

**Town of Montreat**  
**Hillside Development Subcommittee**  
*Planning & Zoning Commission*  
**Meeting Agenda**  
**June 14, 2023, 4:00 p.m.**  
**Montreat Town Hall, 1210 Montreat Rd., Black Mountain, NC 28711**  
And via Zoom: <https://us02web.zoom.us/j/86933563365>

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- I. CALL TO ORDER**
  - Welcome
  - Moment of Silence
  
- II. ADOPTION OF AGENDA**
  
- III. APPROVAL OF MAY 3, 2023, MINUTES**
  
- IV. OLD BUSINESS**
  - Approved Graded Area & Impervious Surface Ratio Discussion
  
- V. NEW BUSINESS**
  - Set next meeting date.
  
- VI. NEXT MEETING**
  - TBD
  
- VII. PUBLIC COMMENT**
  
- VIII. ADJOURNMENT**



**Hillside Development Subcommittee**  
**Planning & Zoning Commission**  
**Meeting Minutes**  
**May 3, 2023**

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Subcommittee Members Present: Wade Burns  
Bill Scheu  
Liz Johnson

Subcommittee Members Absent: None

Town Staff Present: Kayla DiCristina, Zoning Administrator

There were three members of the public present. Wade Burns called the meeting to order at 4:00 p.m. and led the group in a moment of silence after a brief welcome.

**Agenda Approval**

Bill Scheu moved to approve the agenda as presented. Liz Johnson seconded, and the motion carried 3/0.

**Election of Secretary**

Wade Burns nominated Liz Johnson as Secretary. Bill Scheu seconded, and the motion carried 3/0.

**Old Business**

The Subcommittee continued the discussion of the current approved graded area and impervious surface limits listed in the existing Hillside Development Ordinance (“Ordinance”). Wade Burns (“Burns”) started by stating that he had prepared drawings showing development at different slopes, per the Ordinance requirements for graded areas and impervious surfaces. These drawings show that the buildable area decreases as slope increases. The buildable area includes disturbance and impervious surfaces. Burns questioned why there is a need for the restrictive percentage of grading stated in the Ordinance if it reduces the buildable area so far. He states that these regulations are a matter of math, and the Subcommittee needs to ask whether the answer makes sense and is reasonable. Burn states that the geotechnical engineer’s report ensures public safety and that he believes that the Ordinance’s regulations on graded areas and impervious surfaces are above what is required.

Bill Scheu (“Scheu”) reviews the current grading and impervious surface regulations in the Ordinance. Kayla DiCristina (“DiCristina”) summarizes what Burns has shared and Burns confirms she is correct, that development should rely on the geotechnical engineer’s assessment if the land is less than one acre in size. Burns goes on to state that impervious surface limits go above what should be

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required. Liz Johnson (“Johnson”) asks DiCristina to go over what regulations are found for grading and impervious surface limits throughout hillside development ordinances in the Western North Carolina region. DiCristina states that grading limits are common, impervious surface limits are rare and that she has not seen any impervious surface ratios like those found in the Ordinance.

Johnson asks why we need to change the Ordinance now and brings up the concern of the development on Little Alex Mountain. DiCristina clarifies that the discussion has two pieces: life safety and character. The Subcommittee agrees. Burns answers Johnson’s question of why now by stating that the Ordinance should not have been done this way and that the restrictions prevent people from moving to Montreat because they cannot build. He states again that the requirements of the geotechnical assessment on small lots should be enough. Burns goes on to state that the Town was platted in the early 1900s with a specific vision in mind for small residential development and that the Ordinance goes against that. Scheu asks DiCristina what the comprehensive plan recommends. DiCristina responds that the comprehensive plan is being drafted and will need to be approved by the Board of Commissioners before she can respond definitively, but she does state that, preliminarily, the vision statements involve environment, development, and transportation and that there is an objective for the Subcommittee to examine the Ordinance. DiCristina will send a copy of the draft comprehensive plan to the Subcommittee Members. Johnson responds to Burns’s earlier comment that she believes Montreaters would not prevent a family from wanting to move or build in Montreat, but that the Land of Sky Regional Council report discourages building on slopes over 40%. Further, Johnson states that there is new technology and science today that was not accounted for when the Town was originally plated.

DiCristina goes on to state that permitting relies on the geotechnical engineer’s report for safety, but there are things that can be placed in the Ordinance to open the building envelope without compromising safety and to replace lost vegetation. Burns states that the Ordinance is preventing people from building in and moving to Montreat. There are plenty of forested areas and only a few lots that could be built on. Scheu asks DiCristina if the comprehensive plan is leaning towards keeping things as they are or changing things. DiCristina states that the comprehensive plan has a strong desire to protect character, but that there is the right for people to develop their property. A balance must be struck with smart development, not necessarily more or less development. The graded area and impervious surface requirements were flagged during the overview of the Ordinance to ask the question of what the requirement is accomplishing. DiCristina states that what is needed is a balance of math and the need to protect aesthetics and character.

Burns states he does not believe that anything will change with the Ordinance and that the community doesn’t want anything to change. Burns states that Montreaters are good people, but he believes that this Ordinance prevents people from building in Montreat because of its restrictions on the buildable area. DiCristina asks Burns if he believes that for lots with a slope greater than 40% slope, the graded area and impervious surface limits should be set by the geotechnical assessment rather than by the code. Burns states that the geotechnical engineer wouldn’t limit grading or

impervious surface, but that they would ensure the development is safe. Burns confirms DiCristina's assumption is correct. DiCristina clarifies that the Subcommittee is only discussing existing lots, not newly platted ones, and the grading area and impervious surface restrictions, not the rest of the Ordinance. Burns states that the requirements should only be removed from lots less than one acre of land. Lots that are larger than one acre of land should have existing regulations for grading and impervious area applied. DiCristina clarifies, but Scheu states that if the graded area and impervious surface limit requirements are removed then applicants should obtain additional approval from Planning and Zoning Commission or another governance body. Johnson and Scheu agree that removing the grading and impervious surface standards from the Ordinance removes the opportunity for the public to have input about development. DiCristina states that this is an administrative-level approval. Community involvement is with the development of the Ordinance. Requiring community involvement in issuing a development permit is a heavy lift. Johnson reiterates the importance of public involvement and DiCristina states that there are other options that protect aesthetics and character, and the desires of the community, that could be put in the Ordinance. Johnson brings up the options for variations to increase graded area and impervious surface limits and that these should be examined, as well. She states that sometimes there may be situations where something is not buildable and we need to consider the larger community and the larger impact, which can be difficult. Scheu asked DiCristina if she could prepare options for revisions to the grading and impervious surface standards for their next meeting to aid in discussion.

#### **New Business**

Kayla DiCristina requested that the Subcommittee set the next meeting date. The Subcommittee requested to meet June 14, 2023, at 4:00 pm with a backup date of June 21, 2023, at 4:00 pm. Kayla DiCristina would confirm with Angie Murphy, Town Clerk, that one of those dates worked.

#### **Next Meeting**

The next meeting date is to be determined upon confirmation with Angie Murphy, Town Clerk. The Subcommittee will either meet June 14, 2023, at 4:00 pm or June 21, 2023, at 4:00 pm.

#### **Public Comment**

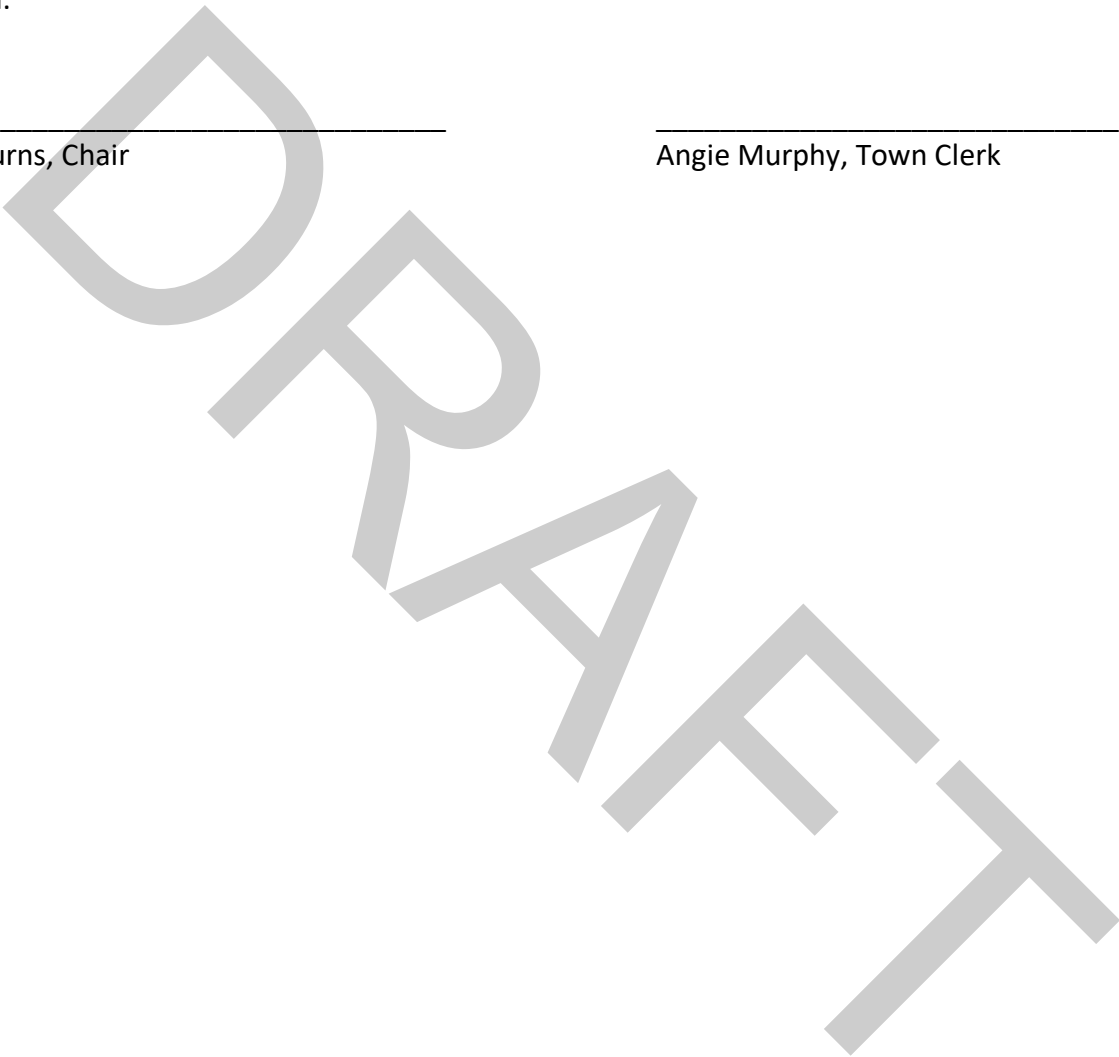
Allen Crawford, Montreat ETJ Resident and Planning and Zoning Commission Member, spoke during the public comment period. He stated that there are some issues with slope on properties in Town and the ETJ, specifically the Billy Graham property. Crawford went on to say that lots of development has already been built on steep slopes, but that the current regulations can work with most lot sizes. He stated that we need to find a balance between engineering and impervious surface limits.

**Adjournment**

Liz Johnson moved to adjourn the meeting. Bill Scheu seconded, and the meeting was adjourned at 5:09 p.m.

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Wade Burns, Chair

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Angie Murphy, Town Clerk



**APPROVED GRADED AREA & DEVELOPMENT INTENSITY/  
IMPERVIOUS RATIO REQUIREMENTS – ALTERNATIVE OPTIONS**

**1. APPLICABILITY (MGO Chapter K Article IV Section 1(3)(a))**

Current Requirement: Entire Ordinance applies to all lots with a slope greater than 40%. Approved graded area and development intensity/imperVIOUS ratio regulations apply to all lots.

Alternative Option A1: Entire Ordinance applies to all lots with a slope greater than 40%. Lots subject to the Ordinance that are less than [ ] acres in size are exempt from approved graded area and development intensity/imperVIOUS ratio regulations stated in the Ordinance except for those limits identified in the required geotechnical engineering report.

Alternative Option B1: Entire Ordinance applies to all lots with a slope greater than 40%. Lots subject to the Ordinance that are between [ ] and [ ] acres in size are exempt from development intensity/imperVIOUS ratio regulations stated in the Ordinance except for those limits identified in the required geotechnical engineering report. Lots subject to the Ordinance that are less than [ ] acres in size are exempt from approved graded area and development intensity/imperVIOUS ratio regulations stated in the Ordinance except for those limits identified in the required geotechnical engineering report.

**2. GEOTECHNICAL ASSESSMENT (MGO Chapter K Article IV Section 2(4)(a))**

Current Requirement: Required for all lots with slopes greater than 40%.

*No alternative proposed. Required for all lots with slopes greater than 40%.*

**3. APPROVED GRADED AREA (MGO Chapter K Article IV Section 2(4)(a))**

Current Requirement: Applies to all lots with slopes greater than 40%.

Existing Grade	Approved Graded Area
40% - 45%	40%
45% - 50%	35%
50% - 55%	30%
55% +	25%

Alternative Option A3: Approved Graded Area table remains the same. Lots that are less than [ ] acres\*\* in size are exempt from approved graded area regulations stated in the Ordinance except for those limits and/or areas identified in the required geotechnical engineering report.

*The lot size would depend on which applicability option is chosen \*\**

**4. DEVELOPMENT INTENSITY & IMPERVIOUS RATIO (MGO Chapter K Article IV Section 2(4)(i))**

Current Requirement: Applies to all lots with slopes greater than 40%.

Existing Grade	Maximum Allowable ImperVIOUS Ratio
40% - 45%	0.30
45% - 50%	0.25
50% - 55%	0.225
55% +	0.20

Alternative Option A4: Development intensity and imperVIOUS ratio remain the same. Lots less than [ ] acres\*\* in size are exempt from these requirements unless required in the geotechnical engineering report.

*The lot size would depend on which applicability option is chosen \*\**