



AGENDA
BREVARD PLANNING BOARD - REGULAR MEETING
Tuesday, February 28, 2023 - 5:30 PM
City Council Chambers

I. Welcome

II. Introduction of Board Members

III. Certification of Quorum

IV. Approval of Agenda

V. Approval of Minutes

- a. January 24, 2023

VI. New Business

- Consideration of amendment of Planned Development District The Independent
- a. Living at Tore's Home Ordinance No. 2020-18- Text Amendment - TXT-22-015
Rooming House
- b. Consideration of Text Amendment - TXT-23-001 Tap Fees

VII. Unfinished Business

- a. Continuation of Text Amendment TXT-22-006 Steep Slopes

VIII. Public Comments

IX. Remarks

X. Adjourn

Agenda Posted, Website, Sunshine List (February 17, 2023)
J.Pinson, Board Clerk

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your Government" tab followed by Agenda Packet" tab.

**MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
JANUARY 24, 2023
CITY COUNCIL CHAMBERS**

Brevard Planning Board met for a regular meeting, Tuesday, January 24, 2023, at 5:30 PM, in Council Chambers at City Hall.

Members Present:

Greg Hunter, Chair
Reid Wood, Vice Chair
Peter Chaveas
John Schommer
James Carli

Staff Present:

Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director
Emily Brewer, Senior Planner & Interim Board Clerk

I. Welcome

At 5:31PM, Greg Hunter, Chair called the meeting to order.

II. Introduction of Planning Board Members

The Board introduced themselves.

III. Certification of Quorum

Chair Greg Hunter confirmed with the Interim Board Clerk that a quorum of the Board was present.

IV. Approval of Agenda

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

V. Approval of Minutes

Motion to approve December 6, 2022, minutes as presented by J. Carli, second J. Schommer, unanimously carried.

VI. New Business

a. Consideration of Text Amendment, TXT-22-014 Brevard Music Center PDD Modification

Aaron Bland, Assistant Planning Director, presented his staff report, which is attached hereto and labeled, Exhibit "A". After a brief discussion, P. Chaveas moved to approve the modification as presented, seconded by J. Schommer, unanimously approved.

b. Election of Officers

G. Hunter opened the matter for discussion. J. Carli moved to reappoint Greg Hunter as Chair, and Reid Wood as Vice-Chair, second by P. Chaveas, unanimously approved.

c. Meeting Schedule

G. Hunter opened the matter for discussion. After discussion, R. Wood moved to approve the calendar with the revision that the December meeting be scheduled for December 12th to accommodate holiday travel. The motion was seconded by P. Chaveas and unanimously approved.

VII. Old Business

a. Comprehensive Land Use Plan

Aaron Bland presented his staff report, which is attached hereto and labeled, Exhibit "B". He then introduced Jake Petrosky, Planning & Transportation Director at Stewart, Inc. to discuss the changes in the Comprehensive Land Use Plan since the last meeting. His presentation is attached hereto and labeled, Exhibit "C."

A summary of the discussion and Planning Board revisions are as follows:

J. Petrosky asked if a recommendation or action should be added to have speed limit enforcement to better address pedestrian safety in the city center. Board members discussed the importance of collaborating with NCDOT to improve the pedestrian crossings and signal times for State roads in Downtown. The Board requested that the Plan be revised to include a recommendation for traffic enforcement to improve pedestrian safety.

J. Carli brought up tactical urbanism as a potential tool for testing pedestrian-scale interventions. J. Petrosky explained that DOT-maintained roads would be challenging, but there is opportunity for the City to collaborate with citizens on retrofitting the City-owned streets. The Board requested a recommendation be included in the Plan to consider tactical urbanism for public engagement and testing for retrofitting streets for pedestrian safety.

J. Petrosky proposed revising ATCH-21 to include "additional healthcare services." The Board requested this change be made to highlight the importance of incentivizing healthcare services in the City.

G. Hunter asked for additional information on the naturally-occurring affordable housing programs and their success in other communities. J. Petrosky shared that this issue was in community engagement, especially in the Rosenwald neighborhood meeting, was that some of the long-term residents are facing displacement. J. Petrosky explained that this is one tool available for cities to address housing pressures.

J. Carli proposed adding an action step in the implementation section to leverage transit assets to allow for intracity travel. The Board chose to expand the action item on TIMs to include more intracity stops.

Board members also requested some grammatical corrections be made to improve the clarity of the Plan.

R. Wood proposed that the Board use the implementation section to identify the Board's priorities. The potential process for selection and format for sharing the priorities was discussed by the Board. Ultimately, the consensus was to revisit the topic following the City Council's adoption of the Plan and potentially scheduling a special joint meeting with City Council to collaboratively determine priorities.

The Board collectively expressed gratitude in the work that has gone into the plan. According to multiple members, the Plan is comprehensive, progressive, proactive, and lays a foundation to development sustainably.

J. Schommer moved to recommend approval of the Comprehensive Land Use Plan with the changes discussed, second by J. Carli. The motion was unanimously approved.

VIII. Public Comment –

Fred Cantler brought up the boundaries for the Downtown / City Center Character Area on the Future Land Use Map. Mr. Cantler was concerned about the future of his property on Rice Street, as it is adjacent to the Downtown / City Center Character Area. The Board explained that this is a policy document that does not initiate rezonings. J. Petrosky further clarified that the Future Land Use Map shows the likely form of development in the long-term (~20 years). The Board also explained their role as an advisory committee and that the Plan will be going to City Council for a public hearing. Council has the final decision on adopting the Plan.

Monica Driscoll expressed gratitude that the Plan preserves and respects the character of Brevard. Ms. Driscoll said that the Plan builds upon Brevard's character, not taking away from it.

Ms. Driscoll also asked about how a citizen might be able to send suggestions and comments to the Planning Board. She appreciated the efforts that the City Council and Staff have made to improve transparency and community involvement. The Board and Staff explained that there is no group discussion before the meeting amongst the Planning Board members, as they are not permitted under the North Carolina Open Meetings law.

IX. Remarks –

Emily Brewer, Senior Planner, explained that Planning Board agendas and packets with Staff Reports will now be hosted on the City's new software, CivicClerk. The program is in early adoption, but ultimately all Council, Board, and committee materials will be accessible at brevardnc.portal.civicclerk.com.

G. Hunter requested that the Board review the implementation section of the Comprehensive Plan again to identify priorities. He also requested Planning Board members attend the City Council meeting when the Plan is being discussed. The other Board members concurred.

X. Adjournment

There being no further business, J. Schommer moved to adjourn, seconded by J. Carli, carried unanimously, and the meeting adjourned 7:00 PM.

Greg Hunter, Chair

Janice H. Pinson, Board Clerk



The City of
Brevard
North Carolina

City of Brevard Planning Department
95 West Main Street
Brevard, North Carolina 28712
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APPLICATION FOR TEXT AMENDMENT

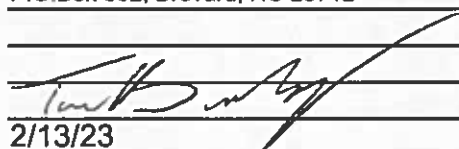
This application form shall be submitted with all requests for amendment to Brevard City Code. Completed applications and a \$500 application fee may be submitted to the City of Brevard Planning Department, 95 West Main Street, Brevard NC 28712.

Note: Application fee is \$500. plus true cost of professional services defined as follows:

Professional Services: The Administrator may secure the services of a qualified professional (e.g., licensed architect, attorney, engineer, landscape architect, arborist, surveyor, or planner) in the review of any application. Professional services purposes include but are not limited to: the review of floodplain development proposals, proposed public infrastructure or stormwater systems, traffic impact analyses, specialized legal services, and etc. The actual cost of professional services shall be the responsibility of the applicant. The applicant shall be informed in advance of the City's intention to secure professional services. The applicant shall be provided any and all reports generated by qualified professionals, and copies of all statements / receipts. The applicant shall reimburse the City for professional services expenditures prior to the issuance of a certificate of occupancy or final zoning / project approval.

APPLICANT CONTACT:

Name: Tore Borhaug
Telephone: 828-553-2533
Email: tore@toreshome.com
Address: P.O.Box 362, Brevard, NC 28712

Signature: 
Date: 2/13/23

APPLICANT'S AGENT CONTACT (By my signature, above, I hereby authorize the following individual(s) to represent me in this proposed amendment to Brevard City Code.):

Name: N/A
Telephone:
Email:
Address:

BREVARD CITY CODE SECTION PROPOSED FOR AMENDMENT (Insert applicable Brevard City Code references):

Ordinance No. 2020-18

JUSTIFICATION FOR AMENDMENT (State the reason for the text amendment here or in attached document. Reference existing City policy support for the proposed amendment. Attach any external data to support proposed amendment):

Since the City of Brevard has added Rooming or Boarding House to the be allowed in all its zoning districts I ask that Rooming or Boarding House be added to Ordinance Number 2020-18 under Section 3.Land Use a. Allowable Land Uses.

The Rooming or Boarding House is in section 3.6 Lodging Uses, 2 Group Living Category, D Rooming or boarding house

AMENDMENT TEXT (Insert proposed amendment text here or in attached document):

Please add the following:

Rooming or Boarding House be added to Ordinance Number 2020-18 under Section 3.Land Use

Subsection a. Allowable Land uses

EXHIBIT B
Ordinance Number 2020-18

INDEPENDENT LIVING AT TORE’S HOME PLANNED DEVELOPMENT DISTRICT:
LIST OF CONDITIONS

1. **Definitions.** Within this List of Conditions, the following terms shall have the meanings articulated:

- a. “District” refers to the Independent Living at Tore’s Home Planned Development District, as depicted on the Preliminary Masterplan.
- b. “UDO” refers to the City of Brevard Unified Development Ordinance in effect as of January 21, 2020.

2. **Future Development.**

- a. Compliance with Final Master Plan.
 - i. The Applicant shall provide a Final Master Plan for the development or any phase thereof for review and approval by the Planning Board within five years of the approval of this Ordinance.
 - ii. Modifications to the Final Master Plan shall be considered in accordance with Chapter 16, Section 16.8 of the UDO.

3. **Land Use.**

- a. Allowable Land Uses.
 - i. Land uses may be permitted according to the following table:

Allowable Land Uses	
Dwelling – Single Family	P
Dwelling – Secondary	P
Dwelling—Duplex	P
Dwelling—Multifamily 3—4 units/bldg., not including Condominium Buildings or multiple structures	P
Dwelling—Multifamily more than 4 units/bldg.	P
Rooming or Boarding House	P
Cultural or Community Facility	P
Professional Service	P
Adult/Child Day Care Center (6 or more)	PS
Cemeteries	PS
Parking	P
Fences	PS

4. **Dimensional Requirements.**

- a. Setbacks shall comply with GR standards of Chapters 2 of the UDO to the greatest extent possible.
 - i. Minimum rear yard setback shall be equal to or exceed 15 feet as depicted on the Preliminary Master Plan.
- b. Maximum Dwelling Unit (DU) Density shall not exceed 11.2 du/acre.
- c. Maximum Ground Floor Area for each principal structure shall not exceed those as depicted on the Preliminary Master Plan.

5. **Building Types and Architectural Standards.**

- a. Structures within the Project Area shall be designed and constructed in a manner that is generally consistent with structures as shown on the Preliminary Master Plan with respect to location, area, height, bulk, and mass.

6. **Environmental Protection.**

- a. Shall comply with Chapters 6 of the UDO.

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-21-002**

NCGS 160D-605 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the governing board. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

The Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

2015 Comprehensive Plan:

OBJECTIVE 2.1: As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.

POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

POLICY 2.1.B: Collaborate with partner organizations and developers to financially support the City's goals for infill development and redevelopment.

OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.

POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.

OBJECTIVE 4.2: Develop a system of "complete neighborhoods" throughout Brevard. (This is a multi-faceted objective that will rely on objectives and policies from other elements as well.)

POLICY 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

POLICY 4.2.E: Collaborate with partners to increase the amount of available affordable and workforce housing, and to combat homelessness.

The Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **inconsistent** with the following elements of the City's adopted plans and policies:

The 2002 City of Brevard Land Use Plan, Future Land Use Map recommends use of these properties for "Residential – Medium Density," of 3-6 dwelling units per acre.

STAFF REPORT

Planning Board, Tuesday, February 28, 2023

Title: Consideration of Text Amendment - TXT-23-001 Removing Tap Fee Waivers

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

Approved by: Paul Ray, Planning Director

Background & Discussion

North Carolina General Statutes §160D-1316 allows for local governments to expend funds for residential housing construction, new or rehabilitated, for sale or rental to persons and families of low and moderate income.

On May 16, 2022, City Council adopted Ordinance 2022-25 amending Chapters 13 and 19 of the Unified Development Ordinance authorizing the City to issue water and sewer tap fee waivers for eligible affordable rental housing projects. The ordinance states that projects are eligible for the waiver if the developer agrees to provide housing for persons of low-income for a minimum of five years.

Since then, the UNC School of Government has determined that fee waivers for affordable housing projects are not permissible. Under NC law, a municipality may assign different rates for consumers if it is “based upon such factors as the cost of service, the purpose for which the service or the product is received, the quantity or the amount received, the different character of the service furnished, the time of its use or any other matter which presents a substantial difference as a ground of distinction” (*Wall v. City of Durham*, 41 N.C. App. 649, [N.C. Ct. App. 1979]). In other words, there must be a defensible, utility-based reason for assigning different rates or fees.

At the Housing Committee meeting on February 14, 2023, Planning Director Paul Ray and City Manager Wilson Hooper discussed the possibility of changing the existing tap fee waivers to an eligible expense for reimbursement with Housing Trust Fund resources. Over the past year, Staff has been working closely with the Housing Committee (formerly the “Housing Trust Fund Selection Committee”) to revise the Housing Trust Fund bylaws and programs to support privately-created affordable housing within the City’s jurisdiction. After having received favorable recommendations by the Housing Committee, these documents will be presented to City Council at the March 20, 2023, meeting. With this new process, developers of eligible affordable housing projects can apply during a regular funding cycle to be reimbursed for the cost of the water and sewer tap fees.

The Housing Committee recommended adoption of the text amendment and folding this initiative into the Housing Trust Fund programs. The Committee also recommends that City Council consider using the General Fund to provide funds to the Housing Trust Fund annually for this purpose, so as not to diminish the limited funds currently available.

The proposed text amendment is included as Attachment 1, and the draft Housing Trust Fund Bylaws are included as Attachment 2.

Policy Analysis

The 2015 Comprehensive Plan's Economic Health Element references ways to promote affordable housing in Brevard, including Policy 2.2.H: *"Provide financial incentives to encourage additional affordable and workforce housing development."*

Fiscal Impact

With the ordinance adopted in May 2022, the City's total cost for waiving the water tap fees and sewer tap fees would be evaluated annually as part of the yearly budgeting process. There will be no additional fiscal impact.

Recommendation

The Board's role is to make a recommendation to City Council. The Board has the following options in this role:

1. Recommend adoption of the amendment as written;
2. Recommend adoption of the amendment as revised by the Board; or
3. Recommend rejection of the amendment.
4. Table the amendment for further consideration.

In accordance with North Carolina General Statutes, the Planning Board must also submit a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard. A Statement of Consistency and Reasonableness is included for the Board's review (Attachment 3).

Attachments:

1. Proposed Text Amendment
2. City of Brevard Housing Trust Fund Draft Bylaws
3. Consistency Statement

13.4. General infrastructure design requirements.

A. Connection to city sewer system required.

1. All developed property within the city limits and located within 300 feet of a city sewer line shall be connected therewith, and the property owner shall be charged the prescribed tap fee and system development fee for all such connections. Such connection shall be made in accordance with the provisions of this article within 90 days after the date of official notice to connect.
2. Improved property served by wells and annexed by the city shall be connected to the city sewer systems within five years of the effective date of annexation; provided, however, that no connection to the sewer system shall be permitted without also connecting to the city's water system.
3. New development within the city limits shall, in all cases, connect to a city sewer line. Sewer line improvements required for new development are the sole responsibility of the developer. The installation of improvements beyond the development boundary which are required for service to the development will be provided by the developer.
4. City sewer is not required but may be permitted for new development within the city's extraterritorial jurisdiction. The owner of any property within the city's extraterritorial jurisdiction who requests connection to the city sewer system shall request voluntary annexation into the City of Brevard. Proposed development that will not connect to the city sewer system must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the county health officer.
5. Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

B. Connection to city water system required.

1. All developed property within the city limits shall be connected therewith and the property owner shall be charged the prescribed tap fee and system development fee for all such connections.
2. Improved property served by wells and annexed by the city shall be connected to the city water system, if within 300 feet, within five years of the effective date of annexation.
3. New development within the city limits shall, in all cases, connect to a city water line. Water line improvements required for new development are the sole responsibility of the developer. The installation of improvements beyond the development boundary which are required for service to the development will be provided by the developer.
4. City water is not required but may be permitted for new development within the city's extraterritorial jurisdiction. Proposed development that will not connect to the city sewer system must contain adequate area for the installation of approved wells and must be approved in writing by the county health officer.
5. Any development served by the city water system shall install fire hydrants in accordance with city standards. Fire hydrant spacing and placement shall be determined by the public works director in consultation with the fire marshall. For any development within the city's ETJ without a fire suppression rated water system, that either has or is adjacent to an adequate permanent surface water supply, the applicant may be required to install

- a dry fire hydrant system, the type and the location of which is to be determined by the fire marshal. A road and easement to the water source providing permanent all-weather access to the water source that is adequate for fire-fighting equipment shall be constructed and dedicated to the city, if applicable.
- C. *Sewer and water connections and infrastructure.* Sewer and water connections and infrastructure shall occur in accordance with Chapter 70 of Brevard City Code and the City of Brevard *Standard Design and Specifications Manual for Public Improvements*, and any necessary conditions of the public works director.
- D. Utility easements.
1. Sewer, water, storm water, and other utility easements shall be required within all new development (including developments within the ETJ for which no public sewer or water is proposed), and may be required within existing developments undergoing improvements at the discretion of the administrator.
 2. The precise location and width of easements shall be determined by the administrator. However, unless otherwise specified, underground utilities should be located in alleys and lanes. If no alley or lane is provided, then a five-foot (minimum) utility easement shall be provided behind the sidewalk located within either the right-of-way or a public utility easement. Utility easements centered on rear or side lot lines shall be provided where deemed necessary by the approving authority and shall be at least 30 feet in width.
 3. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as may be adequate for the purpose of drainage.
 4. Lakes, ponds, creeks, and similar areas within a subdivision will not be accepted for maintenance by the city except as provided for in Chapter 6.
 5. Easements shall be accurately depicted upon all plats and plans, and dedicated to the city by means of a plat of dedication in accordance with procedures established by the administrator.
 6. No structure shall be placed upon any easement. Fences and other impermanent obstructions may be permitted by the administrator in consultation with the public works director.
- E. *Sewer and water.* Sewer and water shall be installed by the developer and dedicated to the city prior to the approval of any final subdivision plat or development plan unless a performance guarantee is provided to the administrator in accordance with city Code, this ordinance, and procedures established by the administrator. Sewer and water infrastructure shall be installed by the developer and dedicated to the city prior to the issuance of any Certificates of Occupancy for any building within that phase or along that line, as applicable to the particular development.
- ~~F. — Tap fee waivers for eligible affordable and workforce housing projects. The city is allowed to issue tap fee waivers for eligible affordable rental housing and workforce rental housing projects within the city to facilitate the construction of dwellings units at these income levels. Projects are eligible if the developer agrees to provide housing exclusively for persons of low-income or moderate to middle income, respectively, for a minimum of five years beginning from the date of issuance of the certificate of occupancy.~~
- ~~1. — System development fees shall not be eligible for the waiver.~~

- 89 ~~2. The waiver must be signed by the city manager, at the recommendation of the zoning~~
90 ~~administrator, and the developer with written agreement to these conditions. The~~
91 ~~dwelling shall be fully constructed within 18 months of the date of waiver of the fees.~~
- 92 ~~3. In the event the guarantee is violated, the developer shall reimburse the city of the full~~
93 ~~amount waived plus interest at 18 percent per annum plus costs of recovering this sum.~~
- 94 ~~4. The total available waiver amount is established each fiscal year as part of the city's~~
95 ~~annual budgeting process. The funds for this amount shall not come from the utility~~
96 ~~budget. Eligible properties are able to have 100 percent of their tap fees waived, unless~~
97 ~~the total cost is greater than the remaining annual budget.~~
- 98

City of Brevard Housing Trust Fund Bylaws

Amended **March** 2023

ARTICLE I: PURPOSE AND DEFINITIONS

I. Purpose

Affordable and workforce housing have been recognized as a substantial need for residents of Brevard and the surrounding area. In an effort to promote increased development and retention of affordable housing within its corporate jurisdiction, the City of Brevard has established the Housing Trust Fund. The Housing Trust Fund serves as a flexible source of funding that can be used to support a variety affordable housing activities and initiatives.

II. Definitions

- 1) **"Affordability"** shall be defined as housing where total costs do not exceed 30% of household income.
 - a) For Homeowners, total housing costs include principal, interest, taxes and insurances.
 - b) For Renters, total housing costs include rent and utilities.
- 2) **"Area Median Income"** (AMI) shall be defined as United States Department of Housing and Urban Development (HUD)'s annual assessment of median family income for Transylvania County.
- 3) **"Low income"** (LI) shall be defined as households, adjusted for family size, making up to 60% of AMI, per North Carolina General Statute § 157-3.
- 4) **"Low/moderate income"** (LMI) shall be defined as households, adjusted for family size, making up to 80% of AMI.
- 5) **"Affordable Housing"** shall be defined as housing that costs no more than 30% of the total income for residents making 80% or less of AMI as defined by HUD.
- 6) **"Workforce Housing"** shall be defined as housing that costs no more than 30% of the total income for residents making between 80% and 120% of AMI as defined by HUD.

ARTICLE 2: GOVERNANCE AND MEMBERSHIP

I. Housing Committee

The Housing Committee shall be the Policy Committee guiding housing-related activities being undertaken by the City of Brevard and serve as the Governing Board for the Housing Trust Fund. The responsibilities and duties of the Committee area as follows:

- 1) To review and make recommendations to Brevard City Council concerning new or reviewed policies and ordinances related to the City's adopted housing priorities, as set forth within the City of Brevard Comprehensive Land Use Plan and other plans, policies, resolutions, and ordinances adopted by City Council;
- 2) To review funding requests and applications and make recommendations to Brevard City Council concerning new and make recommendations for review Housing Trust Fund funding requests
- 3) To consult with the Application Review Sub-Committee, established herein, when necessary;
- 4) To manage the fund balance and ensure requirements and restrictions for specific funding sources are met;
- 5) To annually review the City's housing-related goals, data, and other progress indicators, and to make recommendations to prioritize or adjust activities based on such review; and
- 6) To identify and research affordable and workforce housing trends and issues.

The Committee will meet monthly to discuss affordable housing projects and initiatives and conduct any business. Additional meetings may be scheduled at the discretion of the Committee.

The Committee shall be comprised of two members of City Council, as appointed by the Mayor in consultation with the full Council, and one citizen member appointed by the City Council for a two-year term. The citizen member shall be a resident of the City of Brevard. City staff shall serve as non-voting liaisons for the Committee. Staff will not count towards quorum calculations.

II. Application Review Sub-Committee

The Application Review Sub-Committee may be an advisory group to the Housing Committee established to review funding applications and consult with the Housing Committee upon request.

Typically, the Sub-Committee will attend a meeting of the Housing Committee following a formal application cycle to participate in the review and discussion of applications received. The Housing Committee is ultimately responsible for recommending funding decisions to City Council, with input from the Sub-Committee. The Housing Committee may invite the Sub-Committee to additional meetings as necessary.

The Sub-Committee shall be comprised of up to eight community representatives, appointed by the Housing Committee. To the extent possible, appointed community representatives shall represent a variety of groups related to affordable housing and development, such as LMI residents, real estate developers, housing finance experts, homelessness service providers, and community leaders/advocates. Furthermore, the Sub-Committee should reflect the diverse composition of Brevard's community by race, ethnicity, gender and age, to the extent possible.

ARTICLE 3: FUNDING AND ELIGIBILITY

I. Funding Sources

The City of Brevard Housing Trust Fund may include, but not limited to, the following sources:

- 1) Community Development Block Grant (CDBG) loan repayments from developers of affordable housing. Only CDBG eligible activities, benefitting a majority of individuals whose income is below 80% of the median for Transylvania County, will be eligible for use with Housing Trust Fund monies accrued in this manner.
- 2) Funding created through appropriations from City Council's general fund as is deemed appropriate to assist with the development of affordable housing in Brevard.
- 3) Other funds, including grants, donations, loans, and principal and interest payments on funds received by previous funding recipients.

II. Eligible Applicants

The following are the eligible applicants for receiving awards from the Housing Trust Fund:

- 1) For-profit developers of affordable housing
- 2) Non-profit developers of affordable housing
- 3) Income-eligible homeowners
- 4) Income-eligible renters
- 5) Non-profit providers of homeowner/homebuyer education and resources
- 6) Non-profit providers of homelessness and supportive services
- 7) City of Brevard

The applicant must be the owner of the property or be under-contract/option to purchase the property, except the income-eligible renters applying for rental assistance. The property must be current on all applicable taxes and fees.

Developers of mixed-income housing projects may be eligible for funding if at least 20% of the total units are set-aside for low-income persons, in accordance with North Carolina General Statute §157-3.

The City of Brevard shall be eligible to use funding for programmatic expenses. Administrative costs are not eligible for funding.

III. Eligible Beneficiaries

In order to qualify for funding through the Housing Trust Fund, all of the following criteria must be met by the beneficiaries of the affordable housing project:

- 1) Beneficiaries must be a resident (current or future) of the City of Brevard.
- 2) Beneficiaries must have a gross income of 80% of AMI or less for homeowners and 60% of AMI and below for renters (unless otherwise specified).
- 3) The affordable building or unit that is subject to program funding must be dedicated to beneficiaries at the designated income level for a minimum of 15 years.

In accordance with North Carolina General Statute §157-29, all subsidy must flow directly to the income-eligible household. Funds granted to developers (nonprofit or for-profit) may not be diverted for other purposes.

IV. Eligible Activities

The following activities are eligible for assistance through the Housing Trust Fund:

- 1) Developer Gap Financing
 - Loans or grants to developers for the installation of public infrastructure to facilitate the development of affordable housing, as defined herein.
 - Loans or grants to developers to purchase or prepare land to facilitate the development of affordable housing.
 - Loans or grants to developers to assist in the conversion of existing non-residential buildings into affordable housing.
- 2) Homeowner Assistance
 - Loans/grants to income eligible homeowners for housing repairs.
 - Loans/grants to income eligible homeowners for down payment assistance or other upfront costs associated with closing on a house.
- 3) Renter Assistance
 - Loans/grants to income eligible renter households for security deposits or other upfront costs associated with signing rental leases.
- 4) Critical Housing Repairs
 - Grants to income-eligible homeowners for emergency (health and safety related) housing repairs, which may include weatherization.
 - Loans to developers to assist with the rehabilitation of existing substandard multi-family housing units and their conversion to affordable housing.
- 5) Other Projects
 - Acquisition of land to be used for the creation of affordable housing in instances where the City is a project partner.
 - Acquisition of vacant housing for rehabilitation and resale as affordable housing.

- Pre-development costs (such as feasibility studies, surveys, appraisals, land options, and preparation of an application) for projects to be developed for the creation of affordable housing.
- Grants for land trust projects that guarantee long-term affordability of a property through 99-year renewal ground leases or for maintenance of land trust housing stock.
- Clearance of blighted properties.
- Homeless services and assistance.
- Public utility improvements in predominately LMI areas.
- Public street, sidewalk, and other infrastructure improvements in predominately LMI areas.
- Programs to assist and educate LMI homeowners and homebuyers.
- Seeking out and implementing solutions for affordable and workforce housing in Brevard.

ARTICLE 4: PROCESS AND PROCEDURES

I. Application Process

The Housing Trust Fund shall have two application cycles throughout the year for local funds. The primary application cycle shall commence in fall, and the secondary cycle shall be in the spring. Funding is based on the availability of funds. Only as many funding cycles will be completed as necessary to use the available funds.

II. Approval Process

City of Brevard reserves the right to act as sole judge of the content of the applications submitted and may at its sole discretion, reject any or all applications.

Applications may not be considered if:

- The project does not align with the eligibility criteria.
- The applicant has demonstrated poor past performance in carrying out projects or complying with funding guidelines.
- The applicant fails to provide required information.
- The application is received after the deadline.

Based on initial staff review, compliance with procedures outlined in the Housing Trust Fund Program Guidebook, and availability of funds, the Housing Committee will forward a recommendation of funding allocations to City Council for approval. In some instances, an option of the requested grant or loan amount may be offered to the applicant.

In certain instances where an emergency housing repair is needed immediately to protect the health and safety of a resident or the general public or ensure the structural integrity of the dwelling unit, the City Manager may approve a grant or loan for repairs after staff has determined eligibility, not to exceed \$5,000 or 5% of the existing fund amount, whichever is lower. Local funds shall be the only eligible funding source.

III. Amendments & Administrative Procedures

The City of Brevard considers the financial status of the Housing Trust Fund during the annual budget cycle. City Council is responsible for overseeing the use and financial status of the Housing Trust Fund.

The City of Brevard Housing Trust Fund may be amended at any time through a majority vote of City Council. Council may not amend the Housing Trust Fund in a manner that would cause CDBG loan repayments to be expended for ineligible activities under CDBG program guidelines and requirements.

The Housing Committee is authorized and directed to establish such forms, procedures, guidelines and requirements as are necessary for the administration of this Housing Trust Fund. The Housing Committee, with assistance from City staff, will recommend policy changes to the City Council each year on an as-needed basis.

ARTICLE 5: MISCELLANEOUS PROVISIONS

I. Fair Housing requirements

The City of Brevard promotes Fair Housing principals that prohibit discrimination in housing based on race, age, gender, religion, national origin, disability or familial status. Developments assisted with Housing Trust Fund money will be required to abide by these principals.

COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS

NCGS 160D-605 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

2015 Comprehensive Plan:

POLICY 2.2.H: Provide financial incentives to encourage additional affordable and workforce housing development.

POLICY 4.2.E: Collaborate with partners to increase the amount of available affordable and workforce housing, and to combat homelessness.

2002 Land Use Plan:

Goal 6.1: Provide adequate and appropriate rental housing for the various socio-economic groups.

Goal 6.2: Provide safe, adequate, and affordable housing for families within the City limits.

Focus 2020 Community Report:

Housing & Neighborhoods Rental Goal: To provide adequate and appropriate rental housing for the various socio-economic groups.

Housing & Neighborhoods Homeownership Goal: To provide safe, adequate, and affordable housing for families within the City limits.

STAFF REPORT

Planning Board, Tuesday, February 28, 2023

Title: Continuation of Text Amendment TXT-22-006 Steep Slopes

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

Approved by: Paul Ray, Planning Director

Background

The City of Brevard is endowed with a diverse and dynamic topography that defines its character as a mountain town nestled within the Blue Ridge Mountains. Development regulations for steep slopes are a critical tool in ensuring this identity is protected for future generations of Brevardians.

The steep slope ordinance has been discussed many times in the past few years, especially as infill residential development becomes more of a priority. Revisions have been presented to Planning Board and City Council most recently in the fall of 2022. Staff shared relatively minor changes that changed the review process, added the stipulation that the measurement be conducted for the area of disturbance, and removed the prescriptive density requirements in Conditional Zoning Districts. The text amendment (included as Attachment 1) was intended to clarify language around steep slopes in advance of broader changes in the coming months. Planning Board unanimously recommended approval of the text amendment to City Council. During their discussion on October 17th, multiple members of City Council expressed an interest in seeing a fully revised version of Section 6.4 – Steep Slope Area Requirements – instead of small revisions.

Discussion

Staff will facilitate a work session with Planning Board to establish priorities for steep slope development regulations and protections. During this discussion, Staff will share lessons learned from researching other Western North Carolina municipalities, conduct a mapping exercise, discuss various diagrams and illustrations, and evaluate the viability of potential solutions.

Policy Analysis

The 2015 Comprehensive Plan specifically describes mountain and slope protection and preservation in the *Environmental Health Element*:

- **OBJECTIVE 3.1:** *Preservation of surrounding natural assets of mountains, farmlands, woods, and water for future generations.*
 - **POLICY 3.1.A:** *Continue using land development regulations and incentives to steer future development away from environmentally sensitive areas such as steep slopes and floodplains.*

The *Building Brevard 2030 Comprehensive Land Use Plan*, currently being vetted by City Council calls for refinements to the zoning standards to facilitate infill development that is safe and does not compromise the natural character of these areas:

- **GOAL 2:** *Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.*
 - **LUH-4:** *Identify areas across the City that are best positioned to accommodate future growth.*
 - **LUH-9:** *Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*
 - **LUH-24:** *Refine zoning districts and slope regulations in constrained areas*

- **GOAL 5:** *Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.*
 - **PNRC-10:** *Preserve steep slopes and natural areas adjacent to Pisgah Forest.*

Recommendation

No action requested at this time, as this is intended to be an informal work session.

Attachments:

1. Steep Slopes Ordinance Revisions Presented to City Council on October 17, 2022

6.4. Steep slope area requirements.

In accordance with G.S. 160D-703(d), the provisions contained in this section shall apply to all areas within the planning jurisdiction of the City of Brevard that are classified as "steep slope areas". These provisions do not limit or negate the effect of other provisions of this ordinance which may apply to steep slope areas.

- A. Applicability: "Steep slope" areas are defined as those areas with a slope of 15 percent ~~or greater to~~ 24 percent. "Extremely steep slope" areas are defined as those areas with a slope of 25 percent or greater. The provisions in this section are intended to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the community. This section shall apply to any subdivision plat, land-disturbing activity, building permit, or any other development proposal on a property where any portion of the parcel contains a "steep slope" and/or an "extremely steep slope."
- B. Determining slope: Slope shall be determined in accordance with the methods and procedures contained herein.
1. Prior to commencing any development or land-disturbing activity and prior to issuing any permits and/or other approvals, the calculated slope for the area of disturbance shall be approved by the Planning Department. Incidental improvements to existing structures and interior renovations are exempt from this requirement.
 2. Calculations and supporting documentation shall be submitted to the Planning Department for review prior to or in conjunction with the applicable submittals. The Zoning Administrator shall: (a) request additional information; (b) request revisions to the slope calculation submittal; or (c) issue written concurrence with the determination of slope, as submitted.
 - ~~1.3.~~ Slope shall be determined by measuring the change in height for every 100 feet of horizontal distance. For example, a change in elevation of 15 feet over a horizontal distance of 100 feet equals a 15 percent slope. ~~Alternatively, S~~ slope may be determined by means of commonly accepted slope Geographic Information System modeling software using commonly accepted topographical baseline data produced by the United States Government, the State of North Carolina, Transylvania County, or the City of Brevard.
 4. Each slope calculation and supporting documentation submitted to the Planning Department for review shall include a scaled map, accurately showing (a) topography for the entire land tract, (b) a closed perimeter line delineating the area proposed for any type(s) of land-disturbing activity, and (c) the deeded land tract boundary.
 - ~~2.5.~~ General standards: Slope shall be rounded to the nearest whole number and noted in increments of less than 15 percent, 15—24 percent, or 25 percent or greater on all development plans required by this ordinance.
- C. ~~Pre-existing lots~~ Conditions for development: The approving authority shall have the right to impose such conditions as are necessary to ensure safe construction within the steep slope or extremely steep slope areas as authorized under the provisions of this section ~~of pre-existing lots~~ when, because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or because of the special nature and character of surrounding development, the minimum standards set forth within this ordinance would not reasonably protect the public health, safety, or welfare.
1. Such conditions shall be reasonable and shall be limited to the minimum additional improvements necessary to protect the public health, safety or welfare. Such conditions may, without limitation, pertain to the following:
 - a. The retention and planting of vegetation;

- b. Sedimentation and erosion controls;
 - c. Cut and fill slope design and stabilization;
 - d. The degree of land disturbance; and
 - e. The location, form and design of proposed structures and driveways so as to minimize land disturbance and ensure structural integrity.
 - f. The location, form and design of subdivision lots, streets, and public utilities, so as to minimize land disturbance and ensure structural integrity.
2. The approving authority may reduce the required setbacks by up to 20 percent of the required distance in order to facilitate compliance with this section.
- ~~3. Only one principal structure shall be permitted within preexisting lots containing steep slope areas unless all proposed principal structures can be constructed on portions of the lot not considered to be a steep slope area and still conform to all other requirements of this ordinance.~~
- D. *Development projects ~~approved subsequent to the enactment of this ordinance~~ with steep slope and/or extremely steep slope areas:*
- 1. It is strongly encouraged that any proposed development project and/or subdivision containing extensive steep slope areas be considered in accordance with the procedures for conditional zoning districts, which process allows for creative designs that may enhance development potential while achieving the steep slope protection requirements of this section.
 - ~~2. The approving authority shall have the right to impose such conditions as are necessary to ensure safe construction within the steep slope area of pre-existing lots when, because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or because of the special nature and character of surrounding development, the minimum standards set forth within this ordinance would not reasonably protect the public health, safety, or welfare.~~
 - ~~3. Such conditions shall be reasonable and shall be limited to the minimum additional improvements necessary to protect the public health, safety or welfare. Such conditions may, without limitation, pertain to the following:~~
 - ~~a. The retention and planting of vegetation;~~
 - ~~b. Sedimentation and erosion controls;~~
 - ~~c. Cut and fill slope design and stabilization;~~
 - ~~d. The degree of land disturbance;~~
 - ~~e. The location, form and design of proposed structures and driveways so as to minimize land disturbance and ensure structural integrity; and~~
 - ~~f. The location, form and design of subdivision lots, streets, and public utilities, so as to minimize land disturbance and ensure structural integrity.~~
 - ~~42. Extremely s~~Steep slope areas ~~with an average slope of 25 percent or greater~~ shall be delineated upon all final development plans and plats and shall be noted as protection areas for which no development shall be permitted. These areas shall be off-limits to all development or land disturbances of any kind whatsoever and shall be maintained in a naturally vegetated state, except that forest management in accordance with the provisions set forth in this ordinance may be permitted.
 - ~~53.~~ The applicant may transfer development potential from ~~protected extremely~~ steep slope areas described ~~in section 6.4(D(4))~~ herein to other areas of the project not set aside from

development. Such transferred development potential shall be calculated at a ratio of one dwelling unit for every ~~three~~ acres.

- ~~64.~~ City council may make such minimal allowances as are necessary in order to allow development on extremely steep slopes ~~25 percent or greater~~ when ~~Section 6.4(D(4)) this section would render the property unusable due to the absence of meaningful developable area with slopes less than 25 percent. In such situations council may,~~ by means of a conditional zoning district, ~~permit development on slopes 25 percent or greater at a maximum average density of one dwelling unit for every three acres.~~ Council ~~shall~~ may require the clustering of structures and impose any other necessary condition upon the design of the development in order to minimize impacts and uphold the intent of this section.