1. **Call to Order**

* Welcome
* Moment of Silence

1. **Agenda Adoption**
2. **Minutes Adoption**

* December 9, 2021 Meeting Minutes

1. **Organization of P&Z Commission**

Election of Officers

* + - Chairperson
    - Vice-Chairperson
    - Secretary

The Chair and Vice-Chair shall be a member of the Commission, but the Secretary may be an employee of the Town or a member of the Commission. (*P&Z Rules of Procedure, Rule 3, Organizational Meeting*)

Current Status of P&Z Commission members

* 1. Bill Scheu, Chairperson
  2. Dan Dean, Vice-Chairperson
  3. Mason Blake (appointed to town Board of Commissioners in Dec. 2021); **New Member needed, by Montreat Board of Commissioners (BOC) appointment**
  4. Wade Burns
  5. Alan Crawford (ETJ representative)

**NOTE:** See Sec. 308.1, below, and 160D-307 (pg. 2) regarding ETJ member residing in ETJ.

* 1. John Hinkle
  2. Sally Stansill (alternate member)
  3. Vacant alternate member; **New Member needed, by Montreat BOC appointment**

308 Planning and Zoning Commission.

308.1 COMPOSITION. The Planning and Zoning Commission (also referred to as the Planning Commission) shall be composed of seven members selected by the Board of Commissioners for matters within the Town of Montreat and for extra-territorial jurisdiction (ETJ) matters. The seven-member Planning Commission shall be composed of six members residing in the Town of Montreat, and **one member residing in the ETJ** of the Town of Montreat. Two alternate members who reside in the Town of Montreat shall also be selected by the Town Board of Commissioners. Members shall serve a term of three years. No member shall serve more than two consecutive terms. When a vacancy occurs on the Board for the member representing the ETJ, the Town shall notify the applicable Board of County Commissioners and request a nomination within ninety (90) days. The Town Board of Commissioners shall appoint the person who is so nominated; or if no nomination is made during that period, the Town Board of Commissioners shall fill the vacancy.

**Agenda cont. on following pages**

**§ 160D-307. Extraterritorial representation on boards.**

(a) Proportional Representation. – When a city elects to exercise extraterritorial powers under this Chapter, it shall provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. The population estimates for this calculation shall be updated no less frequently than after each decennial census. Representation shall be provided by **appointing at least one resident** of the entire extraterritorial planning and development regulation area to the planning board, board of adjustment, appearance commission, and the historic preservation commission if there are historic districts or designated landmarks in the extraterritorial area.

(b) Appointment. – Membership of joint municipal-county planning agencies or boards of adjustment may be appointed as agreed by counties and cities. The extraterritorial representatives on a city advisory board authorized by this Article shall be appointed by the board of county commissioners with jurisdiction over the area. The county shall make the appointments within 90 days following the receipt of a request from the city that the appointments be made. Once a city provides proportional representation, no power available to a city under this Chapter is ineffective in its extraterritorial area solely because county appointments have not yet been made. If there is an insufficient number of qualified residents of the extraterritorial area to meet membership requirements, the board of county commissioners may appoint as many other residents of the county as necessary to make up the requisite number. When the extraterritorial area extends into two or more counties, each board of county commissioners concerned shall appoint representatives from its portion of the area, as specified in the ordinance. If a board of county commissioners fails to make these appointments within 90 days after receiving a resolution from the city council requesting that they be made, the city council may make them.

(c) Voting Rights. – If the ordinance so provides, the outside representatives may have equal rights, privileges, and duties with the other members of the board to which they are appointed, regardless of whether the matters at issue arise within the city or within the extraterritorial area; otherwise, they shall function only with respect to matters within the extraterritorial area. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 8, 51(a), (b), (d).)

1. **2022 P&Z Meeting Schedule**
   * Regular Meetings on 2nd Thursday of each quarter, 10:30 a.m., or as needed

**Note:** Bill Scheu out of town Feb. 4 – March 7, 2022

* + Regular Meeting dates: April 14, July 14, October 13

1. **Overview of Topics and Priorities for 2022**

**Previously Completed Work in 2021**

* **Zoning Ordinance update** per NCGS 160D requirements and Town-initiated amendments (via P&Z) [posted to Town website as of Dec. 2021]
* **Well/septic vs. water/sewer language**, updated in Zoning and General Ordinances

[General Ordinances have been updated by Zoning Administrator; updated ordinance to be posted to Town website in Jan. 2022]

* **Revision of P&Z Rules of Procedure** [posted to Town website as of Dec. 2021]

**Agenda cont. on following pages**

**Topics/Priorities for 2022**

* **Montreat Stormwater Ordinance**

**(NOTE: This must be a priority for the Town, see NCDEQ violation notices and due dates below.)**

* + Town Council has moved to next fiscal year
  + Current MS4 permit (EPA/NCDEQ) expires February 19, 2022
  + Montreat is listed on the publicly posted MS4 audit list to receive an MS4 program compliance audit prior to July 1, 2022.

Current Violations

1. Montreat is currently in violation of permit condition Part V.A.11, Duty to Reapply.  A permit renewal application was due by August 23, 2021.  However, there is no permit renewal application on file.

1. Montreat is currently in violation of permit condition Part III.B, Program Assessment. There is no 2020 annual report on file.  In accordance with the permit, annual reports are due by February 20 of each year.  Additionally, in accordance with Part III.D, DEQ requested that the 2020 annual report be submitted by August 31, 2020.

Pending Violations on February 20, 2022

1. On February 20, 2022, Montreat will be in violation of permit condition Part III.B, Program Assessment.  To date, there is no 2021 annual report on file.  In accordance with the permit, annual reports are due by February 20 of each year.  Additionally, in accordance with Part III.D, DEQ requested that the 2020 annual report be submitted by August 31, 2020.

1. Montreat will be operating without a permit on February 20, 2022 as a result of the current violation of permit condition Part V.A.11, Duty to Reapply.
   * **P&Z Commission made recommendations 11/11/21 for:**
     + Formation of a **special committee**, outside of Planning & Zoning Commission, to review and update the Stormwater Ordinance. This special committee would consist of 6-8 members, including 1-2 P&Z members.
     + Moved to ask Town Council, by appropriate procurement methods, to engage a consultant to perform an audit of the Stormwater Ordinance.
     + **Recommendation:** Town Administrator and Board of Commissioners advised to inquire about Land of Sky Regional Council’s *Regional Stormwater Services Program*

<http://www.wncstormwater.org/pdf/Services.pdf>

**Agenda cont. on following pages**

* **Zoning Setbacks/Non-Conformities**
  + **New sub-committee?**
  + Zoning Administrator has proposed revisions to Setback and Non-Conformities sections of Zoning Ordinance since 2/4/21.
  + Focus:
    - Need to update ordinance sections related to setbacks for Context-Responsive Setbacks (eg. Need to simplify language of Sec. 609, Special Front Yard Requirements in Developed Areas; need Context-Responsive Setbacks for lots subject to well and septic-siting spatial requirements [i.e. 50’ from water source, 100’ from wellheads]
    - Need to update ordinance sections related to setbacks for clarity on

**Allowable Encroachments** within setbacks (i.e. steps, porches, decks, etc.)

* + - Need to update ordinance sections related to Non-Conformities for clarity on:
      * Allowable Encroachments
      * Definition and clarification of **“expansion” language** (i.e. vertical expansion (height, footprint of existing buildings/structures) vs. horizontal expansion in relation to setbacks
* **Montreat Sign Ordinance**
  + **Waiting for U.S. Supreme Court to finish?**
  + Sub-Committee assigned 12/9/21, Members: John Hinkle, Chair, Dan Dean, Sally Stansill, w/ assistance from Susan Taylor Rash, Montreat Town Attorney
  + Focus:
    - Content neutrality
    - Sign-type definitions (i.e. “political signs”, yard signs)
    - Awaiting U.S. Supreme Court outcomes of *City of Austin [TX] vs. Reagan National Outdoor Advertising*, following on *Reed vs. Town of Gilbert [AZ], 576 U.S. 155 (2015)*
* **Montreat Comprehensive Plan, 2022 Update**
  + **Working Committee approved;** P&Z to receive report(s) on Comp Plan in Summer 2022 (Mayor Helms is chair of committee)
  + Focus:
    - The current comp plan was adopted in 2008. Under State law, a “reasonably updated” comp plan (i.e. within last 5-10 years) must exist by July 1, 2022 in order for the Town to legally continue having zoning regulations.
* **Montreat Hillside Development Ordinance**
  + No current action proposed
  + Focus:
    - Current setback dimensions require more land disturbance, creating potential conflict w/ standards in Erosion and Sediment Control (ESC) and Stormwater Ordinances.

**Agenda cont. on following pages**

1. **Other Suggestions for Focus Topics from P&Z Commission members and Town Staff**
2. **Public Comment**
3. **Adjournment**