**MINUTES**
**BREVARD PLANNING BOARD REGULAR MEETING**
**DECEMBER 15, 2020**

Brevard Planning Board met for a regular meeting, Tuesday, December 15, 2020 at 5:30 PM. The meeting was held remotely in accordance with NC General Statute 166A-19.24. Simultaneous live audio and video was made available to the public online at https://www.facebook.com/brevardplanning/.

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|---|---|
| **Members Present:** | Chris Strassner, Chair<br>Greg Hunter<br>Molly Jenkins<br>Demi Loftis, Vice Chair<br>Stephanie Smith |
| **Members Absent**: | John Folger<br>James Carli |
| **Staff Present:** | Paul Ray, Planning Director<br>Aaron Bland, Assistant Planning Director<br>Kaitland Finkle, Planner<br>Leigh Huffman, Planner<br>Janice H. Pinson, Board Clerk |

## I. Welcome

At 5:34 PM, Chair Chris Strassner, called the meeting to order.

## II. Introduction of Planning Board Members

The Board introduced themselves. Roll call was taken by the Chair. Present: Chris Strassner, Molly Jenkins, Greg Hunter, Demi Loftis and Stephanie Smith.

## III. Certification of Quorum

Chair, Chris Strassner confirmed with the Board Clerk that a quorum of the Board was present.

## IV. Approval of Agenda

Motion by M. Jenkins to approve the agenda as presented, seconded by Greg Hunter, roll call vote, carried unanimously.

**V. Approval of Minutes**

a. November 17, 2020

Motion to approve minutes as written by M. Jenkins, second by D. Loftis, roll call vote carried unanimously.

**VI. New Business**

**a. Consideration of Request for Contiguous Annexation ANN-20-002 by Lenze Real Estate, LLC for property located on Probart Street and further identified by PIN # 8586-23-1136-000.**

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

**Background**
George Lenze of Lenze Real Estate LLC (property owner, referred to as "Applicant") has submitted a request for voluntary contiguous annexation of a portion of property located on West Probart Street, identified by PIN 8586-13-9279-000. This parcel is a portion of parcel 8586-23-1136-000.

**Discussion**
Given that the property is currently within the City's ETJ and in close proximity to parcels already receiving full City services, the financial and service delivery impacts are estimated to be manageable.

If annexed the owner intends to subdivide and develop the property with several single-family houses. This would result in increases to the City's general fund and utility fund revenues. Refer to the attached annexation report for the full financial and service delivery impact analysis.

**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.

Annexation will make both city water and wastewater service available to the entire property to support applicant's goal of subdividing and building several new single-family homes on the land.

**Staff Recommendation**
Staff recommends approval of the proposed annexation.

After a brief discussion and questions by the Board as to adequate utilities capacity, number of proposed units, and if a rezoning had been discussed.

A. Bland stated that there is adequate water and sewer capacity for the proposed project of 5 or 6 single family dwellings, and that a rezoning application request had not been received.

Motion to approve as recommended by Staff by D. Loftis, second by G. Hunter, roll call vote unanimously carried.

**b. Consideration of Request for Contiguous Annexation ANN-20-003 by Richard and Leslie Libby for property located at 335 Forest Hill Road and further identified by PIN# 8585-35-1540-000.**

K. Finkle, Planner presented her staff report, a portion of which follows:

**Background**
Richard and Leslie Libby (property owners, referred to as "Applicant") request voluntary contiguous annexation of their property at 335 Forest Hill Rd, PIN 8585-35-1540-000.

**Discussion**
Given the property is within the City's ETJ and in close proximity to parcels receiving full City services, the financial and service delivery impacts are estimated to be manageable.

If annexed we believe it is the owner's intent to connect to sewer. This would result in increases to the City's general fund and utility fund revenues. Refer to the attached annexation report for the full financial and service delivery impact analysis.

**Policy Analysis**
Voluntary contiguous annexations are governed by North Carolina General Statute §160A-31 authorizing cities to annex areas contiguous to its borders on receipt of a petition signed by all owners of real property within the area proposed for annexation. The subject property qualifies for annexation under this statute. Annexation will make connection to wastewater services available to the property supporting applicant's goal.

**Staff 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 as follows:

1. Recommend denial of the annexation as presented.
2. Recommend approval of the annexation as presented.

**Fiscal Impact**
Minimal. Refer to attached annexation report for financial and service impact analysis.

**Service Delivery Impact Analysis**

**Administration/Finance/Human Resources**
The property is currently connected to water utilities and billed accordingly. Connecting to sewer and receiving solid waste services will increase utility billing.

**Law Enforcement Services**
The proposed annexation will bring the subject property within the law enforcement jurisdiction of the Brevard Police Department. It not expected that this will result in a measurable impact as the property is nearby properties receiving these services.

**Fire Services**
The proposed annexation is currently within the Brevard Fire District, thus the Brevard Fire Department is already the primary provider of fire protection services to the site.

**Solid Waste Collection & Recycling**
Nearby properties receive trash and recycling services so minimal changes in these collection routes should be necessary.

**Street, Sidewalk, & Street Lighting Maintenance**
None.

**Water Production & Distribution**
The property is already connected to City water system.

**Wastewater Collections and Treatment**
The City wastewater system is in close proximity to the site and the property owner has already begun discussions with Public Works regarding sewer service to the property.

**Parks & Property Management**
None.

**Planning Services**
The proposed annexation will not impact planning functions of the Planning Department as the subject property is currently inside the planning jurisdiction.

**Financial Summary**

| REVENUE SOURCE | ANNUAL FISCAL IMPACT/REVENUE |
|---|---|
| Estimated Future Tax Revenues | $ 665 per year |
| Utility Bill Collections | $ 563 per year |
| Powell Bill Revenues | $ 0 per year |
| **Total Estimated Annual General Fund Revenues** | **$ 665** |
| **Total Estimated Annual Utility Fund Revenues** | **$ 563** |
| **Total Estimated Revenues** | **$ 1,228** |

| SERVICE AREA | ANNUAL FISCAL IMPACT/EXPENDITURE |
|---|---|

| | |
|---|---|
| Administration/Finance/HR | Minimal |
| Law Enforcement | Minimal |
| Fire Protection | None |
| Solid Waste & Recycling | Minimal |
| Street, Sidewalk & Street Lighting | None |
| Water Distribution | None |
| Wastewater Collection | Minimal |
| Water Plant | None |
| Wastewater Plant | Minimal |
| Parks & Property Management | None |
| Planning & Zoning | None |
| **Total Estimated Expenditures** | **Minimal** |

Fiscal impacts are determined to be minimal across all service areas, due to the fact that the parcel is already inside the City's jurisdiction and near properties receiving all services.

**Vested Rights**
The applicant's application declares vested rights but no details are given.

S. Smith noted that the property lies in the ETJ, city services are already in the area, and that the City would gain some revenue.

M. Jenkins moved to approve as presented, second by D. Loftis, roll call vote carried unanimously.

## VII. Old Business

### a. TXT-20-014 Bracken Mountain Builders – Continued

A. Bland continued the discussion and presented recommendations to the Board. The Staff recommended ordinance changes are attached hereto and labeled, Attachment C.

The board asked about enforceability of future maintenance. P. Ray, Planning Director stated that it would be unlikely that the City could enforce road maintenance, but that Development Agreements could be considered but it would still be hard to enforce.

C. Strassner, Chair stated that this is a good reason to limit the amount of properties.

After a brief discussion S. Smith made a motion to approve with the change to 4.4.E.1.a. that the surface for the access easement be required to be 16 feet in width, with reference to the Consistency Statement (Attachment E). Seconded by M. Jenkins, roll call vote carried unanimously.

### b. TXT-20-019 160D, Chapter 16 – Continued

L. Huffman, Planner went over the highlighted recommended changes with the board. Motion to approve as presented, referencing the Consistency Statement (Exhibit "A) by G. Hunter, second by M. Jenkins, roll call vote carried unanimously.

**VIII. Other Business**

**a. Election of Officers 2021**

Motion to approve C. Strassner, Chair and D. Loftis, Vice Chair by G. Hunter, second by S. Smith, roll call vote carried unanimously.

**b. Meeting Schedule 2021**

Motion to change the meeting date to the fourth Tuesday at 5:30 PM beginning January 26, 2021 by M. Jenkins, second by G. Hunter, roll call vote carried unanimously.

**c. Schedule Workshop Meeting – Chapter 22 Subdivisions**

Discussion about setting the February 2021 meeting as a workshop meeting for Chapter 22 Subdivisions was discussed, and it was agreed that unless Staff receives applications from the public that need to be heard the February meeting will be dedicated to Chapter 22.

**VIII. Public Comment – None.**

**IX. Remarks**

It was noted that this was John Folger's last meeting, and that Edwin English has been appointed by Transylvania County Board of Commissioners to fill the vacancy. Mr. English will be an ETJ member and his first meeting will be January 26, 2021.

**X. Adjournment**

There being no further business, D. Loftis moved to adjourn, seconded by G. Hunter, roll call vote carried unanimously, and the meeting adjourned at 6:11 PM.

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Chris Strassner, Chair

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Janice H. Pinson, Board Clerk