1. **Call to Order**

* Welcome
* Moment of Silence
* Swearing in of new P&Z members

1. **Agenda Adoption**

**Suggested Motion:** To adopt the meeting agenda as presented/amended

1. **Minutes Adoption**

* January 13, 2022 Meeting Minutes

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

Confirmation of Previous Election of P&Z Officers

* + - **Chairperson**: Bill Scheu (elected at 1/13/22 P&Z meeting)
    - **Vice-Chairperson**: John Hinkle (elected at 1/13/22 P&Z meeting)
    - **Secretary**: Angie Murphy, Montreat Town Clerk (reappointed at 1/13/22 P&Z meeting)

Current Status of Appointment of P&Z Members

* + - ETJ Member: current member is Alan Crawford, see second highlighted portion of 160D-307, below.

**NOTE:** Under NCGS 160D-307 (a), (b) the Town Clerk (Angie Murphy) has submitted a letter to the Buncombe County Board of Commissioners requesting that they reappoint Alan Crawford as the ETJ representative on the Montreat Planning & Zoning Commission.

* + - **Previously vacant Regular Town Member**: Julie Schell (appointed via Montreat BOC 1/13/22)
    - **Previously vacant Regular Town Member**: Liz Johnson (appointed via Montreat BOC 1/13/22)
    - **Previously vacant Alternate Town Member #2**: Jean David (appointed via Montreat BOC 2/10/22)

**§ 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.

1. **P&Z Topics & Priorities for 2022**
2. **Montreat Stormwater Ordinance**
   1. 11/11/21, Special Committee, outside of P&Z Commission, proposed by P&Z Commission; 6-8 members, w/ 1-2 P&Z members and the remainder assigned by BOC.
   2. Moved to ask Town Council, by appropriate procurement methods, to engage a consultant to perform an audit of the Stormwater Ordinance.
   3. Mary Roderick, Land of Sky Regional Council, working on MS4 permit compliance with NCDEQ
   4. Board of Commissioners have noted budget constraints which would push this into FY 2023?
3. **Zoning Ordinance Amendments – Research Sub-Committee**
   1. 1/13/22, the P&Z Commission created a Zoning Ordinance Research Sub-Committee to consider possible Zoning Ordinance amendments
   2. Sub-Committee Members
      1. Dan Dean, Chair
      2. Wade Burns
      3. Alan Crawford (subject to approval as ETJ member)
      4. Mason Blake, as Montreat Board of Commissioners (BOC) member
   3. Topics to be researched by Zoning Ordinance Research Sub-Committee
      1. **Zoning Setbacks/Non-Conformities**
      2. **Hillside Development Ordinance**
      3. **Montreat Sign Ordinance**
      4. **Montreat 2022 Comprehensive Plan** – periodic updates from Comp Plan Steering Committee to the P&Z Commission, as needed
   4. **Zoning Setbacks/Non-Conformities**
      1. Zoning Administrator has proposed revisions to Setback and Non-Conformities sections of Zoning Ordinance since 2/4/21.
      2. Focus:
         1. 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]

**Zoning Setbacks/Non-Conformities cont. on next page**

* + - 1. Need to update ordinance sections related to setbacks for clarity on

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

* + - 1. Need to update ordinance sections related to **Non-Conformities** for clarity on:
         1. **Allowable Encroachments**
         2. Definition and clarification of **“expansion” language** (i.e. vertical expansion (height, footprint of existing buildings/structures) vs. horizontal expansion in relation to setbacks
  1. **Montreat Zoning Ordinance – Fence standards (Sec. 618)**
     1. Discussion and clarification of current standards (requested by P&Z Chair)
  2. **Montreat Hillside Development Ordinance**
     1. No current action proposed
     2. Focus:

Current setback dimensions require more land disturbance, creating potential conflict w/ standards in Erosion and Sediment Control (ESC) and Stormwater Ordinances.

* 1. **Montreat Sign Ordinance**
     1. **Waiting for U.S. Supreme Court to finish?**
     2. Sub-Committee assigned 12/9/21, Members: John Hinkle, Chair, Dan Dean, Sally Stansill, w/ assistance from Susan Taylor Rash, Montreat Town Attorney
     3. Focus:
        1. Content neutrality
        2. Sign-type definitions (i.e. “political signs”, yard signs)

Discussion on issues related to “yard signs” (i.e. signs related to MRA proposed hotel, general political/free speech on yard signs, etc.)

* + - 1. 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)*
  1. **Montreat Comprehensive Plan, 2022 Update**
     1. **Working Committee approved;** P&Z to receive report(s) on Comp Plan in Summer 2022 (Mayor Helms is chair of committee)
     2. Focus:
        1. 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.

1. **Public Comment**
2. **Adjournment**