Board members present by Zoom: None

Board members: Wade Burns

Bill Scheu

Allen Crawford, ETJ Representative

Dan Dean

John Hinkle

Board members absent: Sally Stansill, Alternate Representative

Town staff present: Scott Adams, Zoning Administrator

Alex Carmichael, Town Administrator

Angie Murphy, Town Clerk

Special Guests: None

There was one member of the public present and several members were watching via Zoom. Mr. Scheu called the meeting to order at 10:30 a.m., and led the group in a moment of silence after a brief welcome.

**Agenda Approval**

John Hinkle moved to adopt the agenda as presented. Dan Dean seconded and the motion carried 5/0.

**Meeting Minutes Adoption**

Dan Dean moved to approve the December 9, 2021 minutes as presented. John Hinkle seconded and the motion carried 5/0. Bill Scheu requested that ETJ and Alternate members be identified as such in the minutes going forward.

**Organization of P&Z Commission**

Mr. Scheu advised that a number of terms expire on January 31st and that Council will vote this evening at the January Town Council meeting to reappoint and appoint members to the P&Z Commission.

Dan Dean moved to nominate Bill Scheu as Chair, John Hinkle as Vice-Chair and Town Clerk Angie Murphy as Secretary. Wade Burns seconded and the motion carried 5/0.

Mr. Scheu advised that Allen Crawford, ETJ Representative, was expiring on January 31st but there is an issue with his reappointment. The newly revised Montreat Zoning Ordinance and State Law (160D) states that the ETJ Representative must reside in the ETJ whereas Mr. Crawford currently only owns property. Mr. Dean pointed out that there are only 3 part time residents in the ETJ and the statute states if there is an insufficient number of qualified residents in the ETJ 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. Wade Burns moved to recommend to Town Staff to pursue with the County Board of Commissioners appointing Allen Crawford as the ETJ representative to the Planning & Zoning Commission. Dan Dean seconded and the motion carried 5/0. Mr. Carmichael stated that Town Staff will ask Buncombe County Board of Commissioners to reappoint Mr. Crawford as the ETJ Representative.

**Topics/Priorities for 2021**

Zoning Administrator Scott Adams reviewed items that were completed in 2021: the Montreat Zoning Ordinance Update, the well/septic vs. well/sewer in the ETJ, and revision of the P&Z Rules of Procedure.

**Topics/Priorities for 2022**

Zoning Administrator Scott Adams shared the following data for informational purposes only. The Town of Montreat operates under a MS4 permit which is set to expire February 19, 2022. 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. The Town of Montreat is also 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. Mr. Adams is working with a colleague at Land-of-Sky Regional Council to get the MS4 reporting up-to-date.

Planning & Zoning Commission made the recommendation on 11/11/21 for formation of a special committee to review and update the Stormwater Ordinance. P&Z also asked Town Council to engage a consultant to perform an audit of the Stormwater Ordinance.

Mr. Adams has proposed revisions to Setback and Non-Conformities section of Zoning Ordinance since 2021. Mr. Adams stated that the ordinance needs to be updated related to setbacks for clarity on allowable encroachments within setbacks such as steps, porches and decks, as well as, defining expansion language (vertical expansion vs. horizontal expansion). Mr. Scheu felt that a sub-committee would be appropriate for this language revision and suggested Dan Dean as the chair of the sub-committee. Wade Burns also expressed interest on serving on this sub-committee.

A sub-committee was assigned on 12/9/21 to review/revise the Montreat Sign Ordinance with the focus being on content neutrality and sign-type definitions. The sub-committee is currently awaiting further U.S. Supreme Court action before moving forward.

The 2022 Montreat Comprehensive Plan Update is up and running (will meet on January 26th) and P&Z is to receive the report in Summer of 2022. The current Comprehensive Plan was adopted in 2008. Under State law, a “reasonably updated” comp plan must exist by July 1, 2022 in order for the Town to legally continue having zoning regulations.

Mr. Adams also mentioned that while no current action is proposed for changes to the Montreat Hillside Development Ordinance there are some issues with current setback dimensions requiring more land disturbance, creating potential conflict with standards in Erosion and sediment Control and Stormwater Ordinances.

At the request of Bill Scheu, Priscilla Hayner advised that on Tuesday afternoon an appeal in the MRA Hotel/Lodge case with the Board of Adjustment was sent to the Town. This was an appeal of a specific issue that arose in the course of the Special Use hearings on December 13th. It was an appeal of a Determination made by the Zoning Administrator pertaining to whether a property owner can have more than one principal building per lot. Because it was an appeal of a decision made by the Zoning Administrator there were 30 days to submit the appeal to the Board of Adjustment. Ms. Hayner further advised that since the Board of Adjustment had not rendered its written decision to date, no appeal of its decision has yet been filed.

The next meeting of the Planning & Zoning Commission will be held on March 10th at 10:30 a.m.

**Public Comment**

There was no public comment at this time.

**Adjournment**

Dan Dean moved to adjourn the meeting. John Hinkle seconded and the meeting was adjourned at 11:15 a.m.

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Bill Scheu, Chair Angie Murphy, Town Clerk