

**Town of Weaverville  
Planning Board  
Meeting Minutes – Tuesday, December 5, 2023**

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, December 5, 2023.

Present: Chair Bob Pace, Vice Chair Jane Kelley and Board Member Mark Endries, and alternate member Ryan Gagliardi attended as a voting member. Town Manager Selena Coffey, Town Attorney Jennifer Jackson, and Planning Director James Eller, and Town Clerk Tamara Mercer.

Absent: Donna Mann Belt, Stephanie Pupkiewicz Busch, and Michelle Rippon.

**1. Call to order Chairman Pace**

Chairman Pace recognized Ryan Gagliardi as a voting member.

**2. Adoption of Agenda**

*Chairman Pace declared the agenda approved without objection.*

**3. Adoption of 2024 Meeting Schedule Calendar**

*Chairman Pace declared the 2024 Planning Board meeting schedule approved without objection.*

**4. Approval of the Regular Meeting Minutes October 3, 2023**

*Mr. Gagliardi moved to approve the minutes of October 3, 2023, as presented. 4-0 Carried unanimously.*

**5. Fee in Lieu of Sidewalk Construction**

Planning Director Eller reviewed a proposed fee in lieu sidewalk program.

Mr. Eller explained the sidewalk waiver procedure if a project cannot include sidewalks or if adding a sidewalk does not add any connectivity. Currently a project developer would apply to the Board of Adjustment to be granted a waiver in order to not build a sidewalk and may be granted if the new sidewalk construction would not have meaningfully added to the pedestrian network. The current waiver process does not generate revenue to add to the sidewalk network in other locations. The fee in lieu program would allow the Town to collect funds for construction of sidewalks to add to the pedestrian sidewalk system and was recommended in the Active Weaverville Bike/Ped Plan.

Amendments to Chapter 20 are necessary to add the new provisions to implement the fee in lieu of sidewalks and to remove the sidewalk waiver language currently in the code. The approval process as presented involves a staff level review and Town Council's review and approval, but no Planning Board or Board of Adjustment review or approval.

There was a question-and-answer period regarding zoning and permitting, measuring standards, civil engineer costs and calculations, price per the standard for linear footage, and Public Works procedures and fee charges.

Mr. Eller indicated that some additional language needs to be struck from Code Section 2-165 to remove sidewalk waivers from the Board of Adjustment duties, as well as what was presented in the packet.

*Ms. Kelley moved to recommend the Code Amendments as amended to implement the Fee in Lieu of Sidewalk Construction program with favorable findings as it is reasonable and consistent with the Comprehensive Land Use Plan. Carried unanimously 4-0*

## **6. Conservation Subdivision**

Planning Director Eller presented the proposed conservation subdivision ordinance to enact regulations concerning open space, greenway dedication and conservation measures consistent with the Comprehensive Land Use Plan (CLUP). Chairman Pace noted that the tree preservation topic would be addressed separately at another meeting.

Mr. Eller reviewed the timeline and deliberations for implementing a conservation subdivision concept into the language of code requirements. He explained zoning districts, density, setbacks, dwelling placement, and incentives that recognize these open spaces to include additional conservation requirements.

There was a question-and answer period regarding the permitting process, minor and major subdivision definitions, to which Mr. Eller clarified that the proposed language for a conservation subdivision would only apply to major subdivisions over a certain number of lots. Deliberations continued regarding density, acreage, subdivision review procedures, zoning and open space criteria and to lower the threshold to meet the criteria for open space conservation.

In response to Ms. Kelley's inquiry, Mr. Eller agreed that staff can lower the threshold, as this can be adjusted. He said the last single-family home subdivision included 21 lots. For example, 300 Hamburg Mountain Road will be a 35-lot subdivision, if these regulations could be in place, Mr. Eller said we can encourage conservation within the code adding greater open space requirements. There was a general consensus of the Planning Board members to lower the criteria of the lot requirements. Attorney Jackson reviewed the proposed language, noting that it could be lowered to 25-lots.

Mr. Endries had several concerns and suggestions to revise the definitions for "primary conservation areas" and "secondary conservation areas". Mr. Endries questioned the 'farmland' definition as intensive farmland use can be disruptive to aquatic stream and creek systems due to fertilizers and pesticides. He suggested either striking the farmland provision or editing it to just pastures, meadows and organic non-herbicide farming for conservation subdivisions to meet the open space goals.

Primary and Secondary Conservation Areas were discussed further by Mr. Eller who explained the requirements for floodplain areas, slopes and grades.

Attorney Jackson said Staff will include the definition for passive recreation and active recreation in Sec. 20-1202 and use the NC State University "Conservation Subdivision Handbook" as a guide for those added definitions.

There was a discussion regarding accessibility of open space areas and whether a developer allows frontage to the recreation areas or open space areas and whether it should be mandated. It was suggested that sections 20-2309 (4) & (5) should be combined.

Chairman Pace reviewed and restated the proposed revisions as follows: (1) modify the threshold from 30 lots to 25 lots under Conservation Subdivision standards, (2) add "active recreation" and "passive recreation" definitions, (3) eliminate Sec. 20-2309 (a) (7) and 20-2309(a)(4); and (4) modify the definition of "conservation area, primary" to include #2 and #4 from secondary, move #3 from primary to secondary, and combine the provisions regarding slope within the "conservation area, secondary" definition.

*Mr. Endries made a motion to recommend the Code Amendments to implement the conservation subdivision provisions with amendments as revised and to adopt finding that the revised amendments are consistent with the Comprehensive Land Use Plan and reasonable. Carried 4-0 Unanimously.*

## **7. Facilitated Listening Session: Let's Talk About Short-term Rentals**

Chairman Pace stated at 6:50 p.m., the Planning Board would take a five-minute recess after which, Ms. Kayla DeCristina, Land of Sky Regional Council Planner, would facilitate a listening session on the topic of Short-term Rentals. At 7:00 p.m. Ms. DeCristina reviewed statistics and demographics of short-term rentals in the Weaverville jurisdiction.

As of November 2023, per Jon Beck, Land of Sky Regional Council's GIS Manager, there are 85 active short-term rentals (i.e. live listings) within the Town of Weaverville municipal boundary. 91.76% of the listings are for the entire home/apartment, 7.06% are for private rooms, and 1.18% are for hotel rooms stated Ms. DeCristina.

Ms. DeCristina reviewed the definition of a short-term rental which is typically under 30-day stays but can be less than 6-months as well as whole-house versus private rooms rentals. There was approximately one hour listening session wherein citizens commented on and discussed their experiences with short-term rentals both as homeowners who rent short-term rentals and homeowners who live in close proximity to short-term rentals.

## **8. Adjournment.**

Without objection Chairman Pace adjourned the Planning Board meeting at 8:05 p.m.

ATTEST:



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Tamara Mercer, Town Clerk