this Comprehensive Plan lived. She felt that the Comp Plan was strong in articulating community values; however, she was not sure that it provided clear direction for what types of uses the Town wanted where. Ms. Meade stated that this was needed in order to engage in the next steps of ordinance amendments. She asked that the Council do some quality, deep, detailed work on the land use map to provide vision and direction. Council members agreed to schedule a meeting, or meetings, to discuss the land use map further.

Our States, Our Homes

Ms. Shook explained that the town had been selected to work collaboratively with Watauga County, Ashe County, and the High Country Council of Government for 18 months on the Our State, Our Homes program. She stated she had a seat on the core team, along with the Watauga County Planning & Inspections Director, the Ashe County Manager, the Ashe County Director of Human Services, Chris Grubb with the High Country Council of Governments, and Kelly Ashcraft with the Watauga Housing Council.

Ms. Shook noted that the core team was currently working on making a list for the larger community team that would also participate in the program and that she had recommended that at least one elected official from each area be included in the larger community group. She noted that the meeting with the core group was following the planning retreat.

It was suggested that Council Member Carter be involved in the larger community group as the Town's elected official if that recommendation was approved.

LEGAL DISCUSSION

Ms. Meade referred to Senate Bill 382, which would invalidate any efforts for down-zoning. She stated there were ongoing attempts to carve out exceptions for locales or completely repeal the legislation. Ms. Meade noted that some elements of the bill were poorly worded, which could create ongoing litigation for years. She felt that this legislation could make it very difficult, if not impossible, to go back and change regulations and require immediate compliance in some areas.

Ms. Meade noted that, depending on what municipality you were in, under Senate Bill 382, you may or may not have the same amount of power and control over your territory as you did before.

Ms. Shook stated that a bill had passed to modify the residential building code to include town homes, triplexes, and quadplexes to the current one and two-family regulations. She explained that this would limit regulations for building design elements for triplexes and quadplexes. Ms. Shook suggested that this regulation might provide an opportunity to create housing by using it as an incentive.

Ms. Shook noted that staff had been working on the Planning & Inspections page on the website. She stated that the Council had asked staff to provide a lot of information on the website, and people were having difficulty navigating through all the buttons to get to the information. The web page redesign

should be complete within the next week or so.

ENVIRONMENTAL/RESILIENCE

Watershed Model Ordinance

Brandon Wise, Deputy Director of Planning & Inspections, stated that the full model ordinance from the North Carolina Department of Environment and Natural Resources (DEQ) came out in March 2023. That ordinance was reworded to fit with the Town's ordinance. Mr. Wise noted that some minor changes would need to be made, such as adding some tables to make it easier for people to understand. He stated that the watershed in town was not huge and was mostly comprised of the golf course and hospital areas.

Stormwater

Mr. Wise stated that our ordinance language indicated a 25-year, 24-hour event matching pre-development and post-development. He noted that this language was vague enough to allow people not to have to show the flow from the smaller five and 10-year storms. Mr. Wise stated that staff would like to add language requiring developers to provide detailed engineering showing that the 5- and 10-year storms were also being detained. Mr. Wise noted that there were also some changes to the impervious surface language. He added that the town could not make someone detain stormwater for an impervious surface that was already there, even if the impervious surface was removed and replaced.

Council Member Plaag asked about the stormwater survey from the Council of Governments. Mr. Wise replied that most of the mapping had been completed, but the data had to be compiled. He stated their goal was to go around and locate drop-inlet pipes under roads, figure out what they were made out of, and see their status.

Mayor Pro Tem George stated that he would like to see underutilized impervious areas become green spaces whenever possible.

Ms. Shook stated that the town's stormwater standards had remained largely unchanged since she started with the Town of Boone, with slight modifications along the way. She noted that the budget was tight, but felt there was an opportunity to update stormwater standards more comprehensively by having Mr. Wise work with a specialized consultant.

Ms. Shook stated that vacant parking could be an opportunity for infill development. She suggested reviewing the town's regulations to see what prohibited people from constructing infill development. Mayor Pro Tem George suggested an MSD for Blowing Rock Road to help fund projects in that area.

Mr. Wise stated that he had spoken with Public Works about changing the size of the town's drainage facility to handle a 50-year storm instead of a 25-year storm.

Special Flood Hazard Areas (SFHA)

Mr. Wise noted that the comment period for the proposed flood maps closed on January 31, 2025. He stated that one comment was received from the public, and it had been passed along to the state. Mr. Wise referred to the preliminary flood map in the meeting packet, noting that the town's floodplain areas had decreased.

Ms. Shook stated that the 500-year floodplain was not considered part of the special flood hazard area, and the town did not regulate that area.

Mr. Wise stated that the town currently had a two-foot freeboard. The cost of improvements is compiled

over a 10-year period. Once the cost reaches 50% of the value of the structure, the property must then come into compliance with the town's current flood ordinance.

Mr. Wise noted that anyone wanting to build or change something with the ground in the AE floodway had to get an engineering statement and full engineering documents to show that what they wanted would not cause a rise in the floodplain. Possible modifications to the SFHA regulations could be to increase the freeboard, lower the percentage of substantial improvement costs that triggered flood ordinance compliance, expand the 10-year rolling timeline, implement restrictions on the 500-year .2% floodplain, or further restrict development inside the floodway.

Ms. Shook stated she felt cautious regarding some of the statutory changes and some of the 500-year floodplain regulations. She wanted to make sure the town understood the impacts of any changes that might be made. Ms. Shook stated that more data might need to be provided to Council regarding how many structures could be impacted by the changes they made. She noted that the nonconformity parts of Senate Bill 382 needed careful evaluation.

Council Member Carter asked how many structures in the Leola Street area would not be allowed to be rebuilt. Mr. Wise replied that almost all of the homes in the mobile home park would have to be elevated. He noted that five properties had improvement costs that triggered 50% of the development value, with Walmart being the biggest. Mr. Wise explained that commercial properties could floodproof their buildings by installing floodgates, while residential properties had to be elevated.

Mayor Pro Tem George stated that Leola Street was the only manufactured housing in town limits. He felt that this type of housing stock was valuable because it allowed people to find stability and affordability.

Council Member Plaag expressed frustration that lower-income housing always seemed to be built in flood-prone areas. He stated that he was not opposed to having elevated structures with parking underneath. He also felt that the town should look at FEMA funding to help remove the propane storage facility that was located in the middle of the floodway before somebody got killed.

Ms. Shook stated that she would like to revisit the topic of manufactured housing. She felt that it was an affordable housing option that the town's ordinance severely limited.

Council Member Plaag referred to the flood map and stated that something that should be considered was not captured. He said North Water Street had always been a floodway, dating back to 1898, with flooding cascading down West King Street that did not come directly from the creek but from the surface flow. This type of activity was not shown on the maps but needed to be addressed from a planning and infrastructure perspective.

Ms. Shook noted that Mr. Wise had provided a good list of possible modifications in the meeting packet, and she felt that all of them should be explored with legal counsel.

Mr. Wise felt that the 50% threshold over a 10-year period was reasonable, but stated he was agreeable to raising the freeboard from two feet.

Council Member Plaag felt strongly about restricting development in the AE floodway based on use.

Council Member Roseman asked if the town had to adopt the flood maps. Mr. Wise replied that if the town did not adopt the flood maps, no one in town could buy flood insurance.

Mayor Futrelle called a break in the meeting from 10:54 a.m. until 11:00 a.m.

NEIGHBORHOOD PROTECTION

Luis Aguilar, Zoning Code Compliance Official, joined the meeting.

Discussed ensued on Neighborhood Conservation Districts (NCDs). Ms. Shook provided a brief history of and explained that Neighborhood Conservation Districts were created as a way to deal with occupancy issues. She went over concerns with the parking sticker enforcement. She noted that the stickers were anticipated to be a tool to help staff ensure that there were no more than two unrelated tenants in a dwelling, however, the complaint from neighbors became more about not having parking stickers than occupancy concerns.

Discussion transitioned into neighborhood protection and the Town's current regulations that applied throughout the town, including the NCDs. Ms. Meade explained that the Police Department enforced the noise ordinance and parking in the street. The Public Works Department enforced trash, litter, and junkyard situations. The Planning & Inspections Department only enforced occupancy violations. Ms. Meade stated that Luis Aguilar had been a nice addition to the staff as the Zoning Code Compliance Official.

Regarding the noise ordinance, Ms. Meade stated that the Police were confident that their officers understood the noise ordinance and were enforcing it. She felt the main gap was public education. After she met with leadership from the Police Department, Public Works, and the Planning Department there were some recommendations to ensure compliance. Ms. Meade noted that one recommendation was that once the same property had been the subject of a third complaint, the issue would be escalated to the property owner, which had not been done previously. Another recommendation was to create a one-page action sheet as a brochure, flyer, or door hanger that listed who to call if you had a particular problem. This information should also be placed on the home page of the town's website.

Council Member Plaag stated he had heard complaints from residents about noise violations related to loud vehicles. Ms. Meade said she could speak with the Police Department about that topic.

Mayor Pro Tem George asked if something could be included in the lease or a separate letter that educated the renter on living requirements in an R1 zoning district. Ms. Meade felt it would be bad practice to require the information in leases and thought it would be nicer to get it out differently.

Council Member Plaag suggested supplying management companies, property owners, and tenants with the informational brochure.

Ms. Shook stated she was looking for long-term solutions that get the most bang for the buck. She noted that Mr. Aguilar was doing a great job with enforcement, partly because Mr. Wise provided so much support to him. Ms. Shook stated that Mr. Wise served as the Deputy Director and as the Environmental Specialist. She felt it was time to fill the Environmental Specialist position with a new employee to allow Mr. Wise to focus more on supporting his direct reports.

Discussion ensued of the expansion of neighborhood protections by creating a Good Neighbor program that would apply to all of the residential districts so that instead of spending resources on sticker enforcement, there would be other educational elements to aid in enforcement. Ms. Shook stated that the neighborhood walks provided an excellent opportunity to speak face-to-face with neighborhoods. She suggested neighborhood signage and having a neighborhood social to engage the neighbors and build a

sense of community. In addition to the informational flyer being mailed out, Ms. Shook suggested formalizing more contacts with the University and Caldwell Community College to participate in orientation. She also suggested the possibility of a wrap for Mr. Aguilar's town car so he would be visible in a non-threatening way.

Council Member Plaag expressed support for employing all of the tools Ms. Shook described, knowing that costs would be associated. He felt there could be a concerns from neighborhoods when the Town transitioned away from Neighborhood Conservation Districts to a Good Neighbor Program. He advocated for promotional materials and marketing to go along with the transition.

Council Member Carter felt it was important to get as much information out through as many avenues as possible. He spoke in favor of exploring the options, including language in leases and implementing the usage of door hangers and magnets. Council Member Carter stated that people interpreted the word "conservation" to mean that things in their neighborhood would always stay the same, and he felt that was bad language.

Ms. Shook stated that the potential program goals would be to build community, treat all residents with courtesy and consideration, provide consistent and equitable enforcement of town regulations, accommodate growth with protection, seek to preserve the character of neighborhoods while considering opportunities for new residents and new housing types, and be intentional with creating successful, diverse neighborhoods, while at the same time addressing the area's needs for accessible housing for all residents. Ms. Shook agreed that the town should move away from the term Neighborhood Conservation District, and small area plans should be considered for neighborhoods that need additional protection.

Council Member Plaag suggested erecting signage at the entries to neighborhoods with the neighborhood name to help foster a greater sense of pride for the residents.

Council Member Roseman suggested having a colored button on the front page of the town's website that would allow citizens to provide their complaints. From that page, the person would be linked to the correct department. She also suggested a QR code on the door hanger or informational flyer to link them to the complaint page.

Mayor Futrelle called a break in the meeting from 11:50 a.m. until 12:36 p.m. for lunch.

Council Member Roseman stated that as she left for the lunch break, a community member stopped her and asked why this meeting was not on WebEx. They were concerned that the Town Council was considering projects without the community being involved. Council Member Roseman told the community member that the meeting had been properly notified and anyone was welcome to attend the meeting in person. She asked why the meeting was not offered via WebEx. Ms. Meade replied that there was no legal requirement to provide a virtual meeting option. She stated it would strictly be a policy issue.

Council Member Plaag asked if it was correct that the Council was not required to have a public comment period at every meeting they had. Ms. Meade stated that public comment was required once a month.

HOUSING

Affordable Housing

Ms. Meade stated that the term affordable housing could mean 60% of the area median income or 60 to 80% of the area median income. Ms. Meade noted that inclusionary zoning was something the town could do. However, the overall impact of inclusionary zoning in North Carolina was minimal. Ms. Meade

stated that Chapel Hill had had inclusionary zoning since 2011, and for the first seven years, 11 units were directly built as affordable housing. Chapel Hill's inclusionary zoning only concerned housing built for purchase, not housing built for rental. Ms. Meade stated that Raleigh adopted inclusionary zoning as an overlay district, which she felt would be a relatively easy way to do it because it would not involve rezoning parcels. She said she would like to review Raleigh's inclusionary zoning standards further.

Ms. Meade stated that she felt comfortable that the town could do density bonuses without worrying about Senate Bill 382 because it would be done in a way where density was added. She added that there would be trade-offs in terms of either height or impermeable foot area. Ms. Meade stated she could return to the Council with a draft ordinance for inclusionary zoning. She added that there would need to be very careful thought regarding density bonuses, types of uses, and location. Ms. Meade noted that inclusionary zoning was typically written to last for 30 years, making enforcement challenging.

Ms. Meade stated that the way to get the most housing was to be thoughtful about the obstacles. She noted that any amount of supply would have a positive overall effect on price and availability.

Mayor Pro Tem George felt if the town could guarantee 20 to 30 affordable units, it would show action. He stated that inclusionary zoning could be effective if well-planned. Mayor Pro Tem George noted that the Wellness District should have dense housing. He added that the aging housing stock that needed to be redeveloped was located where density needed to be. Mayor Pro Tem George was concerned with the displacement of tenants during the redevelopment phase. Ms. Meade replied that there would be displacement for several years in any residential area undergoing redevelopment. She stated that the people who would be displaced would not care that there would be more housing in a few years. Ms. Meade cautioned the Council there would be a political cost because redevelopment would be unpleasant for any displaced tenants. She noted that the same reasoning applied to the mobile home park.

Council Member Plaag suggested the town-owned property near the Hospitality House as a potential overlay district location for a long-term lease arrangement where the town retained ownership of the land. This would create a form of transitional/low-income housing to help people graduating from the Hospitality House or other low-income people in the community.

Ms. Shook stated that an extensive review of the UDO was needed in order to begin creating the type of development the town wanted.

Council Member Plaag noted that the Conditional District process allowed Town Council to negotiate different standards. Ms. Shook added that the Board of Adjustment had to make decisions on special use permits and variances based on the letter of the UDO regulations, where Town Council had more flexibility in the Conditional District process. She stated that once the Council identified what they wanted, they needed to make the process clearer and easier to understand in order to get the product they wanted. Discussion ensued as to the flexibility of the conditional district process.

Council Member Plaag stated that Town Council needed to identify areas where they wanted to see certain things happen, so that when a developer acquired a property, they would know what they were expected to build in that area. He suggested a one- or two-day workshop to review the future land use map and determine what the Council would like to see and where they would like to see it.

Low-High Density Options

Ms. Shook stated that there were several low-density housing options. The Council agreed that Ms. Shook should proceed with a draft regarding accessory dwelling units.

Ms. Shook referred to manufactured homes and suggested they could be allowed in more zoning districts. She felt there should be a review of the manufactured home park standards. Council Member Plaag added that there needed to be a distinction made between a trailer and the various forms of construction that were technically manufactured homes but did not look like trailers. Ms. Meade stated that cross mods, manufactured homes with a site-built element such as a front porch or garage, were treated as stick-built homes for loan and appraisal purposes. She was unsure how they were viewed for tax purposes.

Ms. Shook asked Council members how they would like to proceed with cottage housing. There was consensus among Council members to revisit the cottage housing concept.

Ms. Shook suggested that further discussion regarding duplexes should be postponed until Town Council decided what type of housing they would like and where they would like to see that housing. She noted that with triplexes and quadplexes moving to the residential building code, they would need to further evaluate regulations and the districts they were allowed in. Ms. Shook reminded Council members that soon the town would no longer be able to regulate the appearance of triplexes and quadplexes.

Ms. Shook stated that the mixed-use and multi-family standards needed to be evaluated.

Council Member Carter suggested considering pattern zoning.

Mayor Futrelle called a break in the meeting from 2:06 p.m. until 2:16 p.m.

OTHER DISCUSSION

Ms. Shook noted that George Santucci and Laney Wise were applying for a grant that would allow a consultant to review the town's current UDO for solar.

Ms. Shook stated that the Post Office building needed a new roof, there was some damage in the lobby, water had been getting into other areas of the building, and the handrails needed to be powder coated because the paint had chipped off.

Ms. Shook again noted the need to fill the Environment Specialist position.

Ms. Shook stated that she had spoken with the property owner of the manufactured home park behind Walmart about their options as they navigated through what they needed to do post-Helene. She explained that they had some expensive infrastructure to repair. Ms. Shook stated that organizations had approached the property owner about putting in temporary travel units for displaced people so they could move out of hotels. She noted that this scenario was not addressed in the last UDO text change. Ms. Shook asked Council members if they would like to pursue a text amendment to allow this temporary use. Mr. Wise added that FEMA had officially leased the Bradford Park for their recovery trailers.

Council Member Plaag asked what would happen if there was another flooding event while the temporary homes were in the park. Mr. Wise replied that the units would be RVs and travel trailers and would be completely mobile. He stated that flood regulations required that they had to be tagged, titled, and ready to be relocated. The units would not be elevated because they would be ready to drive or pull away before flood waters arrived.

Council Member Carter felt the hotel extension would not go past Memorial Day. Ms. Shook noted that it was costly for people to live in hotels because they were spending more on food and were compressed into one room when they were used to having a home.

Ms. Shook stated that the next regularly scheduled public hearing was in March, which would make it

April before Town Council considered approval of the text amendment. Council members agreed to schedule a special public hearing.

Ms. Shook asked Council members for any other items related to the Planning Department they would like to discuss.

Mayor Pro Tem George stated he would like to see the Downtown expand, have inclusionary zoning, and revise the Neighborhood Conservation District program. He suggested reserving seats on the Planning Commission for different types of stakeholders like renters or developers.

Council Member Plaag stated he would like to revisit the Blowing Rock Road corridor MSD. Ms. Shook noted that the Town Manager planned to place that topic on the next Town Council agenda for discussion.

Council Member Roseman stated that the Council needed to figure out a way to entice people along the corridors to annex into town. Mayor Pro Tem George suggested sending letters to property owners outlining the annexation process and the benefits of being inside Town limits. Council Member Roseman felt the focus for growth should be on East Boone. Ms. Shook responded that there were limitations to satellite annexation, noting that the town could not satellite annex more than 10% of its current jurisdiction.

Council Member Carter stated there was a need for in-fill development and addressing vacant mixed-use properties.

Ms. Shook noted that two meetings needed to be scheduled: one to review the future land use map and one for a special public hearing for the text amendment for temporary emergency units in manufactured home parks.

There was consensus of Council to schedule a special public hearing with the Planning Commission on Monday, February 24, 2025, at 6:00 p.m. in Town Council Chambers to hear the request for a text amendment for temporary emergency units. Town Council would then vote on the amendment at their regularly scheduled meeting on February 26, 2025.

Council members felt reviewing the land use map could take two all-day meetings. The following meeting dates were set to be held in Town Council Chambers:

- Monday, March 3, 2025, 9 a.m. until 4 p.m.
- Monday, March 10, 2025, 1 p.m. until necessary

Ms. Shook stated she would notify the consultant that Council and staff would work on the future land use map. She noted that the next thing the consultant expected from the town would be a time frame for a public hearing and to return documents to the town.

RECAP

In summary, Ms. Shook listed the following items to be addressed:

- Update the watershed model based on the model ordinance for the watershed.
- Update stormwater regulations.
- Special Flood Hazard Area - evaluate the list of changes that Mr. Wise created. Modify standards to address freeboard and limiting use within the AE floodway.
- Consider lease language.

- Create a complaint button on the town website home page.
- Create informational brochures/flyers/door hangers/magnets for public education.
- Opt-in district guidance.
- Manufactured homes and similar housing types in the UDO.
- Develop standards for small-scale multi-family development
- Consider ways to encourage annexation and focus on gateways.

Adjournment

Council Member Roseman made a motion to adjourn the meeting at 3:11 p.m. Council Member Plaag seconded the motion.

VOTE: Aye – 4
 Nay – None
 Absent – 1 (Tugman)

The motion passed.

Tim Futrelle, Mayor

Brenda Henson, Administrative Coordinator