

MEETING MINUTES

Board Members Present

Chairperson Patrizia Hoffman
Member Dylan Dechant
Member Barbara Lamb
Member Theresa Stoker

Member Jeff Angel
Member Jay Grimmett
Member Jim McAllister

Board Members Absent

None

Town Staff Present

Adrienne Isenhower, Planning Director

Ryan Vinson, Town Clerk / HR Analyst

Chairperson Hoffman called the meeting to order at 6:07 pm.

A. Approval of the Agenda

Member McAllister made a motion to approve the agenda. Member Stoker seconded the motion, which passed unanimously, 7-0.

B. Public Forum – Is the Public Hearing in New Business #1

Attorney Sam Craig introduced himself as Council that had been retained by the Town to assist the Planning & Zoning Board of Adjustment (PZBOA). Mr. Craig introduced himself, shared his background and experience, and that he was here to assist the PZBOA through this situation and make a recommendation to the Board of Commissioners on the 2021 Draft Comprehensive Plan. Mr. Craig referenced a letter that had been circulated articulating four (4) points that were either incorrect or mostly incorrect and said he would address the four (4) points made. He said we are here tonight for a special meeting of the PBZOA to review a proposed comprehensive plan. The purposed of this meeting is to review the plan and make a recommendation to the Board of Commissioners and the recommendation is solely in an advisory capacity. The Commissioners can take every word said and agree with it and accept your recommendation or they can reject your recommendation. Either way, this board did what they were tasked with doing – making a recommendation on the proposed Comprehensive Plan.

He went on to say that there were several procedural issues with how the Town of Woodfin approved the ordinances changes, in conjunction with the required 160-D updates back in May 2021. First, the 2008 comprehensive plan was never actually passed or adopted. A draft comprehensive plan was put together by a consultant and presented to Board of Commissioners in 2009. The Board of Commissioners wanted to look closer at the draft and did not take any action at that meeting. However, they never brought it back up to vote on or if they did, there's no record of it.

The Town has not changed many ordinances, but those changes they have done reference the 2008 comprehensive plan that the Town thought they had adopted. NC GS 160-D puts new requirements on local governments. Part of that is saying that any ordinance changes have to be consistent with their comprehensive plan. The ordinance changes the Town made on May 18 were not done following the strict protocol that was needed. Therefore, those ordinances are void ab initio, meaning it is like it never

happened and those changes were never made. Therefore, the PZBOA is no longer split into two boards (Planning Board and Board of Adjustment) and they were consolidated back into the PZBOA.

The changes to 160-D also state that municipalities have to have a comprehensive plan in place by July 2022. However, it is not good practice in zoning and you have nothing to zone on without the plan. This step in the process does not require a Public Hearing, but in order to get public feedback and input, we are having a Public Hearing tonight. There are items in 160-D-501 that are required for a comprehensive plan and then things that should be included. The proposed 2021 comprehensive plan mainly deals with must have items from 160-D. The Commissioners have allotted \$75,000 this fiscal year to hire a consultant to put together a comprehensive plan. The one before you is a stop gap measure until then. Section A1 sets forth goals, plans, etc. to set forth development for jurisdiction and it is purposely vague to give municipalities flexibility. The proposed comprehensive plan meet basic needs of the Town until new plan in place. The proposed 2021 plan is based on the 2008 plan with some modifications, such as removing fluffy language, copy/paste goals, objectives, and strategies. We took out references from 2008 plan that were irrelevant and commentary that were not necessary.

In reference to other edits with the 2008 plan, the planning area was outside jurisdictions of the Town, some of those areas have been annexed and are now part of the Town limits. But it is not about the planning area, only the jurisdiction limits as required by statute. Also, the housing section and public utilities section have been removed from plan. The rationale is that it is a requirement to provide utilities and the housing plan leaned heavy towards 2008 data so, it was removed as the needs then are not the needs now. The Town Administrator requested to have housing added back. The appendix includes some already passed plans (2011 bikeways, greenways, sidewalk, 2019 P&R plan, landscape plan) and have been adopted. Some other adopted plans have been incorporated into ordinances changes. We checked to make sure plans do not conflict with one another. The proposed plan gives the Town operational ability until a new plan is in place. This plan also gets the Town through a mess that needs to be addressed and fixed.

Sam Craig: Requires: What if there is no plan in place by 07/22?

Sam Craig: Requires plan be adopted by local government to make changes to ordinances and possibly enforce certain zoning laws. You cannot make ordinance changes without a comprehensive plan.

Sam Craig: What about variances and others passed since May?

Sam Craig: Those are not relevant to tonight's meeting.

Member McAllister: Have there been any thoughts on land use plan?

Planning Director Isenhower: Since we have to have a comprehensive plan by 07/22, we are already on this path, and it includes land use. Having just a Land Use plan does not help with being able to zone.

Planning Director Isenhower: A PowerPoint went out this afternoon that showed difference between 2008 and 2021 comprehensive plans.

Sam Craig: With regards to the procedural issues, there are specific way motions are adopted and how public hearings are done. A Public Hearing is somewhat formal and where citizen can voice feedback to you,

C. New Business

1. Public Hearing – Consideration of proposed Comprehensive Plan

- i. Chairperson Hoffman read the following statement:

1. Speakers should state their name and give their home address prior to beginning your comments
 2. Speakers are limited to comments about the proposed document title "Town of Woodfin Comprehensive Plan 2021."
 - a. Comments can include references to the 2008 Comprehensive Plan, conceptual comprehensive plans, and North Carolina General Statute 160D-51.
 - b. Comments are not allowed regarding topics not related to the comprehensive plan, or specific projects or applications.
 3. Speakers who stray from the topic will be given ONE warning to restrict their comments to the specified topic. Upon subsequent violation of that restriction, the speaker forfeits any remainder of their allotted time.
 4. Individual speakers are limited to THREE MINUTES per person
 5. Group representative speakers are limited to FIVE MINUTES per person
 - a. A group representative must specify the identity the group of persons CURRENTLY PRESENT AT THIS MEETING that that person represents and have written authority from those persons that that person represents those persons.
 6. Speakers will be provided visual cues of the time remaining in their allotted time
 7. Speakers will be instructed to stop immediately upon the end of their allotted time, even if they have not completed their thought. This assures fairness for all speakers, with no preference to any speaker.
 8. The Public Hearing will last UP TO ONE HOUR
 - a. Anyone not reached in that time period is welcome to attend the public hearing that will be held on this same topic by the Town's Board of Commissioners.
 - b. The last speaker for the Public Hearing will be the speaker whose time begins prior to the end of the one hour period.
- ii. Chairperson Hoffman said I now open the Public Hearing on the topic of the Town of Woodfin Comprehensive Plan 2021 at 7:19 pm. The Public Hearing will end at 8:19 pm close at 7:55 pm

Vanessa King: I appreciate legalities from Attorney Craig and that you do not need to submit a comprehensive plan until 07/22, and that you can still approve 2008 plan and should not take out housing. I am a consultant for 98 municipalities in the southeast. I know about comprehensive plans, and it takes about 18 months. It should include community involvement. Surrounding municipalities are taking on average 18-24 months. This is about serving public and hearing/meeting their needs.

Karalyn Streit: I echo everything Vanessa said, there is no need to push this plan through so fast. Take time to listen to community and take everything into consideration - population, development, citizen needs taken into consideration, need to be heard and respected.

Ron Larson: I feel degraded about what was said earlier to those of us in attendance. The vision of parks needs to be honored and beauty of areas on around the French Broad River – honor them.

Linda Larson: The plan shouldn't be discussed in just legal jargon, but there's a big difference between 2008 and 2021, both with changes locally and globally. Nobody can review this document in 20 minutes given that is so important. Respect timeline, ask questions, get it done right, be mindful.

Galen Wilcox: Back in 2008 when the plan was originally made, it was during economic collapse, now we are growing at unprecedented level. The focus before was getting the Town to grow, now the Town will grow, challenge now is growing smart, wisely.

Robert McGee: Woodfin is a place where people care about other people, environment, hence the motto "Where Community Matters." We're here because of attorney's fees paid for by community donations. If community does matter, prove it tonight and listen to us.

Hazel Thornton: There is no way the Planning & Zoning Board of Adjustment is prepared to offer its opinion on this plan. There has not been enough time to read it and study it and be secure of the decision. This is unethical as I do not feel it is too much to you ask you to do this and take your time reviewing the plan.

Traci DiBlasio: You cannot rush through this, this is why we are back to where we started, you rushed process. WE knew in June there was no comprehensive plan. So now, due your due diligence. Let the Commissioners take responsibility and have their names on it. Say no.

Ellen Brown: I volunteered to get involved and began noticing official meetings where boards aren't talking (at least in public), missed opportunities to talk through things, lack of leadership and due process and I am alarmed at the lack of cohesive leadership. Give some more thought on how to engage with public, plan more opportunities for dialogue, tone of directions for the public hearing was rude and unnecessary.

Diane Jones: Waived time.

Shelli Stanback: It is insulting to have all of us included when talking about that letter, we knew nothing about it. We are about your volunteerism, you have not had time to review comprehensive plan, I also understand that you're in a pickle. You cannot 100% understand plan, directions to us about the public hearing are insulting. We care, that's the bottom line and we do not want to see the comprehensive plan rushed.

Nathan Mueller: There are lot pieces of outdated data and information in comprehensive plan from 2008, and there was some copy/paste into new plan. Take the time to look at all of it, including stuff that was removed to see if it needed to be removed. I'm not sure how outdated some is or isn't. Look back at what we had and where we are now, and we need to have real discussions about this.

Glenda Overbeck: I agree with most of what's said. We need to have and go through the process to produce a well thought out document. Look at annexation - it is a mess. It should only be contiguous parcel. Why? Because developers see Woodfin has no steep slope ordinance (goal 3 under land use), add contiguous annexation and steep slope ordinance.

Jake LaRue: Take a deep breath and take your time. You have a commitment to serve community, consider all of us who live here when making plans and decisions. We are seeing and watching changes in Woodfin, and we are here because we care and love the community.

Marilla Trevesani: I have been here 10 years, and I stress the wording of old comprehensive plan as it enables predatory developers to take advantage of the Town and interpret rules to their benefit. Looking for sustainable growth, development, and to protect natural resources. Please take time and be conscious of wording with next developments.

Megan Gardner: I love our neighborhood, it is multi-generational, now threatened by a developer. I asked Asheville to help protect our neighborhood and they've not responded. Please help me and protect the community.

2. Recommendation to Board of Commissioners about Comprehensive Plan

Member Angel: I do not think we need to rush on this.

Member Grimmatt: I do not think a 2008 comprehensive plan is comparable for 2021. If we do not have to have something until 2022, do not rush it.

Member Dechant: I agree with what you've both said.

Chairperson Hoffman: I spoke with Sam about this plan earlier, and this is an INTERIM plan because we do not have one. There is \$75,000 set aside this year for a new plan for 07/22. Board of Commissioners may not take our recommendation if we say no this this proposed plan.

Member Grimmatt: Then, that is on them as that's their decision.

Member Stoker: I think this comprehensive plan could get us through so we can authorize planning and zoning changes until a new comprehensive plan is passed. We won't use this plan forever but allows us to continue to do business. This of this plan as a bridge – and I can live with that.

Member Lamb: We need a comprehensive plan in order to make decisions on how the Town grows, and there has not enough time to go over all of the proposed plan. I want to take my time to go through everything.

Member McAllister: I recommend that we do not adopt this plan as there has not been enough time to vet it, its lack of specifics, and I'm not convinced it meets requirements of 160-D 105 Section A-1.

Sam Craig: You cannot make ordinance changes without a comprehensive plan; however, it is unclear the impact of not having a plan, but it says if do not have a plan in place, you cannot enforce it. I am concerned with the uncertainty of not having a plan in place, it is a risk. You might not be able to enforce rules, including what's being talked about tonight.

Member Lamb: I would like to delay until September meeting so we can read through it.

Member McAllister: Can we ask the NC Legislature or Governor's Office for guidance, more opinions, and wait 30 days?

Chairperson Hoffman: We are kind of damned if we do, damned if we do not.

Member Grimmatt: I make motion to postpone decision to meeting next month in September.

Member McAllister: Can we postpone until October 1? Then we have more time that we can talk more between now and then and get more information on legality of not having comprehensive plan by 07/22.

Sam Craig: There is legal risk to the Town by not having a plan in place, I am concerned for the Town with no comp plan

Chairperson Hoffman: can we motion to reject it?

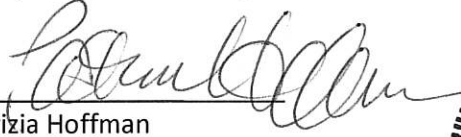
Sam Craig: Yes, you can make whatever recommendation you want to the Board of Commissioners.

Member Grimmatt: I restate my motion: I make motion to postpone a decision to meeting next month on September 7th. Member McAllister seconded the motion, which pass, 6-1. Member Stoker voted against the motion.

D. Adjournment

Member Stoker made a motion to adjourn the meeting. Member McAllister seconded the motion, which passed unanimously, 7-0.

Chairperson Hoffman adjourned the meeting at 8:19 pm.



Patrizia Hoffman
PZBOA Chairperson



Attest:
Ryan Vinson
Town Clerk