

**Town of Montreat
Board of Commissioners Meeting – Public Forum
September 14, 2023 – 6:30 p.m.
Town Hall**

I. Call to Order

- Welcome
- Moment of Silence

II. Agenda Adoption

III. Public Comments

IV. Adjournment

**Town of Montreat
Board of Commissioners
Town Council Meeting
September 14, 2023 – 7:00 p.m.
Town Hall**

I. Call to Order

- Pledge of Allegiance
- Moment of Silence

II. Agenda Adoption

III. Mayor's Communications

IV. Consent Agenda

A. Meeting Minutes Adoption

- August 10th Public Forum Meeting Minutes
- August 10th Town Council Meeting Minutes

All items on the Consent Agenda are considered routine, to be enacted by one motion with the adoption of the agenda and without discussion. If a member of the governing body requests discussion of an item, it will be removed from the Consent Agenda and considered separately.

VI. Interim Town Manager's Communications

- Consent Agenda Review
- Other Items

VII. Administrative Reports

- Administration
- Planning and Zoning
- Police
- Public Works and Water
- Sanitation
- Streets
- Finance
- Additional Planning & Zoning Information

VIII. Public Comment

This is an opportunity for public comment, and we thank you for coming to the Board of Commissioners meeting tonight to share your views. We value all citizen input. Comments will be directed to the full board, not to an individual board member or staff member. Although the board is interested in your comments, speakers should not expect any comments, action or deliberation from the board on any issue raised during the public comment period. In the board's discretion, it may refer issues to the appropriate staff for further investigation.

IX. Old Business

X. New Business

A. Public Hearing regarding Montreat Tomorrow Comprehensive Plan

- **Presenter: Kayla DiCristina (if needed)**
- **See Agenda Materials on pages 26-135**
- **Suggested Motion: Move to open/close Public Hearing**

B. Discussion of Montreat Tomorrow Comprehensive Plan by Board of Commissioners

- **Suggested Motion: Move to revise/not revise the Montreat Tomorrow Comprehensive Plan**

C. Adoption of Montreat Tomorrow Comprehensive Plan via Ordinance 23-09-001

- **Presenter: Kayla DiCristina (if needed)**
- **See Agenda Materials on pages 136-137**
- **Suggested Motion: Move to adopt/not adopt the Montreat Tomorrow Comprehensive Plan via Ordinance 23-09-001**

D. Oath of Office for Town Manager Savannah Parrish

- **See Agenda Material on page 138**

E. Update of Bank Signature Cards

- **Presenter: Angie Murphy**
- **See Agenda Material on pages 139-156**
- **Suggested Motion: Move to add Savannah Parrish, Tim Helms, Katheryn "Kitty" Fouche, David Arrant and Angela Murphy to the Town of Montreat's banking signature cards at First Bank**

F. Greybeard Mountain Trailhead Parking Signs

- **Presenter:** Kayla DiCristina & Tanner Pickett
- **See Agenda Materials** on pages 157-188
- **Suggested Motion:** Move to permit/permit with conditions/not permit the Mountain Retreat Association to install parking signs in front of the existing parking spaces at the Greybeard Mountain Trailhead

G. Florida Terrace Right-of-Way Closure Request

- **Presenter:** Kayla DiCristina & Mike Begley (or representative)
- **See Agenda Materials** on pages 189-227
- **Suggested Motion:** Move to direct/not direct the Zoning Administrator to prepare a resolution of intent for the requested closure areas, as defined in the North Carolina General Statute 160A-299, for the Board of Commissioners to review at a future Board of Commissioner's meeting

H. Discussion regarding Texas Road Bridge

- **Presenter:** Savannah Parrish
- **See Agenda Materials** on pages 228-229
- **Suggested Motion:** Move to proceed/not proceed in accepting the Land of Sky MPO LAPP grant for the replacement of the Texas Road bridge

XI. Public Comment

Public comments will be heard during this period for any and all items.

XII. Commissioner Communications

XIII. Dates to Remember

- **Tree Board**, Tuesday September 26th at 9:30 a.m. in Town Hall with Zoom options
- **Board of Adjustment Meeting**, Thursday September 28th at 5:00 p.m. in Town Hall with Zoom options
- **Landcare**, Wednesday October 4th at 9:00 a.m. in Town Hall with Zoom options
- **October Board of Commissioners Meeting**, Thursday October 12th at 7:00 p.m. **Public Forum** to begin at 6:30 p.m. in Town Hall with Zoom options
- **Planning & Zoning Commission**, Thursday October 19th at 10:30 a.m. in Town Hall with Zoom options
- **Tree Board**, Tuesday October 24th at 9:30 a.m. in Town Hall with Zoom options

- **Board of Adjustment (Tentative), Thursday October 26th at 5:00 p.m. in Town Hall with Zoom options**

XV. Adjournment

**Town of Montreat
Board of Commissioners
Public Forum Meeting Minutes
August 10, 2023 – 6:30 p.m.
Town Hall**

Board members present: Mayor Tim Helms
Mayor Pro Tem Mason Blake
Commissioner Jane Alexander
Commissioner Kitty Fouché
Commissioner Kent Otto
Commissioner Tom Widmer

Board members absent: None

Town staff present: Ben Blackburn, Interim Town Manager
Angie Murphy, Town Clerk

Approximately fifteen members of the public were present. Mayor Tim Helms called the meeting to order at 6:30 p.m., and led the group in a moment of silence. Mayor Helms took a few minutes to describe the purpose and rules of the Public Forum Meeting time.

Agenda Approval

Commissioner Tom Widmer moved to adopt the agenda as presented. Commissioner Kitty Fouché seconded and the motion carried 5/0.

Public Forum

Ms. Kay Clegg of 344 Lookout Road mentioned that at the last Town Council Meeting she discussed the parking situation on Lookout Road. Ms. Clegg stated that her son recently visited and parked across the street from her home on Lookout. Ms. Clegg went on to say that on his third night his car was towed without warning. Ms. Clegg questioned where workmen were supposed to park for homes without on street parking. Mayor Tim Helms suggested to Ms. Clegg that she speak to Zoning Administrator Kayla DiCristina to discuss off-street parking possibilities. Ms. Clegg continued to express her belief that the Town Council had created a problem by limiting parking Lookout. Mayor Pro Tem Blake stated that the Commission changed the parking to fix a public safety problem on Lookout.

Mr. Richard DuBose (President of the Mountain Retreat Association) of 160 Woodland Road had some questions about the proposed language changes to the Comprehensive Plan on packet page 102 (Next Changes Section 2). Mr. DuBose questioned where the inserted language “secure new revenue sources due to the sole dependency on the residential tax base and the growing demand

on municipal services by MRA and Montreat College who are exempt from taxes” derived. Commissioner Tom Widmer stated that he had drafted that specific language. Mr. DuBose questioned the facts related to the inserted language specifically how the MRA impacted the growing demand on municipal services. Commissioner Widmer advised growing traffic volume as a factor.

Ms. Mary Kennerty, originally from Charleston, stated that she was at the meeting this evening to let the Council know that she loves and supports Montreat and she wishes it will stay as it has always been.

Adjournment

Mayor Pro Tem Mason Blake moved to adjourn the meeting. Commissioner Jane Alexander seconded and the motion carried 5/0. The meeting was adjourned at 6:10 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk

**Town of Montreat
Board of Commissioners
Meeting Minutes
August 10, 2023 – 7:00 p.m.
Town Hall**

Board members present: Mayor Tim Helms
Mayor Pro Tem Mason Blake
Commissioner Jane Alexander
Commissioner Kitty Fouché
Commissioner Kent Otto
Commissioner Tom Widmer

Board members absent: None

Town staff present: Ben Blackburn, Interim Town Manager
Angie Murphy, Town Clerk
David Arrant, Chief of Police
Barry Creasman, Public Works Director
Rachel Eddings, Finance Officer

Approximately twenty members of the public were present at Town Hall and several more were watching via Zoom. Mayor Tim Helms called the meeting to order at 7:00 p.m., and led the group in the pledge of allegiance and a moment of silence.

Agenda Approval

Commissioner Jane Alexander moved to approve the agenda as presented. Commissioner Kitty Fouché seconded and the motion carried 5/0.

Mayor's Communications

Mayor Tim Helms mentioned that while Montreat has become a little quieter since the clubs kids have left soon the Montreat College Students will be returning to Town. Mayor Helms reminded everyone to welcome the College students but to also watch out for increased traffic. Mayor Helms advised that acorns are already falling which is a sign that fall is right around the corner.

Meeting Minutes Adoption

- July 13th Public Forum Meeting Minutes
- July 13th Town Council Meeting Minutes (Mayor Pro Tem Mason Blake advised that a minor correction needed to be made with regards to the Montreat "Gate" Race.)

Interim Town Manager's Communications

Interim Town Manager Ben Blackburn had no communications for Council.

Administrative Reports

- Administration – This report was given in written format.
- Finance – This report was given in written format.
- Planning & Zoning – This report was given in written format.
- Police – This report was given in written format.
- Public Works and Water – This report was given in written format.
- Sanitation – This report was given in written format.
- Streets – This report was given in written format.
- Additional Planning & Zoning Information – This report was given in written format.

Commissioner Tom Widmer asked how the end of the fiscal year audit was coming along. Interim Ben Blackburn advised that Town Staff has been in contact weekly with the auditors and information is flowing well between both parties. Mr. Blackburn also advised that there should be no problems meeting the October 31st deadline.

Public Comment

Mr. Richard DuBose (President of the MRA) of 160 Woodland Road took a moment to provide some feedback with regards to “Next Steps” in the proposed Comprehensive Plan. Mr. DuBose felt there were two problems with the suggested language. Mr. DuBose stated that the Town of Montreat is not solely dependent upon the residential tax base. Mr. DuBose went on to say that the MRA is the Town’s largest single tax payer and voluntarily pays the Town a community service fee. Mr. DuBose felt that the draft statement did not credit privately funded privileges, access and services afforded to Town citizens by the MRA. Mr. DuBose stated that if there is evidence for the MRA’s growing demand of Town services he has not seen it. Mr. DuBose stated that since 2008 the Conference Center has not added to its number of conference attendees each year. The MRA has substantially decreased its consumption of water and have largely removed themselves from the Town sanitation services. Mr. DuBose, member of the Comprehensive Plan Steering Committee, felt that the Committee worked hard to use accurate language that encouraged collaboration and frowned skeptically on statements not backed by evidence. Mr. DuBose felt based on that Committee’s stance that the draft language should be restored to the original language which adequately conveyed the challenges of revenue development.

Old Business

There was no Old Business to discuss.

New Business

- A. Public Hearing regarding Montreat Tomorrow Comprehensive Plan: Commissioner Kitty Fouche moved to open the Public Hearing. Commissioner Kent Otto seconded and the motion carried 5/0.

Mrs. Liz Johnson of 164 Virginia Road, a multiple generation Montreator, took a moment to express the importance of heritage and history when revising the Comprehensive Plan.

Mrs. Shirley Mitchell of 201 Harmony Lane thanked Richard DuBose and the MRA for their contributions to the Town of Montreat but also voiced her concerns that Montreat College President Paul Maurer had previously voiced publicly that the College will not be making any contributions to the Town.

Commissioner Jane Alexander moved to close the Public Hearing. Commissioner Kent Otto seconded and the motion carried 5/0.

- B. Discussion of Proposed Changes of Montreat Tomorrow Comprehensive Plan by Board of Commissioners:

- Commissioner Tom Widmer stated that the proposed language was drafted largely by him based on conversations with Council members and members of the public. Commissioner Widmer stated that the Commission has been asked by several people to state why they did not accept the suggestions that Priscilla Hayner made at the July Town Council Meeting. Commissioner Widmer advised that the work of the Comprehensive Plan Steering Committee and the Planning & Zoning Commission was very thorough and needed very little input. Commissioner Widmer does not personally want to legislate preservation. Commissioner Widmer stated that he feels that historic districts remove independence and he agrees with Liz Johnson in that Montreat can do some heritage preserving on its own. Commissioner Widmer did acknowledge that the MRA is the Town's largest taxpayer and thanked Richard DuBose for the community service fees which help the Town a lot. Commissioner Widmer advised that the proposed language was not meant to demean the contributions that the MRA provides to the Town.
- Commissioner Kitty Fouche agreed with Commissioner Widmer in that she would not vote for a historic district.
- Commissioner Kent Otto looks at the Comprehensive Plan as a plan to guide current Council and future Councils. Commissioner Otto thanked Mr. DuBose for his comments and asked Commissioner Widmer if he would be open to wordsmithing the proposed language in the coming month.

- Mayor Pro Tem Mason Blake also does not want to enact a historic district because it is burdensome to both the Town trying to govern and the homeowners trying to reside. Mayor Pro Tem Blake agreed with Liz Johnson's remarks on heritage and mentioned to Richard DuBose that the proposed comments were not meant to be demeaning or derogatory to the MRA.
- Commissioner Jane Alexander mentioned she liked the wording of Development Objective 7 which adequately emphasized the importance of Montreat heritage in buildings.
- Mayor Tim Helms turned the meeting over to Mayor Pro Tem Mason Blake and stated that he felt the plan was perfect just as presented.

- C. Consideration of Nominations to appoint a Regular Member to Tree Board: Mayor Pro Tem Mason Blake made a motion to nominate Tyler Smith as a Regular Member to Tree Board. Commissioner Kitty Fouche seconded and the motion carried 5/0.
- D. Consideration of Nominations to appoint a Regular Member to Planning & Zoning Commission: Commissioner Tom Widmer moved to nominate Bill Tucker as a Regular Member to Planning & Zoning Commission. This would move Mr. Tucker from an alternate position into a regular position. Commissioner Jane Alexander seconded and the motion carried 5/0
- E. Consideration of Nominations to appoint an Alternate Member to Planning & Zoning Commission: No nominations were made from the floor.
- F. Consideration of Fee Schedule Updates and Proposed Water Rate Changes: Town Clerk Angie Murphy advised that Town Staff recently reviewed the fee schedule and felt there were some areas in which the Town was not adequately charging for services. Ms. Murphy looked at neighboring Towns and direct businesses such as the local UPS Store and Black Mountain banks before submitting suggestions of fee updates to the Board. The increased charges, in most cases, are just merely the cost of doing business. Commissioner Tom Widmer advised Council that the Water Enterprise Fund, by state statute, must operate self-sufficiently of the General Fund. Commissioner Tom Widmer stated that the water fund does not carry a "savings account" yet the infrastructure is constantly aging. Commissioner Widmer stated that Montreat is one of the few municipalities in the area that does not have a split fee structure for residential/institutional water. Commissioner Tom Widmer explained the proposed consumption rate for combined institutional usage. Mayor Pro Tem Mason Blake advised that the split fee structure is very typical across the State of North Carolina. Mayor Pro Tem Mason Blake moved to approve proposed fee schedule updates and proposed water rate changes. Commissioner Jane Alexander seconded and the motion carried 5/0.

- G. Consideration of Hiring Savannah Parrish as Town Manager: Commissioner Kitty Fouche moved to approve the hiring of Savannah Parrish as Town Manager with a start date of August 16, 2023 at a salary of \$90,000. Commissioner Kent Otto seconded and the motion carried 5/0.
- H. Consideration of Revisions to Bear Ordinance: Mayor Pro Tem Mason Blake advised that in previous versions of the Bear Ordinance there were exceptions to placing feed in feeders for birds. Mayor Pro Tem Blake stated that Montreat has some residents that are placing feed out for bears as well as birds. Mayor Pro Tem Blake would like to see a revision stating that if you are putting out feed and the Montreat Police notice that's its becoming an issue that residents can be fined for intentionally feeding the bears. Mayor Pro Tem Blake moved to approve proposed revisions to the Bear Ordinance. Commissioner Tom Widmer seconded and the motion carried 5/0.
- I. Consideration of Addendum to Tax Collections Agreement: Interim Town Manager Ben Blackburn advised that this addendum to the in-place Tax Collection Agreement with Buncombe would satisfy Chapter 105 of NC General Statutes. Mayor Pro Tem Mason Blake moved to approve addendum to Tax Collections Agreement. Commissioner Jane Alexander seconded and the motion carried 5/0.
- J. Consideration of Order of Collection: Mr. Blackburn advised that this order designates that Buncombe County will collect the taxes for the Town of Montreat. Mayor Pro Tem Blake moved to approve the Order of Collection and authorize signatures of Tim Helms. Commissioner Kent Otto seconded and the motion carried 5/0.
- K. Consideration of Appointing Rachel L. Eddings as Tax Collector: Commissioner Jane Alexander moved to appoint Rachel L. Eddings as Tax Collector. Commissioner Tom Widmer seconded and the motion carried 5/0. Town Clerk Angie Murphy administered the Oath of Office as Tax Collector to Rachel Eddings.

Public Comment

Mrs. Mary Kennerly of Texas Road and Charleston questioned if the Town of Montreat had provisions in place to stop people from coming into Montreat and tearing down historical homes.

Interim Town Manager Ben Blackburn mentioned that this would likely be his last meeting in Montreat. Mr. Blackburn took a moment to brag on the Montreat Town Council, Montreat Staff, numerous volunteers and various partnerships in place that make Montreat special. Mr. Blackburn stated that he felt privileged to work in Montreat.

Commissioner Communications

Commissioner Kitty Fouche reminded everyone about the Presbyterian Heritage Center Tour of Homes on August 12th and 13th from 2:30 to 6:00 p.m.

Commissioner Kent Otto expressed his appreciation for Mr. Blackburn's work and passion as Interim Town Manager. Commissioner Otto mentioned that he hoped that MRA was wrapping a great summer conference season. Commissioner Otto enjoys the summer visitors and looks forward to the joy and enthusiasm of the college students returning to Montreat.

Commissioner Kent Otto mentioned that he would like to revisit protecting the bears while also encouraging them to move elsewhere.

Dates to Remember

- Tree Board, Tuesday August 22nd at 9:30 a.m. in Town Hall with Zoom options
- Town Offices Closed, Monday September 4th in recognition of Labor Day. Sanitation services to resume on Tuesday, September 5th at 8:00 a.m.
- Landcare, Wednesday September 6th at 9:00 a.m. in Town Hall with Zoom Options
- September Town Council Meeting, Thursday September 14th at 7:00 p.m. in Town Hall with Zoom Options. Public Forum to begin at 6:30 p.m.
- Tree Board, Tuesday September 26th at 9:30 a.m. in Town Hall with Zoom Options

Closed Session

Commissioner Kent Otto moved to enter into Closed Session in accordance with NCGS 143-318.11(a)(3) for discussion/consultation with legal counsel. Commissioner Tom Widmer seconded and the motion carried 5/0.

Upon returning to Open Session there was no business to attend too.

Adjournment

Commissioner Kent Otto moved to adjourn the meeting. Commissioner Jane Alexander seconded and the motion carried 5/0. The meeting was adjourned at 9:00 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk

**ADMINISTRATIVE REPORTS:
ADMINISTRATION**

Town Administration report for the month of August 2023

Monthly Statistics	2022	2023
Public Meetings	7	4
Inter-Organizational /Intergovernmental Meetings	1	0
Agendas Prepared	4	2
Minutes Transcribed	4	2
Resolutions Drafted	1	0
Public Records Requests Processed	5	6
Water Bills Processed	675	680
Leak Adjustments	3	5
New Water Accounts Established	2	3
Purchase Orders	57	90
Professional Development Hours	0	30
Sunshine List Messages		10
Website Posts	14	10
Social Media Posts	0	3
Code Red Alerts	0	0
Workers Compensation Claims	0	0

Upcoming Events and Schedule Changes

Comments

N/A

Staff Communications

N/A



TOWN OF MONTREAT

P. O. Box 423, Montreat, NC 28757
Tel: (828) 669-8002 | Fax: (828) 669-3810
www.townofmontreat.org

ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of August 2023

Monthly Statistics	2022	2023
Building Permits Issued	12	15
Pending Building Permits	0	0
Building Inspections Performed	20	32
Stop Work Orders Issued	0	0
Defective Building Posted	0	0
Denied Building Permits	0	0
Fire Inspections Performed	0	0
Fire Re-Inspections Performed	0	0
Fire Permits Issued	0	0

Comments

Staff Communications



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ADMINISTRATIVE REPORTS: STREETS

Streets Department report for the month of August , 2023

Monthly Statistics	2022	2023
Miles of Road Maintained	15.46	17.12
Miles of New Road Constructed	0	0
Public Trees Removed	0	0
Sand Applied to Roads (tons)	0	0
Ice Melt Applied to Roads (pounds)	0	0
Monthly Fuel Costs	364.23	\$469.78
Contracted Employee Staff Hours	0	0
Road Closures	0	0

Comments

Curbing is complete on Oklahoma Road. We will be backfilling the shoulders over the next few weeks. We will also be removing trees from the rights of ways around town. Please be mindful of crews in the roadways.

**ADMINISTRATIVE REPORTS:
POLICE DEPARTMENT**

Police Department report for the month of

August , 2023

Monthly Statistics	2022	2023
Mileage	3,039	2,711
Dispatched Calls	17	36
Officer-Initiated Calls	620	767
Fire Assistance Calls	0	5
EMS Assistance Calls	0	2
Motorist/Other Assistance Calls	12	32
Traffic Stops	45	21
Parking Issues	3	8
Burglar Alarm Responses	0	0
Fire Alarm Responses	0	3
Residential/Building Checks	587	660
Ordinance Violations	2	8
Law Enforcement Agency Assistance Calls	7	13
Animal Control Calls	6	6
Larcenies	2	0
Breaking & Entering Calls	1	1
Suspicious Person Investigations	6	5
Suspicious Vehicle Investigations	4	8
Disturbance Calls	2	7
Accident Responses	1	0
Auxiliary Hours Worked (Regular)	16	8
Auxiliary Hours Worked (Addittional)	24	12
Truck Turns at Gate	5	4
MPD Fuel Cost	\$ -	\$0.00
Professional Development Hours	0	40
Town Service	681	719
MRA Service	322	352
College Service	8	22

Comments

A reminder, our non-emergency number has changed. You can reach the MPD Officer on duty through Buncombe County Dispatch. 828-250-6670.



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ADMINISTRATIVE REPORTS: WATER AND PUBLIC WORKS

Water and Public Works report for the month of August , 2023

Monthly Statistics	2022	2023
Calls for Service	53	33
Water Leaks Repaired	0	0
New Water Lines Installed	0	0
Water Meters Read	674	674
Water Meter Replacements	0	10
Gallons of Water Produced	4037423	2,988,796
Monthly Fuel Cost	645.95	\$ 589.69
Hours Pumped (11 wells combined)	2296	2,045

Comments

0



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ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of August , 2023

Monthly Statistics	2022	2023
Tons of Curbside Trash Collected	24.56	24.36
Pay-As-You-Throw Trash Bags Collected	N/A	N/A
Tons of Curbside Recycling Collected	4	5.68
Pay-As-You-Throw Recycling Bags Collected	N/A	N/A
Cardboard Recycling Collected	0.34	N/A
Unique Curbside Sanitation Stops	2100	1,740
Bagged Leaf Pickup	68	176.00
Brush Pickup (cubic yards)	5 Loads	4 Loads
Hauling Fees	2598.7	\$6,917.90
Tipping Fees	2560.58	\$2,886.00
Dumpster Rental Fees	214.63	\$460.30
Sanitation Fuel	661.13	\$ 195.30

Comments:

We had 6 garbage cans broken into by the bears this month. All were found to have not been latched properly. There were no letters or citations issued and all were cleaned up by the owners or one of their representatives. We would like to remind folks to please secure their garbage cans and to also tie up the bags and break down the cardboard. We would also like to remind folks that when they are leaving out yard waste that they please put invasive species like kudzu and japanese knotweed in plastic bags and seal them up. Thank you for your continued support.



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ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zoning Administration report for the month of August 2023

Monthly Statistics	2022	2023
Approved Zoning Permits	1	3
Denied Zoning Permits	0	0
Pending Zoning Permits	0	1
Variance/Interpretation Granted	0	0
Conditional Use Permits Granted	1	0
Permit Extensions Granted	0	0
Sign Permits Issued	1	0
Notices of Violation	2	0

Comments

0

August 2022 - MONTH 2 OF FISCAL YEAR 2022-2023

REVENUES

Fund	Fund #	Budget	YTD Budget	YTD Collected	Difference
GENERAL FUND	10	2,074,556.00	345,759.33	162,237.81	(183,521.52)
WATER FUND	30	359,734.00	59,955.67	64,190.46	4,234.79
TOTAL REVENUES GENERAL & WATER FUNDS		2,434,290.00	405,715.00	226,428.27	(179,286.73)

EXPENSES

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
GOVERNING BODY	10	45,572.00	7,595.33	14,185.38	(6,590.05)
ADMINISTRATION	10	471,922.00	78,653.67	97,367.92	(18,714.25)
PUBLIC BUILDINGS	10	120,862.00	20,143.67	24,822.30	(4,678.63)
POLICE	10	439,974.00	73,329.00	70,215.11	3,113.89
BUILDING AND ZONING	10	94,600.00	15,766.67	15,424.56	342.11
PUBLIC WORKS	10	117,593.00	19,598.83	24,125.24	(4,526.41)
STREET	10	624,083.00	104,013.83	36,926.29	67,087.54
SANITATION	10	136,900.00	22,816.67	22,017.46	799.21
ENVIRON,CONS,REC	10	23,050.00	3,841.67	662.69	3,178.98
TOTAL EXPENSES GENERAL FUND		2,074,556.00	345,759.33	305,746.95	40,012.38

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
WATER	30	359,734.00	59,955.67	31,281.77	28,673.90
TOTAL EXPENSES WATER FUND		359,734.00	59,955.67	31,281.77	28,673.90

TOTAL EXPENSES GENERAL & WATER FUNDS	\$2,434,290.00	\$405,715.00	\$337,028.72	\$68,686.28
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GENERAL FUND INCOME/LOSS - YTD	(\$143,509.14)
WATER FUND INCOME/LOSS - YTD	\$32,908.69
NET INCOME - YTD 2022	(\$110,600.45)

SPECIAL PROJECTS					
Project	Fund #	Budget	This Month Actual	Amount Spent To Date	% Spent
TOWN HALL	13	2,389,579.77	0.00	2,389,579.77	100.00%
PUBLIC WORKS BLDG	14	403,888.86	0.00	398,393.11	98.64%
FEMA-GREYBEARD	15	242,760.00	0.00	238,360.30	98.19%
FEMA-TEXAS ROAD	16	38,272.00	0.00	38,272.00	100.00%
FEMA-PROVIDENCE TERR	17	15,883.00	0.00	15,883.00	100.00%
FEMA-CALVIN TRAIL	20	13,691.00	0.00	13,691.00	100.00%
FEMA-CULVERT PROJECT	21	47,491.00	0.00	46,966.00	98.89%
FEMA-URBAN FORESTRY 2018	23	10,000.00	0.00	5,841.28	58.41%
FEMA-URBAN FORESTRY 2019	24	10,114.00	0.00	2,352.41	23.26%
FEMA-MISC	25	214,747.00	0.00	44,770.03	20.85%
LANDCARE	26	1,560.00	0.00	306.00	19.62%
CARES ACT GRANT	27	9,697.06	0.00	7,981.06	82.30%
AMERICAN RESCUE PLAN ACT	28	138,633.39	0.00	55,405.23	39.97%
TOTAL SPECIAL PROJECTS		\$ 3,536,317.08	\$ -	\$ 3,257,801.19	92.12%



Financial Overview

August 2023 - MONTH 2 OF FISCAL YEAR 2023-2024

REVENUES

Fund	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Collected	YTD Actual Percentage	Difference
GENERAL FUND	10	2,030,592.00	338,432.00	16.67%	27,912.97	1.37%	(310,519.03)
WATER FUND	30	399,844.00	66,640.67	16.67%	65,214.04	16.31%	(1,426.63)
TOTAL REVENUES GENERAL & WATER FUNDS		2,430,436.00	405,072.67	16.67%	93,127.01	3.83%	(311,945.66)

EXPENSES

Dept Name	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Exp	YTD Actual Percentage	Difference
GOVERNING BODY	10	50,903.00	8,483.83	16.67%	13,520.88	26.56%	(5,037.05)
ADMINISTRATION	10	533,616.00	88,936.00	16.67%	101,688.77	19.06%	(12,752.77)
PUBLIC BUILDINGS	10	120,116.00	20,019.33	16.67%	29,212.71	24.32%	(9,193.38)
POLICE	10	494,744.00	82,457.33	16.67%	77,320.40	15.63%	5,136.93
BUILDING AND ZONING	10	91,400.00	15,233.33	16.67%	12,546.90	13.73%	2,686.43
PUBLIC WORKS	10	133,205.00	22,200.83	16.67%	23,290.74	17.48%	(1,089.91)
STREET	10	391,358.00	65,226.33	16.67%	35,998.89	9.20%	29,227.44
SANITATION	10	192,200.00	32,033.33	16.67%	31,524.49	16.40%	508.84
ENVIRON,CONS,REC	10	23,050.00	3,841.67	16.67%	613.99	2.66%	3,227.68
TOTAL EXPENSES GENERAL FUND		2,030,592.00	338,432.00	16.67%	325,717.77	16.04%	12,714.23

Dept Name	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Exp	YTD Actual Percentage	Difference
WATER	30	399,844.00	66,640.67	16.67%	25,053.51	6.27%	41,587.16
TOTAL EXPENSES WATER FUND		399,844.00	66,640.67	16.67%	25,053.51	6.27%	41,587.16
TOTAL EXPENSES GENERAL & WATER FUNDS		2,430,436.00	405,072.67	16.67%	350,771.28	14.43%	54,301.39
GENERAL FUND INCOME/LOSS - YTD							(\$297,804.80)
WATER FUND INCOME/LOSS - YTD							\$40,160.53
NET INCOME - YTD 2024							(\$257,644.27)

SPECIAL PROJECTS							
Project	Fund #	Budget	This Month Actual		Amount Spent To Date		% Spent
FEMA-MISC	25	214,747.00	0.00		67,010.03		31.20%
LANDCARE	26	6,565.00	0.00		6,270.50		95.51%
AMERICAN RESCUE PLAN ACT	28	277,266.78	0.00		159,958.99		57.69%
TOTAL SPECIAL PROJECTS		\$ 498,578.78	\$ -		\$ 233,239.52		46.78%

Town of Montreat

Tax Revenue Analysis FY24

Date of Deposit	Jul-22	Jul-23	% +/-	Aug-22	Aug-23	% +/-
AdVal/RMV (Includes Sp Assess&Ded Fees)	2,467.17	2,021.44	⁻ 22%	8,783.55	9,164.35	4%
Sales	48,247.41	47,103.37	-2%	50,254.48	51,442.97	2%
Solid Waste (Quarterly)				179.40	198.73	10%
Utility Fran (Quarterly)						
Wine/Beer (Annual-May)						

NOTES:

AdVal Tax is received the month after the tax is collected
 RMV Tax is received two months after the tax is collected
 Sales Tax is received three months after the tax is collected

August Permits Issued

5927	8/2/2023	Charles Tennent	522 Kentucky Rd	bldg	re-roof/resi repairs		\$ 15,990		B&F Roofing	\$ 95.94
5928	8/3/2023	James Galloway	165 Maryland Pl	mech/elect	heat pump changeout				Bullman Heating/Cool	\$ 100
5929	8/4/2023	Eliz & Will Mills	437 W Virginia Terr	bldg	resi remodel		\$75,268.49		Semper Fi Custom Remo	\$ 1,102
5930	8/8/2023	Samuel & Ava Spencer	217 N Carolina Terr	bldg	resi repairs		\$ 95,000		Rockin R Maintenance	\$ 580
5931	8/8/2023	Steve & Eve Carter	197 Mississippi Rd	bldg	resid addition		\$ 300,000		Duinkerken Homes	\$ 2,450
5932	8/18/2023	Steve Wilson	438 Appalachian Way	mech/elect	hp c/o				Gentry Service Group	\$ 100
5933	8/18/2023	John Stork	143 Mississippi Road	mech/elect	mini-splits				Bullman Heating/Cool	\$ 100
5934	8/22/2023	John Potter et al	183 Mississippi Road	building	resid repairs		\$ 6,000		BM Handyman	\$ 100
5935	8/23/2023	Dean Carter	340 Texas Road	elect	elect changeout				Jackson Electrical	\$ 100
5936	8/23/2023	Melvin Bryant McEntire	158 Virginia Rd	plumbin	water/sewer line				Bryant McEntire-owner	\$ 100
5937	8/23/2023	Mark Radigan	166 Texas Road Ext	mech/elect	gas				Blossman Gas	\$ 100
5938	8/24/2023	Sara Jackson	541 Peace Lane	building	resid repairs		\$ 4,050		Blk Mtn Handyman	\$ 50
5939	8/24/2023	Charles Tennent	522 Kentucky Rd	building	driveway - paving				Ruben Reguoso	\$ 100
5940	8/30/2023	BM Property Manageme	525 Big Piney Rd	mech/elect/gas	plumb/elect				TP Howards Plumbing	\$ 100
5941	8/31/2023	Lea Carter	340 Texas Road	mech/elect	mini-splits				All Ways Heating & Air	\$ 100

Suggestions for the 2023 Comprehensive Plan of Montreat

July 13, 2023

The below suggestions are proposed for consideration by the Board of Commissioners, with appreciation. This reflects input from a number of community members as well as from experts at the Preservation Society of Asheville and Buncombe County.

1. **Development: Vision Statement and Objectives**

Suggestions are provided in red:

Page 46 – Development Vision Statement

Montreat will be a community that respects **and preserves** buildings with historic value, encourages new development to **be compatible with** the surrounding architecture, and strives for resilience in the face of a changing climate.

Page 54 and 55 – Development Objectives

1. Support private property owners in the creation of conservation easements and/or deed restrictions on land with **conservation or** recreational value to the public.

[Insert new Objective 2.] Support private property owners in the creation of historic preservation easements.

6. **Encourage the protection of buildings with historic value, and give support or encouragement to the rehabilitation of historic structures. Organize or** support activities with local, regional, and state partners to educate the public about the value of historic properties and landmarks.

[We suggest making #6 a short-term rather than a long-term objective.]

7. In the spirit of the long-term success of the Town of Montreat, **and guided by the above vision statements and objectives**, work collaboratively **with citizens and** the institutions of the Town, including, but not limited to, Montreat College and the Mountain Retreat Association, on any future development plans to support the vitality and future of the institutions and the Town.

2. Revenue Challenges

We note that there is not a section in the new Comprehensive Plan on revenue challenges for Montreat, although there is a brief mention in the executive summary and in the summary of the Mini-Meetings. We wonder if a short new section on this subject might be appropriate.

The issue of revenue sources for Montreat is of course a perennial challenge, and (as noted) was highlighted and robustly discussed in many of the Mini-Meetings. This has many roots. We thought the language in the 2008 Comp Plan handled this quite well, offering a number of possible approaches especially to encourage revenue support from the two major non-profits of Montreat, a long-discussed and challenging issue. We would especially refer to section 3.3.3 of the 2008 Comp Plan (page 37) as providing language that may make a helpful addition to the 2023 Plan.

MEMORANDUM

TO: The Town of Montreat Board of Commissioners

CC: Savannah Parrish (Town Manager) & Angela Murphy (Town Clerk)

FROM: Kayla DiCristina (Zoning Administrator)

SUBJECT: Historic Preservation and Easements

DATE: September 14th, 2022

ATTACHMENTS: N.C.G.S. 160D Article 9 Part 4 & 160D-303 Part 4 & 160D-303; School of Government Article “Can the City Tell Me What My New House Has to Look Like”

During the public comment period for the Town of Montreat’s Comprehensive Plan, Montreat Tomorrow, residents shared concerns over historic preservation with the Board of Commissioners. This memo and its attachment are intended to inform both the Board of Commissioners and members of the public of the statutory framework of North Carolina for historic preservation in land use.

Historic Significance Designations

In North Carolina, there are two levels of “historic designation” for sites, buildings, properties, and/or structures: local and national. At the national level, the designation of historic significance is done through the National Register of Historic Places (“National Register”). The National Register was created in 1966 by the National Historic Preservation Act to recognize and protect properties of historic and cultural significance that warrant consideration for federally funded projects. Sites, buildings, properties, and/or structures listed in the National Register are not obligated or restricted in any way unless the owner seeks a federal benefit, such as a grant or tax credit. In other words, listing on the National Register is honorific and there are no limitations on land use for sites, buildings, properties, and/or structures listed in the National Register. However, part of being listed in the National Register is the historic integrity and changes or additions to such integrity may cause sites, buildings, properties, and/or structures to be removed from the National Register.

At the local level in North Carolina, local governments are permitted to establish historic districts and landmarks per N.C.G.S. 160D Part 4 of Article 9. Historic districts and landmarks established by local governments are separate from the National Register, although some may also be nominated and listed in the National Register. Local government regulation of historic districts and landmarks is discussed below. Owners of landmarks established at the local level are eligible to apply for an annual 50% property tax deferral as long as the property's important historic features are maintained. Recapture penalties may apply if the owner destroys the property or damages its historic value. Unlike landmarks, local historic district designation has no effect on local property taxes for property owners within the designated district.

At the state level, North Carolina has a State Historic Preservation Officer (Director of the NC Office of Archives and History) who is responsible for conducting statewide surveys of historic properties, coordinating nominations of eligible properties to the National Register, and conducting environmental reviews of federal and state projects that may affect properties listed or eligible for listing in the National Register. Under North Carolina law, a preservation easement can be granted only for the preservation of a structure or site historically significant for its architecture, archaeology or historical associations. Age alone does not qualify a building for a preservation easement. Preservation easements must be held by organizations that are authorized to hold preservation easements under state law. Frequently, property owners grant preservation easements over their property to take advantage of state and federal tax incentives. Only properties that are certified to meet the applicable required historic status are eligible for these tax incentives.

Local Land Use Regulations

The architectural style of an area can be an important element in the community's identity and sense of place. Zoning can often be an avenue to ensure the cohesion of new development with existing development. However, local governments obtain their land use regulation power from the state of North Carolina. That power is limited in how restrictive land use regulations can be. Local governments must also examine the nexus between new development regulations and the impetus behind enacting such regulations to ensure there is a balance between regulation and private property rights.

In 2015, the North Carolina General Assembly restricted the authority of local governments to directly regulate "building design elements" for one- and two-family dwellings* as part of land use

ordinances (i.e. zoning ordinances), unless specific circumstances exist (N.C.G.S. 160D-702). Local governments are also restricted from indirectly regulating these elements through a plan consistency review, such as including design standards in the comprehensive plan instead of the zoning ordinance and then requiring plan consistency for new development. For the purposes of N.C.G.S. 160D-702, the phrase "building design elements" includes:

- Exterior building color;
- Type or style of exterior cladding material;
- Style or materials of roof structures or porches;
- Exterior nonstructural architectural ornamentation;
- Location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and
- The interior layout of rooms.

The phrase "building design elements" does not include the (i) height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or (iii) to protect the privacy of neighbors, or regulations adopted governing the permitted uses of land or structures. Building design elements standards for one- and two-family dwellings* may be imposed by land use regulations only if one of the following exists:

1. The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of Chapter 160D.
2. The structures are located in an area designated as a historic district on the National Register of Historic Places.
3. The structures are individually designated as local, State, or national historic landmarks.
4. The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138 (North Carolina State Building Code).
5. Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160D-908 (fence wraps at construction sites) and federal law.
6. Where the regulations are adopted as a condition of participation in the National Flood Insurance Program (as a note, floodplain ordinances are provided by the state and contain few individualized sections, unless made mandatory by the NFIP for an individual jurisdiction).

Outside of these scenarios, building design element standards for one- and two-family dwellings* may be applied only if voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining development approval above the administrative level (i.e. as part of a conditional rezoning, special use permit, variance, planned unit development application as the ordinance allows). Building design element standards may also be imposed by private covenants or other contractual agreements among property owners. However, this is outside the scope of local government regulation.

Historic Districts

Per N.C.G.S. 160D-944, local governments may enact historic districts consisting of “areas that are deemed to be of special significance in terms of their history, prehistory, architecture, or culture and to possess integrity of design, setting, materials, feeling, and association”. To establish a historic district or landmark, local governments must perform an investigation and prepare a report describing the significance of the buildings, structures, features, sites, or surroundings included in the proposed district and a description of the boundaries of the district. This report must be made by a qualified professional and may include a monetary fee. The local government must submit this report to the State Historic Preservation Officer for analysis and recommendation. After 30 days, the local government can proceed with adopting development regulations for the historic district or landmark in the same manner as would otherwise be required for the adoption of any appropriate zoning regulation. Internal staff time, with legal review and possibly external review, is needed to draft the development regulations.

As part of the establishment of a historic district or landmark pursuant to N.C.G.S. 160D-944, the governing body must appoint a historic preservation commission subject to N.C.G.S. 160D-303. A majority of the members of the historic preservation commission must have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. Representation by an extraterritorial jurisdiction member on this commission is required. Establishment of this commission requires additional time from community members and participation may be limited based on whether potential members hold seats on other boards and based on qualifications.

Members of the commission may be reimbursed for expenses incidental to the performance of their duties within the limits of any funds available to the commission, but serve without pay unless otherwise provided in the ordinance establishing the commission. The local government must ensure that adequate funding for commission activities is available. The responsibilities and duties of the historic preservation commission include the following:

1. At the earliest possible time undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance and submit to the Office of Archives and History.
2. Recommend to the governing board areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks."
3. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.
4. Restore, preserve, and operate historic properties.
5. Recommend to the governing board that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause.
6. Conduct an educational program regarding historic properties and districts within its jurisdiction.
7. Cooperate with the State, federal, and local governments in pursuance of the purposes of this Part. The governing board or the commission, when authorized by the governing board, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law.
8. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof.
9. Prepare and recommend the official adoption of a preservation element as part of the local government's comprehensive plan.

10. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this Part.

Certificates of appropriateness, under number ten on the list above, have a substantial impact on private use of property should a historic district be enacted. A certificate of appropriateness is approval from the historic preservation commission given to an applicant through a quasi-judicial process. This approval permits the applicant to erect, alter, restore, move, or demolish exterior features of a building or structure on a locally designated landmark or on property within a locally designated historic district. Exterior features include masonry walls, fences, light fixtures, steps, and pavement, or other appurtenant features. Additional costs associated with compliance with historic designation requirements (paint, light fixtures, siding, etc.) will also be imposed on private property owners subject to historic district or landmark requirements. The historic preservation commission has no jurisdiction over interior renovations unless consent is given by the owner. However, the consent of the owner binds future owners and/or successors if the consent has been filed with the Register of Deeds. Certificates of appropriateness are not intended to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of a landmark that does not involve a change in design, material, or appearance or prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature which the building inspector certifies is required for the public safety because of an unsafe or dangerous condition or emergency repairs.

Certificates of appropriateness are required whether or not a building or other permit is required but must be issued prior to any required permits being issued. In other words, all new development and most exterior renovations must obtain a certificate of appropriateness before proceeding with development. Certificates of appropriateness are issued through the quasi-judicial process outlined in N.C.G.S. 160D-406, which is the same process for special use permits and variances. N.C.G.S. 160D-406 requires mailed notices and notice posted on the site for the proposed development, as well as a quasi-judicial public hearing with sworn testimony and evidence. Under ideal conditions, the quasi-judicial process adds a minimum of three months to the development process. While all property owners in municipalities with zoning must comply with zoning regulations, property owners in historic districts or owning designated landmarks have additional requirements in order to proceed with development or renovation. Property owners would now, on top of the existing development permit process, have an additional (at a minimum) three-month delay in proceeding

with development by having to obtain a certificate of appropriateness. Appeals of the historic preservation commission may be made to the Board of Adjustment in the nature of certiorari or Buncombe County Superior Court, depending on the ordinance.

While certificates of appropriateness for demolition of existing structures in either a historic district or those identified as landmarks cannot be denied, the effective date of the certificate may be delayed for up to 365 days from the date of approval. During such period, the historic preservation commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the preservation commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it must waive all or part of such period and authorize earlier demolition or removal. It's not clear who pays for this determination if outside investigation is needed.

Simply listing a property on the National Register of Historic Places does not offer substantive protection from private actions. This listing is not the same as an easement or locally enforced regulations. In terms of most restrictive to least restrictive of private action, preservation easements are the most restrictive (although only apply to a single property), locally enforced regulations are the next (and may apply broadly or to a single property), and a listing on the National Register of Historic Places is the least.

Easements

Another route available to a private property owner who wants to protect the historic nature of their property (or structure) is an easement. An easement is a legal agreement between a property owner and another entity. Easements can be done for different purposes: conservation, preservation, access, parking, driveways, sidewalks, etc. Under an easement, the use of a private piece of property is restricted for the mutual benefit of different parties to serve one of the aforementioned purposes. These agreements should serve to both accomplish the desired purpose of the easement, while also meeting the needs of the property owner.

Easements run with the land, not the owner, by being recorded with the Register of Deeds and are therefore binding on future property owners. Oftentimes these agreements are permanent, but they can have expiration dates. The terms of an easement can be customized to meet the desires of each party. Conditions are agreed upon by both parties before inclusion in the easement agreement.

Preservation easements can also include affirmative rights and covenants. Affirmative rights give the grantee the right to do something on the property. For instance, bring researchers to the property during a certain time period or with a certain notice process to the property owner. Covenants affect the future use of the land in positive (requiring action) or negative (preventing action) ways. Since easements restrict the use of property, the value of a property may be reduced, which may be beneficial or detrimental depending on the property owner's plans for the use of the land. For instance, a preservation easement may prevent a property from being subdivided in the future for sale. As a note, revising an easement after it is recorded can be difficult and requires the consent of all parties.

This legal avenue can be used to preserve historic properties. Easements for historic purposes may be called preservation easements. When only the exterior of a structure is to be preserved, these easements may be referred to as façade easements. In a preservation easement, the property owner agrees to protect the property's historic integrity by limiting the alterations (renovations, additions, demolitions, etc.) they can make. The property owner retains ownership of the property (and can sell, transfer, or lease it as desired) and the right, duty, and responsibility to manage and care for the property. They also bear the cost of establishing the easement (including title searches and attorney fees) and may also be required to pay the grantee a fee for acceptance and/or long-term monitoring and enforcement activities. The grantee of the easement, typically a qualified preservation organization or public agency, agrees to enforce the restrictions of the easement and monitor the property. Public agencies who join into easements as grantees are rarely, if ever, local governments. These public agencies are typically state- or federal-level departments (such as the NC Dept. of Natural and Cultural Resources), as these entities have far more capacity and resources to best serve and accomplish the purpose of the easement when compared to local governments.

Simply listing a property on the National Register of Historic Places does not offer substantive protection from private actions. This listing is not the same as an easement or locally enforced regulations. In terms of most restrictive to least restrictive of private action, preservation easements are the most restrictive (although only apply to a single property), locally enforced regulations are the next (and may apply broadly or to a single property), and a listing on the National Register of Historic Places is the least.

* HB 488 in the current legislative session expands the prohibition of architectural and design regulations to include three- and four-family dwellings.

§ 160D-303. Historic preservation commission.

(a) **Composition.** – Before it may designate one or more landmarks or historic districts pursuant to Part 4 of Article 9 of this Chapter, the governing board shall establish a historic preservation commission. The governing board shall determine the number of the members of the commission, which shall be at least three, and the length of their terms, which shall be no greater than four years. A majority of the members of the commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. All the members shall reside within the planning and development regulation jurisdiction of the local government as established pursuant to this Chapter. The commission may appoint advisory bodies and committees as appropriate. Members of the commission may be reimbursed for actual expenses incidental to the performance of their duties within the limits of any funds available to the commission but shall serve without pay unless otherwise provided in the ordinance establishing the commission.

(b) **Alternative Forms.** – In lieu of establishing a historic preservation commission, a local government may designate as its historic preservation commission (i) a separate historic districts commission or a separate historic landmarks commission established pursuant to this Chapter to deal only with historic districts or landmarks respectively, (ii) a planning board established pursuant to this Chapter, or (iii) a community appearance commission established pursuant to this Chapter. In order for a commission or board other than the historic preservation commission to be designated, at least three of its members shall have demonstrated special interest, experience, or education in history, architecture, or related fields. At the discretion of a local government, the ordinance may also provide that the preservation commission may exercise within a historic district any or all of the powers of a planning board or a community appearance commission.

(c) **Joint Commissions.** – Local governments may establish or designate a joint preservation commission. If a joint commission is established or designated, it shall have the same composition as specified by this section, and the local governments involved shall determine the residence requirements of members of the joint preservation commission.

(d) **Duties.** – The historic preservation commission shall have the duties specified in G.S. 160D-942. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

facility, including a wireline backhaul facility, other than a small wireless facility, in the right-of-way. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-939. Reserved for future codification purposes.

Part 4. Historic Preservation.

§ 160D-940. Legislative findings.

The heritage of our State is one of our most valued and important assets. The conservation and preservation of historic districts and landmarks stabilize and increase property values and strengthen the overall economy of the State. This Part authorizes local governments within their respective planning and development regulation jurisdictions and by means of listing, regulation, and acquisition to do the following:

- (1) To safeguard the heritage of the city or county by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory.
- (2) To promote the use and conservation of such district or landmark for the education, pleasure, and enrichment of the residents of the city or county and the State as a whole. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-941. Historic preservation commission.

Before it may designate one or more landmarks or historic districts, a local government shall establish or designate a historic preservation commission in accordance with G.S. 160D-303. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-942. Powers of the historic preservation commission.

A preservation commission established pursuant to this Chapter may, within the planning and development regulation jurisdiction of the local government, do any of the following:

- (1) Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance.
- (2) Recommend to the governing board areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks."
- (3) Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.
- (4) Restore, preserve, and operate historic properties.
- (5) Recommend to the governing board that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause.
- (6) Conduct an educational program regarding historic properties and districts within its jurisdiction.
- (7) Cooperate with the State, federal, and local governments in pursuance of the purposes of this Part. The governing board or the commission, when

authorized by the governing board, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law.

- (8) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof.
- (9) Prepare and recommend the official adoption of a preservation element as part of the local government's comprehensive plan.
- (10) Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this Part.
- (11) Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-943. Appropriations.

A governing board is authorized to make appropriations to a historic preservation commission established pursuant to this Chapter in any amount determined necessary for the expenses of the operation of the commission and may make available any additional amounts necessary for the acquisition, restoration, preservation, operation, and management of historic buildings, structures, sites, areas, or objects designated as historic landmarks, or within designated historic districts, or of land on which such buildings or structures are located, or to which they may be removed. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-944. Designation of historic districts.

(a) Any local government may, as part of a zoning regulation adopted pursuant to Article 7 of this Chapter or as a development regulation enacted or amended pursuant to Article 6 of this Chapter, designate and from time to time amend one or more historic districts within the area subject to the regulation. Historic districts established pursuant to this Part shall consist of areas that are deemed to be of special significance in terms of their history, prehistory, architecture, or culture and to possess integrity of design, setting, materials, feeling, and association.

A development regulation may treat historic districts either as a separate use district classification or as districts that overlay other zoning districts. Where historic districts are designated as separate use districts, the zoning regulation may include as uses by right or as special uses those uses found by the preservation commission to have existed during the period sought to be restored or preserved or to be compatible with the restoration or preservation of the district.

(b) No historic district or districts shall be designated under subsection (a) of this section until all of the following occur:

- (1) An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in the proposed district and a description of the boundaries of the district have been prepared.

- (2) The Department of Natural and Cultural Resources, acting through the State Historic Preservation Officer or his or her designee, has made an analysis of and recommendations concerning the report and description of proposed boundaries. Failure of the Department to submit its written analysis and recommendations to the governing board within 30 calendar days after a written request for the analysis has been received by the Department relieves the governing board of any responsibility for awaiting the analysis, and the governing board may at any subsequent time take any necessary action to adopt or amend its zoning regulation.

(c) The governing board may also, in its discretion, refer the report and proposed boundaries under subsection (b) of this section to any local preservation commission or other interested body for its recommendations prior to taking action to amend the zoning regulation. With respect to any changes in the boundaries of a district, subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by subdivision (1) of subsection (b) of this section shall be prepared by the preservation commission and shall be referred to the planning board for its review and comment according to procedures set forth in the zoning regulation. Changes in the boundaries of an initial district or proposal for additional districts shall also be submitted to the Department of Natural and Cultural Resources in accordance with the provisions of subdivision (2) of subsection (b) of this section.

On receipt of these reports and recommendations, the local government may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning regulation.

(d) G.S. 160D-914 applies to zoning or other development regulations pertaining to historic districts, and the authority under that statute for the ordinance to regulate the location or screening of solar collectors may encompass requiring the use of plantings or other measures to ensure that the use of solar collectors is not incongruous with the special character of the district. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-88, s. 1(e).)

§ 160D-945. Designation of landmarks.

Upon complying with G.S. 160D-946, the governing board may adopt and amend or repeal a regulation designating one or more historic landmarks. No property shall be recommended for designation as a historic landmark unless it is deemed and found by the preservation commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.

The regulation shall describe each property designated in the regulation, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural, or prehistorical value, including the land area of the property so designated, and any other information the governing board deems necessary. For each building, structure, site, area, or object so designated as a historic landmark, the regulation shall require that the waiting period set forth in this Part be observed prior to its demolition. For each designated landmark, the regulation may also provide for a suitable sign on the property indicating that the property has been so designated. If the owner consents, the sign shall be placed upon the property. If the owner objects, the sign shall be placed on a nearby public right-of-way. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-946. Required landmark designation procedures.

As a guide for the identification and evaluation of landmarks, the preservation commission shall undertake, at the earliest possible time and consistent with the resources available to it, an inventory of properties of historical, architectural, prehistorical, and cultural significance within its jurisdiction. The inventories and any additions or revisions to them shall be submitted as expeditiously as possible to the Office of Archives and History. No regulation or amendment to a regulation designating a historic building, structure, site, area, or object as a landmark shall be adopted, and no property shall be accepted or acquired by a preservation commission or the governing board, until all of the following procedural steps have been taken:

- (1) The preservation commission (i) prepares and adopts rules of procedure and (ii) prepares and adopts principles and standards, not inconsistent with this Part, for altering, restoring, moving, or demolishing properties designated as landmarks.
- (2) The preservation commission forwards to the Office of Archives and History of the North Carolina Department of Natural and Cultural Resources an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition.
- (3) The Department of Natural and Cultural Resources is allowed 30 days from receipt of the preservation commission's complete investigation and report to provide written comments to the commission concerning the proposed designation or acquisition. Failure of the Department to submit its comments within the time allowed relieves the commission and the governing board of any responsibility to consider the comments.
- (4) The preservation commission and the governing board hold a joint legislative hearing or separate legislative hearings on the proposed regulation. Notice of the hearing shall be made as provided by G.S. 160D-601. Following the hearings, the governing board may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation.
- (5) Repealed by Session Laws 2022-64, s. 7, effective July 8, 2022.
- (6) Upon adoption of the regulation, the owners and occupants of each designated landmark are given written notice of the designation within a reasonable time. One copy of the regulation and all amendments to it shall be filed by the preservation commission in the office of the register of deeds of the county in which the landmark is located. In the case of any landmark property lying within the planning and development regulation jurisdiction of a city, a second copy of the regulation and all amendments to it shall be kept on file in the office of the city or town clerk and be made available for public inspection at any reasonable time. A third copy of the regulation and any amendments shall be given to the local government building inspector. The fact that a building, structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by the local government for such period as the designation remains in effect.
- (7) Upon the adoption of the landmark regulation or any amendment to it, the preservation commission gives notice of the regulation or amendment to the tax supervisor of the county in which the property is located. The

designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2022-64, s. 7.)

§ 160D-947. Certificate of appropriateness required.

(a) Certificate Required. - After the designation of a landmark or a historic district, no exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on the landmark or within the district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the preservation commission. The local government shall require such a certificate to be issued by the commission prior to the issuance of a building permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Part. A certificate of appropriateness is required whether or not a building or other permit is required.

For purposes of this Part, "exterior features" include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" mean the style, material, size, and location of all such signs. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area.

Except as provided in subsection (b) of this section, the commission has no jurisdiction over interior arrangement. The commission shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district that would be incongruous with the special character of the landmark or district. In making decisions on certificates of appropriateness, the commission shall apply the rules and standards adopted pursuant to subsection (c) of this section.

(b) Interior Spaces. - Notwithstanding subsection (a) of this section, jurisdiction of the commission over interior spaces is limited to specific interior features of architectural, artistic, or historical significance in publicly owned landmarks and of privately owned historic landmarks for which consent for interior review has been given by the owner. The consent of an owner for interior review binds future owners and/or successors in if the consent has been filed in the office of the register of deeds of the county in which the property is located and indexed according to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over the interior.

(c) Rules and Standards. - Prior to any action to enforce a landmark or historic district regulation, the commission shall (i) prepare and adopt rules of procedure and (ii) prepare and adopt principles and standards not inconsistent with this Part to guide the commission in determining congruity with the special character of the landmark or district for new construction, alterations, additions, moving, and demolition. The landmark or historic district regulation may provide, subject to prior adoption by the preservation commission of detailed standards, for staff review and approval as an administrative decision of applications for a certificate of appropriateness for minor work or activity as defined by the regulation; provided,

however, that no application for a certificate of appropriateness may be denied without formal action by the preservation commission. Other than these administrative decisions on minor works, decisions on certificates of appropriateness are quasi-judicial and shall follow the procedures of G.S. 160D-406.

(d) Time for Review. - All applications for certificates of appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed 180 days from the date the application for a certificate of appropriateness is filed, as defined by the regulation or the commission's rules of procedure. As part of its review procedure, the commission may view the premises and seek the advice of the Division of Archives and History or such other expert advice as it may deem necessary under the circumstances.

(e) Appeals. -

- (1) Appeals of administrative decisions allowed by regulation may be made to the commission.
- (2) All decisions of the commission in granting or denying a certificate of appropriateness may, if so provided in the regulation, be appealed to the board of adjustment in the nature of certiorari within times prescribed for appeals of administrative decisions in G.S. 160D-405(d). To the extent applicable, the provisions of G.S. 160D-1402 apply to appeals in the nature of certiorari to the board of adjustment.
- (3) Appeals from the board of adjustment may be made pursuant to G.S. 160D-1402.
- (4) If the regulation does not provide for an appeal to the board of adjustment, appeals of decisions on certificates of appropriateness may be made to the superior court as provided in G.S. 160D-1402.
- (5) Petitions for judicial review shall be taken within times prescribed for appeal of quasi-judicial decisions in G.S. 160D-1405. Appeals in any such case shall be heard by the superior court of the county in which the local government is located.

(f) Public Buildings. - All of the provisions of this Part are hereby made applicable to construction, alteration, moving, and demolition by the State of North Carolina, its political subdivisions, agencies, and instrumentalities, provided, however, they do not apply to interiors of buildings or structures owned by the State of North Carolina. The State and its agencies may appeal to the North Carolina Historical Commission or any successor agency assuming its responsibilities under G.S. 121-12(a) from any decision of a local preservation commission. The North Carolina Historical Commission shall render its decision within 30 days from the date that the notice of appeal by the State is received by it. The current edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be the sole principles and guidelines used in reviewing applications of the State for certificates of appropriateness. The decision of the North Carolina Historical Commission is final and binding upon both the State and the preservation commission. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 24, 51(a), (b), (d).)

§ 160D-948. Certain changes not prohibited.

Nothing in this Part shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of a landmark that does not involve a change in design, material, or appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature which the building inspector or similar official shall certify is required by the public safety because of an

unsafe or dangerous condition. Nothing in this Part shall be construed to prevent a property owner from making any use of his or her property that is not prohibited by other law. Nothing in this Part shall be construed to prevent the maintenance or, in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the preservation commission. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-949. Delay in demolition of landmarks and buildings within historic district.

(a) An application for a certificate of appropriateness authorizing the relocation, demolition, or destruction of a designated landmark or a building, structure, or site within the district may not be denied, except as provided in subsection (c) of this section. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the preservation commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the preservation commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the preservation commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

If the preservation commission or planning board has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the governing board, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the preservation commission or planning board for a period of up to 180 days or until the governing board takes final action on the designation, whichever occurs first.

(b) The governing board may enact a regulation to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such regulation shall provide appropriate safeguards to protect property owners from undue economic hardship.

(c) An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the preservation commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-950. Demolition by neglect to contributing structures outside local historic districts.

Notwithstanding G.S. 160D-949 or any other provision of law, the governing board may apply its demolition-by-neglect regulations to contributing structures located outside the local historic district within an adjacent central business district. The governing board may modify and revise its demolition-by-neglect regulations as necessary to implement this section and to further its intent. This section is applicable to any local government provided such local government (i) has designated portions of the central business district and its adjacent historic district as an Urban Progress Zone as defined in G.S. 143B-437.09 and (ii) is recognized by the State Historic Preservation Office and the U.S. Department of the Interior as a Certified Local Government in accordance with the National Historic Preservation Act of 1966, as amended by 16 U.S.C. § 470, et seq., and the applicable federal regulations 36 C.F.R. Part 61,

but is located in a county that has not received the same certification. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-951. Conflict with other laws.

Whenever any regulation adopted pursuant to this Part requires a longer waiting period or imposes other higher standards with respect to a designated historic landmark or district than are established under any other statute, charter provision, or regulation, this Part shall govern. Whenever the provisions of any other statute, charter provision, ordinance, or regulation require a longer waiting period or impose other higher standards than are established under this Part, such other statute, charter provision, ordinance, or regulation shall govern. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 160D-952. Reserved for future codification purposes.

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§ 160D-956. Reserved for future codification purposes.

§ 160D-957. Reserved for future codification purposes.

§ 160D-958. Reserved for future codification purposes.

§ 160D-959. Reserved for future codification purposes.

Part 5. Community Appearance Commissions.

§ 160D-960. Powers and duties of commission.

A community appearance commission shall make careful study of the visual problems and needs of the local government within its planning and development regulation jurisdiction and shall make any plans and carry out any programs that will, in accordance with the provisions of this Part, enhance and improve the visual quality and aesthetic characteristics of the local government. To this end, the governing board may confer upon the appearance commission the following powers and duties:

- (1) To initiate, promote, and assist in the implementation of programs of general community beautification in the local government.
- (2) To coordinate the activities of individuals, agencies, and organizations, public and private, whose plans, activities, and programs bear upon the appearance of the local government.
- (3) To provide leadership and guidance in matters of area or community design and appearance to individuals, to public and private organizations, and to agencies.
- (4) To make studies of the visual characteristics and problems of the local government, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, any portion or neighborhood thereof, or any project to be undertaken.



Coates' Canons NC Local Government Law

Can the City Tell Me What My New House Has to Look Like? Residential Design Standards

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Author Name: David Owens

A fast-growing suburban town would like to encourage walkable mixed use neighborhoods. The planning board has proposed adding a new zoning district that would allow higher residential densities provided certain standards are met. The proposed standards include requirements for sidewalks, front porches, and that garage entrances be accessed only from the rear of the property.

A second town is concerned that most of the new subdivisions built in town in the past few years have included only entry-level housing. The newly adopted comprehensive plan encourages all new large residential developments to provide a full range of housing affordability in order to provide adequate housing opportunities for everyone. A council member now urges action to secure a greater variety of housing, with a particular aim of encouraging more mid- and high-end housing. She has proposed amending the town's low density residential zoning district to require that all new houses in that district have masonry siding. She suggests an alternative may be to prohibit use of vinyl siding in this zoning district.

A small resort town wants to preserve its distinctive architectural character. To that end, a local civic group has asked the town council to consider requiring that new houses constructed in existing neighborhoods generally match the scale, colors, and architectural style of existing neighboring homes. The group has also asked that residential structures offered for weekly rental be limited to no more than six bedrooms. The group contends that very large residences offered for short-term rental have land use

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impacts more akin to a small motel than a residence, so this regulation is needed in order to minimize problems with noise, traffic, and parking and to preserve the existing residential character of their neighborhoods.

Do North Carolina cities and counties have the authority to adopt regulations like these proposals? Since 2015 North Carolina statutes restrict the authority of local governments to adopt most of these proposed regulations.

Zoning regulations have always addressed aspects of the design of new development. The nation's first comprehensive zoning ordinance, adopted by New York City in 1916, regulated which land uses could be located in particular zones, set the maximum height for buildings in different areas, and required differing setbacks from the street and property lines depending on the district designated.

Over the decades a variety of design standards have been incorporated into many zoning ordinance. Most zoning ordinances followed New York's example and include height limits and required structures to be set back from property lines a specified distance with the specific limits varying for each different zoning district. Commercial developments are often required to have an integrated, coherent design. New construction in historic districts is required to be congruent with character of the district. Development that requires a special or conditional use permit is commonly required to be harmonious with the neighborhood or compatible with that surrounding development. A number of local governments now have "neighborhood conservation districts" to prevent in-fill development that is radically different from the existing neighborhood. Some communities have anti-monotony requirements for new subdivisions so that all of the houses do not look exactly alike. And several local governments are experimenting with zoning regulations that focus on the form of new structures – their design, scale, and placement on the lot – rather than the land uses occurring within the structures. See this [post](#) from Rich Ducker discussing the 2013 bill and local government authority regarding community appearance standards generally.

The development community in North Carolina became concerned that some local governments had gone too far with imposing design standards for residential development. A regulatory requirement for particular types of siding was the most frequently cited concern, but limits on where garages can be

placed (such as banning placing garages as the most prominent feature at the front of a house, so-called “snout houses”) were also cited as governmental overreach. Bills to restrict local authority to adopt residential design standards were considered but not adopted in 2011 and 2013-14.

In 2015 restrictions on local residential design standards were adopted. S.L. 2015-86 became effective law in North Carolina as of June 19, 2015 and applies to all zoning ordinances adopted before, on, or after that date. The limits are codified as **G.S. 160D-702(b)**.

Applicability

The restrictions apply to any regulation of buildings subject to the N.C. Residential Code for One- and Two-Family Dwellings. All single family homes and duplexes are covered. Townhouses are also covered if they are built to the single-family code. The restrictions do not apply to multi-family housing or non-residential buildings. The restrictions do not apply to private restrictive covenants, only to design standards imposed by government regulation.

Limits on Design Standards

The law prohibits regulation of “building design elements.” These cannot be regulated directly. Nor can they be regulated indirectly through a plan consistency review (such as putting the design standards in the adopted plan rather than in the zoning ordinance and then having the zoning ordinance require that new development be consistent with the plan).

The law provides a list of what cannot be regulated. The prohibition covers:

- 1) Exterior building color;
- 2) Type or style of exterior cladding material;
- 3) Style or materials of roofs or porches
- 4) Exterior nonstructural architectural ornamentation;
- 5) Location or architectural styling of windows and doors, including garage doors;
- 6) Location of rooms; and
- 7) Interior layout of rooms.

There are several items that are explicitly listed as not being “building design elements” and that can be regulated. These are:

- 1) Height, bulk, orientation on the lot, location of structure on a lot;

- 2) Use of buffering or screening to minimize visual impacts, to mitigate impacts of light or noise, or to protect the privacy of neighbors; and
- 3) Regulations governing permitted uses of land or structures.

Exceptions

The law creates a number of exceptions to this prohibition of design regulations.

Perhaps most importantly for new developments, design standards may be applied if the owners of all of the property involved voluntarily consent to them. In this instance the standards can only be imposed if done as “part of and in the course of” seeking a zoning amendment or a zoning, subdivision, or other development regulation approval. This tracks existing law that requires landowner consent for property to be placed in a conditional zoning district and requires mutual consent for conditions imposed. **G.S. 160D-703(h)**. Design standards developed and agreed to by the owners of all affected property can still be incorporated into conditional zoning, special use permits, or development agreements.

There is some debate as to how this provision should be interpreted, with some in the development community contending only design standards proposed by the developer are “voluntary.” Others contend it matters not who proposes the standards (the owner, the local government, or the neighbors) as long as it is clear the owners consent to their imposition. How the proposal originates is unlikely to matter legally, but care must be exercised to clearly demonstrate that the owner has indeed voluntarily consented to the imposition of the design standards. The courts will not accept just calling a regulatory requirement “voluntary” when compliance has in fact been uniformly mandated. **Lanvale Properties, LLC v. County of Cabarrus**, 366 N.C. 142, 731 S.E.2d 800 (2012).

There are other specific exceptions to the prohibition listed in the law, primarily preserving historic district regulations, where building design elements are a central feature of the regulatory scheme.

Building design elements can still be regulated in these circumstances:

- 1) Within designated local historic districts;
- 2) Within historic districts on the National Register;
- 3) For designated local, state, or national landmarks;

4) Those directly and substantially related to safety codes;

5) For manufactured housing; and

6) Those adopted as a condition of participation in the flood insurance program.

Implications

Zoning ordinances can still set height and size limits for structures and specify where on a lot structures may be located. They can specify setbacks and maximum lot coverages. Zoning statutes expressly authorize cities and counties to regulate “the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures and land.” G.S. **160D-702(a)**.

Very importantly, the uses to which structures are put can still be regulated. There has been concern that an inability to regulate location and layout of rooms could lead to unscrupulous builders labeling a structure as “single-family” when in actuality they are building a multi-unit or group housing structure. The construction must still meet all building code requirements and if the structure is indeed put to a use that is not allowed, zoning enforcement is appropriate at that time.

Architectural details can be regulated in historic districts (and these districts can be established based on their “special significance in terms of their history, prehistory, architecture, and/or culture”).

Regulations for commercial and multifamily structures are not affected by the new law. Landowners can voluntarily agree to imposition of design regulations. Private restrictive covenants can still dictate architectural review for single family homes.

So of the proposals listed at the outset, which are prohibited and which are authorized under North Carolina law? The first town cannot dictate that new houses have porches or where the garage door is located but can still require sidewalks in residential subdivisions. The second town certainly cannot mandate a particular type of siding for new houses. The resort town cannot require use of its distinctive architectural style outside of designated historic districts. However, while the resort town probably cannot set a maximum number of bedrooms for new residences, it can regulate the scale and size of new houses and prohibit commercial uses in residential areas (and the question of whether short-term rentals are a residential or commercial use is a topic for another day).

But in most other situations, local governments in North Carolina no longer have the authority, if they ever did, to tell homeowners what color their house can be painted, what materials can be used for their windows and siding, or what architectural style must be used for a new house.

<https://canons.sog.unc.edu/2015/08/can-the-city-tell-me-what-my-new-house-has-to-look-like/>

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TOWN OF MONTREAT COMPREHENSIVE PLAN



JUNE 2023

Acknowledgments

Thank you to the members of the community who were involved in this planning process including the Steering Committee, residents, staff, and members of Council. This plan is a reflection of their dedication to the future of Montreat.

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This page is reserved for formal adoption language.

Executive Summary

The town of Montreat is a small community located in Western North Carolina 18.2 miles east of Asheville. The community possesses great natural beauty and a strong sense of place and heritage, both of which have high meaning and priority for full-time residents, seasonal residents, and those whose lives are shaped by Montreat's several institutions. Once privately owned and operated by the Mountain Retreat Association, the town of Montreat was incorporated as a North Carolina town in 1967.

This plan is an update to the town's 2008 Comprehensive Plan (as reapproved in 2022) and serves as a guide to achieving three vision statements developed for the town over the next ten years. This plan emerged over an 18-month-long process of collaboration between the consultants, town staff, and the steering committee. During this time, the participants reviewed and analyzed the existing town plan and previous surveys, and performed public engagement appropriate to Montreat, including a community survey, a workshop, and several mini-meetings hosted by committee members.

Collectively, those who responded value the community's vast natural resources and the existing character of low-density residential housing. In the next ten years, those who responded hope to see solutions to the problems identified during the public engagement sessions, such as managing increased vehicular traffic volumes on roads and in parking lots and preserving the quality of Flat Creek.

The plan also identifies recent trends, including the Mountain Retreat Association's transition from summer- to four-season conference center, the growth of Montreat College, the continued increase of the full-time homeowner population, private home development, increasing tourism in the area, and limited opportunities for future development.

The 2022 survey that informs this plan is shaped largely by individual respondents, and their aspirations and concerns are appropriately reflected in the plan's three vision statements and objectives. The plan's findings are partly drawn from a broadly advertised, anonymous online survey form, available to any interested party, with 80% of the responses coming from individuals self-identified as not being full-time residents. When the 2022 survey is compared to a previous 2020 town survey of residents only, the results of both surveys show broad agreement, except for the descriptions of Montreat, where respondents were asked to characterize Montreat in three words (see Appendix, page 67). The differences apparent in the 2022 results may have been influenced by recent opposition concerning the Mountain Retreat Association's plan to construct a new lodge.

When analyzing both survey data and recent trends, the steering committee notes that the town's unique character, so valued by its residents and identified in their survey responses, is uncommonly reliant on the town's resident institutions and their continued vitality. Managing this dynamic – through careful discernment, leadership, and communication – will be a key to Montreat's future.

This plan responds to the desires and concerns of residents with three vision statements, each with its own accompanying objectives, addressing (i) *Community Character and Development*, (ii) *Natural Preservation and Stormwater*, and (iii) *Traffic and Transportation*. This plan includes a general implementation strategy that assigns a priority and identifies town staff entities tasked with achieving each of the objectives presented.

The committee notes that taxes remain the town's primary revenue source. Given the general reluctance to pursue increased tax rates or commercial development, growth in home values represents the most likely source of future tax revenue increases. As such, financial limitations may impact the ability to fully realize this plan.

Table of Contents

Plan Overview	01
Planning Process	
Project Timeline	
Community Context	05
Population	
Land Use & Zoning	
Environment	
Public Engagement	33
Online Survey	
Engagement Events	
Montreat Tomorrow	43
Vision Statements	
Objectives	
Next Steps	
Appendix	58
Survey Questions and Additional Graphics	

Additional Planning Documents

Town of Montreat Tree Management Guide

Town of Montreat Wayfinding Signage Plan

Town of Montreat Pedestrian, Bicycle, and Greenways Master Plan

Town of Montreat Open Space Conservation Plan

Buncombe Madison Regional Hazard Mitigation Plan

List of Figures

Figure 2-1 : Geographic Location of Montreat	6
Figure 2-2 : Montreat Planning Area	8
Figure 2-3 : Population Increase, 2010 to 2020	10
Figure 2-4 : Population, 2010 to 2020	10
Figure 2-5 : Travel Expenditures	11
Figure 2-6 : Median Home Value	11
Figure 2-7 : Active Transportation	12
Figure 2-8 : Developed Land Uses	15
Figure 2-9 : Current Zoning	16
Figure 2-10 : Land Use	18
Figure 2-11 : Land Ownership	21
Figure 2-12 : Change in Extreme Precipitation in the United States	23
Figure 2-13 : North Carolina Wildfires	23
Figure 2-14 : Rain Gardens	25
Figure 2-15 : Land Stability Index	26
Figure 2-16 : Landslide Hazard Areas	28
Figure 2-17 : Stormwater Infrastructure	30
Figure 2-18 : Flood Hazard Areas	32
Figure 3-1 : Demographics	36
Figure 3-2 : Why Montreat?	37
Figure 3-3 : Montreat's Characteristics	38
Figure 3-4 : Support for possible Businesses	38
Figure 3-5 : Agree/Disagree Matrix Results	40
Figure 3-6 : Pedestrian Danger Areas	41
Figure 3-7 : Development Areas	43
Figure 3-8 : Desired Development Types	43

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An aerial photograph of a scenic landscape. In the foreground, a dark, calm lake reflects the sky. To the left, a paved road with a guardrail runs along the edge of the lake. In the background, rolling hills are covered in dense forests with vibrant autumn foliage in shades of orange, yellow, and red. A small building is visible on a hillside to the right. The sky is a clear, bright blue. A large, semi-transparent dark blue triangle is overlaid on the left side of the image, containing the text.

01

PLAN OVERVIEW

Planning Process

Project Timeline

PLAN OVERVIEW

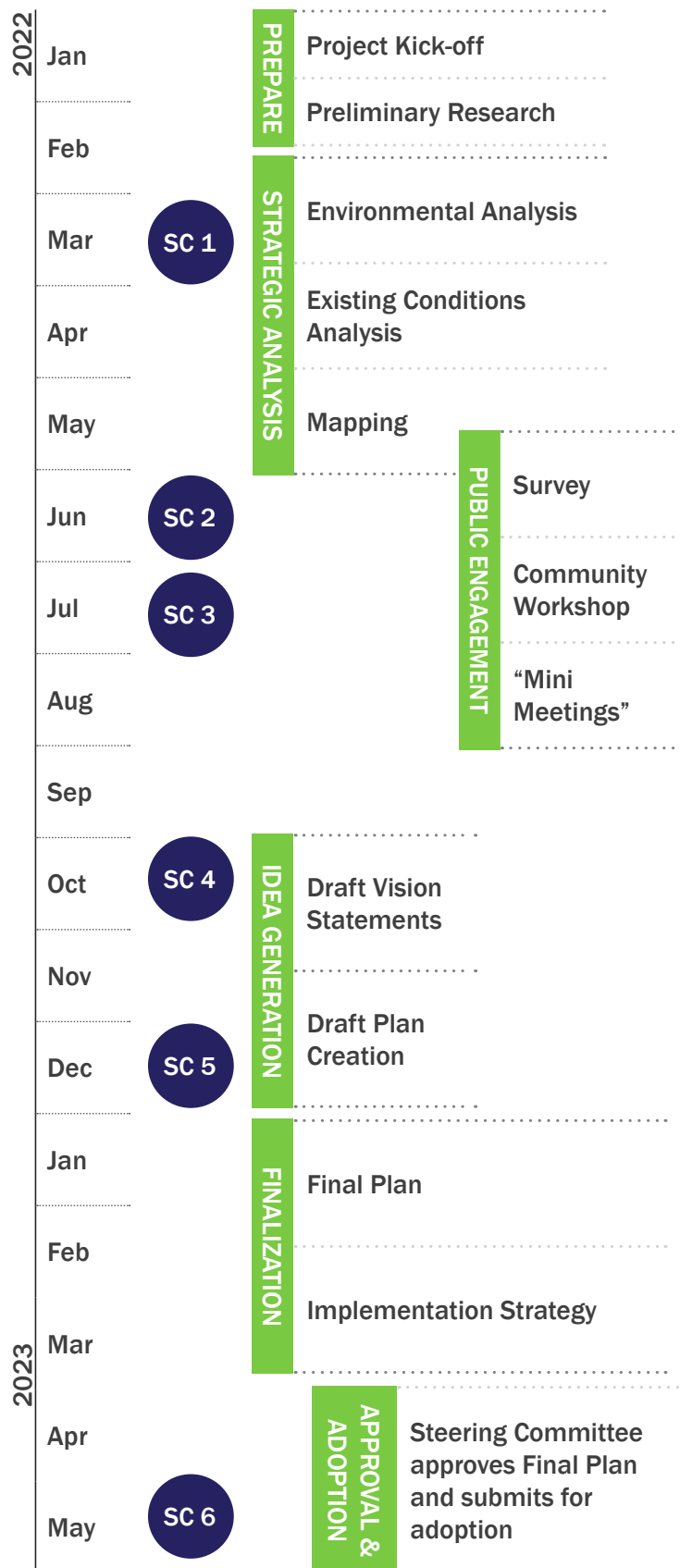
Montreat is a unique community that needs a unique Comprehensive Plan. *Montreat Tomorrow* is an update to the 2008 Comprehensive Plan for the Town of Montreat that includes significant community input and a vision for the next decade of the Town. At the start of 2022, the Town of Montreat began the process of updating its Comprehensive Plan. Research on existing conditions and trends, combined with stakeholder and community engagement, resulted in a plan that lays out the vision for Montreat for the next decade. *Montreat Tomorrow* is a resource that defines community values and will guide future decision-making in Montreat.

Planning Process

The planning process was a collaborative effort led by a Steering Committee of dedicated community advocates. The Steering Committee worked with consultants, the Mayor, and Town staff to facilitate meetings, workshops, and a community wide survey to gather public engagement and ensure final recommendations reflected the values of the Montreat community.

Observations and recent trends in Montreat informed how existing conditions were analyzed. Detailed analysis of the surrounding environment, demographic, and economic trends were combined with community feedback to create the vision statements and final recommendations in this plan.

Project Timeline



WHY PLAN?

Chapter 160D of the N.C. General Statutes requires local governments to have an up-to-date land use plan or Comprehensive Plan to enforce land use zoning. In addition to being a legal requirement for maintaining land use zoning authority, having a good land use or Comprehensive Plan in place can benefit the community.

The PlanNC Guidebook is a resource aimed at helping towns in North Carolina prepare impactful and streamlined plans. Quality comprehensive plans enable communities to “develop a shared vision that energizes local stakeholders and catalyzes lasting community improvements.”

As defined in the Guidebook, “A good land use plan is a community’s own vision for the future. A good plan is a roadmap for finding that future. And a good plan reflects the current conditions of a place as well as the actions for moving

forward. To accomplish such lofty goals, a good plan must be authentic to the place, built on substance, and framed for action.”

The PlanNC Guidebook emphasizes the opportunity that comes with the planning process to explore community values and priorities, and answer “big questions” about the future of the community.

“Through [the planning] process and with an adopted plan, a local government can engage citizens in decision making, wisely invest public dollars, guide development decisions, qualify for certain grant and government funding, and more.”

A Comprehensive Plan is one of many tools that contribute to community success by presenting a vision for the future, guiding investment and development decisions, and reflecting the community’s values.

Table 1-1 : Requirements and Options Provided in G.S. 160D-501

Purpose	“A comprehensive or land-use plan is intended to guide coordinated, efficient, and orderly development within the planning and development jurisdiction based on analysis of present and future needs.”	
Definition	“A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction.”	“A land-use plan uses text and maps to designate the future use or reuse of land.”
Data option	“Planning analysis may address inventories of existing conditions and assess future trends regarding demographics and economic, environmental, and cultural factors.”	
Process requirement	“The planning process shall include opportunities for citizen engagement in plan preparation and adoption.”	
Other plans	“A local government may prepare and adopt such other plans as deemed appropriate. This may include, but is not limited to, small area plans, housing plans, and recreation and open space plans.”	
Adoption	“Plans shall be adopted by the governing board with the advice and consultation of the planning board. Adoption and amendment of a comprehensive plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601.”	
Relationship to other plans	“Plans adopted under this Chapter may be undertaken and adopted as part of or in conjunction with plans required under other statutes, including, but not limited to, the plans required by G.S. 113A-110.”	

Source: PlanNC Guidebook: A Practitioner’s Guide to Preparing Streamlined Community Plans

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02

COMMUNITY CONTEXT

Population

Land Use & Zoning

Environment

COMMUNITY CONTEXT

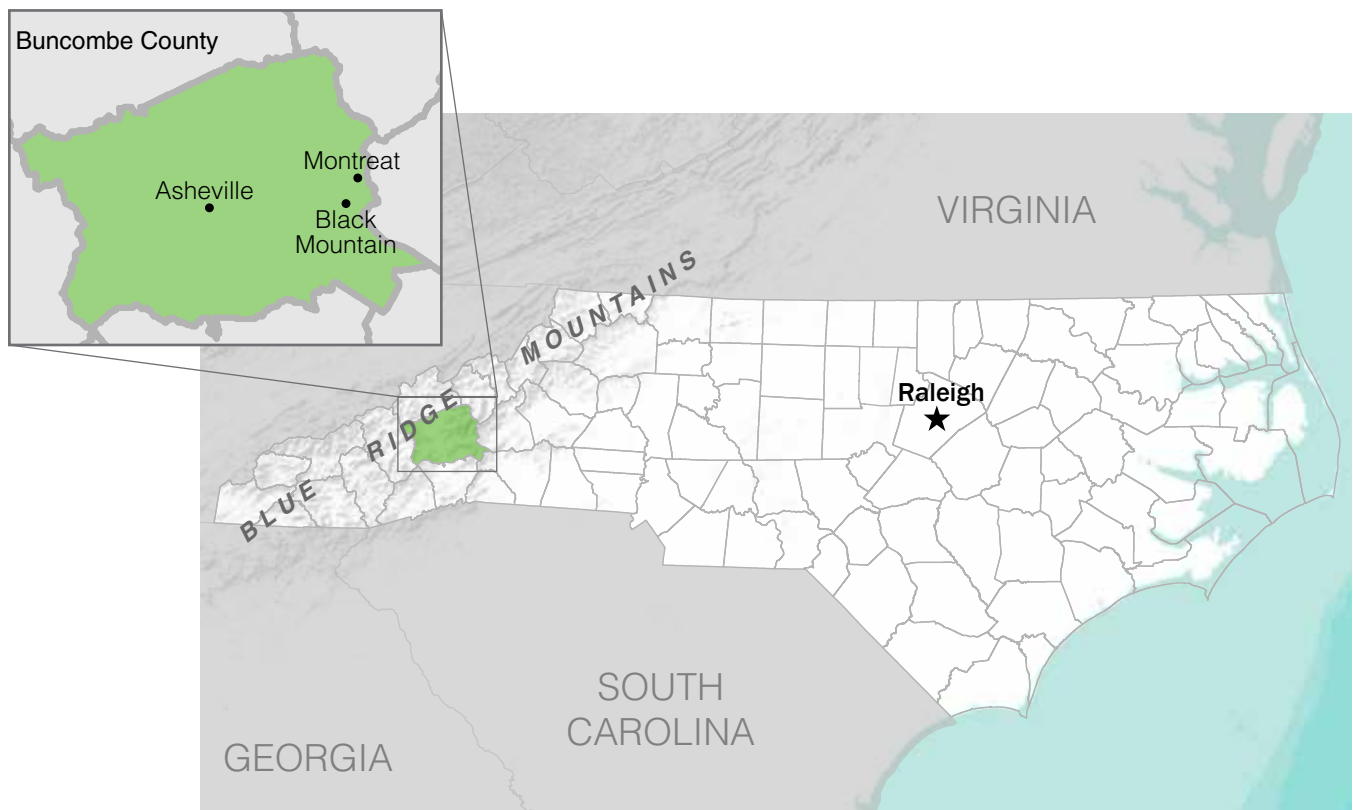
The Town of Montreat is located in Buncombe County east of Asheville and just north of the Town of Black Mountain. Figure 2-1 below has a map of the counties in North Carolina with an inset of Buncombe County. The Black Mountains provide the picturesque backdrop and plentiful opportunities to explore and enjoy the great outdoors.

Montreat's unique history continues to shape life and development trends in the Town today. Prior to incorporation, the area of the town was owned by the Mountain Retreat Association, (MRA) founded in 1897. In 1967, the Town of Montreat was officially incorporated through the N.C. General Assembly. The MRA and Montreat College, a private liberal arts

college founded by the MRA in 1916 but now independent, still play a large role in Montreat. Many of the MRA properties are made available for public use. For example, as a by-product of its ministry, the MRA serves as a privately funded Parks and Recreation Department for the Town's residents and visitors.

Today, Montreat has all the services of a small town including a public works department, a public water source, a police department, building inspections, and planning and zoning. The town is governed by a Council-Manager form of government.

Figure 2-1 : Geographic Location of Montreat



Historically, Montreat is known for being a national conference center associated with the Presbyterian Church. Montreat is also home to Montreat College, a small private Christian college. Montreat also attracts outdoor enthusiasts seeking the many recreational opportunities available. The town itself has a small-town charm punctuated by the campuses of its two main institutions.

Montreat is surrounded by steep ridges that offer sweeping views of the Flat Creek basin below. The peaceful and restorative quality of the natural beauty has continually attracted people to the area, and continues to define the character of the town.









Observations and recent trends in Montreat informed how existing conditions were analyzed. Western North Carolina has seen a growth in population and rising housing costs over the last decade. Changes in weather patterns indicate that Montreat may experience an increase in severe storms, increasing temperatures, and longer dry periods. Figure 2-2 shows a map of Montreat and the planning area. The planning area includes the land within Montreat's municipal boundary and the land in the Extra Territorial Jurisdiction (ETJ); more information on the ETJ can be found on page 16.



The Montreat Gate welcomes visitors and creates a distinctive sense of place.
Photo: Montreat Retreat Association

Figure 2-2 : Montreat Planning Area

LEGEND

-  Planning Area
-  County Boundary
-  Town of Montreat
-  Montreat Extra Territorial Jurisdiction
-  Parcels
-  Building Footprints
-  Road
-  Creeks and Streams

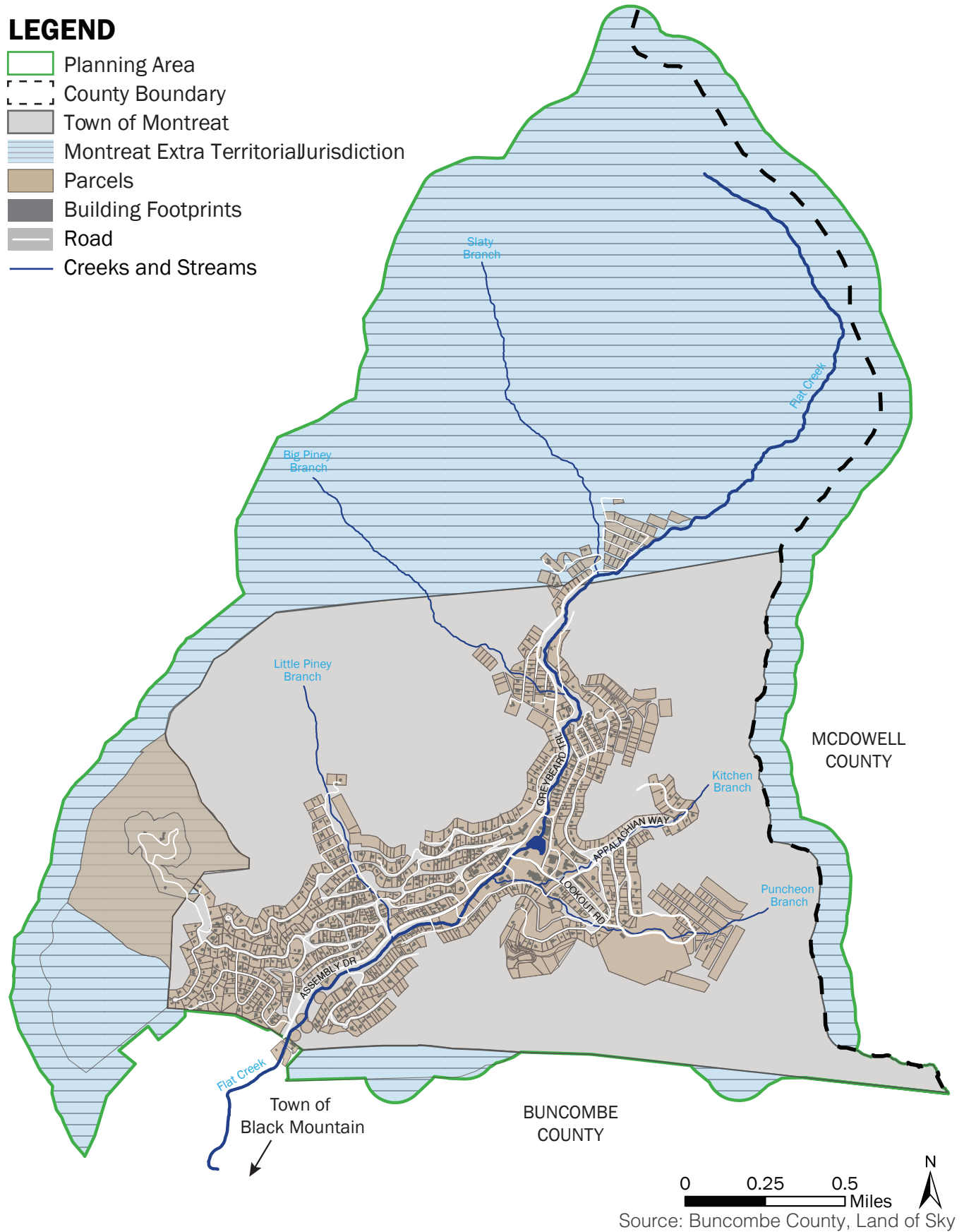
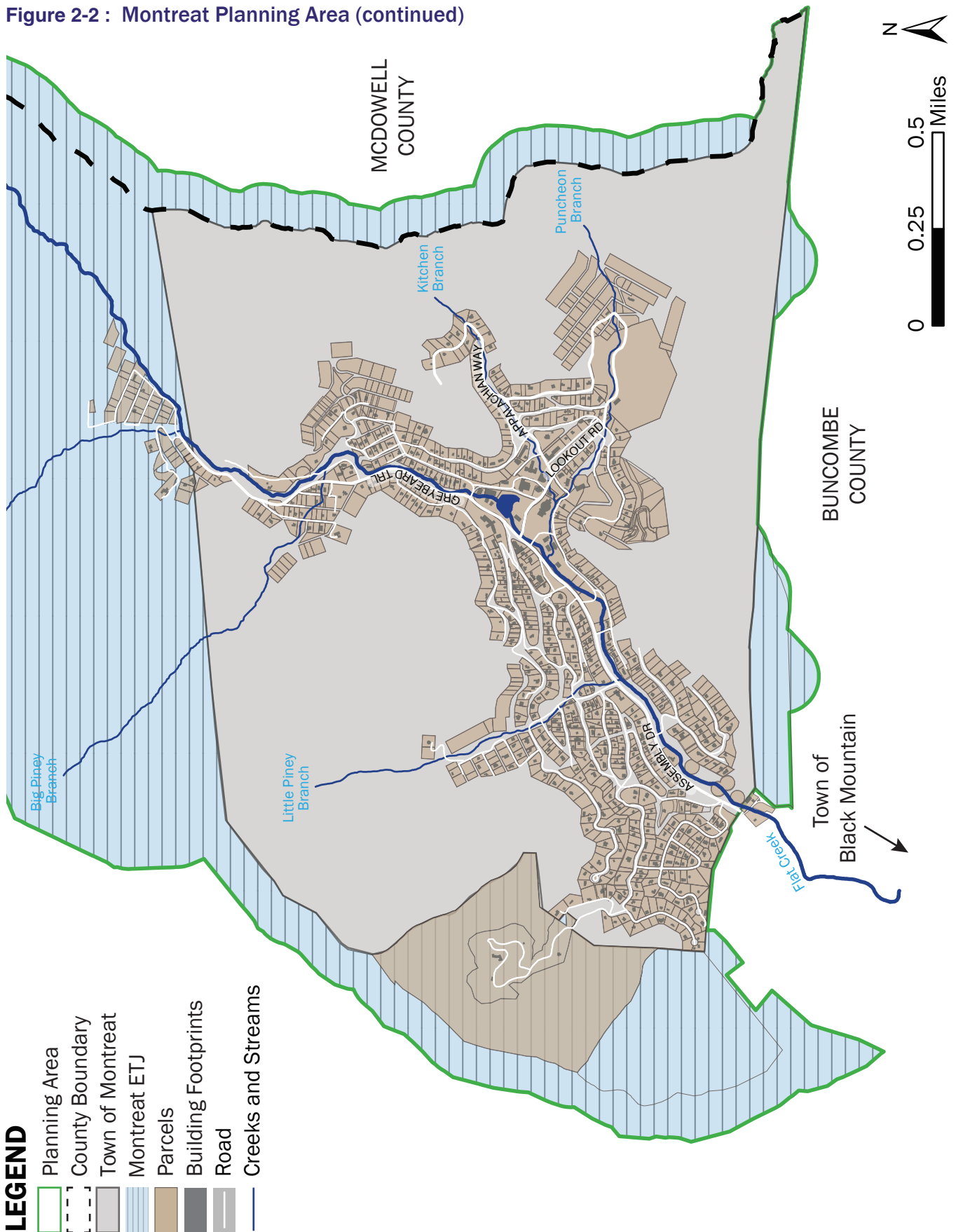


Figure 2-2 : Montreat Planning Area (continued)



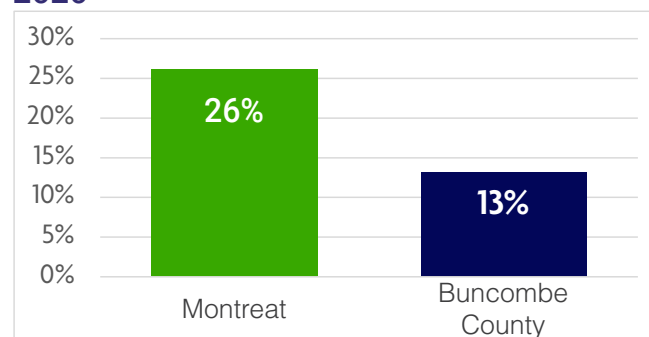
Population

The resident population in Montreat, the number of people present during non-business hours, fluctuates throughout the year due to the academic calendar, seasonal and part-time residents, and MRA program schedule. Montreat College enrolls around 650 students during the academic year. For these reasons, the population in Montreat is likely higher than the US Census estimates at most times of the year. The population represented in the Census data in this section reflects full-time residents of Montreat, as the Census does not capture part-time residents. The seasonal population changes put a strain on services during peak visitation in the summer months. The needs of part-time and full-time residents are different and that conflict can present challenges for town governance.

US Census estimates are also not reliable due to Montreat's small size. The Census often relies on a sampling method which results in a high margin of error for small communities. Still, according to the decennial census, Montreat's population grew at twice the rate of Buncombe County as a whole from 2010 to 2020 (Figure 2-3). While the specific estimates are not reliable, the trends over time can be used to gain insight into longer term population changes. Montreat's full-time population has been steadily increasing since 2012 (Figure 2-4). In the absence of reliable Census data on Montreat's population, other data sources

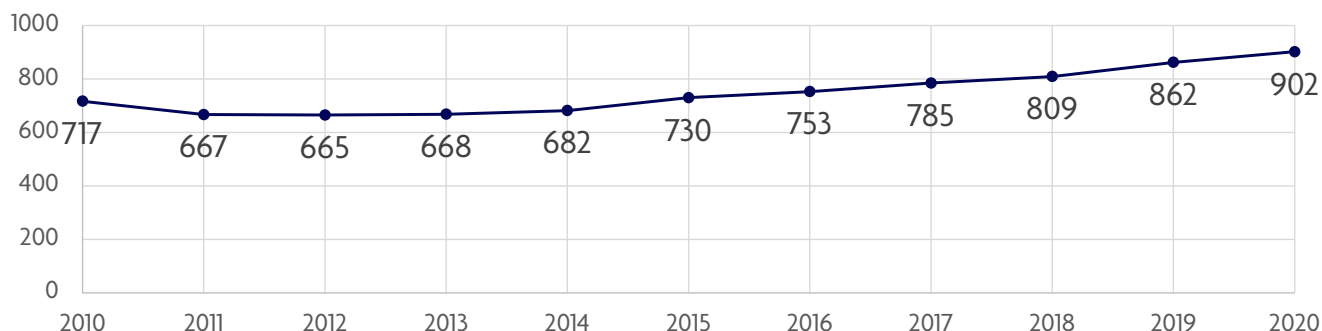
and anecdotal evidence can help shed light on recent trends. There are approximately 600 residences in Montreat with approximately 1/3 of them containing full-time residents. Based on increasing college enrollment, population growth trends, and county tourism data, it is likely that both seasonal and full-time populations are increasing (conference attendance numbers from the MRA are holding steady year to year; summer conference attendance is decreasing while off-season visits are increasing). Anecdotal evidence and survey responses (survey results are detailed in the following chapter) indicate that many seasonal residents move to Montreat permanently upon retirement. A growing population in a small town can cause strains on transportation networks and increase demand for parking, services, and commercial businesses. Development can also affect the environment, causing an increase in sedimentation and runoff.

Figure 2-3 : Population increase, 2010 to 2020



Source: OSBM State Demographer of North Carolina

Figure 2-4 : Population, 2010 to 2020



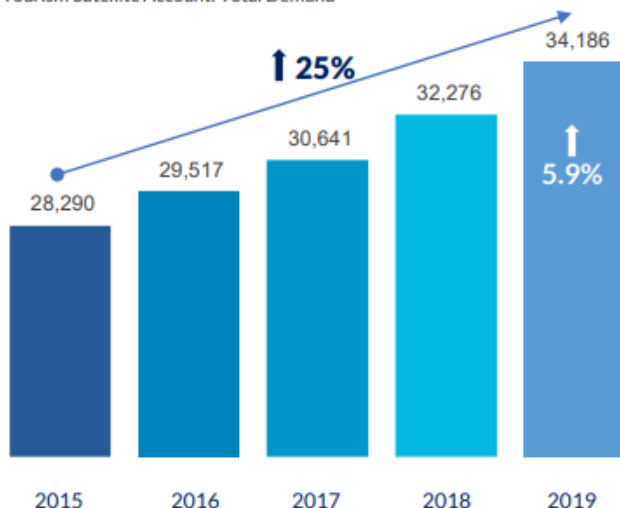
Source: OSBM State Demographer of North Carolina

TOURISM

The popularity of the region for tourism and recreation is increasing. Travel-related expenditures in the state increased 25 percent from 2015 to 2019 (Figure 2-5). In 2021 Buncombe County was the second fastest growing county in the state in visitor spending, composing 9.1 percent of the state's overall visitor expenditures (Source: Tourism Economics, 2022). The survey results indicate that residents, both full and part-time, have strong feelings about tourism and its effects on Montreat.

Anecdotal evidence suggests that Montreat attracts residents and visitors from around the region. There are a number of trails in Montreat's jurisdiction available for day or overnight hikers. Visitors may also come to use the conference center or see Montreat College. As the popularity of Asheville increases, more people will likely look for other options in the region bringing more tourists, more hikers, and more short-term and weekend visitors to Montreat. An increase in visitors to Montreat, coupled with the growing population, will likely have an effect on parking at the trailheads and traffic in town.

Figure 2-5 : Travel Expenditures
North Carolina travel-related expenditures
Tourism Satellite Account: Total Demand



Source: U.S. Travel Association; Tourism Economics

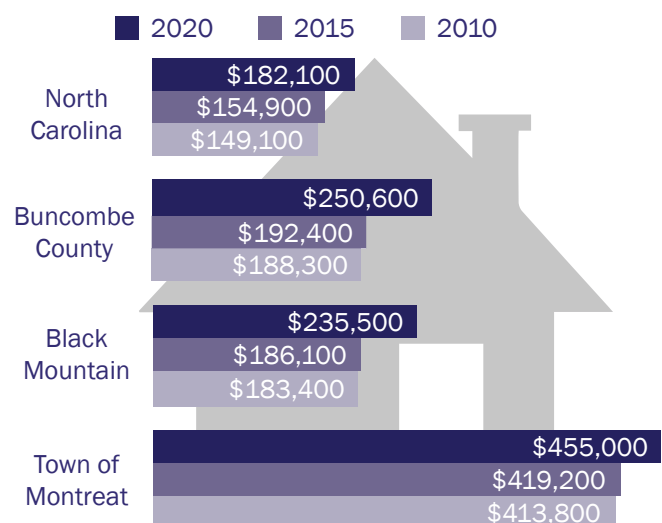
HOUSING

The median home value in Montreat is more than twice the median home value for North Carolina and nearly twice the median for Buncombe County and Black Mountain (Figure 2-6). Home values are rising more slowly in Montreat than in the county and state. Despite a slower increase, median home values in Montreat remain higher than state and county medians.

As a retreat town, there are part-time residents of Montreat that own property in the Town that is not their primary residence. Many families have had vacation properties for generations and may spend many months in Montreat at a time.

Reliable data on rental properties is difficult to find and continually fluctuates. An online search for rentals in Montreat shows a number of vacation rentals available, which may change throughout the year. The MRA has 235 rooms across 13 standalone cottages or lodges, and 29 campsites that are available to reserve. In sum, housing values in Montreat remain high and rental availability fluctuates over time.

Figure 2-6 : Median Home Value



Source: ACS 5-Year Estimates 2020, 2015, 2010

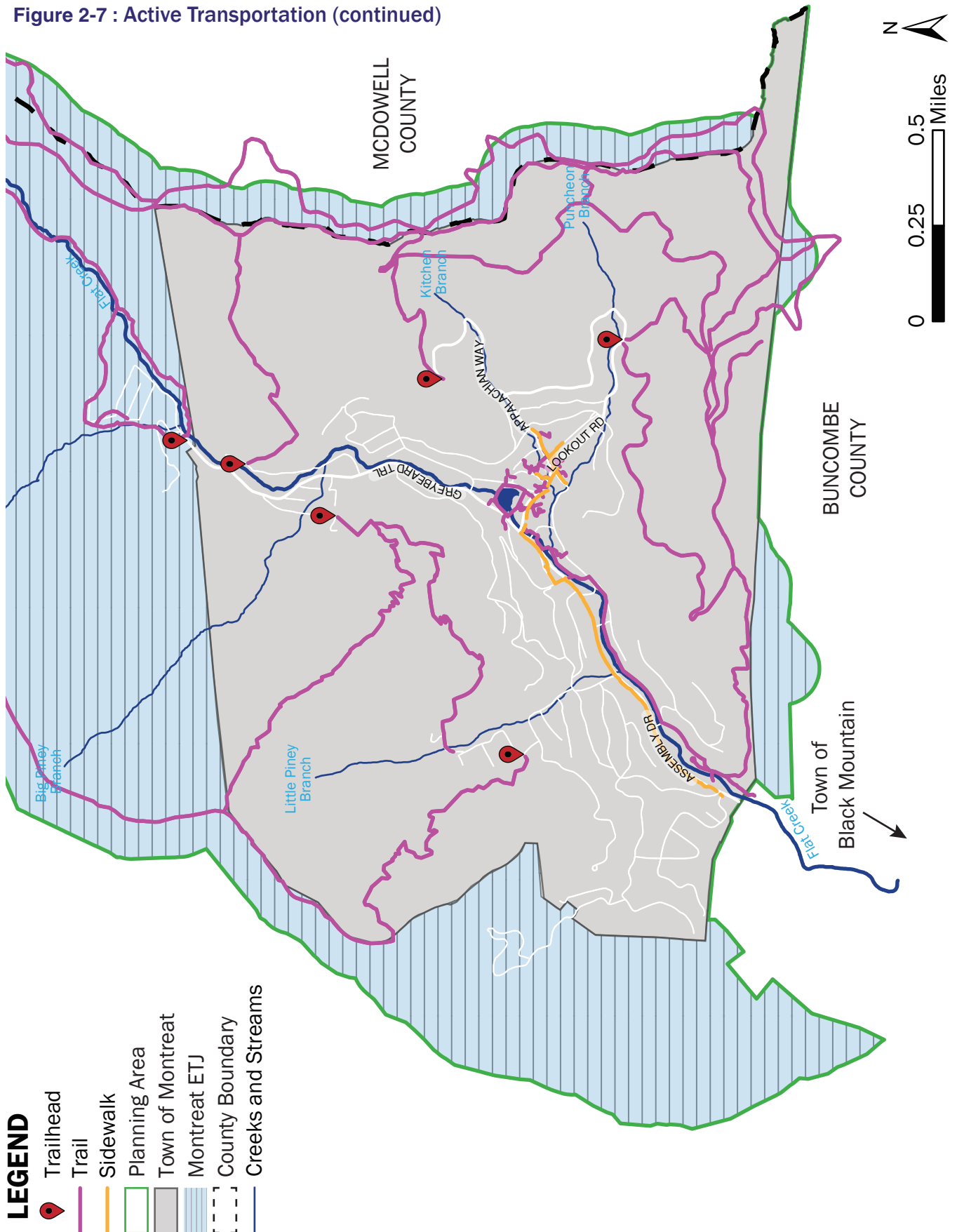
Figure 2-7 : Active Transportation



This map shows active transportation services in Montreat, including locations of trailheads, official trails, and sidewalks.

Source: Buncombe County, Land of Sky

Figure 2-7 : Active Transportation (continued)



Source: Buncombe County, Land of Sky

Land Use & Zoning

The Town of Montreat has planning and zoning authority within the town boundaries and in the Extra Territorial Jurisdiction (ETJ) outside the Town boundary. Montreat's ETJ extends to 500 feet on the opposite side of the ridgelines surrounding Flat Creek Basin on all sides of the Town and to the peak of Greybeard Mountain to the north. The ETJ is mostly in Buncombe County, but because it extends 500 feet beyond the ridgeline, a small portion of the ETJ is in McDowell County to the east.

The land in the ETJ is mostly MRA property in a conservation easement with some small, town-owned parcels and private property. The largest piece of private property in the ETJ is the Billy Graham property to the west of Montreat.

LAND USE

Currently three quarters of the land within the Town boundaries is conserved and cannot be developed. Much of the remaining land has already been developed largely for residential use. Low-density, single family housing is the most common land use for developed land in Montreat (Figure 2-8). Institutional uses, like Montreat College, are on the east side of town near Lake Susan. By the current definition in the Montreat Zoning Ordinance (MZO), there are no commercial uses in Montreat.

Extraterritorial Jurisdiction

Extraterritorial jurisdiction is intended to allow municipalities to address issues that affect public health and safety that may extend beyond the city or town limits. ETJ has changed over time, but in North Carolina, like many other states, ETJ extends one to three miles beyond the Town limits depending on population commonly referred to as "perimeter zoning." The boundary of an ETJ is determined by a boundary ordinance adopted by the governing board of the municipality.

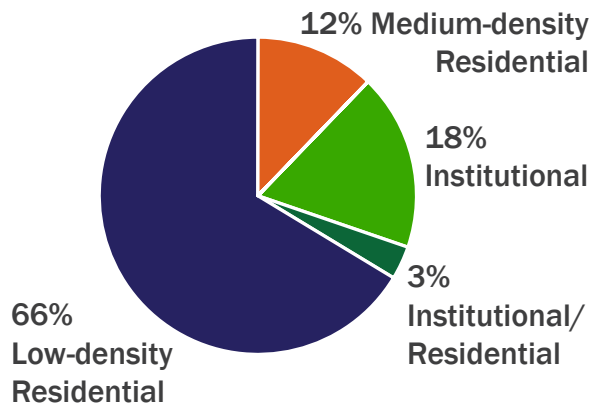
When a boundary ordinance is adopted, the municipality acquires jurisdiction over the ETJ area from the county for ordinances including: zoning and subdivision; housing and building codes; historic district regulations and historic landmarks; community development; erosion and sediment control; floodways, mountain ridges, and roadway corridors. A boundary

ordinance does not give taxation authority in the ETJ area. The city or town may choose to apply some or all of its regulations in the ETJ area. If the municipality chooses not to apply all its development regulations in the ETJ, the county may step in to enforce development regulations not applied, but is not required to do so.

In order to exercise its authority in an ETJ, all boards that exercise their function in the ETJ must include a member (or members depending on the population of the ETJ area) that represent the extraterritorial area. The county board of commissioners of each affected county is responsible for appointing those board members.

Source: Owens, D. (April, 2020). *Extraterritorial Jurisdiction for Planning and Development Regulation*. UNC School of Government.

Figure 2-8 : Developed Land Uses



Recreational Uses

Conserved land may be used for low impact recreational purposes. Recreational uses provide high quality experiences for residents and visitors with minimal land disruption. Figure 2-7 on the previous page shows the existing trails in Montreat and the ETJ. The map also shows the sidewalks in Montreat. There is one sidewalk along Assembly Drive that goes from the Montreat Gate to the Town Center and Lookout Road. The roads in the municipal boundary of Montreat are generally considered to be bike suitable and bike friendly.

ZONING

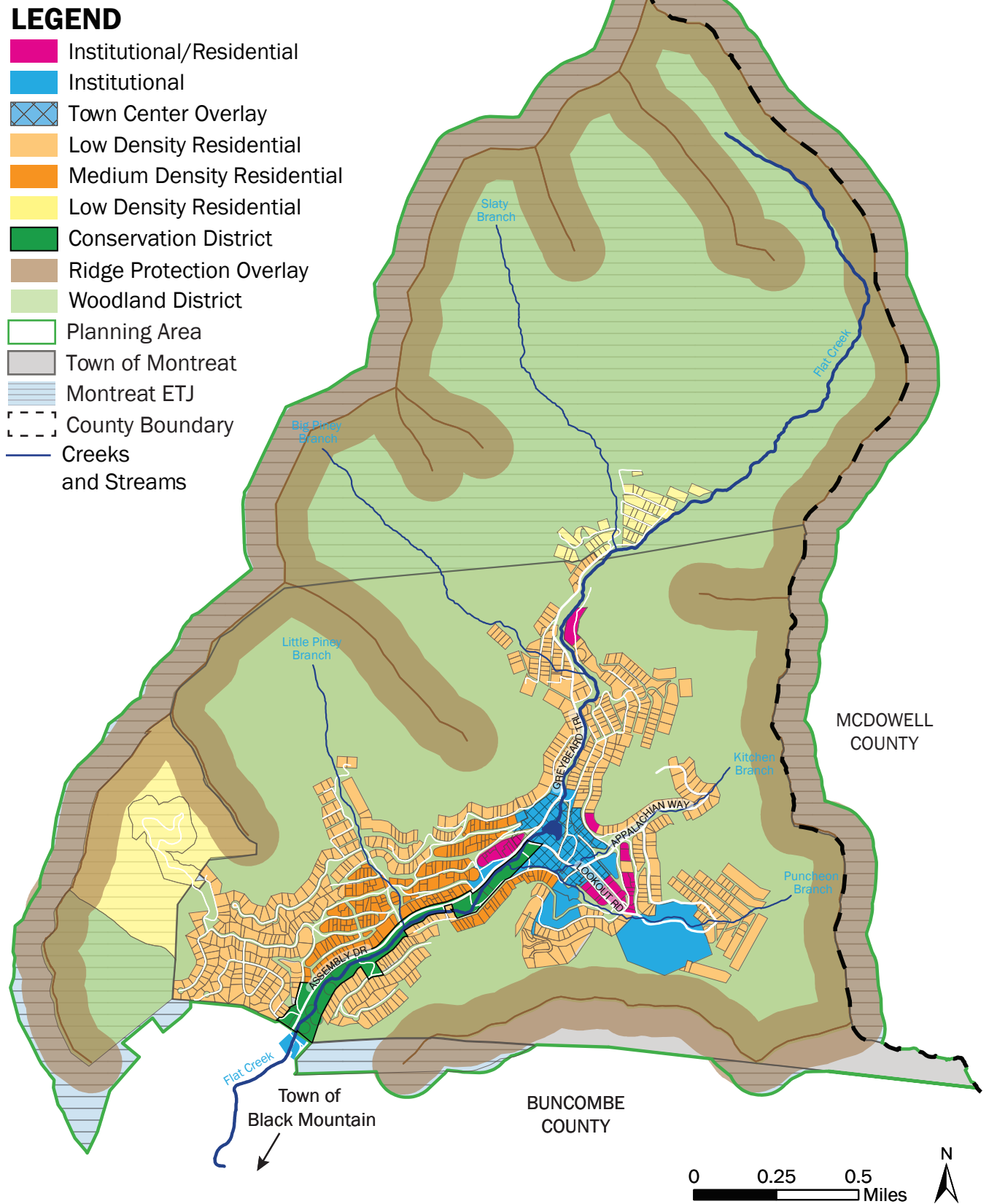
Single family and two family dwellings are permitted in all residential zones. Multi-family housing, defined as having three or more separate dwelling units, is allowed in the Institutional/Residential (IR) zone. However, the MZO requires larger setbacks for developments with more than two units. Historically few if any multi-family developments exist in Montreat. Single-family dwellings are also permitted in the Town Center Overlay (TCO) district which is zoned both institutional (I) and IR. The zoning code permits commercial uses, as defined in the MZO, in the I zone and in the IR zone with a Special Use Permit.

The Woodland District (WL) includes 75 percent of the land within the Town of Montreat and a large portion of the ETJ area. The WL was formed in 2004 when the MRA granted 2,500 acres to the Southern Appalachian Highlands Conservancy in a permanent conservation easement. Today, the conservation easement includes over 2,500 acres of undeveloped wilderness.

The Ridge Protection Overlay (RPO) is intended to protect the sensitive habitat of the ridgelines and preserve the views in Montreat. The regulations in the RPO are based on the North Carolina Mountain Ridge Protection Act of 1983. The RPO expands the area on either side of the ridgeline from 100 feet, required by the Mountain Ridge Protection Act, to 500 feet to further ensure that views are protected.

Figures 2-9 and 2-10 on the following pages show the current zoning and land use maps.

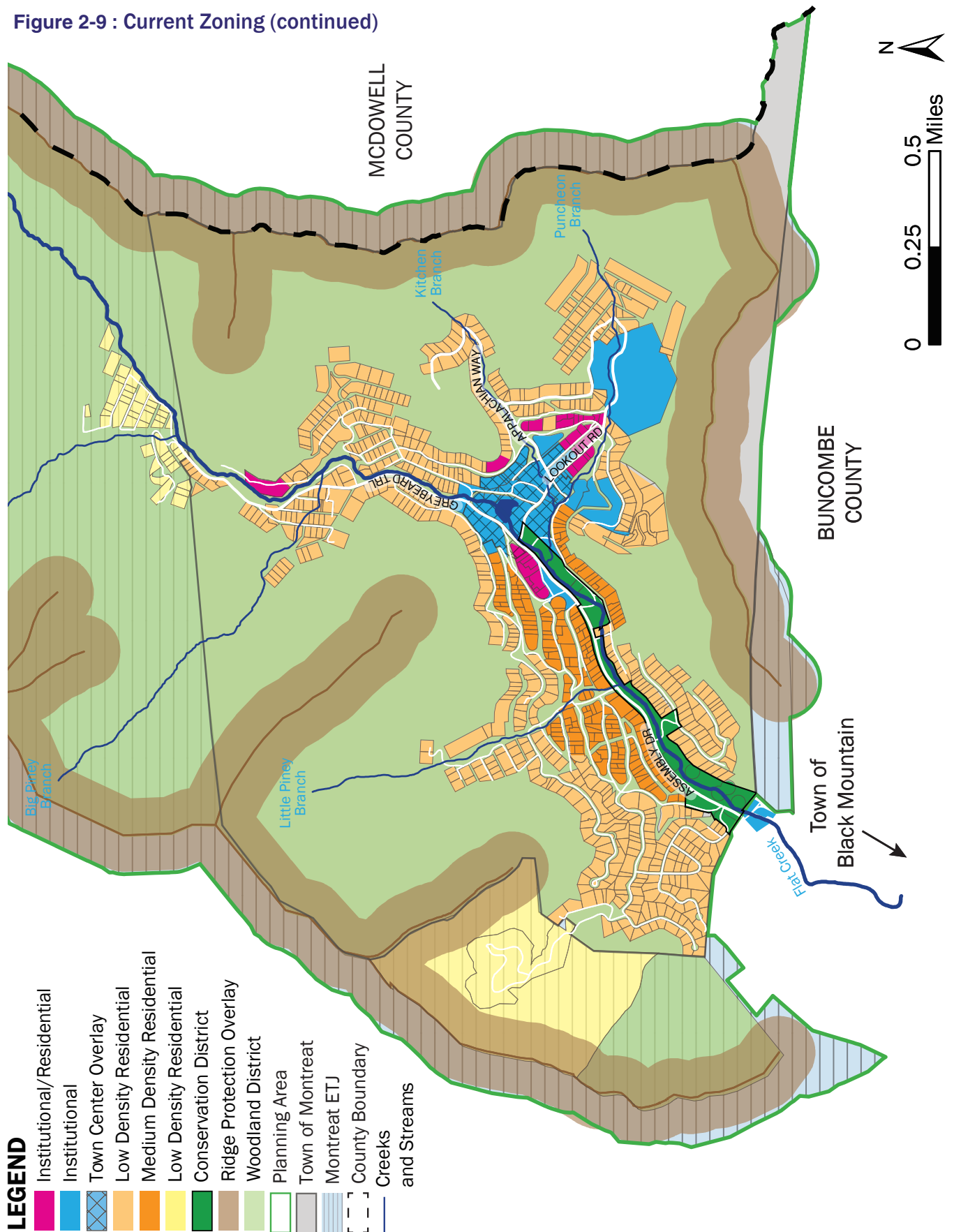
Figure 2-9 : Current Zoning



This map shows the current zoning for the Town according to the Montreat Zoning Ordinance.

Source: Buncombe County, Land of Sky

Figure 2-9 : Current Zoning (continued)

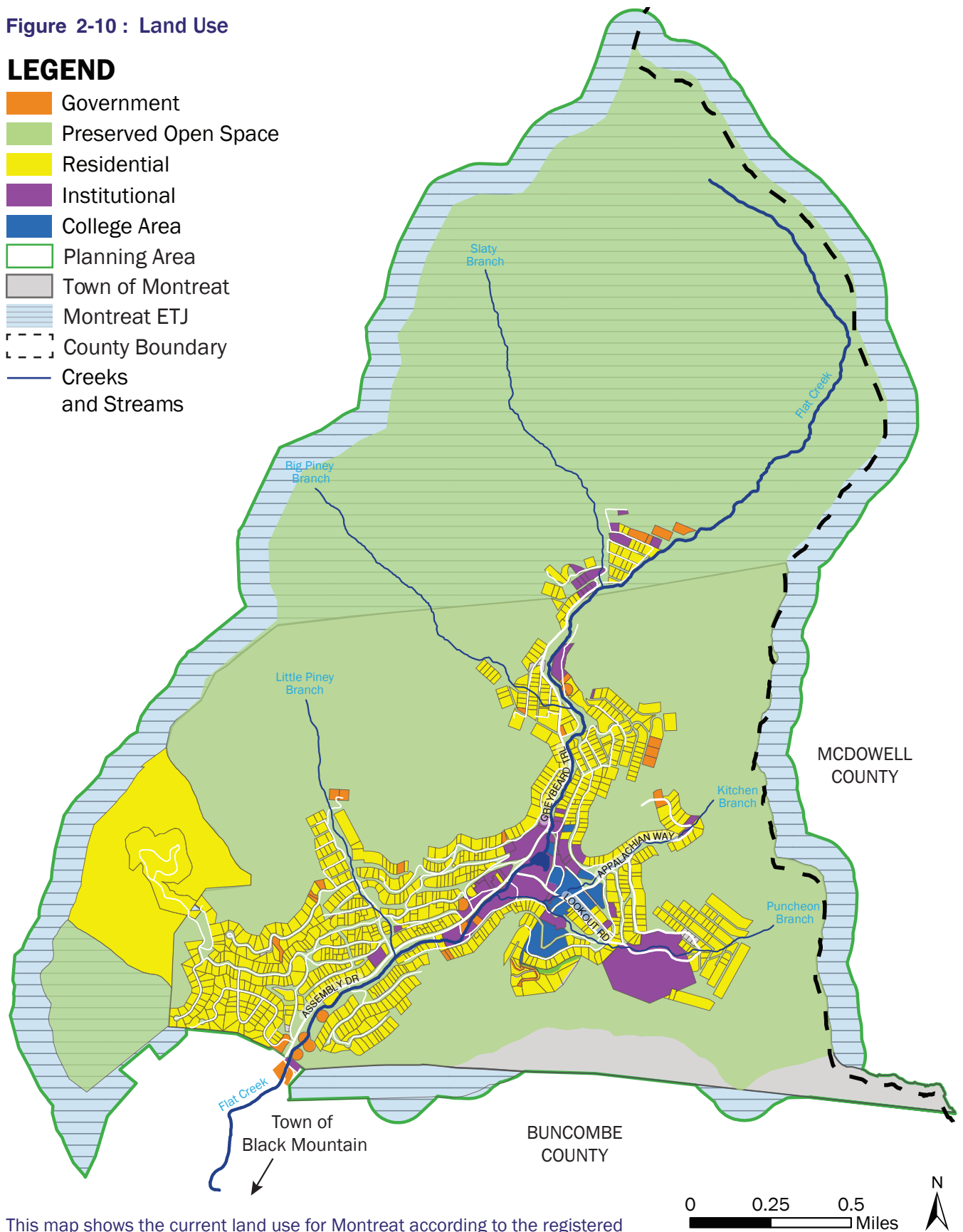


Source: Buncombe County, Land of Sky

Figure 2-10 : Land Use

LEGEND

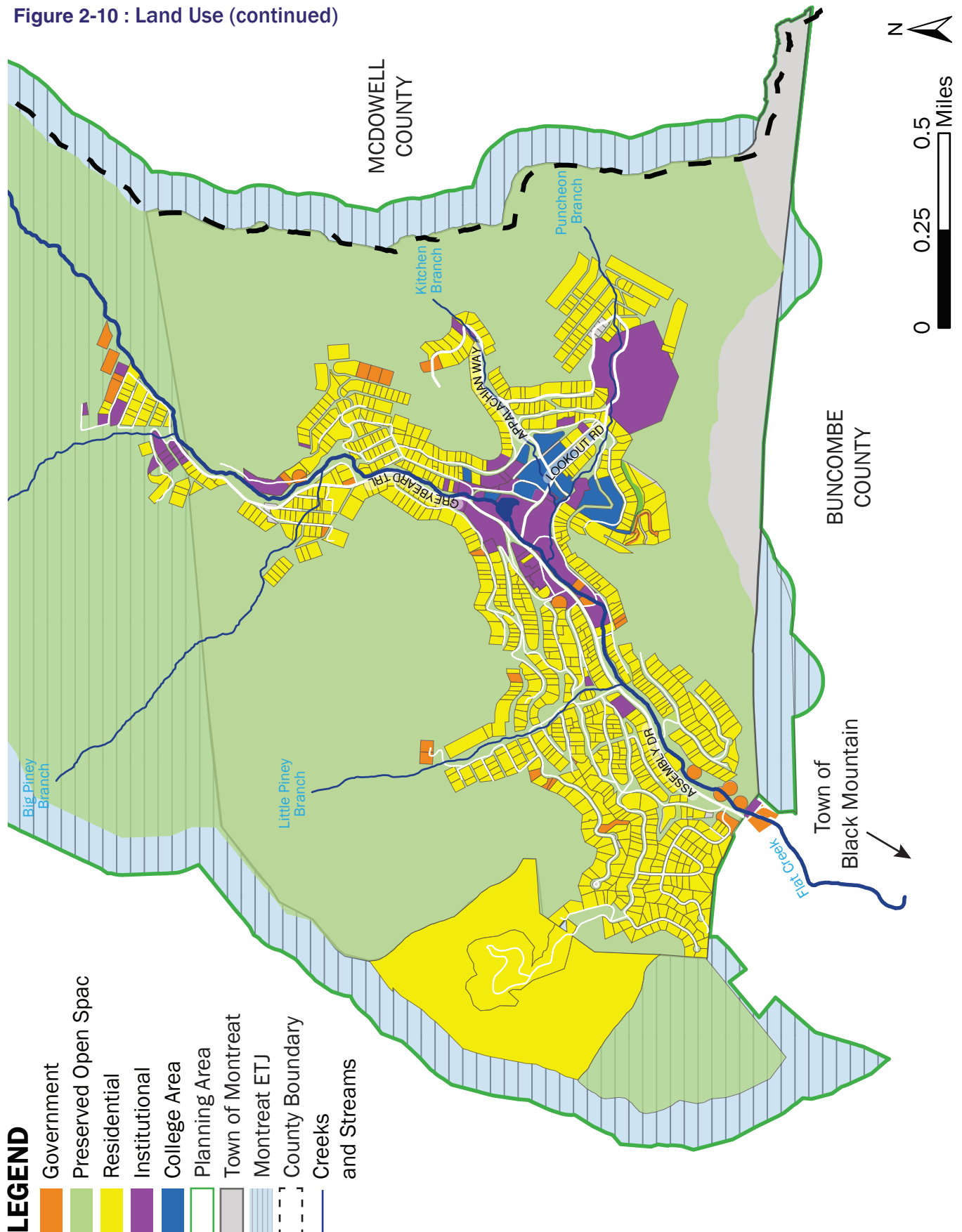
- Government
- Preserved Open Space
- Residential
- Institutional
- College Area
- Planning Area
- Town of Montreat
- Montreat ETJ
- County Boundary
- Creeks and Streams



This map shows the current land use for Montreat according to the registered property owner. Land owned by the MRA or other religious organizations is considered institutional, unless it is designated as preserved land.

Source: Buncombe County, Land of Sky

Figure 2-10 : Land Use (continued)



Source: Buncombe County, Land of Sky

FUTURE LAND USE

Montreat's history has created a unique situation where the MRA owns the majority of land in the town, but most of that property is in a conservation easement that currently prevents it from being developed. The land in the conservation easement can be used for recreation and there are a number of trails in the conservation easement that are accessible to the public. Although privately owned, this piece of MRA property is managed for public use. The two other major land owners in Montreat are the Town itself and Montreat College. Figure 2-11 contains a map of the major land owners in Montreat. Residential properties owned by individuals were considered privately owned properties.

Within the town boundaries, the majority of developable land has already been developed. Changes in future land use would likely require redevelopment of existing parcels. Most of the land in the Extraterritorial Jurisdiction (ETJ) is included in either the Woodland District (WL) or the Ridge Protection Overlay (RPO) and is also protected from further development. However there are some properties under private ownership in the ETJ that could be developed. Development of these properties brings up concerns about the impact on the environment and municipal services such as roads and stormwater management, as residents of the ETJ are part of Buncombe County's tax base and not Montreat's tax base.

Conservation Easements

Conservation easements are voluntary agreements between a landowner and a public agency or qualified conservation organization. The landowner, commonly called a donor or grantor, agrees to preserve the land "in its natural condition without extensive disturbance." The organization or public agency, acting as the grantee, has the right to monitor the property and enforce the terms of the agreement. Landowners of property in a conservation easement retain their ownership of the land and are responsible for routine management of the land.

Conservation easements are usually implemented when landowners want to preserve their land, intensive land management is not required, and preservation of the land is compatible with current and future land uses.

Conservation easements provide some tax benefits to the grantor and can be permanent or agreed upon for a set amount of time. Each conservation agreement is written to meet the values and interests of the landowner and grantee, so what is allowed or restricted varies depending on the agreement.

VOLUNTARY CONSERVATION AGREEMENTS

An Introduction for
North Carolina Land Owners



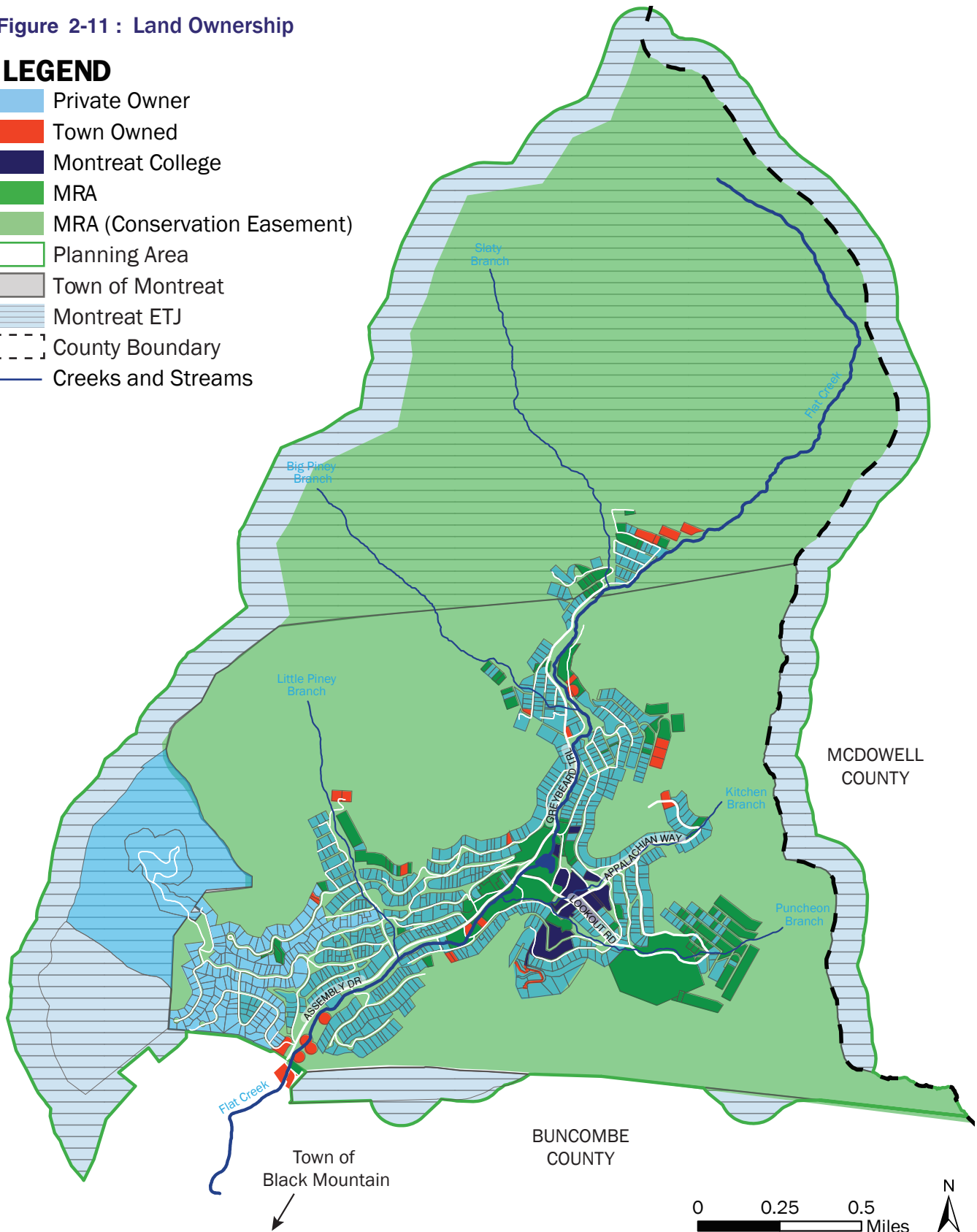
View the
document
[here](#).

Source: The North Carolina Land Trust. *Voluntary Conservation Agreements: An Introduction for North Carolina Land Owners*.

Figure 2-11 : Land Ownership

LEGEND

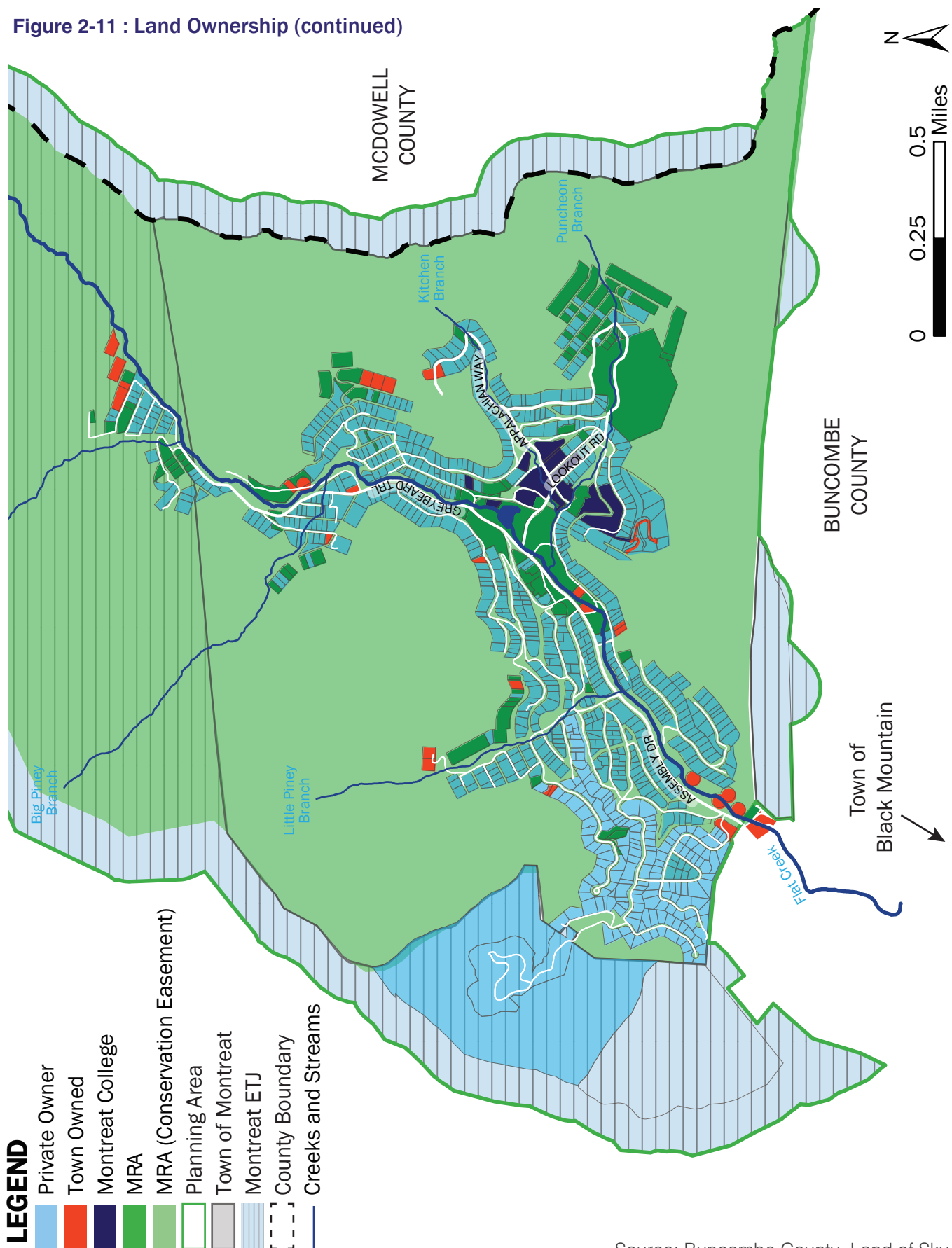
- Private Owner
- Town Owned
- Montreat College
- MRA
- MRA (Conservation Easement)
- Planning Area
- Town of Montreat
- Montreat ETJ
- County Boundary
- Creeks and Streams



This map shows the current land ownership in Montreat based on Buncombe County property records and may not reflect all easements, legal agreements, and development restrictions on these properties. Land owned by individual persons is considered private.

Source: Buncombe County, Land of Sky

Figure 2-11 : Land Ownership (continued)



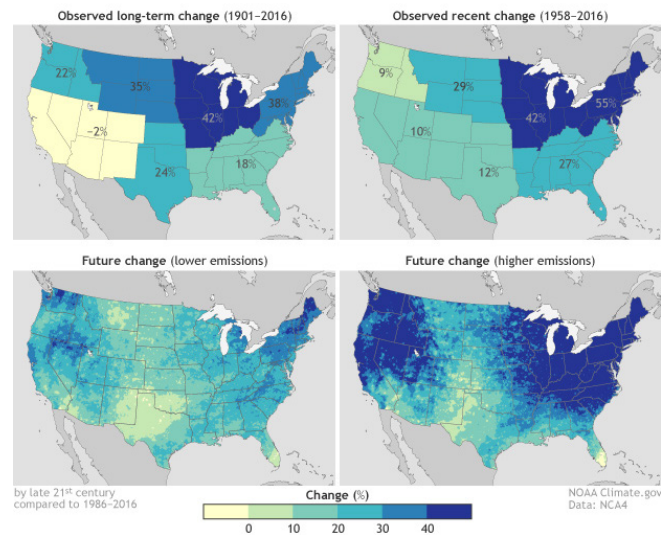
Source: Buncombe County, Land of Sky

Environment

Montreat is nestled in the Flat Creek basin surrounded by the sweeping ridgelines of the Black Mountains. The natural beauty of the area has been admired and appreciated by Montreat residents and visitors since the valley's inception. In the public survey, the pristine natural surroundings are frequently cited as one of Montreat's greatest assets. The conservation easement and the RPO are evidence of the efforts to protect and preserve this undeveloped wilderness for future generations.

If extreme weather patterns continue to worsen, climate change will be a potential threat to the health of the forest. The southeastern U.S. has seen a 27% increase in heavy rains in the last half-century and will likely see more in years to come (Figure 2-12). As weather patterns change, native species may be out-competed by invasive species, further disrupting the local ecosystem. Concern about wildfires in North Carolina has increased since the devastating fires in 2016. The threat and intensity of wildfires could continue to increase due to dry conditions and historic forest management practices that have increased the prevalence of fire-sensitive species in the region (Figure 2-13).

Figure 2-12 : Change in Extreme Precipitation in the United States



Source: *Prepare for more downpours: Heavy rain has increased across most of the United States, and is likely to increase further.* National Oceanic and Atmospheric Administration (NOAA) Climate.gov.

Figure 2-13 : North Carolina Wildfires



Felix Stith is a Toe-Cane Watershed Coordinator for Blue Ridge Resource Conservation & Development (Photo: Appalachian Exposures)

“Here in western NC . . . [F]requency of fires drastically changed following European colonization and widespread settlement, resulting in less widespread wildland fire. Early state and United States Forests Service (USFS) fire suppression policies further reduced fire. The large reduction in fire, paired with extensive logging in the late 19th and early 20th century, drastically changed the forest structure and composition. [. . .]

Historically fire sensitive species would have lived along streams, and in shady coves with very moist soil, now these species often dominate on drier, well drained ridges, and even on steep south facing slopes. [. . .]

Many years of wildland fire suppression has increased forest density, and allowed for woody debris (fuels) to build up. These factors, paired with increasing drought and temperatures means when uncontrolled wildland fires now occur, they are often much more severe than they historically would have been.”

Source: Stith, F. All Wildland Fire Is Not Created Equal. *Toe Talk*. <http://www.blueridgercd.com/>

STORMWATER & EROSION

The mountainous terrain surrounding Montreat is the source of its beauty, but also requires proper management to limit the impact of human disturbances. Stormwater runoff can cause erosion and debris to flow into streams affecting stream water quality, and major storms can cause landslides and flooding. Most of the developed land in Montreat is on

relatively stable soil, but it is also in landslide deposit areas. Debris flows from a landslide can move swiftly, causing damage in the path of the flow and in the deposit areas. Figure 2-15 shows the land stability index and 2-17 shows where debris is likely to settle if a landslide were to occur. Slope movement lines indicate the direction of flow and geodetic

Wildfires & Landslides

Studies from the west coast indicate that wildfire can change the hydrology of watersheds “destabilizing slopes and baking soils such that they actually repel water,” (USGS, 2021) which can result in post-fire debris flows or flash flooding when a storm passes over previously burned areas.

In Western North Carolina, landslide and debris flows after the wildfires in 2016 caused millions of dollars of damage. In 2019, UNC began a project to study the relationship between wildfires and landslides and debris flows in North Carolina.

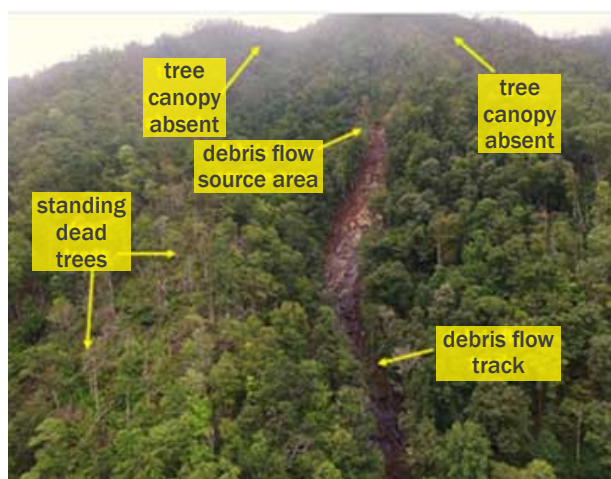
There are enough differences in the forest composition, fire severity, and recovery time between the east and west coasts that the same relationship cannot be assumed, but understanding the relationship can provide insight into landslide hazards and how to better prepare in the future.

“Understanding economic consequences of debris flows will be a driving factor in the continuation of studying wildfires and landslides in North Carolina [. . .] [A]n increase in extreme weather patterns, droughts, and wildfires or above normal rainfall, is setting up for more debris flows and community impact in the coming years,” (Patterson, 2020).

Sources: Patterson, C. (2020, May 26). *Researchers study the connection between wildfires and landslides in western North Carolina*. Collaboratory. <https://collaboratory.unc.edu/>
U.S. Geological Survey (USGS). (2021, Jan. 1). Post-wildfire hazards in Colorado can be as dangerous as the fires themselves. <https://www.usgs.gov/news/>



2016 Party Rock Fire
Photo: North Carolina Forest Service



Drone image showing an example of debris flow source area and track relative to a burned area.
Photo: Swain County Emergency Management

control points are geographic reference markers used in measuring landslide effects.

There are few places in Montreat for new construction as the steepness of the slopes and instability of the soil make the hillsides and ridges difficult for development. Development of currently undeveloped parcels or redevelopment of existing parcels can affect stormwater and erosion if impervious surface area is increased or trees are cleared.

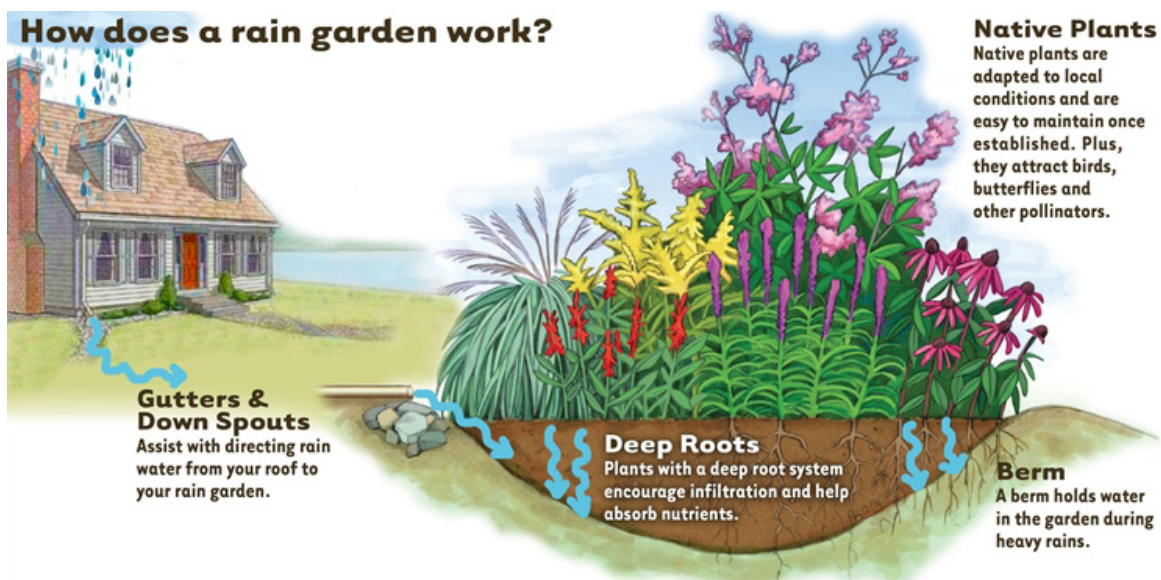
Montreat currently uses the Buncombe County Erosion and Sediment Control Ordinance, but the standards only apply to larger developments, exempting most projects in Montreat. The limited development of the area has helped maintain the high water quality of the rivers and streams flowing through Montreat. Erosion and sediment control is important for maintaining the health of these water bodies and the larger watershed in the future.

The town has a stormwater control ordinance in place that requires stormwater permits

and best management practices for most development. The Stormwater Infrastructure map in Figure 2-17 shows the stormwater management network for Montreat. Separate stormwater sewer systems collect or convey stormwater in open channel conveyances (ditches) or closed conveyances (pipes or culverts) separate from the sanitary sewer system. Stormwater enters the stormwater system at an inlet and exits the system into nearby waterways at an outfall.

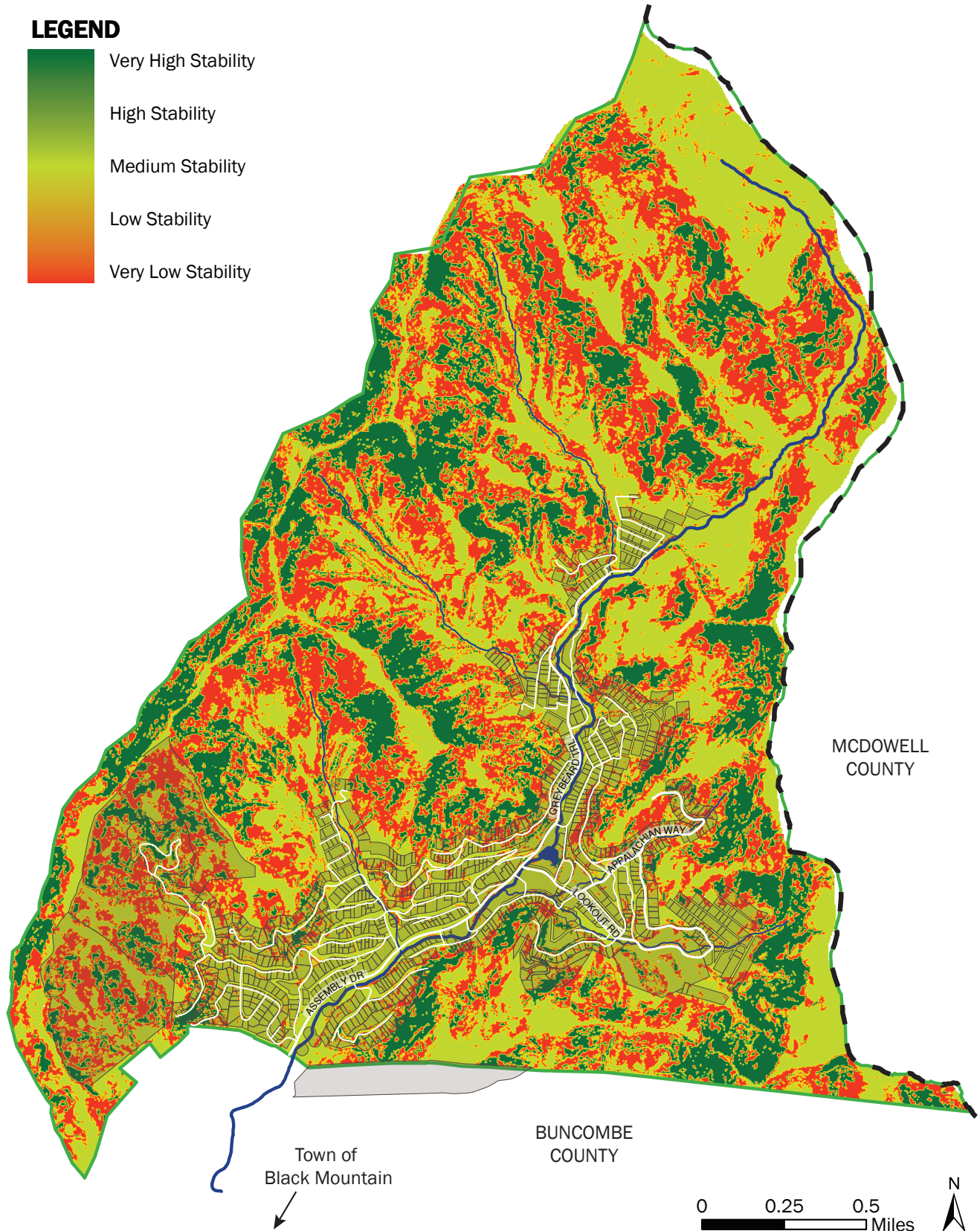
Stormwater control measures are designed to improve stormwater conditions by containing and slowing stormwater, allowing some of the water to filter into the soil before flowing into the creeks and streams. The current stormwater control ordinance emphasizes diffuse or directed flow designs, backyard wetlands and rain gardens (Figure 2-14), stormwater collection and refuse systems, vegetated swales, and removing impervious surfaces. Lake Susan, located on MRA-owned property, serves as a detention basin for floodwaters. See Figure 2-18 for a map of flood hazard areas in Montreat.

Figure 2-14 : Rain Gardens



Source: Warren County Soil & Water Conservation District. Rain Gardens.
<https://www.warrenswcd.com/rain-gardens.html>

Figure 2-15 : Land Stability Index



This map shows the relative land stability based on surveys done by Buncombe County.

Source: Buncombe County, Land of Sky

Figure 2-15 : Land Stability Index (continued)

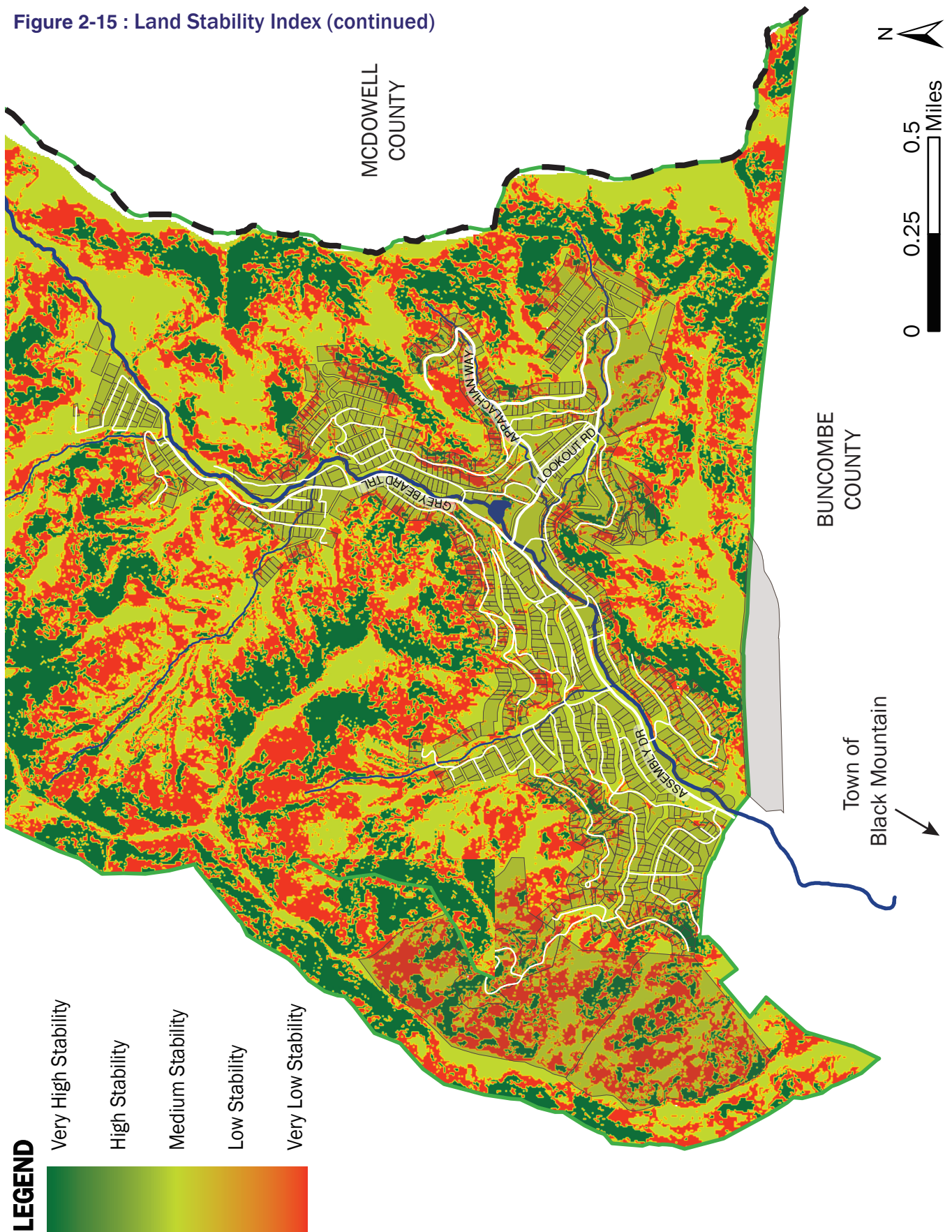
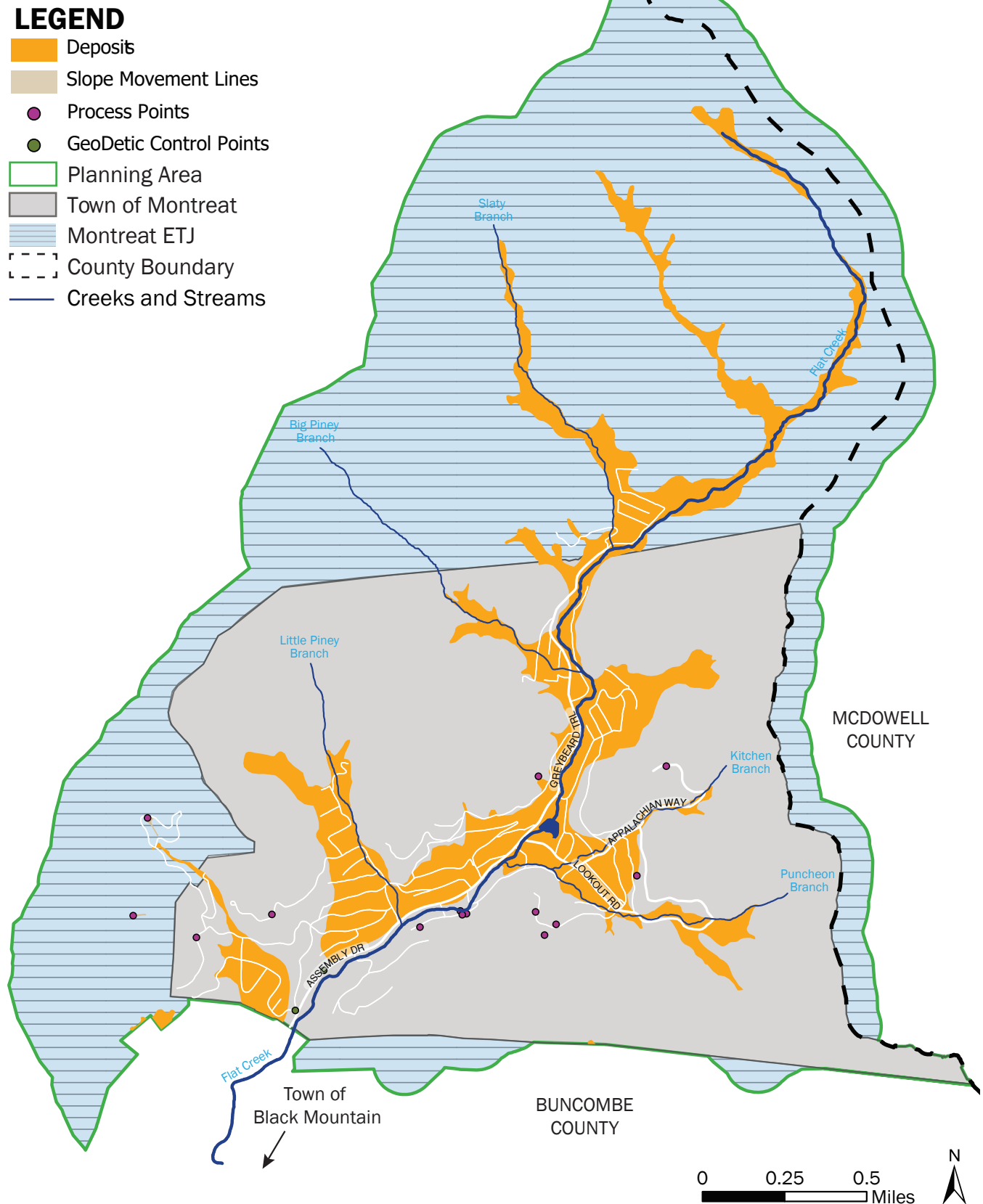


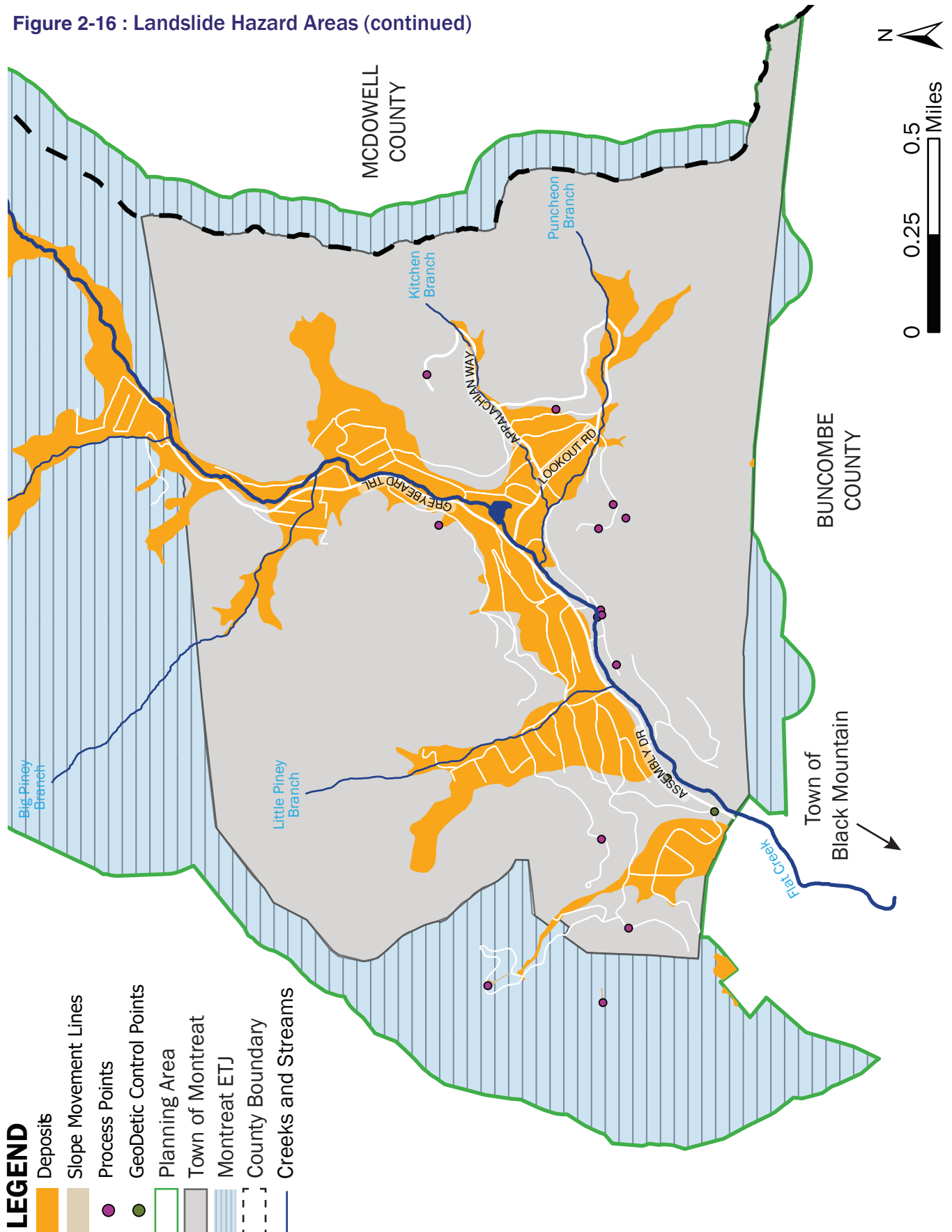
Figure 2-16 : Landslide Hazard Areas



This map shows the landslide hazard areas based on the estimated deposit areas of landslide debris.

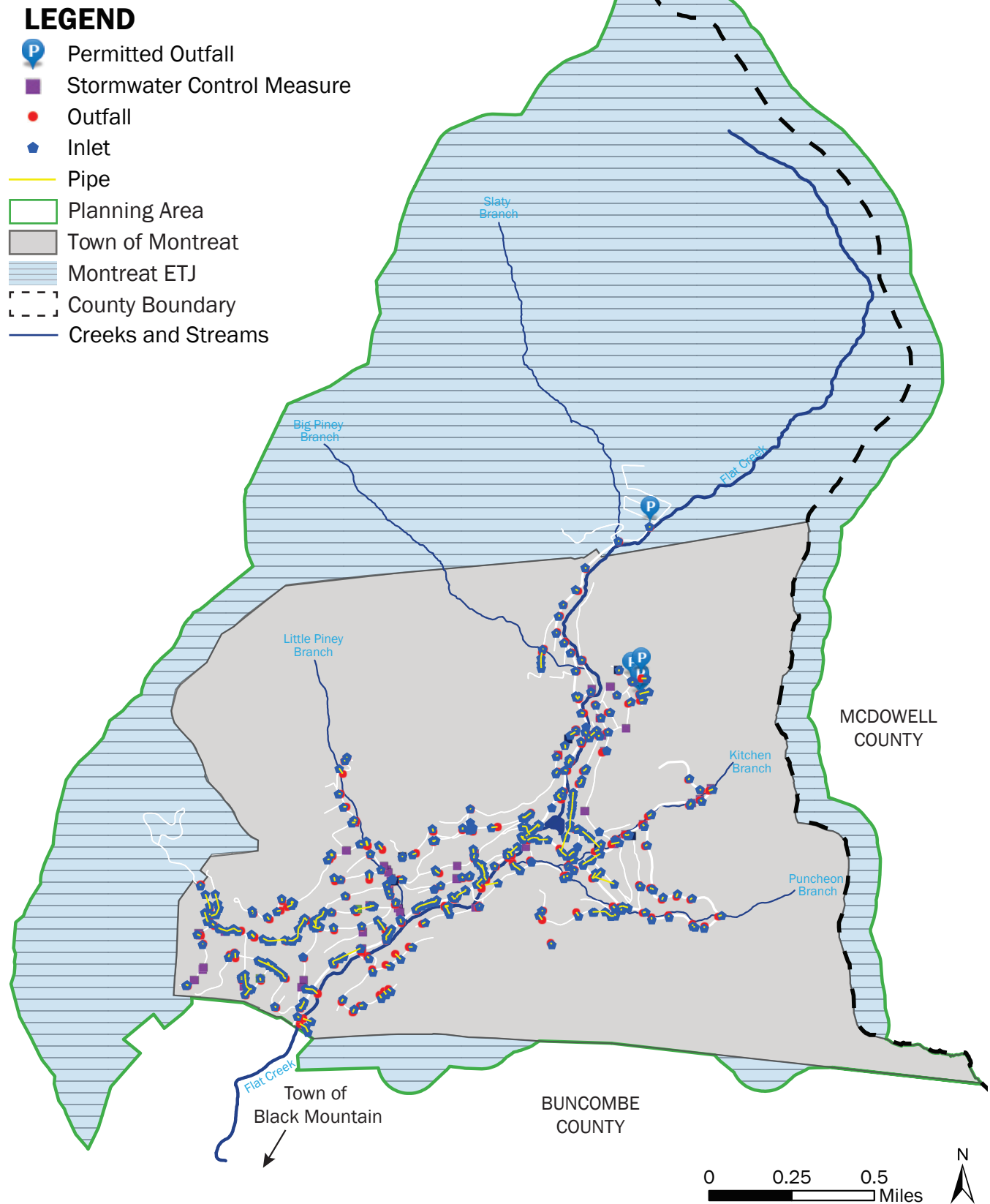
Source: North Carolina Geological Survey

Figure 2-16 : Landslide Hazard Areas (continued)



Source: North Carolina Geological Survey

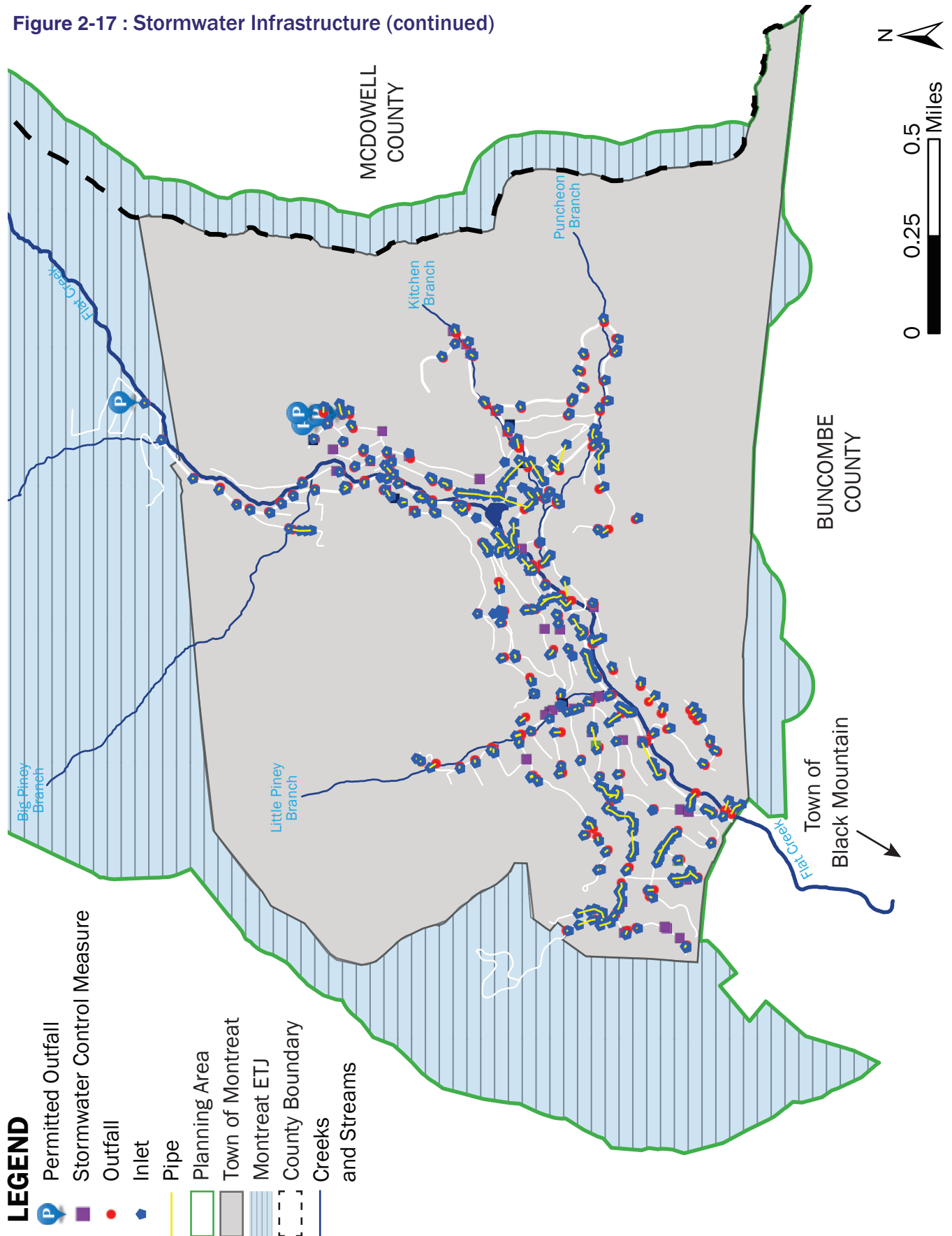
Figure 2-17 : Stormwater Infrastructure



This map shows the existing stormwater infrastructure in Montreat.

Source: Buncombe County, Land of Sky

Figure 2-17 : Stormwater Infrastructure (continued)

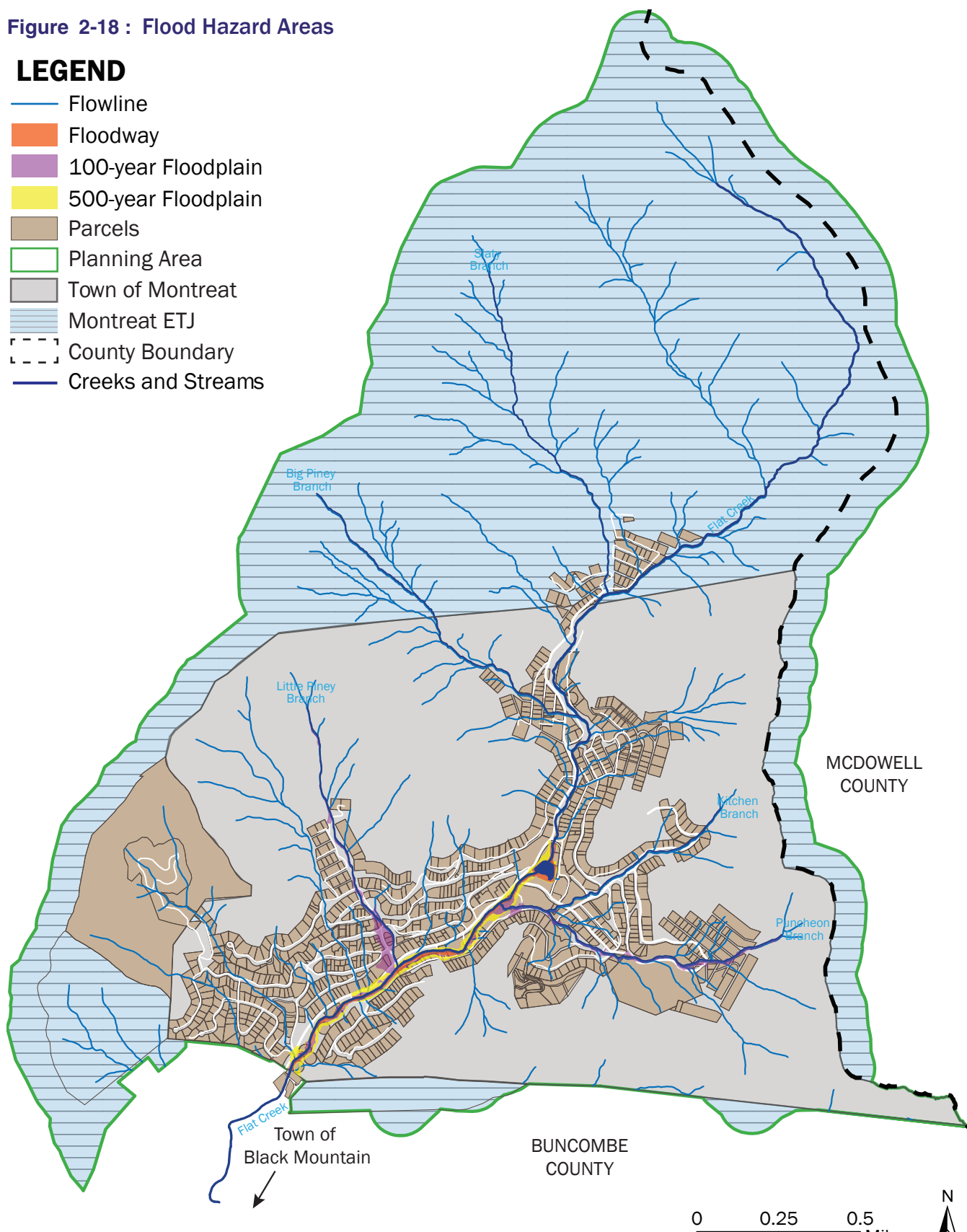


Source: Buncombe County, Land of Sky

Figure 2-18 : Flood Hazard Areas

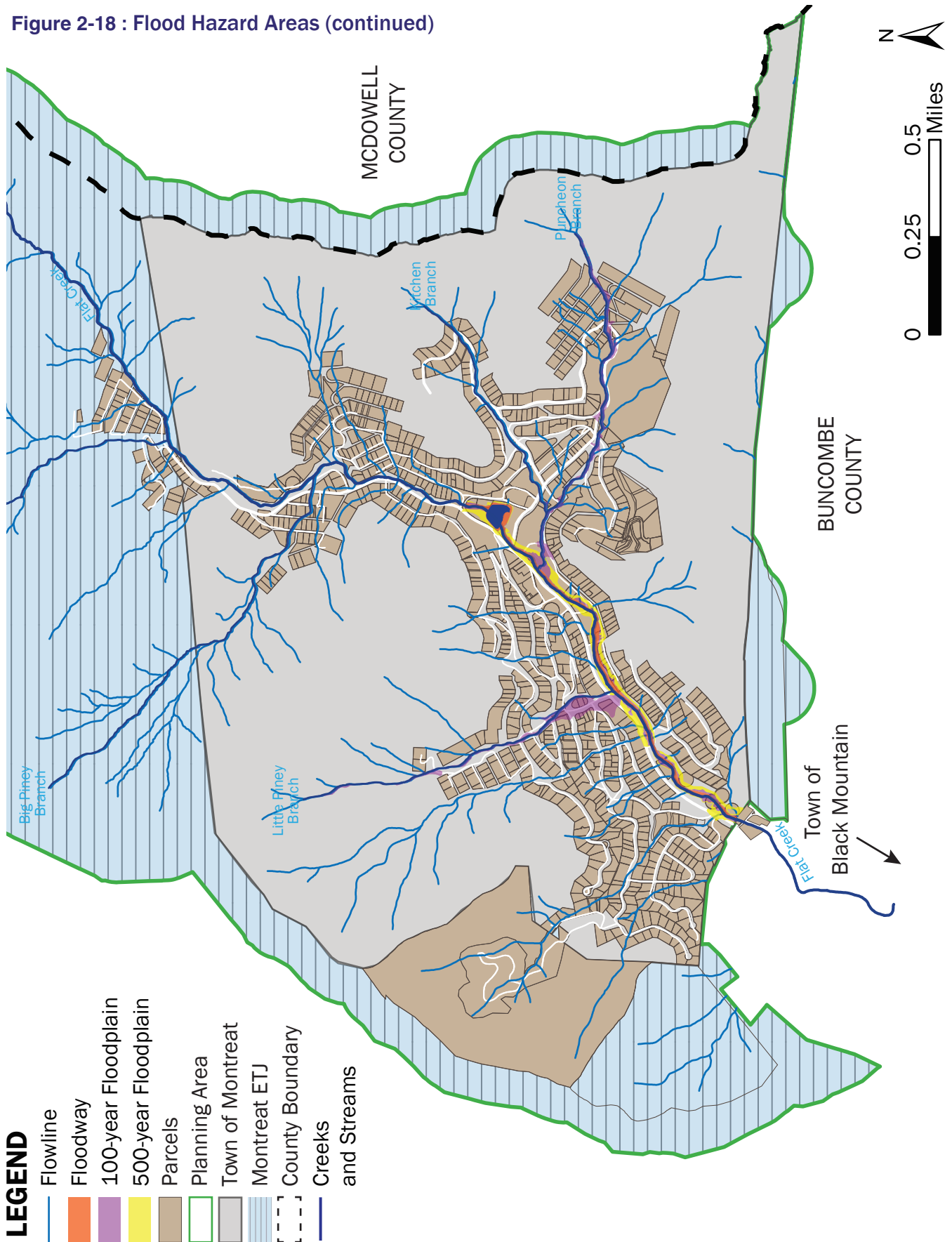
LEGEND

- Flowline
- Floodway
- 100-year Floodplain
- 500-year Floodplain
- Parcels
- Planning Area
- Town of Montreat
- Montreat ETJ
- - - County Boundary
- Creeks and Streams



This map shows the flood hazard areas identified by FEMA's National Flood Hazard Layer database. Source: Buncombe County, Land of Sky

Figure 2-18 : Flood Hazard Areas (continued)



Source: Buncombe County, Land of Sky

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03

PUBLIC ENGAGEMENT

Online Survey

Engagement Events

Online Survey

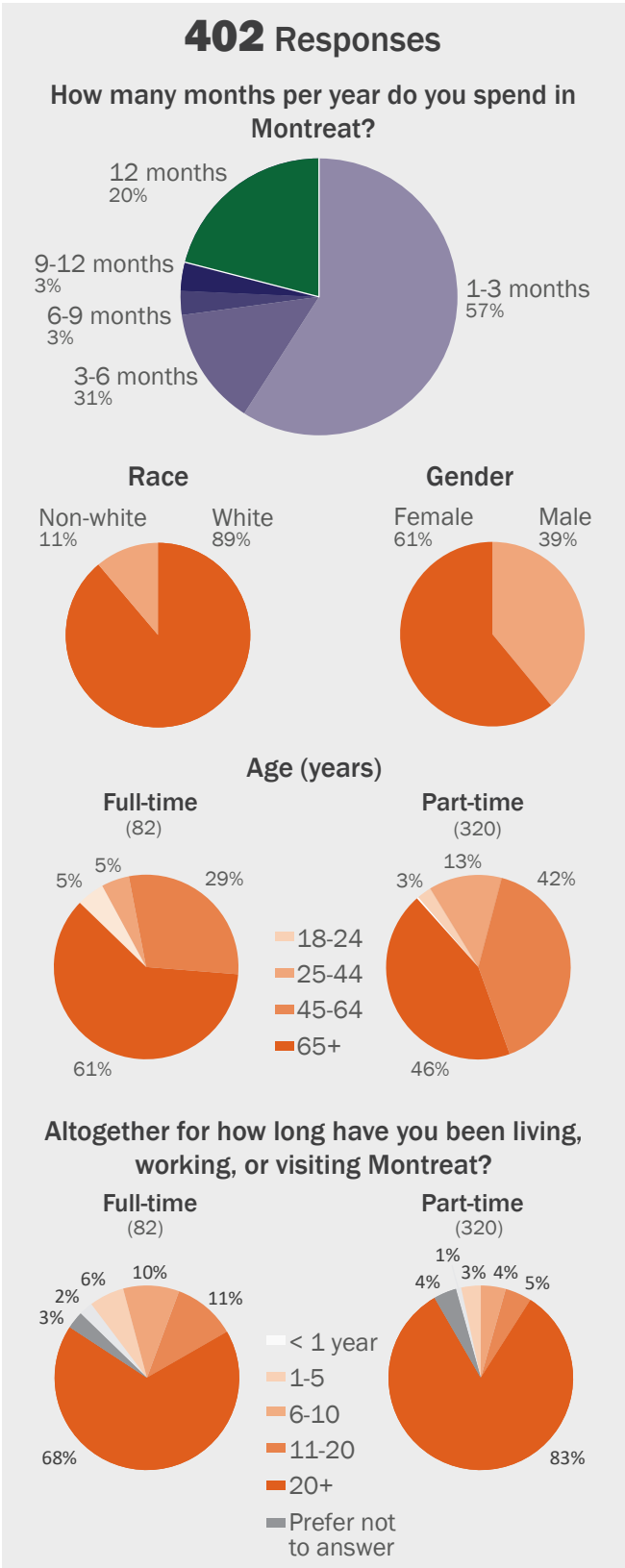
The online survey was open from May 21st to July 6th, 2022. Figure 3-1 summarizes survey participant profiles. Out of the 402 responses, 82 (20%) reported that they spend all 12 months of the year in Montreat. More than half of survey participants (57%) reported that they spend less than three months out of the year in Montreat; less than a month was not an option. Survey participants that reported spending 12 months per year in Montreat were considered full-time residents, while the other 320 responses were counted as part-time residents for the purposes of this plan.

PARTICIPANT DEMOGRAPHICS

The majority of survey participants were over the age of 45, with almost half (47%) over the age of 65. Part-time residents skewed slightly younger with a more even split between those age 45 to 64 and those over 65. More than 90% of survey participants were white and approximately 60% were female.

Since Montreat has many part-time residents, the survey also asked participants how long they had been living, working, or visiting Montreat. However, the survey did not distinguish between residents that have always lived in Montreat from now full-time residents that used to be part-time. This is important because many survey participants indicated that they are currently part-time residents but plan on moving to Montreat full-time when they retire. Fewer full-time residents have been associated with Montreat for more than 20 years than survey participants considered part-time residents (67% and 83% respectively). This indicates that, although the percentage of survey participants that are full-time residents is small, the part-time residents that responded to the survey have strong ties to Montreat.

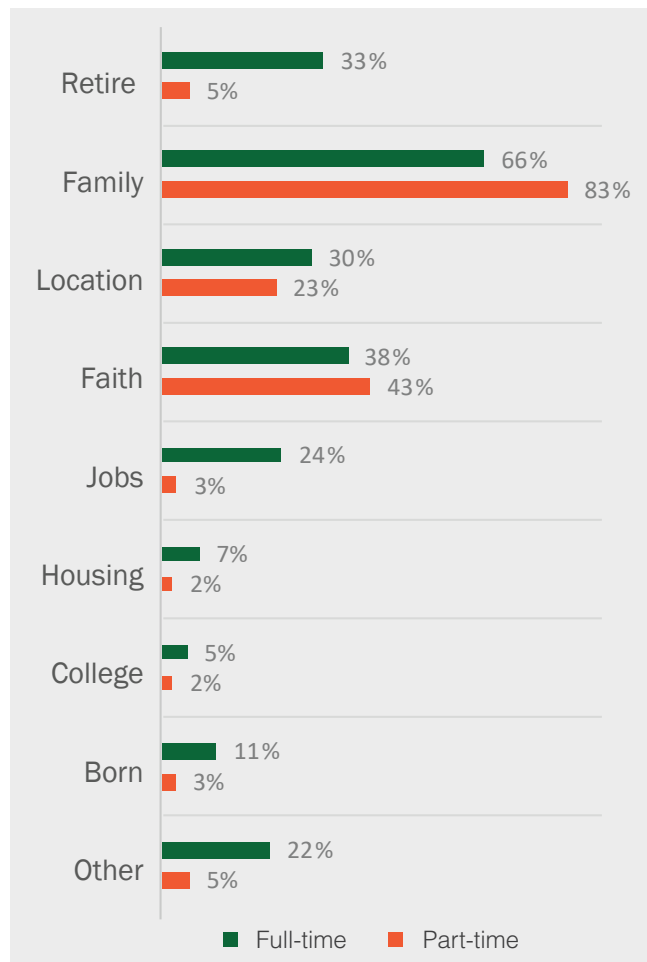
Figure 3-1 : Demographics



Due to Montreat's unique history, what brought residents to Montreat is of interest. The most common reason that participants came to Montreat was family, followed by faith and location for both full-time and part-time residents (Figure 3-2). More than 30% of full-time residents reported that retirement brought them to Montreat. Less than five percent of survey participants reported that college is what brought them to Montreat, indicating that the survey results were probably not heavily impacted by the student population in Montreat.

Responses are broken down by part-time and full-time residents to highlight where there was a noticeable difference between the group's responses.

Figure 3-2 : Why Montreat?

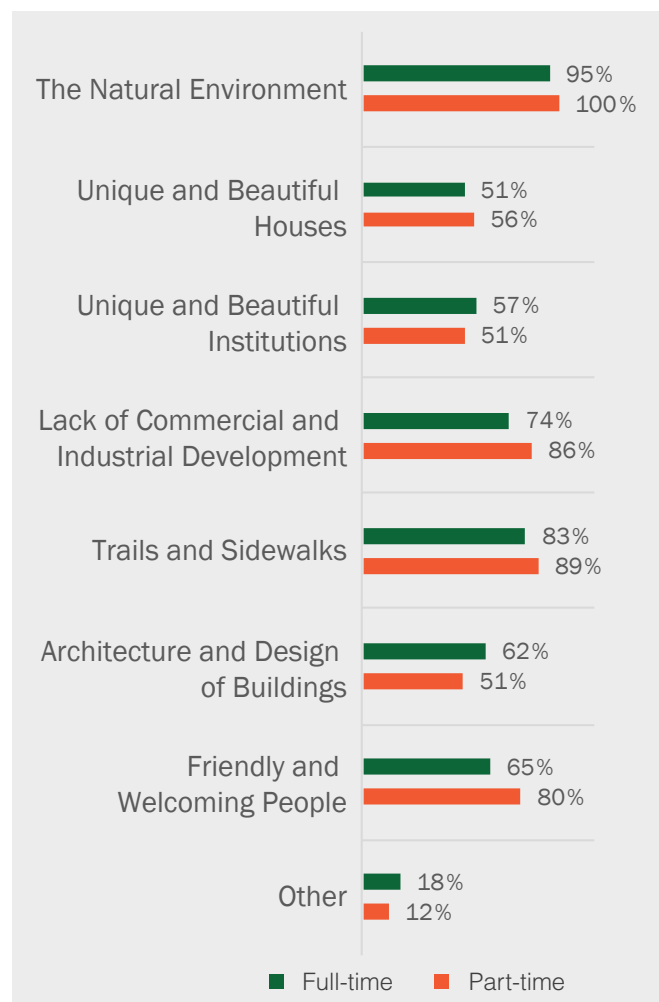


MONTREAT'S CHARACTERISTICS

A list of positive characteristics commonly attributed to Montreat was presented in the survey. Respondents were asked to select the characteristics that they agreed Montreat has and that they enjoy. They were also given the opportunity to describe any other attributes they thought were missing from the list. Full-time residents and part-time residents selected many of the same attributes, but some of the attributes were selected more frequently by one group than another. Figure 3-3 provides a breakdown of these results.

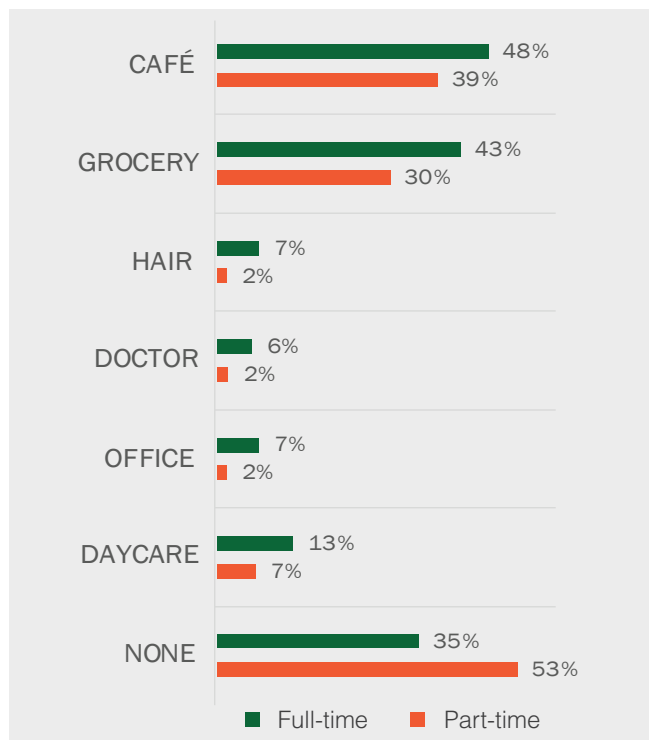
Currently there are no for-profit retail establishments operating in Montreat. Residents go to the nearby town of Black

Figure 3-3 : Montreat's Characteristics



Mountain to go out to eat or shop for groceries. Survey participants were asked which, if any, kinds of businesses they would like to have in Montreat and where they would locate them. If there were to be businesses in Montreat, the preference is for a café or coffee shop and a small grocery or convenience store. Full-time residents indicated that they were more amenable to limited commercial business inside the town than part-time residents (Figure 3-4). 53% of part-time residents, and 35% of full-time residents selected none for businesses they would like to see in Montreat. Survey participants were also asked where they thought businesses should be located if they were in Montreat. The town center was most frequently identified as the appropriate place for businesses to locate. Maps displaying the results from these questions are in the appendix.

Figure 3-4 : Support for Possible Businesses



MATRIX QUESTIONS

A series of questions asked respondents to rank how much they agreed or disagreed with statements about potential concerns, future opportunities, and possible policies (Figure 3-5). In general, the responses from full-time and part-time residents were similar, with only a few of the questions resulting in notable differences in responses.

The questions that resulted in the greatest gap between full-time and part-time residents had to do with development and growth in Montreat. Part-time residents were more likely to indicate that they feel like Montreat is changing (75% versus 66%) and more concerned with how quickly Montreat is growing (60% versus 38%). Full-time residents were slightly less likely to indicate they were concerned that Montreat is growing quickly than part-time residents (29% versus 21%).

Full-time residents and part-time residents also differ slightly in what they would like to see in Montreat. Although the overall consensus is that residents would not like to see more tourism in Montreat, part-time residents indicated that they feel more strongly against tourism than full-time residents. 30% of part-time residents indicated they disagree and 46% indicated they strongly disagree with the statement “I would like to see more tourism in Montreat”, while 26% of full-time residents indicated they disagree and only 30% indicated they strongly disagree. Around a third of full-time and part-time residents (37% and 35% respectively) indicated that they would like to see more venues for events and gatherings in Montreat. Most survey participants indicated they would not like to see small-scale commercial businesses in Montreat, 44% of full-time residents and 58% of part-time residents. However, full-time residents were more likely to indicate they are open to having commercial businesses in Montreat than

Figure 3-5 : Agree/Disagree Matrix Results

Matrix questions were answered on a scale from strongly agree to strongly disagree, the arrows indicate the most frequent response for each question.



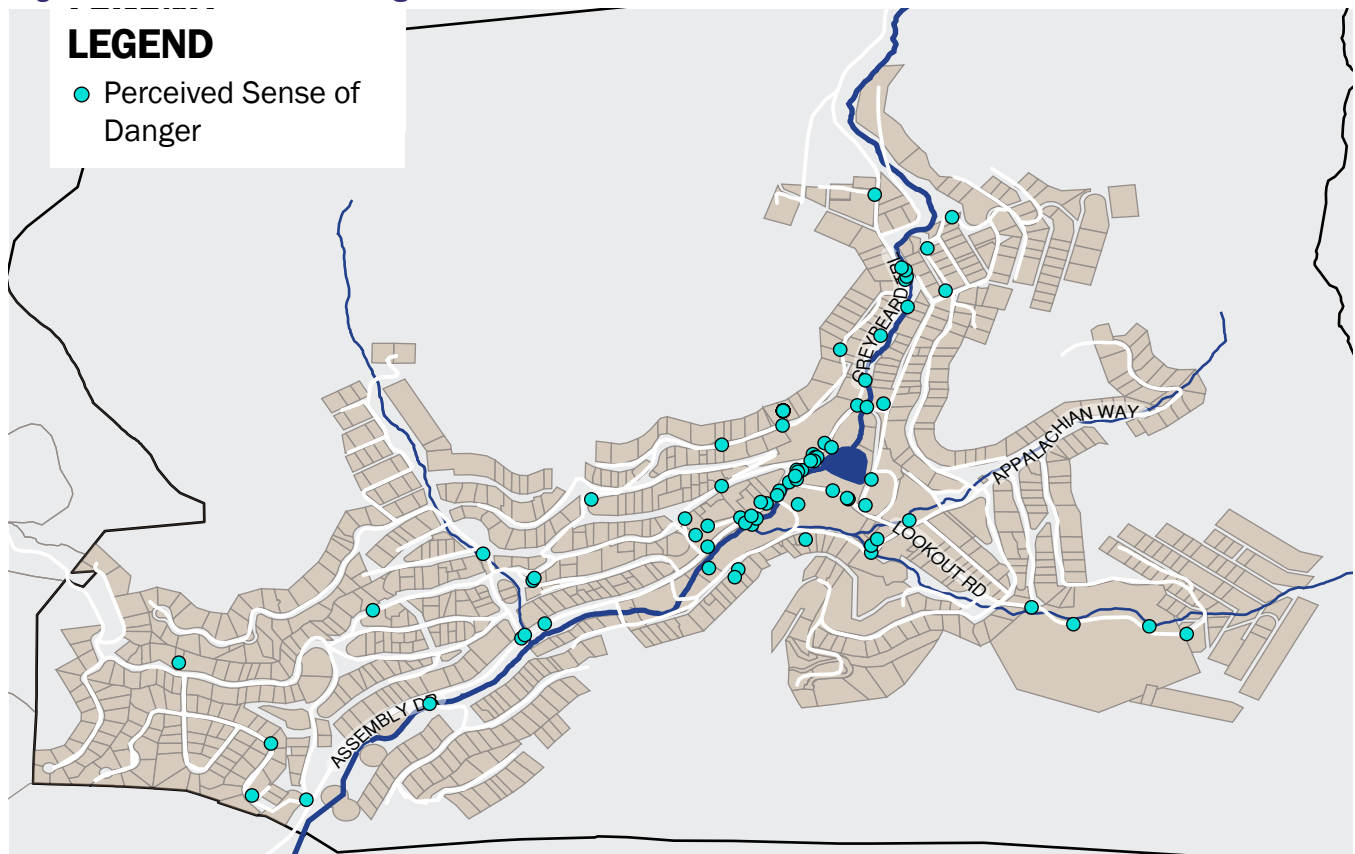
part-time residents with 39% responding that they would like to see small-scale businesses compared to only 26% of part-time residents.

The environment is a concern for most survey participants. Slightly less than two thirds (62%) of survey participants indicated that they were concerned about stormwater and flooding. About a third (35%) of participants responded that they were neutral about air quality in Montreat, while 36% indicated that they were concerned and 27% indicated they were not concerned. Almost three quarters (73%) of survey participants indicated that they were concerned about the health of Montreat's trees and forests. More than half (55%) of participants indicated that climate adaptation should be a priority, with another quarter (24%) reporting they were neutral to having that as a priority. As the natural environment was the most highly cited positive characteristic

of Montreat, it follows that residents are concerned with environmental quality and protection.

Both full-time and part-time residents had majority support for all four of the policy statements relating to the environment and conservation, but part-time residents indicated a stronger response overall. The most strongly supported policy was that new buildings must not be built where their footprint could disrupt a creek or stream, with 88% of all responses in agreement. Requiring new homes to be compact in order to preserve the tree canopy and undisturbed land, was also highly supported, with 60% of full-time residents and 67% of part-time residents agreeing with the policy. 54% of full-time residents and 62% of part-time residents indicated that they agree property owners should pay a stormwater utility fee proportionate to the impact of their

Figure 3-6 : Pedestrian Danger Areas



property on stormwater management. 51% of full-time and 57% of part-time residents support creating a Climate Change Action Plan in order to assess and reduce energy use in Montreat. Since the survey did not ask participants whether or not they owned property in Montreat, it is unclear how many of the responses to these policies were theoretical—part-time residents not being affected by the policy, but supporting the idea—which may partially explain why they were more likely to strongly agree with the policy statements.

PEDESTRIAN SAFETY

Respondents were asked about how safe they felt walking in Montreat, and given the opportunity to indicate areas of potential pedestrian danger. Figure 3-6 shows where respondents feel pedestrian safety is a concern. Assembly Drive approaching Lake

Susan was the area of most concern.

Engagement Events

MINI MEETINGS

To get feedback from as many people as possible, the project team created “Meeting in a Box” kits so that members of the steering committee could host their own mini meetings. The meetings focused on the topic of land use, and materials and guidance for discussion were provided. There were four mini meetings held, with a total of 56 participants and an average of 14 at each meeting. The meetings took place on July 21st, August 11th, August 15th, and August 30th of 2022.

Themes that came up in all of the meetings included: support for preserving Montreat’s history; concern with increased traffic especially from construction vehicles; and concern over large developments in Montreat. The financial challenges of funding various programs or initiatives was brought up multiple times as the Town has limited revenue sources. Residential property taxes provide the vast majority of revenue, and the Town lacks the commercial and industrial entities to provide sales and property taxes that most municipalities rely on. Some suggestions for increasing the Town’s revenues included implementing parking permit requirements, increasing water usage fees, soliciting donations and grants for programs and projects, and reevaluating policies regarding short-term rental properties to increase taxes or fees. It is important to note that some suggested solutions may not be permitted by North Carolina Law.

One of the meetings specifically focused on stormwater issues and stream health. Restricting development along stream beds, increasing community education, and increasing tree preservation efforts were all discussed as potential ways to protect water

quality and reduce risk of damage from flooding. In addition to general safety concerns, one meeting discussed creating an alternate exit route in case of emergency as there is only one road into and out of the Town.

COMMUNITY WORKSHOP

The community workshop was held on July 26th at Town Hall and was open to the public. Following a brief presentation, workshop attendees participated in an engagement activity where they contributed to an “Idea Garden” to build on the vision for Montreat. Some suggested ideas were provided that participants could “water,” (add supporting comments), “grow,” (build on the idea), or “bug,” (point out flaws or critiques) or come up with their own idea. The ideas that emerged from the activity focused on four main topics: traffic control, development, trails and sidewalks, and community environmental protections.

There is a desire for improved trail maintenance, more sidewalks and crosswalks, and more public seating like park benches. There is also support for educational signage for natural and historic landmarks. More crosswalks and sidewalks would help reduce concern for pedestrian safety. Speed bumps, lower speed limits, and no-car zones were also suggested as ways to calm traffic and increase safety. Parking congestion was cited as an issue that would require collaboration with Montreat College and the MRA to address. Annual parking permits and charging for on-street parking were brought up as potential solutions.

More development, especially commercial or institutional, is generally not desired in Montreat by those participating in the engagement events. Establishing a historic district or architectural review board to maintain the character of Montreat is a supported idea. Community environmental

efforts like creating a stormwater utility fee, removing dead or dying trees, and encouraging recycling were all supported ideas, but participants also pointed out “bugs” that would have to be worked out if these kinds of programs were to be implemented. Private property rights and the limitations of Montreat’s financial and jurisdictional capabilities need to be considered in any potential policies.

Montreat By You Worksheet

Community workshop attendees participated in a mapping activity that asked them to identify which type of development they thought was appropriate in different areas of Town. Montreat was divided into seven areas (Figure 3-7) where participants could identify where they could see bigger buildings on bigger lots, smaller buildings on smaller lots, townhouses and apartments, or other kinds of development. Figure 3-8 has the breakdown of the results.

Participants indicated that if any development was constructed, they would prefer smaller buildings on smaller lots in all areas of Montreat. The areas indicated for bigger buildings on bigger lots were on the edge of Town in areas three, four, six and seven. Although there were people who did not want commercial or other non-residential development anywhere in Montreat, the two participants who did indicate commercial development both placed it in area three, in the Town Center. There was not much desire expressed for townhouses and apartments, but areas three, four and seven were indicated as the most appropriate place for them to be developed. Responses expressed a desire for open space requirements for redevelopment as well as new development and raised concerns about water, sewer, and stormwater management.

Figure 3-7 : Development Areas

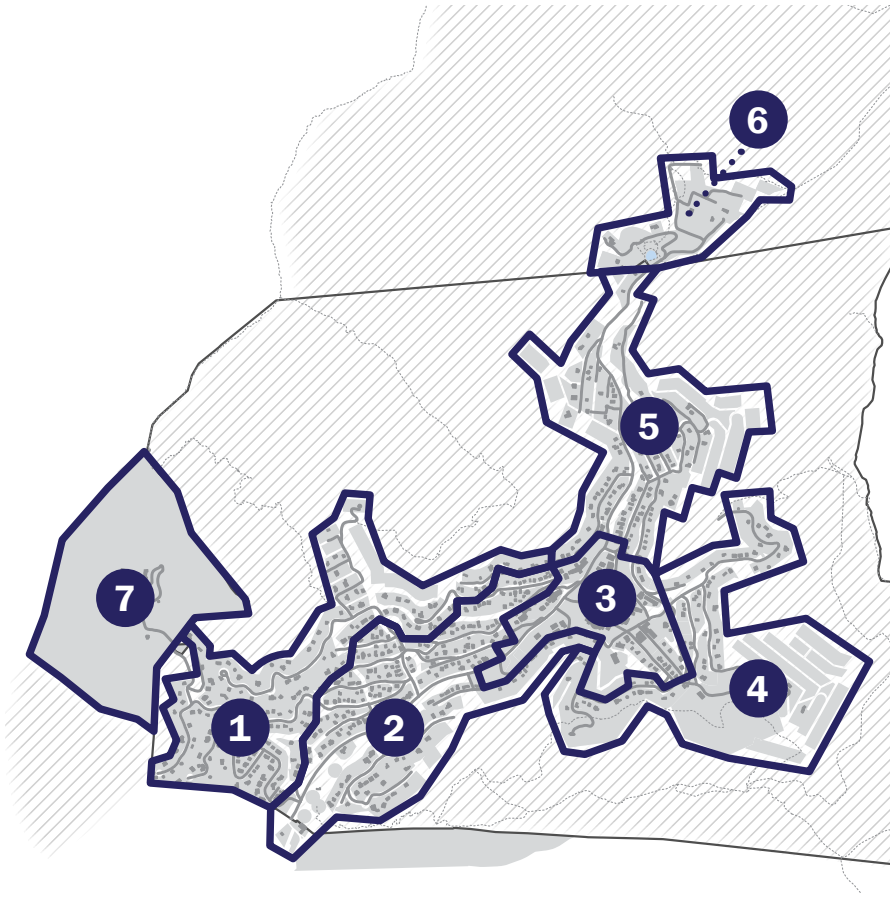


Figure 3-8 : Desired Development types

	Bigger buildings on bigger lots	Smaller buildings on smaller lots	Apartments/ Townhomes	Commercial	Other
Area 1	0%	15%	0%	0%	0%
Area 2	0%	19%	4%	0%	0%
Area 3	15%	12%	15%	8%	4%
Area 4	12%	27%	27%	0%	4%
Area 5	0%	19%	0%	0%	0%
Area 6	8%	15%	0%	0%	0%
Area 7	23%	19%	12%	0%	0%

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04

MONTREAL TOMORROW

Vision Statements

Objectives

Next Steps

VISION STATEMENTS

The Steering Committee and consultant team worked together to create vision statements to guide the objectives for Montreat Tomorrow. Three major topics emerged from the planning process: Natural Preservation and Stormwater (Environment); Community Character and Development (Development); and Traffic and Transportation (Transportation). Specific objectives addressing these topics were then created and finalized by the Steering Committee.

The final objectives address the future of the environment, development, and transportation in Montreat. The guiding vision statements were written with points of tension or potential conflict in mind, reflect what was heard from the public, look to the future, and attempt to address some of the issues which Montreat may face in the coming years.



Montreat will value and protect its tree canopy, streams, land, and natural beauty.



Montreat will be a community that respects buildings with historic value, encourages new development to consider the surrounding architecture, and strives for resilience in the face of a changing climate.















Montreat will be accessible for people as they age, safe for children and families, and calm for those driving, biking, and walking.

OBJECTIVES

The following objectives can be seen as stepping stones towards realizing the future of Montreat imagined in the vision statements. With the help of the Mayor and Town staff, each objective was given a priority level and determined to be either a long- or short-term goal. Short-term objectives should aim to be completed in five years, while long-term objectives are on a ten year timeline. The entity or commission responsible for leading the initiative for each objective was identified and is indicated below.

The objectives, timelines, and responsible entities are dependent on multiple external factors. The recommendations in this chapter are meant to be a guideline for how to proceed and are not legally binding.

LEGEND	
	Short-term Objective
	Long-term Objective
	High Priority
	Medium Priority
	Low Priority
	Town of Montreat
	Planning & Zoning
	Public Works
	Land Care Committee
	Tree Board
	Open Space Committee
	Firewise Committee

Environment

1

The Town of Montreat should develop regulations to encourage fire safety indoors and outdoors. These regulations should be customized to fit the needs of the community, weighing carefully the impact on public safety and natural areas as well as the likely responsibilities placed on property owners as such regulations are passed.



2

The Tree Board should collaborate with existing stakeholders and their representatives (the MRA wilderness committee, Montreat Cottagers, Southern Appalachian Highlands Conservancy) to identify and recommend to Town Council strategies for protection of our forests and for its health and resiliency, and to propose funding required for such strategies.



3

Create a local erosion and sediment control ordinance for grading permits and requirements for projects that currently are not covered by Buncombe County's Erosion and Sediment Control Ordinances.



4

Explore the adoption of additional stream protection ordinances.



5

Institute periodic review (i.e., every five years) by the Tree Board of the *Recommended Species List* (Montreat Zoning Ordinance, Appendix A) to ensure riparian species (those that are native to creeksides) are included.



6

Explore conservation easements as an avenue for land protection.



CASE STUDY - FIREWISE SITES OF EXCELLENCE



The Firewise USA Sites of Excellence was a two year pilot program started in 2019. Seven Firewise sites were selected to participate in the challenge to increase participation in wildfire mitigation activities. The seven sites selected were small communities in high wildfire risk areas from across the country, many of them bordering a state forest. Two of the sites were vacation communities with only a portion of the population residing there full time. Each site had its own approach and challenges, but commonalities between them emerged. Firewise USA published the findings in 2022 and identified common challenges, successful strategies, and best practices for increasing participation in wildfire mitigation activities.

Wildfire mitigation is a community effort led by individual actions, success requires buy-in from residents. Two common challenges faced were resistance from residents who wanted to “live among the trees” and those who were concerned with privacy and government oversight. Providing education to residents about wildfire risks, working together to create specific action steps for mitigation, and providing opportunities for positive interaction with government employees, as well as encouraging neighbor-to-neighbor communication, helped overcome these challenges.

State forestry agency employees reiterated the importance of forming a relationship with the sites to better understand the community and how they could provide support and assistance most effectively. Creating “targeted, quantifiable goals helped Firewise sites focus their efforts and reduce risk.”



Educational events hosted with local fire department.

Home risk assessments in 7-R Ranch conducted by the Texas A&M Forest Service.



Firewise community workday in Arkansas.

Other successful strategies used by the sites to improve buy-in and participation included:

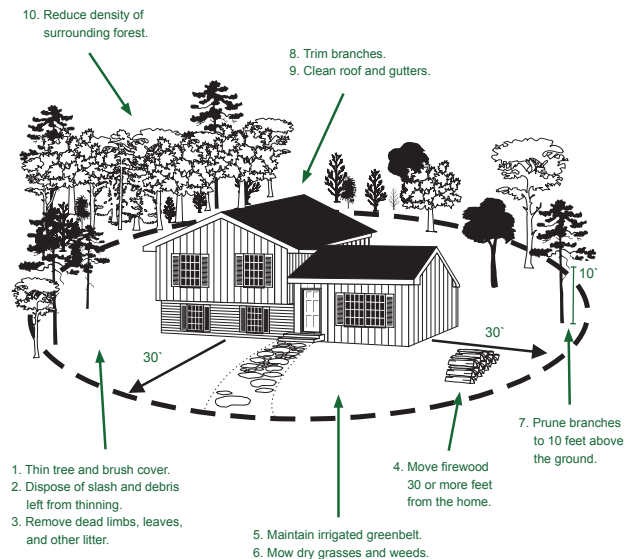
- Utilizing Home Owners Associations (HOA) to enforce Firewise landscaping regulations
- Conducting home risk assessments and providing individualized recommendations
- Focusing on mitigating threats in the home ignition zone
- Setting an example for homeowners in common spaces
- Building a sense of community by organizing public chipping days, curbside brush collection, and communal slash pile burns
- Taking advantage of community events to provide education and information
- Bringing in local emergency management representatives or vendors to provide information on fire safety

Source: Miller, R. (2022, May). *Residents Reducing Wildfire Risks: Findings from the NFPA® Firewise® Sites of Excellence Pilot, 2019–2020*. National Fire Protection Association (NFPA).

Firewise Landscaping

Firewise landscaping is about creating defensible space or a “survivable space buffer” around your home. The size of the buffer depends on the landscape, but for all homes there are three key factors for creating defensible space:

1. **Vegetation Choice** - Native plants that are fire resistant and a variety of species help create a healthier, more resilient landscape.
2. **Location & Spacing** - “Defensible” does not mean barren; plants should be widely spaced in irregular clusters to reduce risk.
3. **Maintenance** - Thinning, trimming, and removing dead limbs or brush to reduce the available fuel reduces the intensity and slows the spread of wildfires.



Source: Bardon, R. (n.d.) *Firewise Landscaping in North Carolina*. N.C. Cooperative Extension Service.



ADDITIONAL PLANNING DOCUMENT

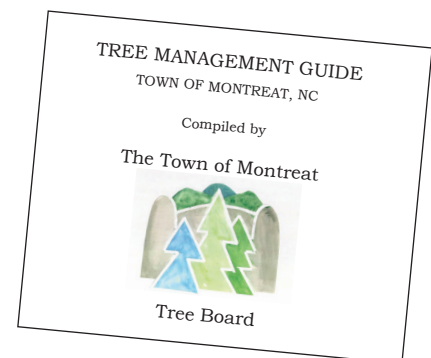
Tree Management Guide

Last Updated July 2019

The Tree Management Guide was compiled by the Montreat Tree Board to consolidate information about tree care and protection along with relevant regulations. The guide contains inventories of the trees along the public right-of-way (ROW) for Assembly Drive, and Greybeard Trail. The inventory includes information on tree health, location, and risk assessment.

Recommended species, what to do in case of a fallen tree, and planting and pruning guides are included as appendices. The Firewise Landscaping document from North Carolina State University is also included in the appendices.

[VIEW THE PLAN HERE](#)





ADDITIONAL PLANNING DOCUMENT

Open Space Conservation Plan

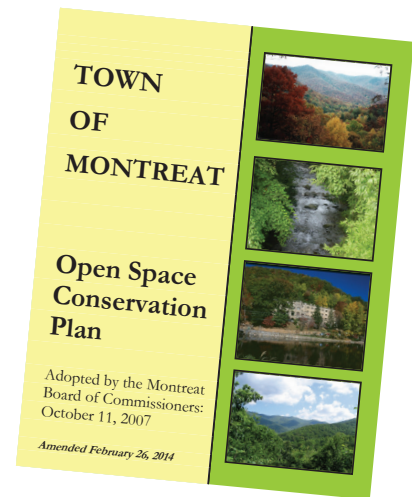
Last Updated February 2014

The Open Space Conservation Plan was intended to “enhance the Town’s ability to protect lands with high natural resource value.” The plan defines open space as “an area of Montreat’s landscape that is essentially undeveloped, such as ridges, streams, and woodlands,” and identifies three key types: natural areas, low impact recreation areas, and viewscape areas.

The plan prioritizes protecting land on large parcels that currently has no legal protections, is adjacent to already preserved land, and is of high resource value to maximize the benefits of preservation.




In addition to proposing an Open Space Fund to help finance conservation efforts, the plan also identifies other potential funding sources.

VIEW THE PLAN [HERE](#)






- 7




Implement the stormwater management plan as required and approved by Small MS4 NPDES Permit.


- 8




Inventory the Town's current stormwater infrastructure and identify opportunities for system improvements and expansions.


- 9




Create a voluntary stormwater control measure and flood risk mitigation program with established goals that includes educational opportunities and outreach efforts.


- 10




Investigate implementing viewshed protection regulations in Montreat.


- 11

Examine the existing Hillside Development Ordinance and ensure that it is enforceable, practical, and sufficient for its purpose, with consideration to the responsibility placed on those building on property in Montreat.


- 12

Support and implement the goals and recommendations for the Town of Montreat in the Buncombe and Madison County Regional Hazard Mitigation Plan.



NPDES MS4 Program

The North Carolina Department of Environmental Quality (DEQ) administers the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Program mandated under the federal Clean Water Act.

An MS4 is an infrastructure system owned by a municipality or public entity that deals with stormwater management and discharge. Only MS4s that meet certain criteria are regulated and require a permit. MS4s are regulated to reduce the amount of pollutants that are flushed into surface waters by runoff.

The MS4 Program expands after every decennial census. Small MS4 permittees were added after the 2000 census in phase two of

the Environmental Protection Agency's MS4 regulations.

MS4 permits require a Stormwater Management Plan (SWMP) to implement, enforce, and evaluate six minimum control measures:



1. Public Education & Outreach
2. Public Involvement & Participation
3. Illicit Discharge Detection & Elimination
4. Construction Site Runoff Controls
5. Post-Construction Site Runoff Controls
6. Pollution Prevention & Good Housekeeping

Source: North Carolina Department of Environmental Quality (DEQ)



ADDITIONAL PLANNING DOCUMENT

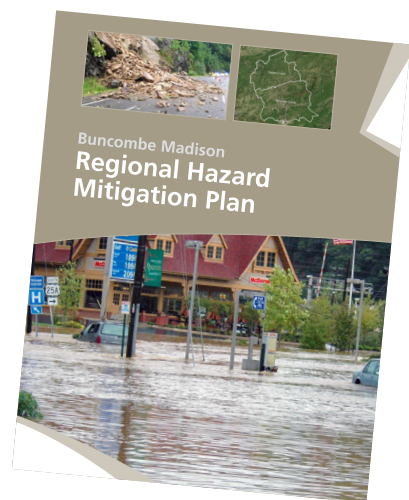
Buncombe Madison Regional Hazard Mitigation Plan

Last Updated April 2021

The Buncombe Madison Regional Hazard Mitigation Plan “recommends specific actions to minimize hazard vulnerability and protect residents from losses to those hazards that pose the greatest risk.” In addition to structural solutions, other actions that can help reduce the region’s vulnerability to identified hazards, including “Local policies on community growth and development, incentives for natural resource protection, and public awareness and outreach activities,” are also recommended.

The plan focuses on hazards that pose “high” or “moderate” risk based on a detailed hazard risk assessment. Section 6 of the plan contains a detailed vulnerability assessment broken down by municipality in both counties.

VIEW THE PLAN [HERE](#)



Development

1

Support private property owners in the creation of conservation easements and/or deed restrictions on land with recreational value to the public.



2

Investigate implementing a maximum lot coverage standard in the Montreat Zoning Ordinance to cap the percentage of a lot that can be developed.



3

In cooperation with the Town, Montreat College, the Mountain Retreat Association, and local organizations, work to update and implement a wayfinding plan including educational signage.



4

Preserve, protect, and enhance the character of Montreat by evaluating and improving existing allowable uses, densities, and dimensional regulations in each Zoning District.



5

Investigate development regulations per Zoning District for short-term rentals with consideration for existing short-term rentals and potential funding sources.



6

Support current and new activities with local, regional, and state partners to educate the public about the value of historic properties and landmarks.



In the spirit of the long-term success of the Town of Montreat, work collaboratively with the institutions of the Town, including, but not limited to, Montreat College and the Mountain Retreat Association, on any future development plans to support the vitality and future of the institutions and the Town.



ADDITIONAL PLANNING DOCUMENT

Wayfinding Signage Plan

Adopted November 2013

The Wayfinding Signage plan was intended to create “a system of destination and directional signage to guide visitors to primary and secondary attractions in Montreat,” and promote walking and bicycling within town. The plan identified seven types of wayfinding signs that could be installed and where some of them should be located.

The plan also called for the Sign Ordinance to be updated to align with the Signage Design Manual, to be created with the help of a design consultant. To date, this plan has not been implemented.

VIEW THE PLAN [HERE](#)



Transportation

1

Calm traffic and lower speeds by partnering with regional transportation agencies to conduct a study of feasible options. This may include, but is not limited to, investigating posting advanced warning signs near the Montreat Gate, seasonal speed tables, or additional stop signs.



2

Periodically examine the availability and demand for parking in the Town of Montreat. Develop strategies as needed to address parking issues. Special consideration to seasonal parking needs should be included.



3

Investigate developing a freight plan in partnership with local and regional partners. This plan may include, but is not limited to, designated truck routes, drop/off/delivery zones, and a permit system for overweight vehicles to be charged a fee.



4

Update and implement the Town's Bicycle, Pedestrian, and Greenways Master Plan.



5

Support private-public partnership opportunities to fund and support trail maintenance.



CASE STUDY - KEENE, NY

The town of Keene, New York has a population of just over 1,000 people and is composed of the hamlets of Keene, Keene Valley, and St. Huberts. Located in Adirondack Park, trails for many of the High Peaks can be accessed via trailheads along State Route 73 in town. The Adirondack Mountain Club Johns Brook Lodge is located in town along with the Adirondack Mountain Reserve (AMR), a privately owned conservation easement of 7,000 acres.

The town of Keene operates a shuttle on weekends and holidays from May through October that takes hikers from a parking lot in town to another parking lot owned jointly by the Department of Environmental Conservation (DEC) and a private landowner, but overflow parking is still a problem. The problem of parking at the trailheads has been acknowledged for some time. In 2017, an article from the Adirondack Explorer wrote, “On a busy summer day, over flow parking along NYS Rt 73 makes it a dangerous gauntlet. In the hamlet of Keene Valley, we regularly have blocked driveways and fire hydrants, and Adirondack Street and Johns Brook Road can be so congested that emergency vehicles can’t get through.”



AMR Ausable Club.
Photo by Anna Kirby.



Cars parked illegally on Route 73 below Roaring Brook parking lot.



AMR hiker shuttle.

Increasing tourism in recent years has exacerbated the problem, and in May of 2019 the DEC prohibited parking on a four-mile stretch of Route 73 without adequate parking alternatives in place. The town of Keene implemented a “front-country steward” program staffed by volunteers to provide visitors with information and help reduce illegal parking. A stakeholder meeting was held in August 2019 to address the parking issues along Route 73. There was consensus that a comprehensive management system was needed. The most supported solution was implementing a pilot hiker or parking permit program.

In 2021, the AMR and the DEC launched a parking reservation pilot program to help manage available parking. Also running May through October, reservations are free and can be made up to two weeks in advance. Reservations are required for all visitors using the AMR parking lot arriving by car, bike, or foot. Visitors who arrive via Greyhound or Trailways bus do not need a reservation and can show a bus ticket from the previous 24 hours instead. The program is only for hikes with trailheads on AMR land.

Sources: *The Lowdown on AMR Hiker Parking Reservations*, Adirondacks, USA.

Izzo, E. (2019, Aug. 10). *Route 73 conundrum*. Adirondack Daily Enterprise.

Wilson, J. (2018, April 19). *Hiker Traffic Along the Route 73 Corridor: Balancing Access, Safety, & the Needs of Residents*. Adirondack Park Local Government Day.



ADDITIONAL PLANNING DOCUMENT

Pedestrian, Bicycle, and Greenways Master Plan

Adopted January 2011

The Pedestrian, Bicycle, and Greenways Master Plan was designed to provide a framework for creating a walkable and bikable town with the goals of improving connectivity and accessibility, increasing safety, and encouraging environmental stewardship.

The proposed greenway along Assembly Drive, replacing the narrow dirt path, was completed, but other recommendations have yet to be implemented. Bike lanes along Assembly Drive and Lookout Road and sidewalks connecting key destinations in the core of Montreat were some of the other proposals.

The plan also contains valuable information on the location and accessibility of trailheads in Montreat.

VIEW THE PLAN [HERE](#)



NEXT STEPS

Keep in mind that implementation of planning goals is a process, and that objectives may require cooperation from multiple parties to complete. Each objective was assigned a priority and responsible entity. These assignments are intended to serve as a starting point for implementation and may change as different circumstances or situations arise.

Some general strategies that can help maintain momentum in achieving plan objectives are:

- Evaluate municipal funds on an annual basis to identify and allocate available funds.
- Identify internal and external pathways to secure new funding resources, as allowed by state law.
- Delegate existing subcommittees to lead implementation of objectives, and create new subcommittees as needed.
- Utilize internal staff to complete amendments and ordinance development (primarily through the Planning and Zoning Department).
- Review this plan and examine the status of objectives annually.
- Reevaluate priorities accordingly after review.

APPENDIX: SURVEY QUESTIONS AND ADDITIONAL GRAPHICS

Share your opinion about the following statements. Click all that apply.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
It feels like Montreat is changing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am concerned about stormwater run-off and flooding in Montreat.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am concerned about air quality in Montreat.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am concerned about the health of Montreat's trees and forests.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Climate adaptation should be a priority for Montreat.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am concerned that Montreat is growing quickly.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I would like to see more tourism in Montreat.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I would like to see new venues for community gatherings in Montreat (like a new park or community garden).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I would like to see new small-scale commercial business in Montreat (like a coffee shop or small office).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If new homes are built in Montreat, I would like them to look similar in style to existing homes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Montreat's housing stock should include options at an affordable price.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Below are some examples of possible policies that could be adopted in Montreat related to sustainability. How strongly would you support each of them?

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
New buildings must not be built where their footprint may disrupt an existing creek or stream.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Property owners pay a fee through a stormwater utility, proportionate to the impact of each property on overall stormwater management.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Town of Montreat should create a Climate Change Action Plan with public and private partners to assess and reduce energy use.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New homes should be compact, preserving as much tree canopy and undisturbed land as possible.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are there any specific areas in Montreat that you feel are especially dangerous and/or inconvenient to walk, bike, or drive?

A follow-up question asking where will appear if you choose yes.

☐ Yes

☐ No

Currently, there are no for-profit businesses operating in Montreat. Which of the following, if any, would you support in Montreat?

Next, you will be asked about possible locations of whichever establishments you select below.

☐ Café or Restaurant

☐ Small Grocery Store

☐ Hair Salon / Barber

☐ Doctor / Dentist Office

☐ Daycare

☐ Offices

☐ Other (I have an idea!)

☐ None

The Comprehensive Plan will guide the Town's development in the future. Please share any other issues, comments, or other considerations you would like to be included in the plan.

2020 Survey

The Town of Montreat released a community survey in 2020. About 200 people provided responses. In the survey, Montreat residents were asked to describe Montreat in three words. In the 2022 survey, respondents were asked whether they agreed with the descriptions of Montreat that appeared in the word cloud, a graphic where words appear larger if more than one person submitted the word, resulting from the 2020 survey. Both full time and part time residents generally agreed with the descriptions in the 2020 survey. Participants were also asked if there were any words that they would like to add to the description. The word cloud created from their additional descriptions and the word cloud from the 2020 survey are shown below.

2020:



2022:



Figure A-1 : Cafe

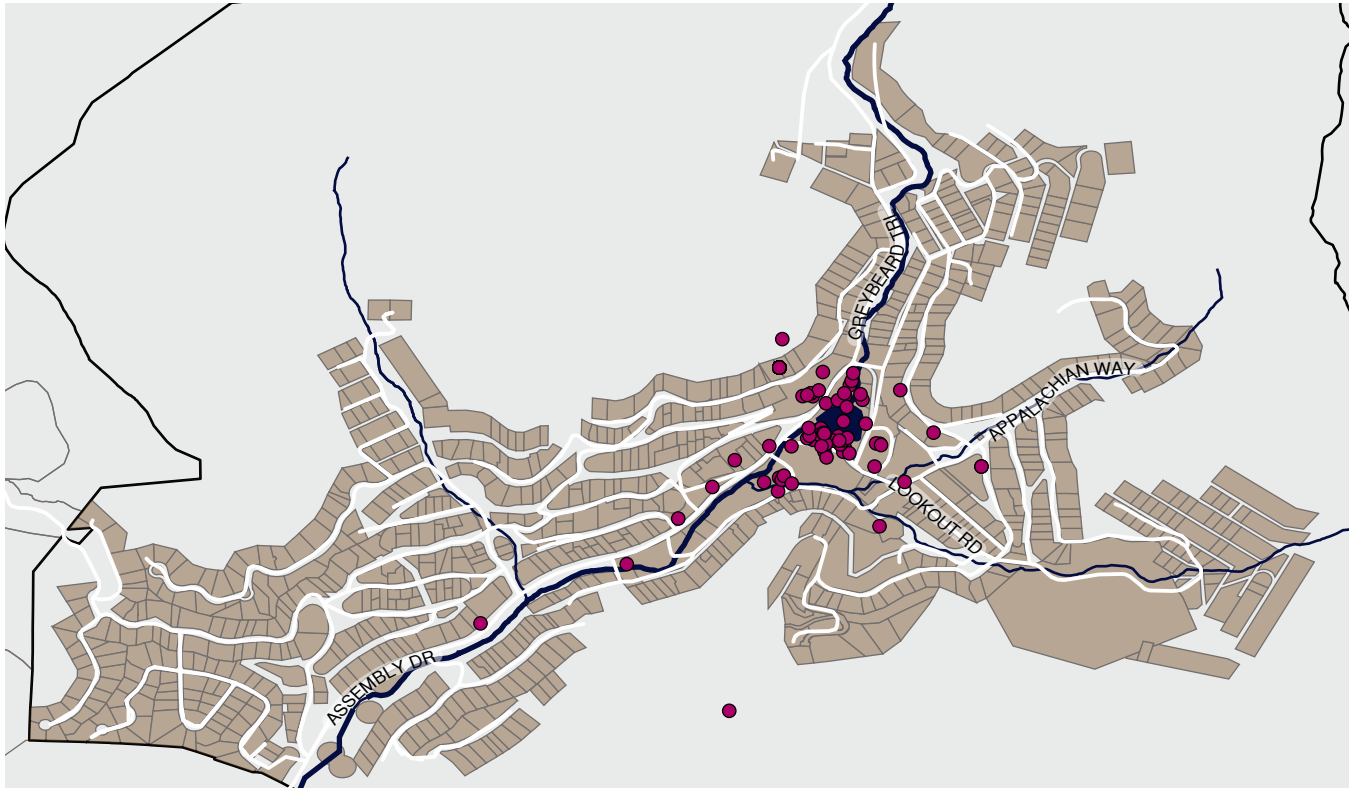


Figure A-2 : Grocery Store

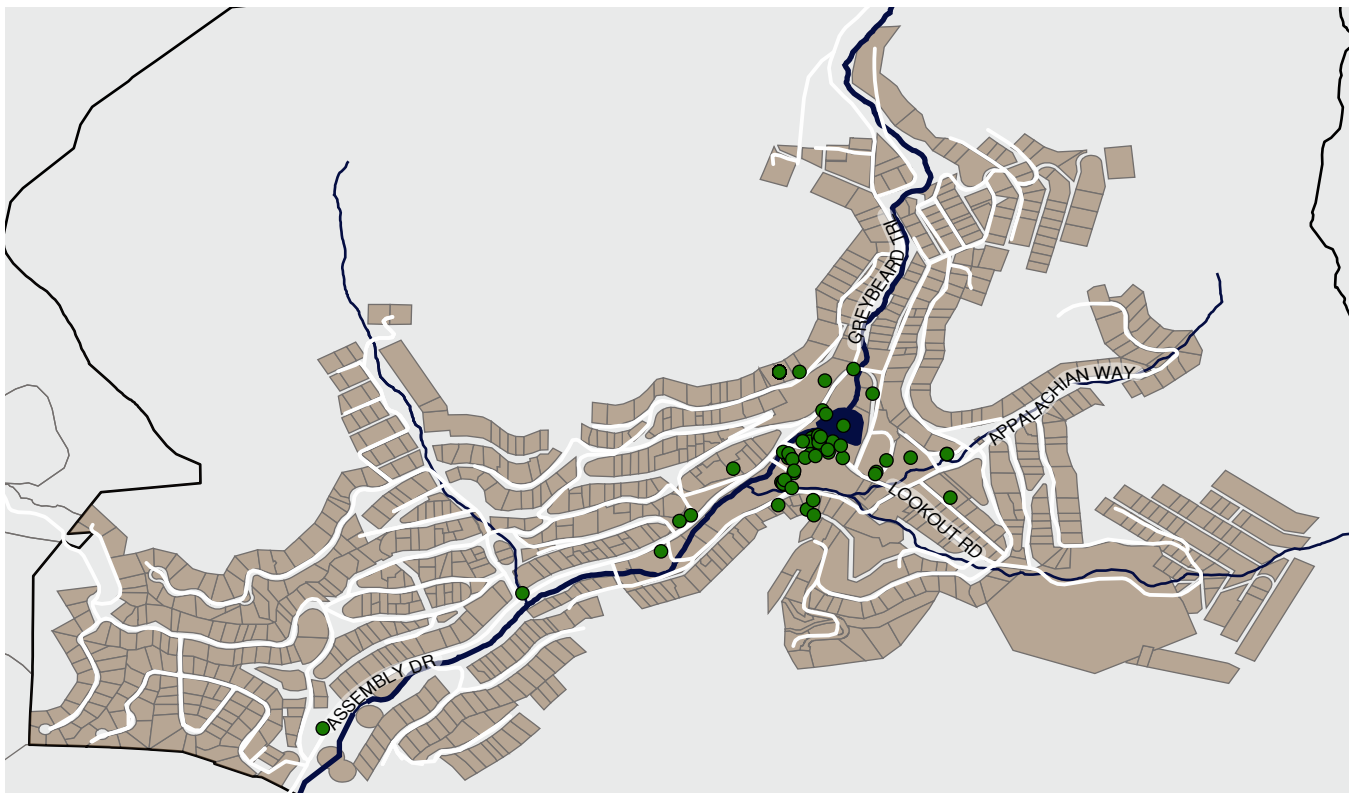


Figure A-3 : Doctor's Office

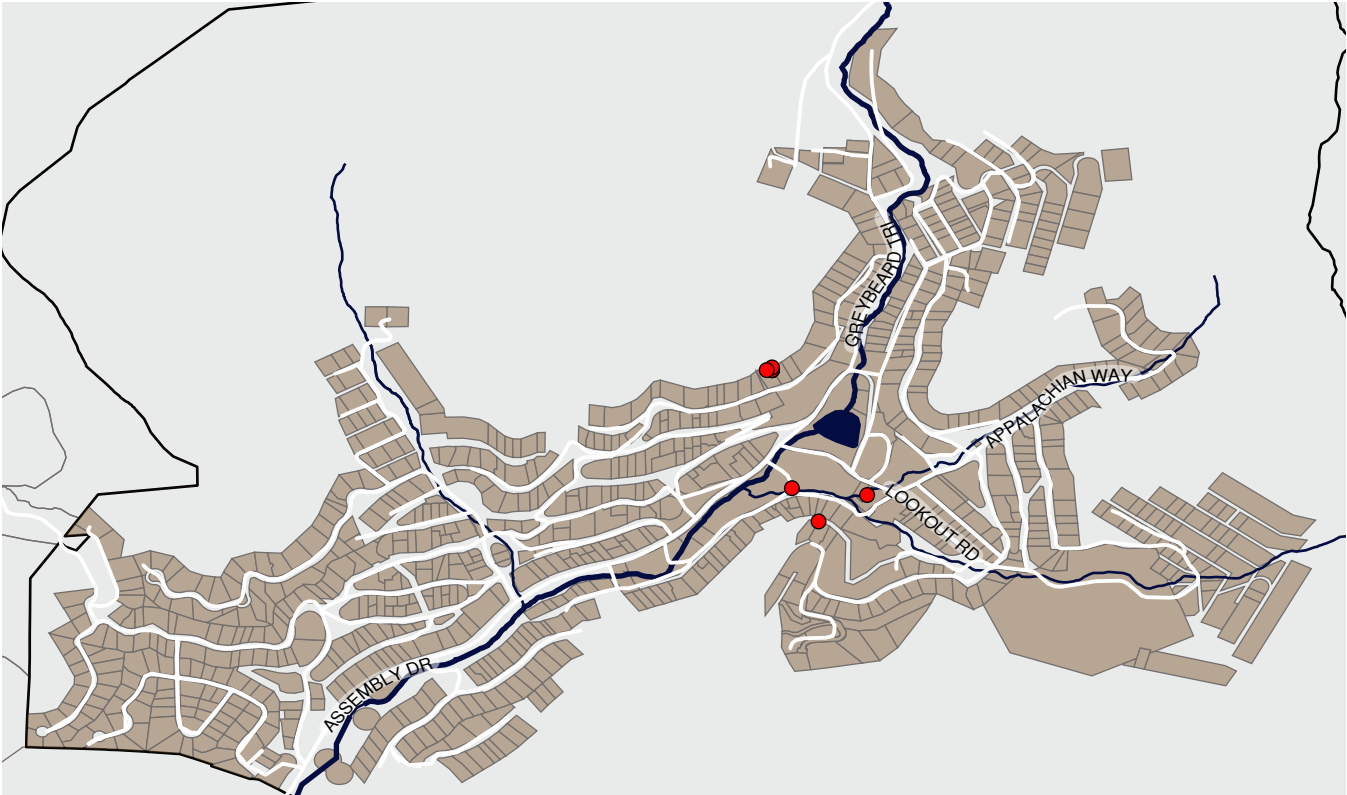


Figure A-4 : Office

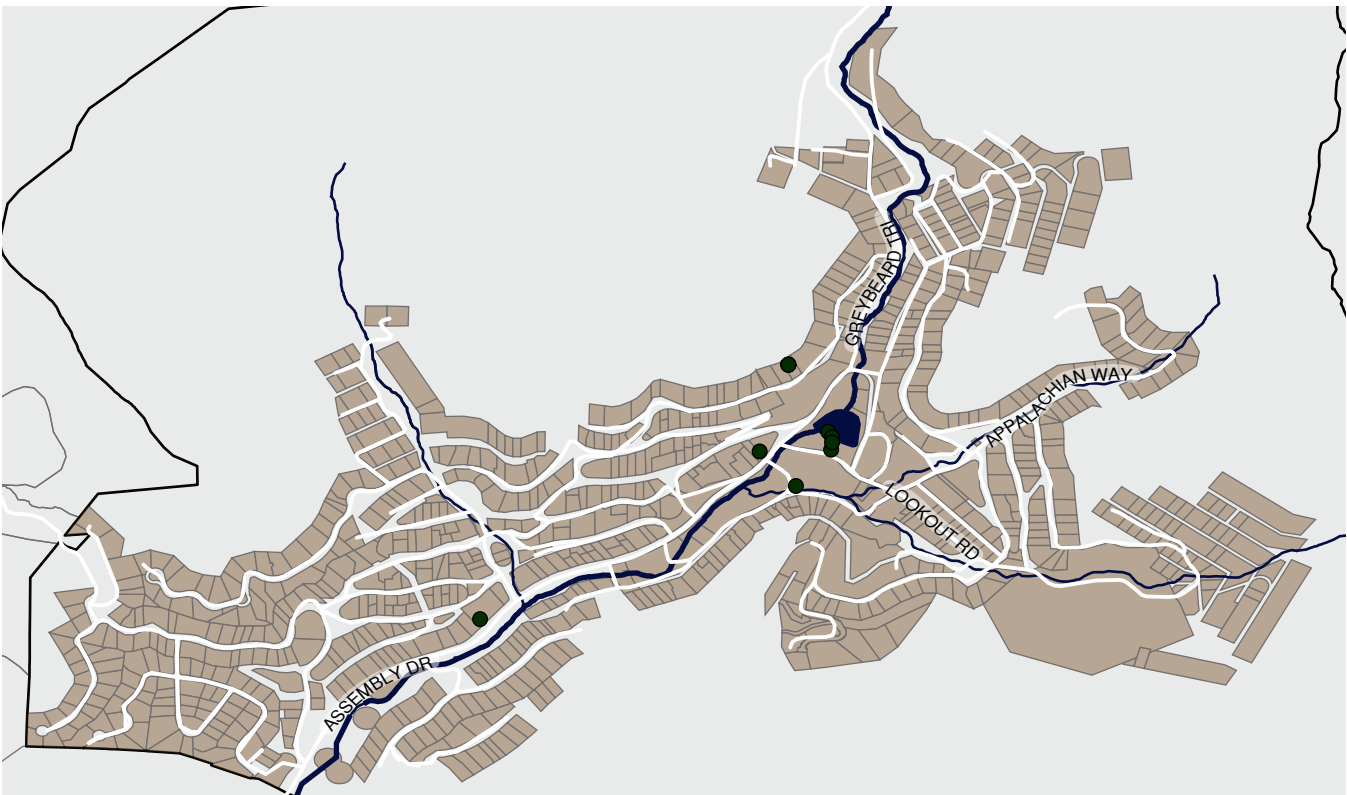


Figure A-5 : Salon

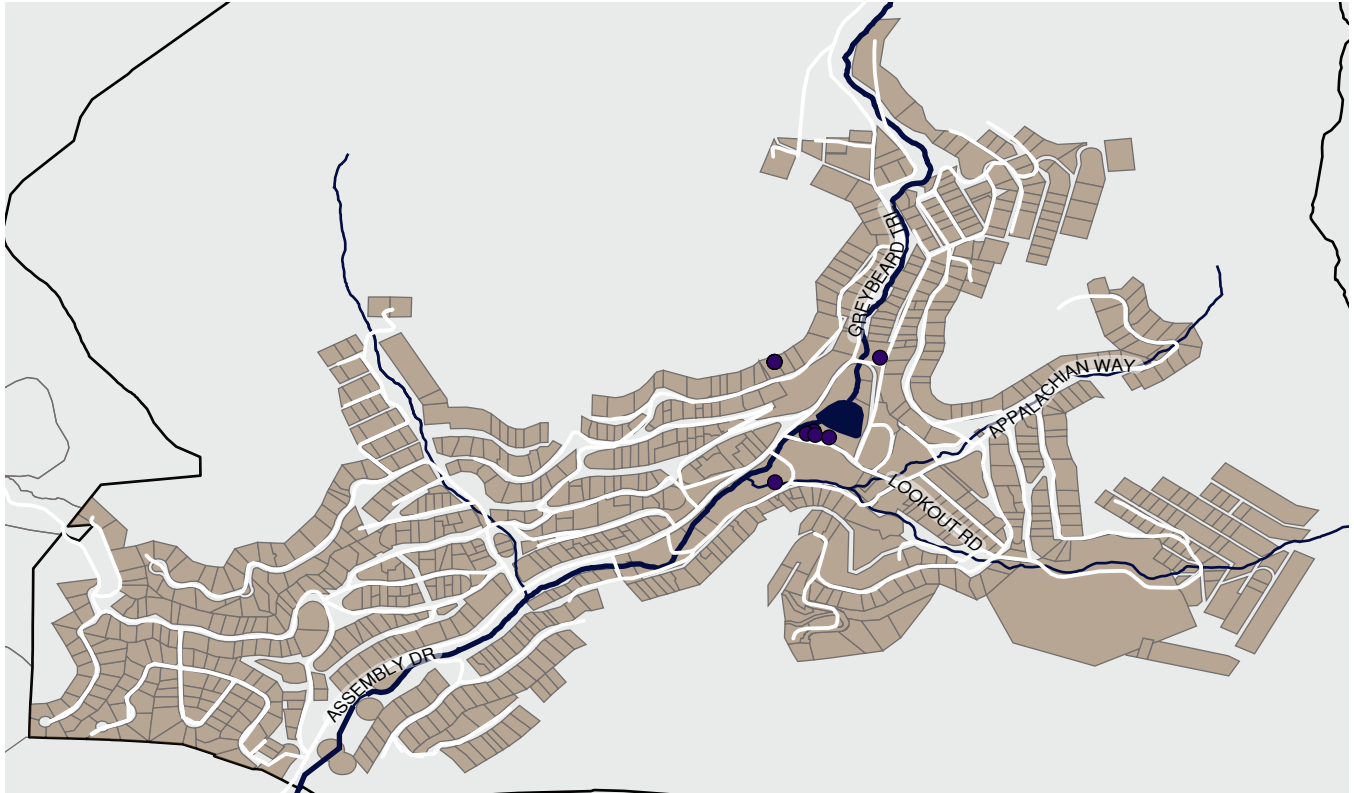
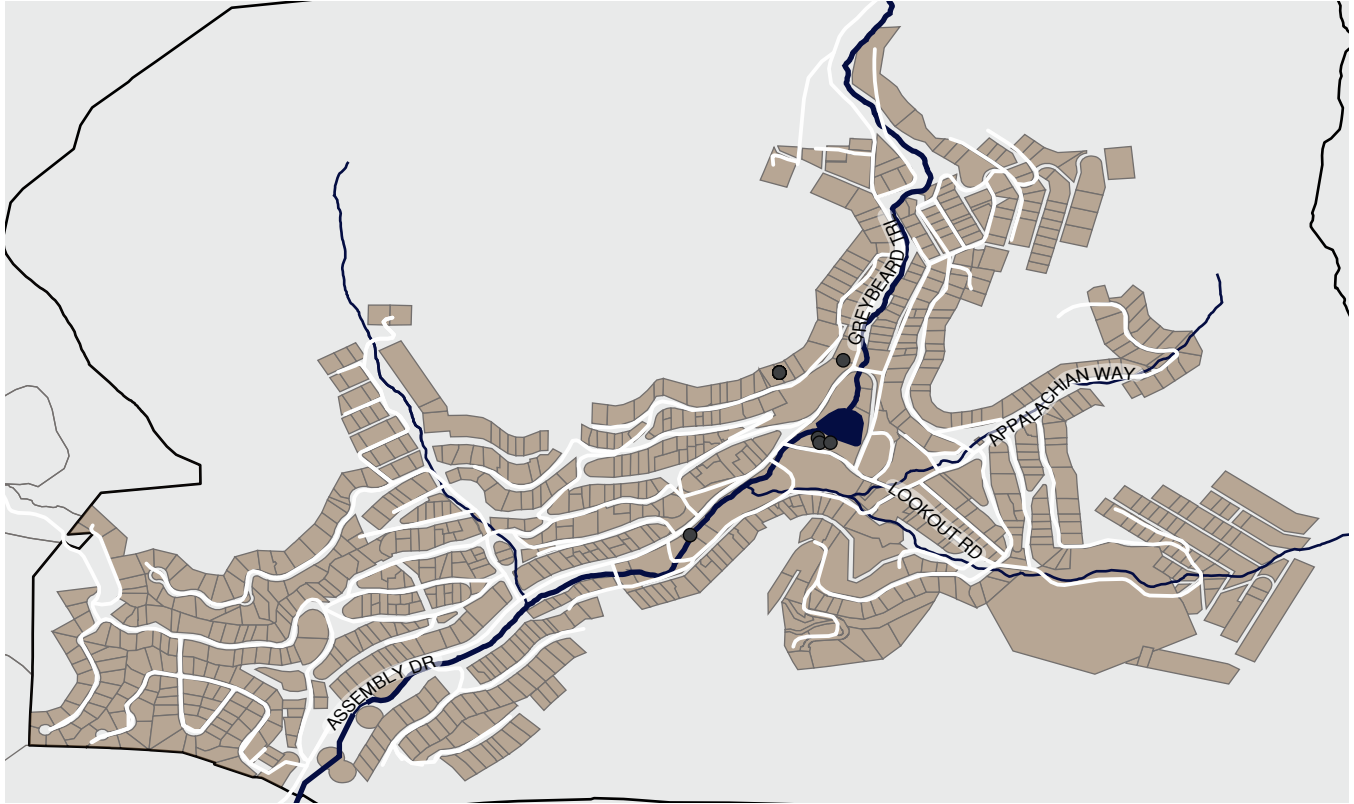


Figure A-6 : Daycare



Figure A-7 : Other



***TOWN of MONTREAT
PLANNING and ZONING COMMISSION
LETTER of RECOMMENDATION***

**Re: TOWN of MONTREAT 2023 COMPREHENSIVE PLAN
("MONTREAT TOMORROW")**

To the Town of Montreat Board of Commissioners:

The Town of Montreat's existing Comprehensive Plan ("Plan") was adopted in 2008 and reapproved by the Board of Commissioners in 2022. Per N.C.G.S. 160D-501(a), municipalities must reasonably maintain a plan in accordance with the specific requirements of the statute. The statute describes a comprehensive plan as follows: "A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. . . . A comprehensive or land-use plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs."

In early 2022, the Town embarked on a journey to develop a new Plan in order to meet the statutory requirement and reflect the changes in Montreat that have occurred since the last Plan was adopted. The Town selected MS Consultants to assist with the preparation of the Plan and established a Steering Committee with community representatives, including individuals from the Mountain Retreat Association and Montreat College, as well as the Mayor and Town Staff. The Steering Committee and consultants worked throughout 2022 and part of 2023 to draft a Plan that will guide Montreat into the future.

The adoption of a new Plan must follow the legislative process defined in N.C.G.S. 160D-601 and requires a recommendation from the Steering Committee and the Planning and Zoning Commission before proceeding to a final decision by the Board of Commissioners. At its June 1, 2023, and June 8, 2023, meetings, the Steering Committee approved a draft Plan and executive summary, respectively, and submitted such documents to the Planning and Zoning Commission for its review and approval.

The Planning and Zoning Commission met on June 15, 2023, to review the proposed Plan, entitled "*Montreat Tomorrow*." Following a page by page review of the Plan, and after making certain minor revisions, the Planning and Zoning Commission, in a unanimous vote, recommended that the Plan, as revised by the Steering Committee and the Planning and Zoning Commission, be approved by the Board of Commissioners. A final, clean copy of such final, recommended Plan, including all revisions, is attached to this letter.

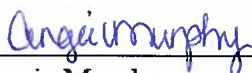
The Planning and Zoning Commission, at its June 15, 2023, meeting, also unanimously voted to recommend that the Board of Commissioners: (i) Conduct additional public engagements at its July and August, 2023, meetings and (ii) Post the proposed final Plan, including all revisions, on the Town's website in order to gather additional community feedback.

The Planning and Zoning Commission is pleased to provide the above recommendations and to have had the opportunity to participate in the development of the Town's Comprehensive Plan. The Commission also wishes to express its gratitude to the Steering Committee for its dedication and hard work in its task.



William E. Scheu
Chair
Planning and Zoning Commission

Date: 6/30/23



Angie Murphy
Secretary
Planning and Zoning Commission

Date: 6/30/23

MONTREAT TOMORROW
STEERING COMMITTEE LETTER OF RECOMMENDATION

To the Town of Montreat Planning and Zoning Commission and Board of Commissioners:

A comprehensive plan, per N.C.G.S. 160D-501, sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of a jurisdiction. This plan is also intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs. The Town of Montreat's existing comprehensive plan was adopted in 2008. In 2020, S.L. 2019-111, known as "160D", required revisions to all land development ordinances in North Carolina both in substance and citation. 160D required all municipalities enforcing zoning regulations to adopt a comprehensive or land use plan by July 1, 2022, unless the plan was recently adopted. Municipalities are also now required to "reasonably maintain a plan", per N.C.G.S. 160D-501(a). Given that the Town's existing comprehensive plan was over a decade old, the Town pursued the adoption of a new plan that would better reflect Montreat today and guide the Town more effectively into the future.

The Town began the venture of developing a new comprehensive plan, *Montreat Tomorrow*, in early 2022 with the selection of MS Consultants. The Board of Commissioners established a Steering Committee with community representatives, including individuals from the Mountain Retreat Association and Montreat College, as well as the Mayor and Town Staff. Working with the Steering Committee and Town staff through many virtual meetings, the consultants began conducting public engagement. The public engagement process consisted of a public survey (which garnered over 400 responses) and a public workshop hosted by the consultants. The Steering Committee members also hosted four "mini-meetings" where members engaged with the community using pre-prepared materials, called "Meeting in a Box" kits, from the consultants. These mini-meetings hosted about 14 community members per meeting.

Using the information gathered from the public engagement process along with input from Town staff and a review of the Town's existing plans, the consultants developed vision statements and objectives. The Steering Committee then worked to refine the vision statements and objectives into three focus areas: environment, development, and transportation. Each vision statement contained a group of specific objectives that work together to achieve the stated vision. Once the vision statements and objectives were developed, the Steering Committee worked to review and refine the final comprehensive plan, which is before the Board today. This plan is the culmination of 18 months of dedication, hard work, and service to Montreat.

The adoption of a comprehensive plan follows the legislative process defined in N.C.G.S. 160D-601 and requires a recommendation from the Steering Committee and Planning and Zoning Commission before proceeding to a final decision by the Board of Commissioners. Approval is established with the adoption of an ordinance. As a note, comprehensive plans are advisory in nature without independent regulatory effect and serve as a guide for the entire Town. These plans are also to be considered by the Planning and Zoning Commission and Board of Commissioners when considering proposed amendments to zoning regulations as required by N.C.G.S. 160D.

At the June 1st, 2023, Steering Committee meeting, the committee members voted 8 to 0 to recommend approval of *Montreat Tomorrow* with revisions pending approval of the executive summary. The following revisions to *Montreat Tomorrow* accompany this recommendation:

1. Fix all maps, as needed, so that the Legend title has appropriate spacing between the "N" and the "D" and that the border of each map does not cross over the legend or supplemental text.
2. Add the executive summary drafted by the Steering Committee members to the page before the Table of Contents.
3. Under the Table of Contents "Public Engagement", replace Engagement Results with Engagement Events.
4. PAGE 2: Capitalize the M in "mayor" in the first paragraph under the Planning Process section.
5. PAGE 6: Replace the last sentence of the paragraph beginning in the righthand column with "Many of the MRA properties are made available for public use. For example, as a by-product of its ministry, the MRA serves as a privately funded Parks and Recreation Department for the Town's residents and visitors".
6. PAGE 7: Replace "historic buildings with distinctive architectural style" in the last sentence of the first paragraph in the lefthand column with "the campuses of its two main institutions".
7. PAGE 10: In the second sentence of the first paragraph of the lefthand column, capitalize the C in "college", replace "450" with "650", make "student" plural, add "academic" in front of "year", and remove "and 150 over the summer".
8. PAGE 10: Add a new sentence after the first sentence in the first paragraph in the righthand column to read "It is believed there are approximately 600 residences in Montreat with approximately 1/3 of them containing full-time residents".
9. PAGE 10: Add parenthesis around the third sentence in the first paragraph in the righthand column and include it in the preceding sentence. In the same sentence, replace the word "however" with a semi-colon.
10. PAGE 11: Make "owners" in the second paragraph in the lefthand column possessive.
11. PAGE 11: Add "and continuously fluctuates" to the end of the first sentence in the third paragraph in the lefthand column.
12. PAGE 11: Replace "135" with "235" in the second sentence in the third paragraph in the lefthand column.
13. PAGE 11: Add a new sentence to the end of the third paragraph in the lefthand column that reads "In sum, housing values in Montreat remain high and rental availability fluctuates over time".
14. PAGE 17: Add "currently" to the first paragraph in the lefthand column in front of "three quarters...".
15. PAGE 17: In the last sentence in the first paragraph in the lefthand column replace "currently" with "By the current definition in the Montreat Zoning Ordinance (MZO)".
16. PAGE 17: Remove "Montreat Zoning Ordinance" and leave (MZO) in the third sentence of the first paragraph in the righthand column. End the same sentence with a period after "units". Replace "so" in the following new sentence with "historically".
17. PAGE 17: In the second to last sentence in the first paragraph in the righthand column, replace "for institutional use" with "both Institutional (I) and IR".
18. PAGE 17: In the last sentence in the first paragraph in the righthand column, add ", as defined in the MZO," after "uses" and remove "Institutional" and leave "I Zone".
19. PAGE 17: In the second paragraph on the righthand side, replace "2,800" with "2,500".
20. PAGE 22: Add "currently" between "that" and "prevents" in the first sentence of the first paragraph in the lefthand column.
21. PAGE 22: Replace "ETJ", "WL", and "RPO" with "Extraterritorial Jurisdiction (ETJ)", "Woodland District (WL)", and "Ridgeline Protection Overlay (RPO)", respectively.

22. PAGE 23: Change the parcel ownership for PIN# 07202500100000 from Montreat College to the MRA. Add the following to the supplemental text in a new sentence "This map is based on Buncombe County property records and may not reflect all easements, legal agreements, and development restrictions on these properties".
23. PAGE 24: Change the parcel ownership for PIN# 07202500100000 from Montreat College to the MRA.
24. PAGE 25: Replace "town's" with "valley's" in the second sentence of the first paragraph in the lefthand column.
25. PAGE 25: Replace "south-eastern" with "southeastern" in the second sentence of the second sentence in the lefthand column.
26. PAGE 26: Add a comma after "swiftly" in the second sentence of the righthand column.
27. PAGE 27: Replace "MRA owned" with "MRA-owned" in the second to last sentence in the second paragraph in the righthand column.
28. PAGE 38: Add a comma in the last sentence of the last paragraph between "that" and "although".
29. PAGE 40: Remove the extra space between "residents" and "go" in the first sentence of the first paragraph in the righthand column.
30. PAGE 40: Capitalize the P in "possible" in the title for Figure 3-4.
31. PAGE 41: Remove the bolded text at the beginning of the third paragraph in the lefthand column and the last paragraph in the righthand column.
32. PAGE 42: Capitalize the R in "results" in the title for Figure 3-5.
33. PAGE 43: Remove the extra space between "theoretical" and "-part-time" in the last sentence of the lefthand column.
34. PAGE 44: Remove the bolded text at the beginning of the second paragraph in the lefthand column and the last two paragraphs in the righthand column.
35. PAGE 44: Add "residential property taxes provide the vast majority of revenue, and the Town lacks the commercial and industrial entities to provide sales and property taxes that most municipalities rely on" at the end of the second sentence beginning with "the financial challenges" in the second paragraph.
36. PAGE 44: Remove "and campground" in the fourth sentence beginning with "some suggestions" in the second paragraph. Add "soliciting donations for programs and projects" in the same sentence between "fees" and "and reevaluating".
37. PAGE 44: Add "some" to the final sentence beginning with "It is important" in the second paragraph between "that" and "these".
38. PAGE 45: Replace "wanted to" with "could" in the first full paragraph in the lefthand column.
39. PAGE 48: Replace "capture the essence of what" with "attempt to address some of the issues" and "sees for itself" with "foresees" in the second paragraph.
40. PAGE 48: In the Development vision statement, replace "be polite to" with "consider" and add a space between encourage and the preceding comma.
41. PAGE 49: Add "and Town staff" following "of the Mayor" in the first paragraph.
42. PAGE 50: Add "Southern" in Objective 2 before "Appalachian Highlands Conservancy".
43. PAGE 50: Add "(those native to creeksides)" in Objective 5 between "species" and "are included".
44. PAGE 56: Replace "develop" with "update" in Objective 3.
45. PAGE 56: Add a new objective (Objective 7). The objective shall read "In the spirit of the long-term success of the Town of Montreat, work collaboratively with the institutions of the Town, including, but not limited to, Montreat College and the Mountain Retreat Association, on any future development plans to support the vitality and future of the institutions and the Town". This objective is long-term and high priority and is the responsibility of the Town of Montreat,

according to the legend listed on page 49. This objective may be placed on page 57 for formatting if needed.

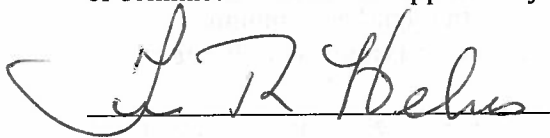
46. PAGE 58: Add a period to the end of the second sentence of Objective 1.

47. PAGE 60: Add a comma in the second paragraph between "path" and "was completed".

48. PAGE 61: Add "as allowed by state law" in the second bullet following "funding resources".

At the June 8th, 2023 Steering Committee meeting, the committee members voted 6 to 0 to recommend approval of the executive summary of *Montreat Tomorrow*.

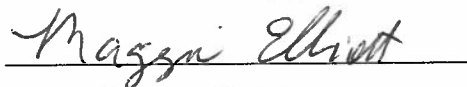
The Steering Committee thanks the Town of Montreat's Planning and Zoning Commission and Board of Commissioners for the opportunity to participate in the development of the Comprehensive Plan.



Date: 6/29/23

Tim Helms

Chair of Steering Committee


MAGGIE ELLIOTT

Date: 6/29/23

Secretary of Steering Committee


BOC Changes to the Comprehensive Plan

August 1, 2023




Change #1

Development Objective 7, page 55

In current Plan:



In the spirit of the long-term success of the Town of Montreat, work collaboratively with the institutions of the Town, including, but not limited to, Montreat College and the Mountain Retreat Association, on any future development plans to support the vitality and future of the institutions and the Town.



Add new copy below **in red**:

In the spirit of the long-term success of the Town of Montreat, **and guided by the above vision statements and objectives**, work collaboratively with **citizens and** the institutions of the Town, including, but not limited to, Montreat College and the Mountain Retreat Association, on any future development plans to support the vitality and future of the institutions and the Town.

Change #2

NEXT STEPS

Keep in mind that implementation of planning goals is a process, and that objectives may require cooperation from multiple parties to complete. Each objective was assigned a priority and responsible entity. These assignments are intended to serve as a starting point for implementation and may change as different circumstances or situations arise.

Some general strategies that can help maintain momentum in achieving plan objectives are:

- Secure new revenue sources due to the significant dependency on the residential tax base (as mostly all of the land owned by large institutional landowners is not subject to property taxes) and growing demand for municipal services.
- Evaluate municipal funds on an annual basis to identify and allocate available funds.
- ~~Identify internal and external pathways to secure new funding resources, as allowed by state law.~~
- Delegate existing subcommittees to lead implementation of objectives, and create new subcommittees as needed.
- Utilize internal staff to complete amendments and ordinance development (primarily through the Planning and Zoning Department).
- Review this plan and examine the status of objectives annually.
- Reevaluate priorities accordingly after review.

ORDINANCE # 23-09-001

**AN ORDINANCE ADOPTING THE MONTREAT COMPREHENSIVE PLAN
*MONTREAT TOMORROW***

WHEREAS, the Town of Montreat Board of Commissioners is responsible for the preparation and adoption of the Town of Montreat Comprehensive Plan, pursuant to Section 160D-501 of the North Carolina General Statutes; and

WHEREAS, pursuant to Section 160D-501(c) of the North Carolina General Statutes, the Town of Montreat used the adoption process mandated for zoning text amendments. Two sets of public hearings were held as part of the comprehensive plan adoption process. The first legislative hearing was noticed on June 29, 2023, and July 6, 2023, in the *Black Mountain News* newspaper and held on July 13, 2023. The second legislative hearing was noticed on August 30, 2023, and September 6, 2023, and held on September 13, 2023; and

WHEREAS, the Town's existing comprehensive plan was adopted on April 8, 2007; and

WHEREAS, the comprehensive plan will help create a framework for the development of future public policy and a more workable plan that can help guide decisions about growth, development, and protection of natural resources.

WHEREAS, the Town of Montreat Board of Commissioners, Comprehensive Plan Steering Committee, and planning consultants undertook a comprehensive 18-month study of the existing conditions in the Town., analyzed numerous topics and potential options and developed goals, objectives, and implementation strategies which resulted in the Montreat Comprehensive Plan, *Montreat Tomorrow*; and

WHEREAS, there has been extensive public participation throughout the process, including a citizen survey, community workshop, mini-meetings, Comprehensive Plan Steering Committee meetings, and a review of background documents and drafts; and

WHEREAS, the Town of Montreat Comprehensive Plan was unanimously approved and recommended for adoption by the Montreat Comprehensive Plan Steering Committee on June 1, 2023, and by the Montreat Planning and Zoning Commission on June 15, 2023.

NOW, THEREFORE, BE IT ORDAINED THAT THE BOARD OF COMMISSIONERS OF THE TOWN OF MONTREAT, NORTH CAROLINA, adopts and approves *Montreat Tomorrow* (pages 1 through 79) as the Town's Comprehensive Plan.

READ, APPROVED, AND ADOPTED this the ____ day of ____, 2023

[SEAL]

Tim Helms, Mayor

Savannah Parrish, Town Manager

ATTEST:

I hereby certify that this is a true and correct copy of this document, duly adopted by the Town of Montreat on the ____ day of ____, 2023, as it appears in the record of the official minutes.

Angie Murphy, Town Clerk



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002 Fax: (828)669-3810
www.townofmontreat.org

OATH OF OFFICE TOWN MANAGEAR

"I, Savannah Parrish swear (or affirm) that I will support the Constitution of the United States; so help me God. I, further solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States to the best of my knowledge and ability, so help me God. I, Savannah Parrish further affirm that I will well and truly execute the duties of the office of Town Manager according to the best of my skill and ability, according to law; so help me, God."

Effective this 14th day of September, 2023.

Savannah Parrish

Angie Murphy, Town Clerk

Witness: _____

RESOLUTION
GOVERNMENTAL ENTITY

FIRST BANK

GOVERNMENTAL ENTITY NAME AND ADDRESS

TOWN OF MONTREAT
ARPA
96 RAINBOW TER
BLACK MOUNTAIN, NC 28711

This Resolution supersedes all previous Resolutions, effective April 13, 2022.

DATE OF RESOLUTION	ACCOUNT NUMBER	Tax Identification Number
May 1, 2018		XX-XXX9173

By signing below, I certify to FIRST BANK ("Financial Institution") that: I am the Certifier of the above named Governmental Entity ("Entity"), validly chartered and operating under the laws of the State of North Carolina; the following is a true and complete copy of the Resolution, properly adopted at a duly called open legal meeting of the officers of the Entity held on March 10, 2022 in accordance with the charter of the Entity, if any; this Resolution is contained in the minutes of that meeting and that such Resolution is still in force and effect and has not been amended or rescinded, and was and still is in accordance with the charter of the Entity, if any; the Financial Institution has been provided a true and complete copy of the charter of the Entity, if any, as in effect as of the date of this Resolution; provided below are the correct names, titles, and genuine signatures of the persons authorized to exercise the powers provided in the Resolution ("Authorized Signers"); and the Financial Institution may rely upon my certification as to my authority to execute this Resolution and to make the representations in this Resolution.

IT IS RESOLVED:

The Authorized Signers shall possess the powers indicated as contained in this Resolution.

DEPOSITORY ACCOUNT. Perform the following activities in regards to the depository account(s) indicated above in the name of the Entity, subject to any terms and conditions governing the account(s), including:

- **Account Opening and Maintenance.** Open and maintain the Entity account(s).
Number of signers required: 01
- **Make Deposits.** Make deposits to the Entity account(s).
Number of signers required: 01
- **Endorsements.** Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.
Number of signers required: 01
- **Make withdrawals.** Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.
Number of signers required: 01
- **Transfer Funds.** Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreements related to such transfers.
Number of signers required: 01
- **Approve, Endorse, Guarantee and Identify Payees.** Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money whether drawn by the Entity or anyone else and guarantee the payment of any negotiable instrument, check, draft, or order for the payment of money.
Number of signers required: 01

IT IS FURTHER RESOLVED THAT:

DESIGNATED DEPOSITORY. Financial Institution is designated as a depository for the funds of the Entity and to provide other financial accommodations indicated in this Resolution.

AUTHORIZED SIGNER'S POWERS. Authorized Signers who have Account Opening and Maintenance authority are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

SIGNATURES. The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the



Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

IMPROPER ENDORSEMENT. Any negotiable instrument, check, draft, or order for the payment of moneys not clearly endorsed by an Authorized Signer may be returned to the Entity by the Financial Institution. The Financial Institution, in its sole discretion, alternatively may endorse on behalf of the Entity any negotiable instrument, check, draft, or order for the payment of money not clearly endorsed in order to facilitate collection. Financial Institution shall have no liability for any delay in the presentment or return of any negotiable instrument, check, draft, or order for the payment of money which is not properly endorsed.

DISPOSITION OF FUNDS. When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Corporation, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited to the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

PRIOR ENDORSEMENTS. All negotiable instruments, checks, drafts, or orders for the payment of money deposited with prior endorsements are guaranteed by the Entity.

PRE-RESOLUTION TRANSACTIONS. All actions by Authorized Signers in accordance with this Resolution but before the adoption of this Resolution are approved, ratified, adopted, and confirmed by the Entity.

WARRANTY. That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

NOTIFICATION OF CHANGES. The Entity shall notify Financial Institution in writing at its address shown above in advance of any changes which would affect the validity of any matter certified in this Resolution.

REVOCATION AND MODIFICATION. An act ("Act") to modify, terminate, amend or replace this Resolution will not immediately affect the ability of the Financial Institution to rely upon this Resolution. The Act shall not affect any action by the Financial Institution in reliance on this Resolution before the date the Act becomes effective as set forth in the next sentence. An Act will not become effective until all of the following occur: (a) Financial Institution receives written notification of the Act in a form and substance satisfactory to the Financial Institution and (b) the Financial Institution has had a reasonable period of time to act upon such notification. Until the Act is effective, this Resolution shall remain in full force and bind the Entity, its legal representatives, heirs, successors and assigns.



DESIGNATION OF AUTHORIZED SIGNERS

NAME/TITLE	SIGNATURE	AUTHORITY CODE/LIMITATIONS
DAVID P ARRANT POLICE CHIEF		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
KATHERYN KIRK FOUCHE COMMISSIONER		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
TIMOTHY R HELMS MAYOR		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
ANGELA M MURPHY TOWN CLERK		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
SAVANNAH M PARRISH TOWN MANAGER		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here

By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certify, personally and on behalf of the Entity, that all statements made in this Resolution are true and correct.

ANGELA M MURPHY
Certifier

Date

Sign Here



RESOLUTION
GOVERNMENTAL ENTITY

FIRST BANK

GOVERNMENTAL ENTITY NAME AND ADDRESS

TOWN OF MONTREAT
CENTRAL CHECKING ACCOUNT
96 RAINBOW TER
BLACK MOUNTAIN, NC 28711

This Resolution supersedes all previous Resolutions, effective April 13, 2022.

DATE OF RESOLUTION	ACCOUNT NUMBER	Tax Identification Number
May 1, 2018	DD 70302519	XX-XXX9173

By signing below, I certify to FIRST BANK ("Financial Institution") that: I am the Certifier of the above named Governmental Entity ("Entity"), validly chartered and operating under the laws of the State of North Carolina; the following is a true and complete copy of the Resolution, properly adopted at a duly called open legal meeting of the officers of the Entity held on March 10, 2022 in accordance with the charter of the Entity, if any; this Resolution is contained in the minutes of that meeting and that such Resolution is still in force and effect and has not been amended or rescinded, and was and still is in accordance with the charter of the Entity, if any; the Financial Institution has been provided a true and complete copy of the charter of the Entity, if any, as in effect as of the date of this Resolution; provided below are the correct names, titles, and genuine signatures of the persons authorized to exercise the powers provided in the Resolution ("Authorized Signers"); and the Financial Institution may rely upon my certification as to my authority to execute this Resolution and to make the representations in this Resolution.

IT IS RESOLVED:

The Authorized Signers shall possess the powers indicated as contained in this Resolution.

DEPOSITORY ACCOUNT. Perform the following activities in regards to the depository account(s) indicated above in the name of the Entity, subject to any terms and conditions governing the account(s), including:

- **Account Opening and Maintenance.** Open and maintain the Entity account(s).
Number of signers required: 01
- **Make Deposits.** Make deposits to the Entity account(s).
Number of signers required: 01
- **Endorsements.** Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.
Number of signers required: 01
- **Make withdrawals.** Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.
Number of signers required: 01
- **Transfer Funds.** Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreements related to such transfers.
Number of signers required: 01
- **Approve, Endorse, Guarantee and Identify Payees.** Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money whether drawn by the Entity or anyone else and guarantee the payment of any negotiable instrument, check, draft, or order for the payment of money.
Number of signers required: 01

IT IS FURTHER RESOLVED THAT:

DESIGNATED DEPOSITORY. Financial Institution is designated as a depository for the funds of the Entity and to provide other financial accommodations indicated in this Resolution.

AUTHORIZED SIGNER'S POWERS. Authorized Signers who have Account Opening and Maintenance authority are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

SIGNATURES. The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the



Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

IMPROPER ENDORSEMENT. Any negotiable instrument, check, draft, or order for the payment of moneys not clearly endorsed by an Authorized Signer may be returned to the Entity by the Financial Institution. The Financial Institution, in its sole discretion, alternatively may endorse on behalf of the Entity any negotiable instrument, check, draft, or order for the payment of money not clearly endorsed in order to facilitate collection. Financial Institution shall have no liability for any delay in the presentment or return of any negotiable instrument, check, draft, or order for the payment of money which is not properly endorsed.

DISPOSITION OF FUNDS. When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Corporation, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited to the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

PRIOR ENDORSEMENTS. All negotiable instruments, checks, drafts, or orders for the payment of money deposited with prior endorsements are guaranteed by the Entity.

PRE-RESOLUTION TRANSACTIONS. All actions by Authorized Signers in accordance with this Resolution but before the adoption of this Resolution are approved, ratified, adopted, and confirmed by the Entity.

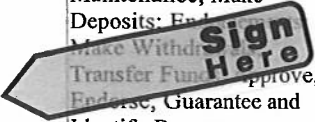
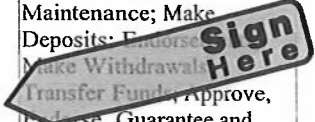
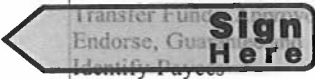
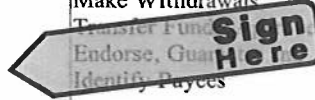
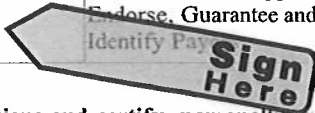
WARRANTY. That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

NOTIFICATION OF CHANGES. The Entity shall notify Financial Institution in writing at its address shown above in advance of any changes which would affect the validity of any matter certified in this Resolution.

REVOCATION AND MODIFICATION. An act ("Act") to modify, terminate, amend or replace this Resolution will not immediately affect the ability of the Financial Institution to rely upon this Resolution. The Act shall not affect any action by the Financial Institution in reliance on this Resolution before the date the Act becomes effective as set forth in the next sentence. An Act will not become effective until all of the following occur: (a) Financial Institution receives written notification of the Act in a form and substance satisfactory to the Financial Institution and (b) the Financial Institution has had a reasonable period of time to act upon such notification. Until the Act is effective, this Resolution shall remain in full force and bind the Entity, its legal representatives, heirs, successors and assigns.



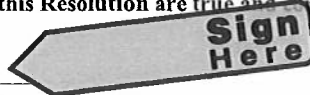
DESIGNATION OF AUTHORIZED SIGNERS

NAME/TITLE	SIGNATURE	AUTHORITY CODE/LIMITATIONS
DAVID P ARRANT POLICE CHIEF		Account Opening and Maintenance; Make Deposits; Endorse, Guarantee and Identify Payees 
KATHERYN KIRK FOUCHE COMMISSIONER		Account Opening and Maintenance; Make Deposits; Endorse, Guarantee and Identify Payees 
TIMOTHY R HELMS MAYOR		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees 
ANGELA M MURPHY TOWN CLERK		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees 
SAVANNAH M PARRISH TOWN MANAGER		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees 

By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certify, personally and on behalf of the Entity, that all statements made in this Resolution are true and correct.

ANGELA M MURPHY
Certifier

Date





RESOLUTION
GOVERNMENTAL ENTITY

FIRST BANK

GOVERNMENTAL ENTITY NAME AND ADDRESS

TOWN OF MONTREAT
CENTRAL DEPOSITORY ACCOUNT
96 RAINBOW TER
BLACK MOUNTAIN, NC 28711

This Resolution supersedes all previous Resolutions, effective April 13, 2022.

DATE OF RESOLUTION	ACCOUNT NUMBER	Tax Identification Number
May 1, 2018	DD 70196863	XX-XXX9173

By signing below, I certify to FIRST BANK ("Financial Institution") that: I am the Certifier of the above named Governmental Entity ("Entity"), validly chartered and operating under the laws of the State of North Carolina; the following is a true and complete copy of the Resolution, properly adopted at a duly called open legal meeting of the officers of the Entity held on March 10, 2022 in accordance with the charter of the Entity, if any; this Resolution is contained in the minutes of that meeting and that such Resolution is still in force and effect and has not been amended or rescinded, and was and still is in accordance with the charter of the Entity, if any; the Financial Institution has been provided a true and complete copy of the charter of the Entity, if any, as in effect as of the date of this Resolution; provided below are the correct names, titles, and genuine signatures of the persons authorized to exercise the powers provided in the Resolution ("Authorized Signers"); and the Financial Institution may rely upon my certification as to my authority to execute this Resolution and to make the representations in this Resolution.

IT IS RESOLVED:

The Authorized Signers shall possess the powers indicated as contained in this Resolution.

DEPOSITORY ACCOUNT. Perform the following activities in regards to the depository account(s) indicated above in the name of the Entity, subject to any terms and conditions governing the account(s), including:

- **Account Opening and Maintenance.** Open and maintain the Entity account(s).
Number of signers required: 01
- **Make Deposits.** Make deposits to the Entity account(s).
Number of signers required: 01
- **Endorsements.** Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.
Number of signers required: 01
- **Make withdrawals.** Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.
Number of signers required: 01
- **Transfer Funds.** Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreements related to such transfers.
Number of signers required: 01
- **Approve, Endorse, Guarantee and Identify Payees.** Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money whether drawn by the Entity or anyone else and guarantee the payment of any negotiable instrument, check, draft, or order for the payment of money.
Number of signers required: 01

IT IS FURTHER RESOLVED THAT:

DESIGNATED DEPOSITORY. Financial Institution is designated as a depository for the funds of the Entity and to provide other financial accommodations indicated in this Resolution.

AUTHORIZED SIGNER'S POWERS. Authorized Signers who have Account Opening and Maintenance authority are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

SIGNATURES. The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the



Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

IMPROPER ENDORSEMENT. Any negotiable instrument, check, draft, or order for the payment of moneys not clearly endorsed by an Authorized Signer may be returned to the Entity by the Financial Institution. The Financial Institution, in its sole discretion, alternatively may endorse on behalf of the Entity any negotiable instrument, check, draft, or order for the payment of money not clearly endorsed in order to facilitate collection. Financial Institution shall have no liability for any delay in the presentment or return of any negotiable instrument, check, draft, or order for the payment of money which is not properly endorsed.

DISPOSITION OF FUNDS. When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Corporation, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited to the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

PRIOR ENDORSEMENTS. All negotiable instruments, checks, drafts, or orders for the payment of money deposited with prior endorsements are guaranteed by the Entity.

PRE-RESOLUTION TRANSACTIONS. All actions by Authorized Signers in accordance with this Resolution but before the adoption of this Resolution are approved, ratified, adopted, and confirmed by the Entity.

WARRANTY. That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

NOTIFICATION OF CHANGES. The Entity shall notify Financial Institution in writing at its address shown above in advance of any changes which would affect the validity of any matter certified in this Resolution.

REVOCATION AND MODIFICATION. An act ("Act") to modify, terminate, amend or replace this Resolution will not immediately affect the ability of the Financial Institution to rely upon this Resolution. The Act shall not affect any action by the Financial Institution in reliance on this Resolution before the date the Act becomes effective as set forth in the next sentence. An Act will not become effective until all of the following occur: (a) Financial Institution receives written notification of the Act in a form and substance satisfactory to the Financial Institution and (b) the Financial Institution has had a reasonable period of time to act upon such notification. Until the Act is effective, this Resolution shall remain in full force and bind the Entity, its legal representatives, heirs, successors and assigns.



DESIGNATION OF AUTHORIZED SIGNERS

NAME/TITLE	SIGNATURE	AUTHORITY CODE/LIMITATIONS
DAVID P ARRAANT POLICE CHIEF		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
KATHERYN KIRK FOUCHE COMMISSIONER		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
TIMOTHY R HELMS MAYOR		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
ANGELA M MURPHY TOWN CLERK		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
SAVANNAH M PARRISH TOWN MANAGER		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here

By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certify, personally and on behalf of the Entity, that all statements made in this Resolution are true and correct.

ANGELA M MURPHY
Certifier

Date

Sign Here



RESOLUTION
GOVERNMENTAL ENTITY

FIRST BANK

GOVERNMENTAL ENTITY NAME AND ADDRESS

TOWN OF MONTREAT
POWELL ACCOUNT
96 RAINBOW TER
BLACK MOUNTAIN, NC 28711

This Resolution supersedes all previous Resolutions, effective April 13, 2022.

DATE OF RESOLUTION	ACCOUNT NUMBER	Tax Identification Number
May 1, 2018	DD 34513572	XX-XXX9173

By signing below, I certify to FIRST BANK ("Financial Institution") that: I am the Certifier of the above named Governmental Entity ("Entity"), validly chartered and operating under the laws of the State of North Carolina; the following is a true and complete copy of the Resolution, properly adopted at a duly called open legal meeting of the officers of the Entity held on March 10, 2022 in accordance with the charter of the Entity, if any; this Resolution is contained in the minutes of that meeting and that such Resolution is still in force and effect and has not been amended or rescinded, and was and still is in accordance with the charter of the Entity, if any; the Financial Institution has been provided a true and complete copy of the charter of the Entity, if any, as in effect as of the date of this Resolution; provided below are the correct names, titles, and genuine signatures of the persons authorized to exercise the powers provided in the Resolution ("Authorized Signers"); and the Financial Institution may rely upon my certification as to my authority to execute this Resolution and to make the representations in this Resolution.

IT IS RESOLVED:

The Authorized Signers shall possess the powers indicated as contained in this Resolution.

DEPOSITORY ACCOUNT. Perform the following activities in regards to the depository account(s) indicated above in the name of the Entity, subject to any terms and conditions governing the account(s), including:

- **Account Opening and Maintenance.** Open and maintain the Entity account(s).
Number of signers required: 01
- **Make Deposits.** Make deposits to the Entity account(s).
Number of signers required: 01
- **Endorsements.** Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.
Number of signers required: 01
- **Make withdrawals.** Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.
Number of signers required: 01
- **Transfer Funds.** Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreements related to such transfers.
Number of signers required: 01
- **Approve, Endorse, Guarantee and Identify Payees.** Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money whether drawn by the Entity or anyone else and guarantee the payment of any negotiable instrument, check, draft, or order for the payment of money.
Number of signers required: 01

IT IS FURTHER RESOLVED THAT:

DESIGNATED DEPOSITORY. Financial Institution is designated as a depository for the funds of the Entity and to provide other financial accommodations indicated in this Resolution.

AUTHORIZED SIGNER'S POWERS. Authorized Signers who have Account Opening and Maintenance authority are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

SIGNATURES. The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the



Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

IMPROPER ENDORSEMENT. Any negotiable instrument, check, draft, or order for the payment of moneys not clearly endorsed by an Authorized Signer may be returned to the Entity by the Financial Institution. The Financial Institution, in its sole discretion, alternatively may endorse on behalf of the Entity any negotiable instrument, check, draft, or order for the payment of money not clearly endorsed in order to facilitate collection. Financial Institution shall have no liability for any delay in the presentment or return of any negotiable instrument, check, draft, or order for the payment of money which is not properly endorsed.

DISPOSITION OF FUNDS. When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Corporation, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited to the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

PRIOR ENDORSEMENTS. All negotiable instruments, checks, drafts, or orders for the payment of money deposited with prior endorsements are guaranteed by the Entity.

PRE-RESOLUTION TRANSACTIONS. All actions by Authorized Signers in accordance with this Resolution but before the adoption of this Resolution are approved, ratified, adopted, and confirmed by the Entity.

WARRANTY. That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

NOTIFICATION OF CHANGES. The Entity shall notify Financial Institution in writing at its address shown above in advance of any changes which would affect the validity of any matter certified in this Resolution.

REVOCATION AND MODIFICATION. An act ("Act") to modify, terminate, amend or replace this Resolution will not immediately affect the ability of the Financial Institution to rely upon this Resolution. The Act shall not affect any action by the Financial Institution in reliance on this Resolution before the date the Act becomes effective as set forth in the next sentence. An Act will not become effective until all of the following occur: (a) Financial Institution receives written notification of the Act in a form and substance satisfactory to the Financial Institution and (b) the Financial Institution has had a reasonable period of time to act upon such notification. Until the Act is effective, this Resolution shall remain in full force and bind the Entity, its legal representatives, heirs, successors and assigns.



DESIGNATION OF AUTHORIZED SIGNERS

NAME/TITLE	SIGNATURE	AUTHORITY CODE/LIMITATIONS
DAVID P ARRAANT POLICE CHIEF		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
KATHERYN KIRK FOUCHE COMMISSIONER		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
TIMOTHY R HELMS MAYOR		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
ANGELA M MURPHY TOWN CLERK		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here
SAVANNAH M PARRISH TOWN MANAGER		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees Sign Here

By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certifying, and on behalf of the Entity, that all statements made in this Resolution are true and correct.

ANGELA M MURPHY
Certifier

Date

Sign Here



**RESOLUTION
GOVERNMENTAL ENTITY**



GOVERNMENTAL ENTITY NAME AND ADDRESS

TOWN OF MONTREAT
WATER CAPITAL RESERVE ACCOUNT
96 RAINBOW TER
BLACK MOUNTAIN, NC 28711

This Resolution supersedes all previous Resolutions, effective April 13, 2022.

DATE OF RESOLUTION	ACCOUNT NUMBER	Tax Identification Number
May 1, 2018	DD 34497727	XX-XXX9173

By signing below, I certify to FIRST BANK ("Financial Institution") that: I am the Certifier of the above named Governmental Entity ("Entity"), validly chartered and operating under the laws of the State of North Carolina; the following is a true and complete copy of the Resolution, properly adopted at a duly called open legal meeting of the officers of the Entity held on March 10, 2022 in accordance with the charter of the Entity, if any; this Resolution is contained in the minutes of that meeting and that such Resolution is still in force and effect and has not been amended or rescinded, and was and still is in accordance with the charter of the Entity, if any; the Financial Institution has been provided a true and complete copy of the charter of the Entity, if any, as in effect as of the date of this Resolution; provided below are the correct names, titles, and genuine signatures of the persons authorized to exercise the powers provided in the Resolution ("Authorized Signers"); and the Financial Institution may rely upon my certification as to my authority to execute this Resolution and to make the representations in this Resolution.

IT IS RESOLVED:

The Authorized Signers shall possess the powers indicated as contained in this Resolution.

DEPOSITORY ACCOUNT. Perform the following activities in regards to the depository account(s) indicated above in the name of the Entity, subject to any terms and conditions governing the account(s), including:

- **Account Opening and Maintenance.** Open and maintain the Entity account(s).
Number of signers required: 01
- **Make Deposits.** Make deposits to the Entity account(s).
Number of signers required: 01
- **Endorsements.** Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.
Number of signers required: 01
- **Make withdrawals.** Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.
Number of signers required: 01
- **Transfer Funds.** Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreements related to such transfers.
Number of signers required: 01
- **Approve, Endorse, Guarantee and Identify Payees.** Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money whether drawn by the Entity or anyone else and guarantee the payment of any negotiable instrument, check, draft, or order for the payment of money.
Number of signers required: 01

IT IS FURTHER RESOLVED THAT:

DESIGNATED DEPOSITORY. Financial Institution is designated as a depository for the funds of the Entity and to provide other financial accommodations indicated in this Resolution.

AUTHORIZED SIGNER'S POWERS. Authorized Signers who have Account Opening and Maintenance authority are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

SIGNATURES. The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the



Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

IMPROPER ENDORSEMENT. Any negotiable instrument, check, draft, or order for the payment of moneys not clearly endorsed by an Authorized Signer may be returned to the Entity by the Financial Institution. The Financial Institution, in its sole discretion, alternatively may endorse on behalf of the Entity any negotiable instrument, check, draft, or order for the payment of money not clearly endorsed in order to facilitate collection. Financial Institution shall have no liability for any delay in the presentment or return of any negotiable instrument, check, draft, or order for the payment of money which is not properly endorsed.

DISPOSITION OF FUNDS. When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Corporation, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited to the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

PRIOR ENDORSEMENTS. All negotiable instruments, checks, drafts, or orders for the payment of money deposited with prior endorsements are guaranteed by the Entity.

PRE-RESOLUTION TRANSACTIONS. All actions by Authorized Signers in accordance with this Resolution but before the adoption of this Resolution are approved, ratified, adopted, and confirmed by the Entity.

WARRANTY. That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

NOTIFICATION OF CHANGES. The Entity shall notify Financial Institution in writing at its address shown above in advance of any changes which would affect the validity of any matter certified in this Resolution.

REVOCATION AND MODIFICATION. An act ("Act") to modify, terminate, amend or replace this Resolution will not immediately affect the ability of the Financial Institution to rely upon this Resolution. The Act shall not affect any action by the Financial Institution in reliance on this Resolution before the date the Act becomes effective as set forth in the next sentence. An Act will not become effective until all of the following occur: (a) Financial Institution receives written notification of the Act in a form and substance satisfactory to the Financial Institution and (b) the Financial Institution has had a reasonable period of time to act upon such notification. Until the Act is effective, this Resolution shall remain in full force and bind the Entity, its legal representatives, heirs, successors and assigns.



DESIGNATION OF AUTHORIZED SIGNERS

NAME/TITLE	SIGNATURE	AUTHORITY CODE/LIMITATIONS
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By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certify, personally and on behalf of the Entity, that all statements made in this Resolution are true and correct.

ANGELA M MURPHY
Certifier

Date

**Sign
Here**



RESOLUTION
GOVERNMENTAL ENTITY

FIRST BANK

GOVERNMENTAL ENTITY NAME AND ADDRESS

TOWN OF MONTREAT
96 RAINBOW TER
BLACK MOUNTAIN, NC 28711

This Resolution supersedes all previous Resolutions, effective April 13, 2022.

DATE OF RESOLUTION	ACCOUNT NUMBER	Tax Identification Number
May 1, 2018	DD 34021204	XX-XXX9173

By signing below, I certify to FIRST BANK ("Financial Institution") that: I am the Certifier of the above named Governmental Entity ("Entity"), validly chartered and operating under the laws of the State of North Carolina; the following is a true and complete copy of the Resolution, properly adopted at a duly called open legal meeting of the officers of the Entity held on March 10, 2022 in accordance with the charter of the Entity, if any; this Resolution is contained in the minutes of that meeting and that such Resolution is still in force and effect and has not been amended or rescinded, and was and still is in accordance with the charter of the Entity, if any; the Financial Institution has been provided a true and complete copy of the charter of the Entity, if any, as in effect as of the date of this Resolution; provided below are the correct names, titles, and genuine signatures of the persons authorized to exercise the powers provided in the Resolution ("Authorized Signers"); and the Financial Institution may rely upon my certification as to my authority to execute this Resolution and to make the representations in this Resolution.

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Number of signers required: 01
- **Make withdrawals.** Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.
Number of signers required: 01
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provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

IMPROPER ENDORSEMENT. Any negotiable instrument, check, draft, or order for the payment of moneys not clearly endorsed by an Authorized Signer may be returned to the Entity by the Financial Institution. The Financial Institution, in its sole discretion, alternatively may endorse on behalf of the Entity any negotiable instrument, check, draft, or order for the payment of money not clearly endorsed in order to facilitate collection. Financial Institution shall have no liability for any delay in the presentment or return of any negotiable instrument, check, draft, or order for the payment of money which is not properly endorsed.

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By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certify, personally and on behalf of the Entity, that all statements made in this Resolution are true and correct.

ANGELA M MURPHY
Certifier

Date

Sign Here

Sign Here



MEMORANDUM

TO: The Town of Montreat Board of Commissioners

CC: Savannah Parrish (Town Manager), Angela Murphy (Town Clerk), Tanner Pickett (Applicant, on behalf of the Mountain Retreat Association)

FROM: Kayla DiCristina (Zoning Administrator)

SUBJECT: Greybeard Mountain Trailhead Parking Signs Request

DATE: September 14, 2023

ATTACHMENTS: Subject Area Map, Applicant Correspondence, Example Signs, Excerpts from the Montreat Zoning Ordinance, Staff Presentation

This request, submitted by the applicant, Tanner Pickett (on behalf of the Mountain Retreat Association), is for permission from the Board of Commissioners to place new parking signs in front of each existing parking space at the Greybeard Mountain Trailhead. The area subject to this request is on land dedicated to the Town of Montreat via the Mountain Retreat Association's Greenspace Agreement ("Agreement"). The Agreement is dated 1983 and was recorded among the Land Records of Buncombe County in Deed Book 1443 pages 145 through 148 for the purpose of dedicating to the Town of Montreat from the Mountain Retreat Association (MRA) road rights-of-way and additional areas. The Agreement identified rights-of-way and other areas via a color system of solid green, red, and blue, and hatched green and yellow where solid green, red, and blue either contain or are reserved for utilities and/or roads and hatched yellow areas remain in ownership by the MRA. As a note, the Agreement was amended in 2012 (via Deed Book 4969 pages 1380 through 1386 recorded among the Land Records of Buncombe County) to clarify provisions related to rights-of-way identified as hatched yellow designated areas. Hatched green areas are described via the excerpt below from the Agreement:

"...(are) designated areas to be used only for recreation, fishing, greenspaces, and beautification, and for such street, bridge, and utility rights of way as the Town shall deem reasonable necessary for its use or shall grant to others for such purposes and further provided that any changes in the present character and natural condition of said hatched green-

designated areas (other than for streets, bridges, and utility rights-of-way) shall be determined by mutual agreement between the Town and the Association from time to time.”

The area of land subject to this request is included in the Agreement and is classified as hatched green. Therefore, the applicant’s request requires town approval before proceeding. This approval may also be conditioned by the town.

The signs proposed by the applicant are considered private regulatory signs. Per the Montreat Zoning Ordinance (MZO) Section 804.3, these signs relate to a private entity, are not official regulatory signs, and indicate directions, entrances and exits, available parking facilities, no smoking, control of pets and other similar requirements. These signs are limited to two square feet in surface area per side (Section 804.3 of MZO) and may not be located closer than two feet to any vehicular or pedestrian traveled way (Section 801.6 of MZO). Further, these signs are prohibited to be copies or imitations of official signs or give the appearance of having official status without actually having an official purpose (Section 802.8 of MZO).

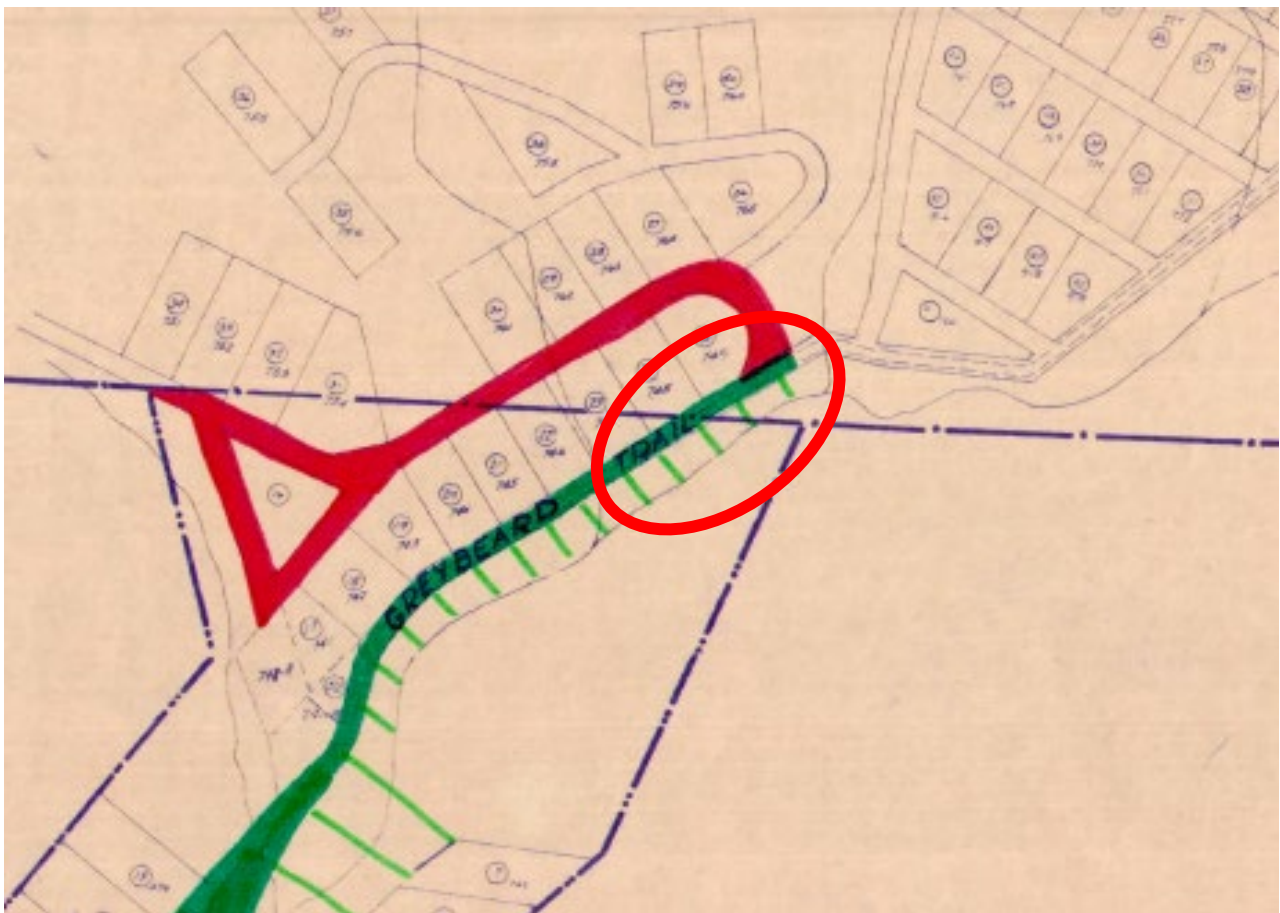
The applicant proposes to mount these signs on either trees or freestanding poles in front of each existing parking space in the area of the request. No additional parking is proposed. The applicant intends to include the following language on each sign and has indicated their openness in their correspondence with staff to additional or revised language:

1. Parking in designated spots only.
2. Compact cars only in spot # 1.
3. No overnight parking.
4. Violators may be towed at the owner’s expense.

Attached to this memo are examples of similar signs that the applicant has placed in other areas of the town. The applicant indicated in their correspondence with staff that the purpose of these signs is to create more order in the parking area and alert those parking in the area of towing. The signs would also provide a platform for permitting these parking spaces in the future if needed, which some residents of the town have expressed interest in. The applicant requests permission from the Board of Commissioners to erect the proposed signs in front of each existing parking space at the Greybeard Mountain Trailhead.

Should the Board of Commissioners permit this request, the board should consider applying the following conditions:

1. Include language on the sign clearly indicating that the parking rules and towing are being enforced by the Mountain Retreat Association and not the Town of Montreat.
2. No additional parking is approved with this request.
3. The proposed signs must conform to all pertinent sections of the Montreat Zoning Ordinance.




From: [Tanner Pickett](#)
To: [Kayla DiCristina](#)
Cc: [Angie Murphy](#)
Subject: Re: Parking spot signs at Greybeard
Date: Friday, September 1, 2023 3:37:29 PM
Attachments: [image001.png](#)
[image002.png](#)
[Outlook-pvf5hvyh.png](#)

Be Advised: This email originated from outside Land of Sky

Thanks Kayla.

I may not know for sure if I can come until Wednesday. If it's possible to pull this request on Wednesday if it turns out I can't make it, that would be great. If not, I can just hold off doing this until next month.

Here is all the info I have about it at this time:  [Graybeard Trail parking](#)

Contents:

- Trail parking signs and a tow warning
- A picture of the lot: We'd put them in front of where these cars are currently parked, either on a tree or mounted on a post. I think there are 9 spots there (six above the shed and three below it)
- Two examples of rules that have around campus- we'd make a version of this that we'd also erect somewhere. I don't have a specific size in mind, but can come up with that if we need.
 - We'd include these rules, as well as other applicable trail rules:
- - Parking in designated spots only.
 - Compact cars only in spot # 1.
 - No overnight parking.
 - Violators may be towed at the owner's expense.
 - I'm open to other suggestions.

The goal is to try to create a little more order in that parking area and to be able to tow if necessary. The parking spots at the Lookout trailhead have been much better since we installed signs there. I have also gotten a lot of comments from community members about making some type of permitting system for parking (and other things), and this will create a platform for us to do that if we decide to do that in the future

Tanner Pickett
Vice President for Communication
montreat.org
([he/him](#))

-please note that I typically check emails at 10a and 4p each day

 [Book time to meet with me](#)

From: Kayla DiCristina <kayla@landofsky.org>
Sent: Friday, September 1, 2023 9:48 AM
To: Tanner Pickett <tannerp@montreat.org>

Cc: Angie Murphy <amurphy@townofmontreat.org>

Subject: RE: Parking spot signs at Greybeard

I need all of your materials no later than 9/4.

Kayla DiCristina, AICP

(*For inquiries regarding the Town of Montreat, please see below)

Regional Planner | Economic and Community Development

Land of Sky Regional Council

339 New Leicester Hwy., Suite 140 • Asheville, NC 28806



This institution is an equal opportunity provider and employer. All email correspondence to and from this address is subject to public review under the NC Public Records Law.

***Town of Montreat:** Inquiries regarding the Town of Montreat are answered in the order they are received during regular office hours, Monday through Friday 8:00 am to 5:00 pm. In-person assistance is available on Wednesdays and Thursdays from 8:00 am to 5:00 pm. For assistance or to schedule an appointment, please call 828-669-8002, ext. 3030, or e-mail zoning@townofmontreat.org.

This institution is an equal opportunity provider and employer. All email correspondence to and from this address is subject to public review under the NC Public Records Law.

From: Tanner Pickett <tannerp@montreat.org>

Sent: Friday, September 1, 2023 9:38 AM

To: Kayla DiCristina <kayla@landofsky.org>

Cc: Angie Murphy <amurphy@townofmontreat.org>

Subject: Re: Parking spot signs at Greybeard

Be Advised: This email originated from outside Land of Sky

Thanks, Kayla-- I am checking my calendar to see I can make the 14th. How much notice do you need for it to get on the agenda?

thanks,

Tanner Pickett
Vice President for Communication
montreat.org
([he/him](#))

-please note that I typically check emails at 10a and 4p each day

[Book time to meet with me](#)



From: Kayla DiCristina <kayla@landofsky.org>
Sent: Wednesday, August 30, 2023 12:04 PM
To: Tanner Pickett <tannerp@montreat.org>
Subject: RE: Parking spot signs at Greybeard

Hi Tanner,

That's what I have found as well.

You'll need to come before the Board of Commissioners at their next meeting to ask for their approval to install the signs. The next BOC meeting is 9/14. If you can send Angie a short memo explaining the request with a proof of the signs (including the language we discussed on the phone) by 9/4/23 we can get you before the board at their next meeting. I'll also prepare a short memo and some visuals to aid in the discussion. No permits will be needed after the BOC gives their ok so this process should be quicker than the wayfinding sign.

Best,

Kayla DiCristina, AICP

*(*For inquiries regarding the Town of Montreat, please see below)*

Regional Planner | Economic and Community Development
Land of Sky Regional Council
339 New Leicester Hwy., Suite 140 • Asheville, NC 28806



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This institution is an equal opportunity provider and employer. All email correspondence to and from this address is subject to public review under the NC Public Records Law.

From: Tanner Pickett <tannerp@montreat.org>
Sent: Wednesday, August 30, 2023 11:59 AM
To: Kayla DiCristina <kayla@landofsky.org>
Subject: Re: Parking spot signs at Greybeard

Be Advised: This email originated from outside Land of Sky

Hey there. After further review, these spots appear to be in the green hatched area. Please let me know what I need to do next.

t

Tanner Pickett
Vice President for Communication
montreat.org
([he/him](#))

-please note that I typically check emails at 10a and 4p each day

[Book time to meet with me](#)



From: Kayla DiCristina <kayla@landofsky.org>
Sent: Monday, August 28, 2023 9:32 AM
To: Tanner Pickett <tannerp@montreat.org>
Subject: RE: Parking spot signs at Greybeard

Hi Tanner,

Can you send me a draft of what the signs would look like or more details of what “rules” these signs would be displaying?

Also, can you identify on the attached image exactly where the signs will be? I want to ensure they are not within the greenspace agreement area.

Best,

Kayla DiCristina, AICP

*(*For inquiries regarding the Town of Montreat, please see below)*

Regional Planner | Economic and Community Development
Land of Sky Regional Council

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This institution is an equal opportunity provider and employer. All email correspondence to and from this address is subject to public review under the NC Public Records Law.

From: Tanner Pickett <tannerp@montreat.org>
Sent: Thursday, August 24, 2023 2:48 PM
To: Kayla DiCristina <kayla@landofsky.org>
Subject: Parking spot signs at Greybeard

Be Advised: This email originated from outside Land of Sky

Hey there.

Question for ya: I'd like to number parking spots at the Graybeard parking lot (MRA property) to better designate available spots and display a few rules. I think these should be Private Regulatory signs (Section 804.3), and this is on MRA property, but wanted to check with you in case I'm wrong.

Do you have any different assessment of that?


| [Capturegmaps.PNG](#)

| [Capture.PNG](#)

| [20230817_121442.jpg](#)

Tanner Pickett
Vice President for Communication
montreat.org
([he/him](#))

-please note that I typically check emails at 10a and 4p each day

 [Book time to meet with me](#)

CAMPGROUND RULES

Questions or problems should be reported to the rangers at the ranger cabin or the front desk of Assembly Inn.



Check in: 3:00–8:00 PM
Check out: 11:00 AM



Be aware of people and pets, especially after dark. Observe the speed limit!



Don't walk through other campsites. Respect your neighbors.



Maintain reasonable noise level.
Quiet Hours: 9:00 PM–8:00 AM



One vehicle per site unless approved by rangers.



Garbage should be bagged and placed in dumpster. No recycling in campground.



Do not leave campfire unattended.



Keep pets leashed and under control at all times. Pick up after your pet.



Keep all edible items in your vehicle, not your tent.



Report any snake sightings to rangers.



Alcohol and illegal drugs are prohibited.



Pick up after yourself. Help keep our facilities clean.



Welcome to

LAKE SUSAN

Please observe the following rules while
enjoying the lake area:

GENERAL RULES

- Keep the water and the shore clear of litter and debris
- Do not harass the wildlife
- No swimming
- No private watercraft
- Obey Lifeguards, Rangers, and other Conference Center Staff
- No walking on the lake when frozen

FISHING RULES

- Please have fishing permit OR your conference name badge available when fishing
- Creel limit is 4 fish per permit per day
- Do not release fish after catching (unless using artificial lures)
- Children under age 8 accompanied by a parent (with permit) and persons over 75 fish for free
- Use only WORMS or ARTIFICIAL LURES
- Please use NO FOOD PRODUCTS (bread, cheese, corn, etc.).
- No fishing after dark
- Fish from designated areas only
- Do not fish with a treble or group hook
- No wading

Located in the





MONTREAT[®]
CONFERENCE CENTER

***Please refrain
from building
dams or
rock stacks
in this area.***



MONTREAT.
CONFERENCE CENTER

ATTENTION BACKPACKERS

*To reserve one of our
backcountry shelters,
visit [montreat.org/
campground-reservations](https://montreat.org/campground-reservations).
Camping is not permitted
in undesignated areas.*



MONTREAT
CONFERENCE CENTER

Thank you for camping with us. We are excited to welcome you to Montreat!

Reservations are required for our backcountry shelters. To make a reservation, please visit montreat.org/campground-reservations. Camping is not permitted in undesignated areas. To ensure that everyone can enjoy the wilderness, special permission is required for a reservation lasting longer than three consecutive nights.

Water is available from a spring near the Trestle Shelter, and Flat Creek, about 10 minutes south of the Walker's Knob Shelter. Treatment is recommended.

Please adhere to the following guidelines while enjoying the wilderness area:

- Build campfires in the existing rings only. Do not cut live trees, burn benches, parts of the shelter, or any erosion control timbers from the trail.
- Pack out your garbage.
- Trestle shelter has a box privy just east on Buck Gap trail from the shelter. Otherwise bury or pack out any human or animal waste.
- Keep your pets leashed in accordance with the Buncombe County Leash Law.
- Bears, mice, and raccoons are attracted to food items. Please store them properly.
- Alcoholic beverages are not permitted.

Please do not:

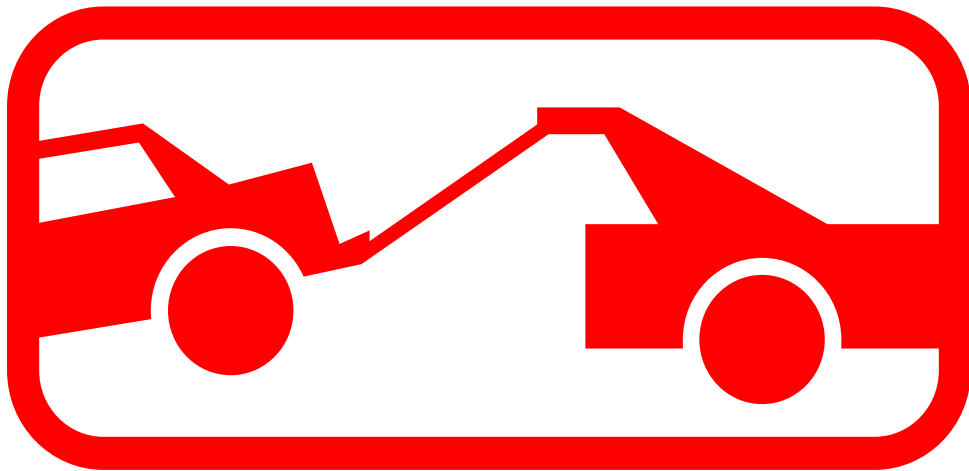
- Climb on the roof or in the rafters. They were not designed to support people walking on them.
- Use a stove or light a fire inside the shelter.
- Mark on the floors, wall, or ceiling of the shelter.

Please report any vandalism or other issues (photographically if possible) to wilderness@montreat.org.

In the event of emergencies, call 911.

DESIGNATED PARKING ONLY

TOWING ENFORCED AT
OWNER'S EXPENSE



ADDITIONAL PARKING AT
ANDERSON AUDITORIUM.
IF YOU BELIEVE YOU'VE
BEEN TOWED, CALL HALL'S
TOWING 828.669.7106.



MONTREAT[®]
CONFERENCE CENTER

TRAIL PARKING

#1

ARTICLE VIII – SIGNAGE

800 **Purpose.** The purposes of this Article are: (i) to permit such Signs in the Town of Montreat that will not, by their reason, size, location, construction, or manner of display, confuse or mislead the public, obstruct the vision necessary for traffic safety, or otherwise endanger public health and safety; and (ii) to permit and regulate Signs in such a way as to support and complement land-use objectives set forth in the Zoning Ordinance for the Town of Montreat.

801 **General Regulations.** The following regulations shall apply to all Signs in all Zoning Districts:

801.1 **COMPLIANCE.** No Sign of any type shall be constructed, erected, painted, posted, placed, replaced, or hung in any District except in compliance with this Ordinance.

801.2 **MAINTENANCE.** All Signs, together with braces, guys and supports shall at all times be kept in good repair. If at any time a Sign should become unsafe or poorly maintained, the Zoning Administrator shall send written notice to the owner of the Sign that the Sign must be repaired, maintained or removed. Upon failure of the owner to correct such condition within thirty (30) days of such notice, the Zoning Administrator shall proceed with enforcement action pursuant to Section 801.9.

801.3 **REMOVAL OF OBSOLETE SIGNS.** Signs identifying establishments no longer in existence, products no longer being sold, and service no longer being rendered shall be removed from the premises within ten (10) days from the date of termination of such activities. Temporary Signs, pole-mounted banners giving notice of seasonal or special events, and political Signs shall be removed within two (2) days after termination of the event or election advertised. Upon failure of the owner of these Signs to remove such Signs within the prescribed time period, the Zoning Administrator shall proceed with enforcement action pursuant to Section 810.9.

801.4 **MEASUREMENT OF AREA; HEIGHT.** Sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof which will encompass the entire advertising copy or art designed to attract attention including borders and other architectural embellishments. Sign height shall be measured from the Street grade of the closest point in the Street along which the Sign is located or the average grade at the base of the Sign, whichever is higher, to the highest point of the Sign Structure.

801.5 **BUILDING CODE COMPLIANCE.** All commercial Signs shall fully comply with the requirements of the North Carolina State Building Code and National Electrical Code (NEC). A Building permit shall be required for any projecting Sign attached to a Building or Structure which has a surface area in excess of six (6) square feet.

An electrical permit is required for any internally or externally illuminated Sign powered by electrical sources regulated by requirements of the NEC.

801.6 **SIGN SETBACK REQUIREMENTS.** No projecting portion of any free-standing Sign may be located closer than two feet (2') to any vehicular or pedestrian traveled way. For the purposes of this Ordinance, house numbers and nameplates shall be exempt from this Setback requirement.

801.7 **ILLUMINATION OF SIGNS.** Unless otherwise expressly prohibited, Signs may be illuminated from above at a downward angle provided that lighting directed toward a Sign shall be shielded in such a manner as to illuminate only the face of the Sign, and shall not project light into any portion of the traveled roadway or toward neighboring Buildings.

801.8 **SIGN PERMIT REQUIRED.** A Sign permit, issued by the Zoning Administrator shall be required for all Signs except those specified in Section 803 and Section 804. No permit shall be issued until the Zoning Administrator inspects plans for such Signs and determines that they are in accordance with the requirements contained in this Article. The fee schedule for Sign permits shall be set forth in the Town of Montreat Fee Schedule.

801.9 **ENFORCEMENT OF REGULATIONS.** Any Sign constructed after the Effective Date or any Sign maintained in a non-conforming manner shall be subject to the following actions:

801.91 **Notice.** The Zoning Administrator shall notify in writing the following persons of the non-conforming Sign:

1. The owner of the Sign;
2. The owner of the property on which the Sign is located; and;
3. The occupant of the property on which the Sign is located.
4. Notice shall be given to the above persons that the non-conforming condition must be corrected within thirty (30) days from the date of notification.

801.92 **Penalties.** Penalties for these requirements are specified in Section 307.

801.93 **Appeals.** Any person having an interest in a Sign found to be non-conforming, or the property on which it is located, may appeal to the Board of Adjustment a determination by the Zoning Administrator ordering removal or compliance, as provided in Section 310 of this Ordinance.

801.94 **Removal.** If the non-conforming Sign has not been removed or brought into compliance with the provisions of this Ordinance within the allotted thirty (30) days and if no appeal has been taken, as specified above, then said Sign

shall be removed by the Town and the cost of removal shall be billed to the owner of the Sign.

801.95 Failure to Pay Removal Costs. (a) Pursuant to N.C.G.S. § 160A-193, if the Zoning Administrator determines that a Sign removed by the Town was dangerous or prejudicial to the public health or safety and the owner of the Sign has not paid the costs of removal within thirty (30) days of the billing date, then a lien in the amount of the costs of removal shall be placed on the real property where the removed Sign was located, and shall be collected as unpaid ad valorem property taxes. (b) If no determination of danger or prejudice to the public health or safety is made, then the costs of removal shall be collected by the Town in a civil action in the nature of a debt.

802 **Prohibited Signs.** The following Signs are prohibited, unless otherwise expressly permitted in this Ordinance:

802.1 Signs Constituting Traffic Hazards. Any Sign located in a manner or place so as to constitute a hazard to vehicular or pedestrian traffic as determined by the Zoning Administrator.

802.2 Signs in Street Right-of-Way. Any free-standing Sign located in a Street right-of-way or projecting over into a Street Right-of-Way. One house number and/or name plate shall be permissible for each Dwelling.

802.3 Signs Obstructing Passages. Any Sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any Building.

802.4 Off-Premises Advertising Signs. Billboards and other types of off premises advertising Signs.

802.5 Flashing Devices. Any flashing device or Sign displaying flashing or intermittent lights or lights of changing degrees of intensity.

802.6 Moving Devices. Any commercial Use of moving Signs or device to attract attention, all or any part of which moves by any means, including motion by the movement of the atmosphere or by electrical or other means, including but not limited to, pennants, flags, propellers, or discs, whether or not any said device has a written message.

802.7 Posted Signs. Any Sign posted to utility poles, trees, Fences, rocks or other Signs. Honorarium Signs meeting the requirements of 805.25 are not prohibited under this

section. House Number and Nameplate Signs meeting the requirements of 804.7 are not prohibited under this section.

802.8 Copies of Official Signs. Any Sign which is a copy or an imitation of an official Sign, or which purports to have official status but does not have an official purpose.

802.9 Portable Signs. A Sign that is not permanently affixed to a Building, Structure or the ground.

802.10 Roof Signs. Any Sign which is affixed to the roof of a Building or Structure.

802.11 Signs Not Permitted. Any Sign not expressly permitted or exempted elsewhere in this Ordinance.

803 **Exempt Signs.** The following Signs are exempt from the provisions of this Ordinance:

803.1 **GOVERNMENTAL AGENCY SIGNS.** (i) Signs erected or maintained by a governmental agency to regulate, control or direct traffic including Wayfinding Signs, Signs indicating bus stops, parking areas, and similar transportation facilities, or Signs employed to serve as a directory for services that may be found within the Town; and (ii) informational kiosks that provide maps and locational information. Such Signs may be illuminated, flashing, or moving as required for public safety. Furthermore, Signs erected by a governmental agency which convey information regarding a public service, or the location of a public facility may also be illuminated as necessary.

803.2 **SIGNS REQUIRED BY LAW.** Signs erected pursuant to federal, state, or local laws or ordinances.

803.3 **WARNING SIGNS.** Signs which warn of hazards to life, limb, and property such as high voltage electrical equipment, explosives and the like.

803.4 **MONTREAT CONFERENCE CENTER SIGN STRUCTURE NEAR GATE.** The longstanding Montreat Conference Center Sign Structure containing approximately five sign panels is permitted. Sign panels may be changed as and when necessary. If destroyed by casualty or other cause, such sign structure may be reconstructed consistent with its previous size and design. A change in the design or size of the Montreat Conference Center sign structure is subject to approval of the Zoning Administrator.

804 **Signs Allowed Without a Permit.** The following types of Signs shall be permitted in any Zoning District without the issuance of a sign permit provided they meet the stated requirements:

804.1 **TEMPORARY REAL ESTATE SIGNS.** Temporary real estate Signs advertising a specific piece of property for sale, lease, rent, or development, located on said property, provided such Signs shall not exceed six (6) square feet in surface area per side. Signs shall not be illuminated and shall not exceed one (1) per parcel of land unless such land is located at an intersection of two Streets; in such a case, two Signs shall be allowed, one facing each Street.

804.2 **SIGNS ON WINDOW GLASS.** Signs on window glass, regardless of size.

804.3 **PRIVATE REGULATORY SIGNS.** Private, unofficial regulatory Signs not exceeding two (2) square feet in surface area per side, which indicate directions, entrances and exits, available parking facilities, no smoking, control of pets and other similar requirements. Such Signs shall be located entirely on the property to which they pertain and shall not contain any advertising message.

804.4 **CONSTRUCTION SIGNS.** One (1) construction Sign per construction project not exceeding sixteen (16) square feet of Sign area in residential Zoning Districts or thirty two (32) square feet in the Institutional or Institutional/Residential Zoning Districts, provided that such Signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid Building Permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after completion of construction and prior to occupancy.

804.5 **PUBLIC NOTICE.** Official notices posted by public officers or employees in the performance of their duties.

804.6 **HOUSE NUMBER SIGNS.** Street address numbers must be clearly displayed so that the location can be identified easily from the road. Every property owner of improved property shall purchase and display in a conspicuous place on said property the number assigned.

804.61 The official address number must be displayed on the front of a Building or at the entrance to a Building which is most clearly Visible from the Street or road during both day and night.

804.62 If a Building is more than seventy-five feet (75') from any road or if two or more homes use the same entrance, the address number(s) shall be displayed at the end of the driveway or Easement nearest the road which provides access to the Building(s)

804.63 Numerals indicating the address number shall be at least three (3) inches in height and shall be posted and maintained so as to be legible from the road.

804.64 Numerals must be of contrasting color to the background. Reflective numbering or placing reflective dots at the Sign to direct attention to it is encouraged.

804.65 The Zoning Administrator will have the right to authorize and approve alternate methods of displaying house numbers which meet the intent of this Ordinance when strict adherence to these standards cannot reasonably be met.

804.7 **RESIDENTIAL NAMEPLATE SIGNS.** Residential nameplate Signs are permitted and may include house numbers. Residential nameplate Signs shall not exceed six (6) square feet in area.

804.8 **POLITICAL SIGNS.** Political Signs shall, with the permission of the property owner, be allowed on private property more than five (5) feet from the traveled portion of the roadway, sixty (60) days before and on the date of the election or referendum, and shall be removed within one day after said election or referendum. Political Signs are defined as Signs for candidates for election or for issues on the ballot, and such Signs shall not exceed eight (8) square feet in area per display side. Political Signs may not be illuminated.

804.9 **TEMPORARY SPECIAL EVENT/PUBLIC INTEREST SIGNS.** Signs providing notice of upcoming events or gatherings of special interest to the public, including meeting dates and locations, etc. may be displayed, but only in accordance with the following requirements:

804.91 Such Signs shall be no larger than four (4) square feet of surface area per side;

804.92 Such Signs must be located at least two (2) feet from the paved or traveled portion of the road or sidewalk along which they are placed;

804.93 Such Signs shall be placed no earlier than fifteen (15) days before the event to which they refer; and

804.94 Such Signs must be removed no later than two (2) days after the conclusion of the event to which they refer. Signs shall be limited to informational material only; no commercial advertisements or for-profit endorsements shall be permitted.

805 **Signs Allowed with Permits.** The following types of Signs shall be allowed within the Town of Montreat upon the issuance of a sign permit for each proposed Sign and subject to the regulations set forth below:

805.1 **SIGNS ALLOWED IN RESIDENTIAL ZONING DISTRICTS (R-1, R-2, AND R-3).** The following types of Signs shall be allowed in all of the residential Zoning Districts subject to the accompanying restrictions and the issuance of a sign permit:

Greybeard Mtn. Trailhead Parking Signs Request

Montreat Board of Commissioners

September 14, 2022

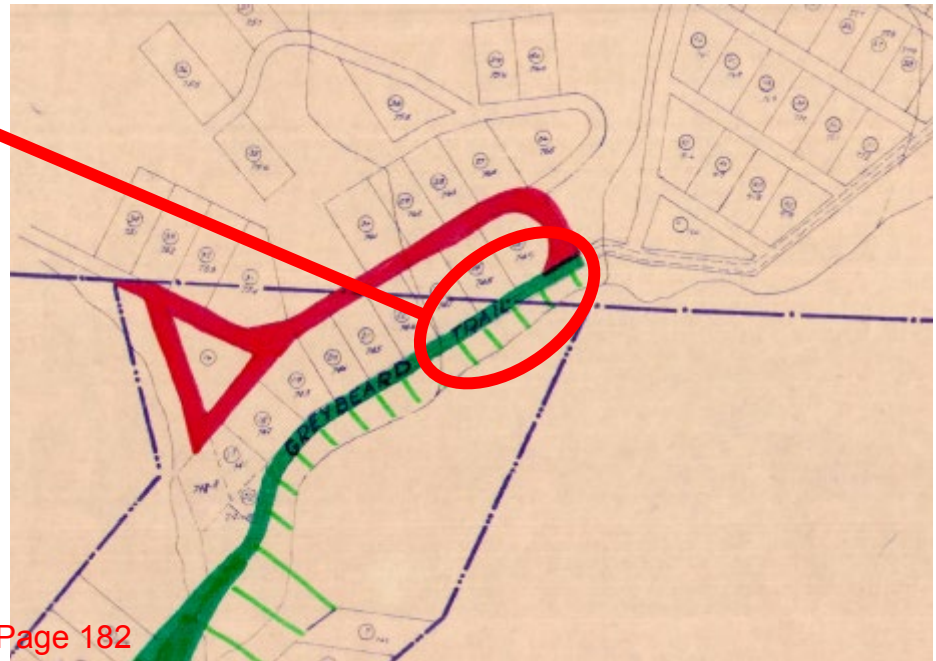


REQUEST OVERVIEW

Applicant: Tanner Pickett, on behalf of the Mountain Retreat Association (MRA)

Request Summary: The MRA seeks permission from the Board of Commissioners to place new parking signs in front of the exiting parking spots at the Greybeard Mountain Trailhead. The new parking signs would be mounted on existing trees or placed on new freestanding poles.

LOCATION



RELEVANT SIGN REGULATIONS

SECTION 804.3 MZO - PRIVATE REGULATORY SIGNS.

Private, unofficial regulatory Signs not exceeding two (2) square feet in surface area per side, which indicate directions, entrances and exits, available parking facilities, no smoking, control of pets and other similar requirements. Such Signs shall be located entirely on the property to which they pertain and shall not contain any advertising message.

SECTION 801.6 - SIGN SETBACK REQUIREMENTS.

No projecting portion of any free-standing Sign may be located closer than two feet (2') to any vehicular or pedestrian traveled way. For the purposes of this Ordinance, house numbers and nameplates shall be exempt from this Setback requirement.

SECTION 802.8 - COPIES OF OFFICIAL SIGNS.

Any Sign which is a copy or an imitation of an official Sign, or which purports to have official status but does not have an official purpose.

REQUEST DETAILS

- ❖ The applicant requests permission to install parking signs in front of each existing parking space at the Greybeard Mountain Trailhead.
- ❖ The signs will be mounted on either existing trees or freestanding poles.
- ❖ The purpose of this request is to create more order in the parking area and alert those parking in the area of towing. The signs would also provide a platform for permitting these parking spaces in the future if needed, which some residents of the town have expressed interest in.
- ❖ The signs will contain the following language:
 1. Parking in designated spots only.
 2. Compact cars only in spot # 1.
 3. No overnight parking.
 4. Violators may be towed at the owner's expense.

EXAMPLES

MONTREAT FAMILY CAMPGROUND

CAMPGROUND RULES


Questions or problems should be reported to the rangers at the ranger cabin or the front desk of Assembly Inn.

 Check in: 3:00-8:00 PM Check out: 11:00 AM	 Be aware of people and pets, especially after dark. Observe the speed limit!	 Don't walk through other campsites. Respect your neighbors.	 Maintain reasonable noise level. Quiet Hours: 9:00 PM-8:00 AM
 One vehicle per site unless approved by rangers.	 Garbage should be bagged and placed in dumpster. No recycling in campground.	 Do not leave campfire unattended.	 Keep pets leashed and under control at all times. Pick up after your pet.
 Keep all edible items in your vehicle, not your tent.	 Report any snake sightings to rangers.	 Alcohol and illegal drugs are prohibited.	 Pick up after yourself. Help keep our facilities clean.

 MONTREAT CONFERENCE CENTER

The Montreat Family Campground and the Montreat Wilderness are part of Montreat Conference Center. We gather people to experience God's transforming power and inspire love for the world.



 MONTREAT CONFERENCE CENTER

Welcome to LAKE SUSAN

Please observe the following rules while enjoying the lake area:

GENERAL RULES

- Keep the water and the shore clear of litter and debris
- Do not harass the wildlife
- No swimming
- No private watercraft
- Obey Lifeguards, Rangers, and other Conference Center Staff
- No walking on the lake when frozen

FISHING RULES

- Please have fishing permit OR your conference name badge available when fishing
- Creel limit is 4 fish per permit per day
- Do not release fish after catching (unless using artificial lures)
- Children under age 8 accompanied by a parent (with permit) and persons over 75 fish for free
- Use only WORMS or ARTIFICIAL LURES
- Please use NO FOOD PRODUCTS (bread, cheese, corn, etc.).
- No fishing after dark
- Fish from designated areas only
- Do not fish with a treble or group hook
- No wading

Located in the 

DESIGNATED PARKING ONLY

TOWING ENFORCED AT OWNER'S EXPENSE



ADDITIONAL PARKING AT ANDERSON AUDITORIUM. IF YOU BELIEVE YOU'VE BEEN TOWED, CALL HALL'S TOWING 828.669.7106.

@ Lookout Trailhead

RECOMMENDATION

For the applicant to place the new parking signs in their proposed locations, the Board of Commissioners must give their permission.

Should the Board of Commissioners approve the location of the proposed wayfinding sign, the board should consider applying the following conditions:

1. Include language on the sign clearly indicating that the parking rules and towing are being enforced by the Mountain Retreat Association and not the Town of Montreat.
2. No additional parking is approved with this request.
3. The proposed signs must conform to all pertinent sections of the Montreat Zoning Ordinance.

Greybeard Mtn. Trailhead Parking Signs Request

Montreat Board of Commissioners

September 14, 2022



CAMPGROUND RULES

Questions or problems should be reported to the rangers at the ranger cabin or the front desk of Assembly Inn.



Check in: 3:00–8:00 PM
Check out: 11:00 AM



Be aware of people and pets, especially after dark. Observe the speed limit!



Don't walk through other campsites. Respect your neighbors.



Maintain reasonable noise level.
Quiet Hours:
9:00 PM–8:00 AM



One vehicle per site unless approved by rangers.



Garbage should be bagged and placed in dumpster. No recycling in campground.



Do not leave campfire unattended.



Keep pets leashed and under control at all times. Pick up after your pet.



Keep all edible items in your vehicle, not your tent.



Report any snake sightings to rangers.



Alcohol and illegal drugs are prohibited.



Pick up after yourself. Help keep our facilities clean.



TOWN OF MONTREAT

P. O. Box 423, Montreat, NC 28757
Tel: (828) 669-8002 | Fax: (828) 669-3810
www.townofmontreat.org

MEMORANDUM

TO: The Town of Montreat Board of Commissioners

CC: Savannah Parrish (Town Manager), Angela Murphy (Town Clerk), Mike Begley (Applicant)

FROM: Kayla DiCristina (Zoning Administrator)

SUBJECT: Florida Terrace Right-of-Way Closure Request

DATE: September 14, 2023

ATTACHMENTS: Subject Area Plat & Map, Greenspace Agreement & Acceptance, Applicant Petition and Sketch, N.C.G.S. 160A-299, Staff Presentation

This request, submitted by the applicant, Mike Begley, on behalf of the property owners of PIN#s 0720152779 (owned by Charlotte Riddle Sebesta and Michael Gerard Sebesta), 0720152816 (owned by Catherine Riddle McIntosh, Jefferson Eugene Riddle, Charlotte Riddle Sebesta, Co-Trustees of the Westburne Trust, dated December 27, 1994, as amended), and 0720151926 (owned by Dan M. Boyd, III and Diane Hunter Boyd) is for the Board of Commissioners to consider the closure of an unnamed right-of-way located south of Appalachian Way and a portion of the right-of-way of Florida Terrace. This request is specifically to obtain feedback from the Board of Commissioners on this request (ex. is the board amenable to the request, what additional information is needed, etc.). Road closures are subject to the provisions required by N.C.G.S. 160A-299, a copy of which is attached to this memo. Should the board desire to proceed with this request, the applicant must have the closure area surveyed. After a metes-and-bounds description of the closure area is provided to the Zoning Administrator, the applicant may return to a subsequent Board of Commissioner's meeting with the resolution of intent for the board to review and adopt. No decision or indication made by the board at this meeting is binding and the board may change its mind in future meetings. Additionally, no motion made by the board at this meeting circumnavigates the process required by N.C.G.S. 160A-299 for right-of-way closures or presumes to close any portion of either rights-of-way included in this request at this time.

Mike Begley's request is on behalf of the property owners of PIN#s 0720152779 (owned by Charlotte Riddle Sebesta and Michael Gerard Sebesta), 0720152816 (owned by Catherine Riddle McIntosh, Jefferson Eugene Riddle, Charlotte Riddle Sebesta, Co-Trustees of the Westburne Trust, dated December 27, 1994, as amended), and 0720151926 (owned by Dan M. Boyd, III and Diane Hunter Boyd) to close an unnamed right-of-way and a portion of Florida Terrace, a public road maintained by the Town of Montreat, adjacent to the eastern boundary of PIN#s 0720152779, 0720152816, and 0720151926. Both of the rights-of-way included in this petition were dedicated to the Town of Montreat via the Mountain Retreat Association's (MRA) Greenspace Agreement ("Agreement") and accepted via the Offer of Acceptance ("Acceptance"). The Agreement is dated May 12, 1983, and was recorded among the Land Records of Buncombe County in Deed Book 1443, pages 145 through 148 for the purpose of dedicating to the Town of Montreat from the MRA road rights-of-way and additional areas. The Acceptance is dated May 12, 1983, and was recorded among the Land Records of Buncombe County in Deed Book 1443, page 144. The Agreement identified rights-of-way and other areas via a color system of solid green, red, and blue, and hatched green and yellow where solid green, red, and blue either contain or are reserved for utilities and/or roads and hatched yellow areas remain in ownership by the Association. As a note, the Agreement was amended in 2012 (via Deed Book 4969 pages 1380 through 1386 recorded among the Land Records of Buncombe County) to clarify provisions related to rights-of-way identified as hatched yellow designated areas.

The portion of the unnamed right-of-way included in this petition is identified as solid blue in the Agreement. Solid blue areas are those that, at the time of the Agreement, were areas previously dedicated to the public and Town of Montreat for street and utility rights-of-way purposes by recording of the MRA Plats in the Agreement, containing existing roads and/or utilities, some of which may have been previously accepted and are maintained by the town and some adjoining property owners. On the attached Greenspace Agreement Map for this area, one can see that the solid blue area extends northward to Appalachian Way. The solid blue area to the north of Lot 407 was closed and vested with the adjacent Montreat College-owned lots by the Town of Montreat Board of Commissioners in 2003, as recorded among the Land Records of Buncombe County in Deed Book, 3104, page 598. The remaining portion of the unnamed right-of-way requested to be closed abuts PIN#0720151926. The portion of Florida Terrace included in this petition is identified as solid green in the Agreement. Solid green areas are those that, at the time of the Agreement, were areas previously dedicated to the public and Town of Montreat for street and utility right-of-way purposes by recording of said MRA plats and previously accepted and maintained by the town. The

unnamed right-of-way intersects and joins Florida Terrace in front of Lots 408 and 409, which are a part of PIN# 0720152816, as shown on the attached Greenspace Agreement Map. Florida Terrace is of variable width when it is adjacent to the properties with PIN #s 0720152779 and 0720152816.

The request asks that all of the unnamed right-of-way and a portion of Florida Terrace be closed and vested with the abutting properties. The properties to the east, west, and south of the closure area are zoned Institutional/Residential (I/R) and contain a mix of institutional structures and dwellings. The properties to the north of the closure area are zoned Institutional (I) and contain structures associated with Montreat College. On the western side of the closure area adjacent to the eastern boundary of PIN#s 0720152779, 0720152816, and 0720151926, is an existing concrete sidewalk and graveled areas. The vehicular access for the existing dwellings on PIN #s 0720152816 and 0720151926 is from Missouri Road to the west. To be clear, only the portion of Florida Terrace identified on the applicant's sketch plan is requested to be closed. The remainder of the right-of-way and all properties on the eastern side of Florida Terrace would retain their current access and frontage. The new right-of-way of Florida Terrace, should the proposed closure be approved, would run approximately parallel to the Northeastern margin of the right-of-way of Florida Terrace, but a minimum of twenty (20) feet from the Southwestern edge of the current pavement of Florida Terrace.

The purpose of this closure would be to accommodate the construction of a new home for the Sebesta family on the property with PIN#0720152779. The Sebesta's approached the previous Zoning Administrator, Scott Adams, in 2021 prior to purchasing PIN#0720152779 to inquire about the existing restrictions on the property. At the time, no intermittent or perennial streams were noted on the property so the Sebesta's purchased the land. The previous Zoning Administrator's approval did not offer any vested rights as no development applications were submitted. In 2023, the Sebesta's approached the current Zoning Administrator about beginning to build on PIN#0720152779. The current Zoning Administrator reviewed the subject property to confirm that nothing had changed since the previous review in 2021. Per Section 305(1) of the Montreat General Ordinance, Chapter K, Article III (i.e. the stormwater ordinance), no built-up area is permitted within 30 feet of any surface water as measured from the top of the streambank. This section instructs the Zoning Administrator to determine that an intermittent or perennial stream is present if the feature appears on the newest available soil survey map prepared by the National Resources Conservation Service of the United States Department of Agriculture or the 1:24,000 scale (7.5 minute) quadrangle topographic map prepared by the United States Geological Survey. The current

Zoning Administrator identified a stream on the 1:24,000 scale (7.5 minute) quadrangle topographic map prepared by the United States Geological Survey map and therefore the 30-foot buffer required by Section 305(1) of the Montreat General Ordinance, Chapter K, Article III would be enforced. The Zoning Administrator advised the Sebesta's to obtain a formal stream determination from the North Carolina Division of Water Quality, as this determination would override the local ordinance. On June 9, 2023, the Sebesta's obtained a stream determination and Andrew Moore, an Environmental Specialist II with the Division of Water Resources, determined that an intermittent stream now ran through PIN#0720152779. Per an inquiry made by the current Zoning Administrator via phone to Andrew Moore as to the change in the determination, the 1:24,000 scale (7.5 minute) quadrangle topographic map prepared by the United States Geological Survey was revised in 2022 and several new regulatory streams were added to the map, including the now intermittent stream on the Sebesta property. As stated above, intermittent streams are subject to a 30-foot buffer from built-upon areas per Section 305(1) of the Montreat General Ordinance, Chapter K, Article III. Following the stream determination, the Sebesta's returned to the Zoning Administrator to discuss their next steps as the newly determined intermittent stream now bisected the previous development envelope. The Zoning Administrator suggested the following paths:

1. Amend the proposed building plans to utilize the allowed provisions of the definition of built-upon area. The definition for a built-up area per the Montreat General Ordinance, Chapter K, Article III is the portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots and paths; and recreation facilities such as tennis courts. This definition does not include a wooden slated deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material. The Sebesta's have not submitted formal building plans as of 9/7/23, but are aware of this suggestion.
2. Obtain an administrative-level setback reduction from Florida Terrace per Section 609 of the Montreat Zoning Ordinance (MZO). This setback reduction is based on an average of the front setbacks of lots on either side of the subject property. The Sebesta's measured the front setbacks for the primary structures from Florida Terrace on both of the adjacent properties and submitted this information to the Zoning Administrator in August 2023 to obtain a front setback reduction. Based on this information, the Zoning Administrator was able to reduce the

setback to 15.3 feet from the required 25 feet in the I/R Zoning District, which the property is subject to, based on a 28-foot front setback on PIN# 0720152816 and 1.5-foot front setback on PIN# 072015372300000.

3. Obtain a Variance from the Board of Adjustment per Section 310.42 and 310.5 of the MZO for any other setback reductions needed. The Sebesta's have not submitted a Variance application as of 9/7/23.
4. Apply for a Text Amendment per Section 309 of the MZO to amend Section 305(1) of the Montreat General Ordinance, Chapter K, Article III (i.e. the stormwater ordinance) to allow either encroachments into the required built-upon area buffer or reduce the buffer width (both amendments would likely subject to specific conditions and situations). The Sebesta's have not submitted a Text Amendment application as of 9/7/23.
5. Request that a portion of the right-of-way of Florida Terrace be closed and vested with the Sebesta property via the process required by N.C.G.S. 160A-299 to increase the development envelope and eliminate the need for a Variance or Text Amendment.

Tonight the Board of Commissioners is asked to consider the requested right-of-way closure. This request is specifically to obtain feedback from the Board of Commissioners on this request (ex. is the board amenable to the request, what additional information is needed, etc.). Should the board desire to proceed with this request, the applicant must have the closure area surveyed. After a metes-and-bounds description of the closure area is provided to the Zoning Administrator, the applicant may return to a subsequent Board of Commissioner's meeting with the resolution of intent for the board to review and adopt. The process outlined in N.C.G.S. 160A-299 requires the Board of Commissioners to adopt a resolution declaring its intent to close the street or alley and to call a public hearing on the request. The adoption of this resolution formally initiates the road closure process. The resolution is then published once a week for four successive weeks prior to the hearing, a copy of the resolution is sent to all owners of property adjoining the street as shown on the Buncombe County tax records, and notice is posted along the road. At the public hearing, the board must find that, after the hearing, that closing the street or alley is not contrary to the public interest and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property. Should the board find these elements satisfactory, the board may adopt an

order closing the street or alley. The board may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this section shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the board to be in the public interest.

As stated at the beginning of this memo, no decision or indication made by the board at this meeting is binding and the board may change its mind in future meetings. Additionally, no motion made by the board at this meeting circumnavigates the process required by N.C.G.S. 160A-299 for right-of-way closures or presumes to close any portion of the right-of-way of North Carolina at this time.

SYMBOL LEGEND:

- CALCULATED POINT (CP)
- EXISTING IRON REBAR (ER)
- ⊙ EXISTING IRON PIPE (EIP)
- ⌵ EXISTING RAILROAD SPIKE FOUND (RRS)
- EXISTING CONCRETE MONUMENT (ECM)
- △ #5 NEW IRON REBAR W/ ID CAP (NIR)
- NEW MAGNETIC NAIL (NMN)
- ▲ C.S.D. CONTROL POINT
- ⊙ SANITARY SEWER MANHOLE (SMH)
- ⊙ SANITARY SEWER CLEAN-OUT (CO)
- ⊙ WATER METER (WM)
- ⊙ UTILITY POLE
- ✱ LIGHT POLE
- GUY WIRE
- ⊠ OUTDOOR UNIT (HVAC)
- ⊠ SIGN
- + SPOT ELEVATION
- DECIDUOUS TREE (SIZE AND TYPE AS NOTED)
- CONIFEROUS TREE (SIZE AND TYPE AS NOTED)

LINE LEGEND:

- SURVEYED BOUNDARY LINE
- ADJOINER'S DEED LINE (NOT SURVEYED)
- - - SETBACK LINE
- - - RIGHT-OF-WAY LINE
- SS-SS-SS- SANITARY SEWER LINE
- - - SEWER EASEMENT LINE
- - - TIE LINE ONLY
- - - BRANCH
- OHU- OHU- OVERHEAD UTILITY LINE
- - - INDEX CONTOUR LINE
- - - INTERIM CONTOUR LINE

ABBREVIATIONS:

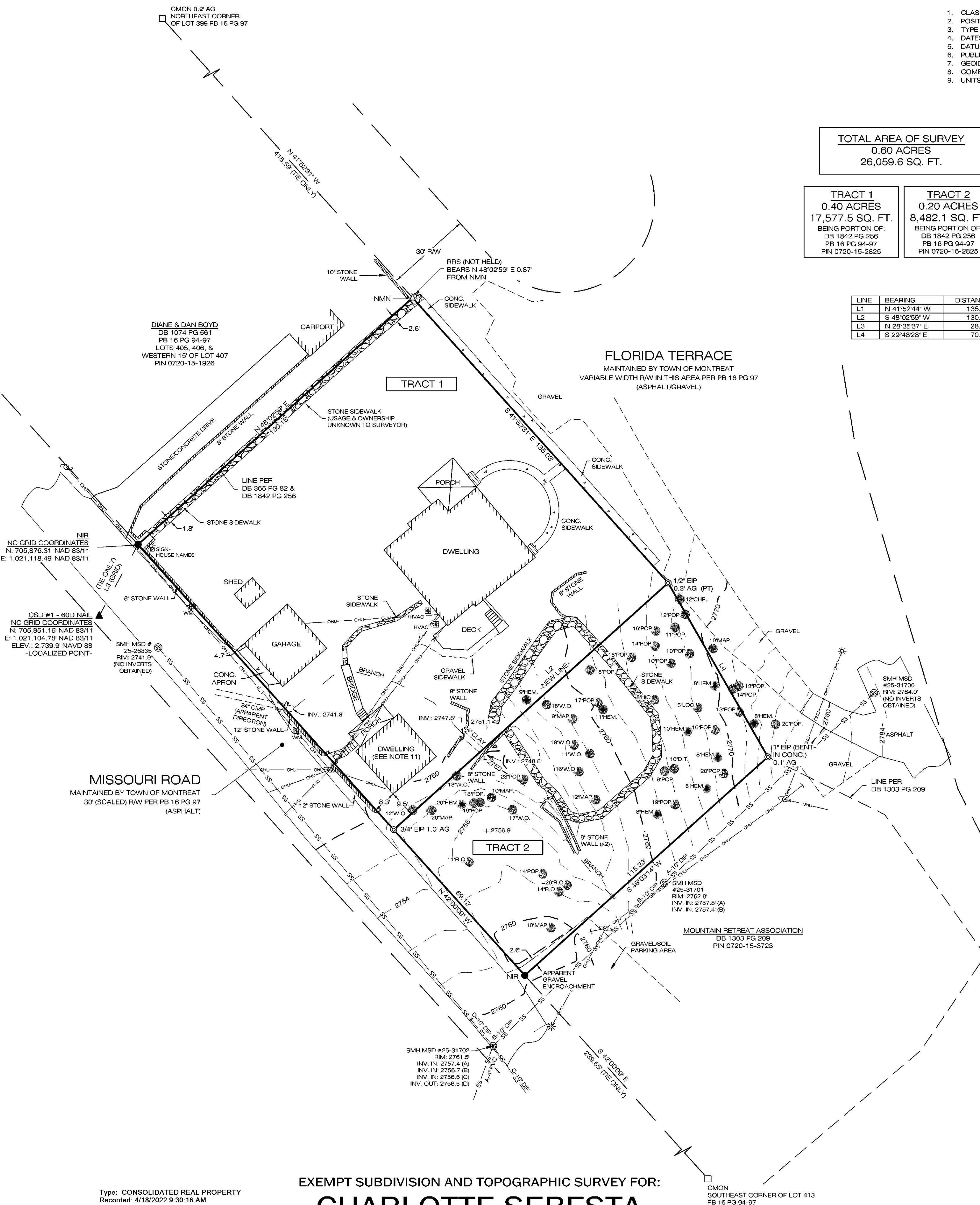
- NTS...NOT TO SCALE
- (T)...TOTAL
- DB...DEED BOOK
- PB...PLAT BOOK
- PC...PLAT CABINET
- PG...PAGE
- PIN...PARCEL IDENTIFICATION NUMBER
- NAD...NORTH AMERICAN DATUM
- NAVD...NORTH AMERICAN VERTICAL DATUM
- NSRS...NATIONAL SPATIAL REFERENCE SYSTEM
- AG...ABOVE GRADE
- BG...BELOW GRADE
- RW...RIGHT OF WAY
- CONC...CONCRETE
- PT...PINCHED TOP

NOTES:

- THE PROPERTY OR PROPERTIES DISPLAYED WERE SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT SHOW ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, ENCUMBRANCES, ETC. (WRITTEN OR UNWRITTEN) THAT WOULD BE REVEALED BY A CURRENT AND THOROUGH EXAMINATION OF TITLE BY A NC LICENSED ATTORNEY-AT-LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE SUBJECT IS FREE FROM ENCUMBRANCES.
- ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE BUNCOMBE COUNTY GIS WEBSITE AND DEEDS AND PLATS OF RECORD AS NOTED.
- AREA SHOWN HEREON WAS COMPUTED BY THE COORDINATE METHOD.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US FEET UNLESS OTHERWISE NOTED.
- THIS PROPERTY IS ZONED I-R BY THE TOWN OF MONTREAT HAVING SETBACKS AS FOLLOWS: FRONT = 25', SIDE = 12', REAR 25' (SETBACKS NOT PLOTTED. REQUIRES INTERPRETATION FROM THE TOWN OF MONTREAT) "PLEASE REFER TO THE TOWN OF MONTREAT ZONING ORDINANCE FOR ALL REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY."
- BY GRAPHICAL LOCATION, PROPERTY IS SHOWN AS LYING OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN PER FEMA FIRM MAP NO 3710072000J, EFFECTIVE DATE 1/6/2010.
- THIS SURVEY IS SUBJECT TO ANY AND ALL UNDERGROUND UTILITIES THAT MAY EXIST. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED SOLELY ON ABOVE GROUND STRUCTURES AND APPURTENANCES. THIS SURVEYOR MAKES NO CERTIFICATION TO THE EXISTENCE/NO-EXISTENCE OF UNDERGROUND UTILITIES, STORAGE FACILITIES, OR OTHER UNDERGROUND STRUCTURES AND LINES, DIAL 811 BEFORE DIGGING.
- ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPERS RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PROFESSIONALS AUTHORIZED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
- CONTOUR INTERVAL = 2 FOOT
- SURVEYOR CLAIMS THIS SURVEY TO BE EXEMPT FROM THE TOWN OF MONTREATS SUBDIVISION ORDINANCE PER ARTICLE III, SECTION 4 "THE DIVISION OF A TRACT IN SINGLE OWNERSHIP WHOSE ENTIRE AREA IS NO GREATER THAN TWO (2) ACRES INTO NOT MORE THAN THREE (3) LOTS, WHERE NO STREET RIGHT-OF-WAY DEDICATION IS INVOLVED AND WHERE THE RESULTANT LOTS ARE EQUAL TO OR EXCEED THE STANDARDS OF THE MUNICIPALITY, AS SHOWN IN ITS SUBDIVISION REGULATIONS."
- PER LAND OWNER, THIS BUILDING IS TO BE DEMOLISHED/REMOVED IN THE FUTURE.

TREE ABBREVIATIONS:

- APP...APPLE
- B.W...BASSWOOD
- BCH...BEECH
- B.G...BLACK GUM
- BR...BIRCH
- BCK...BUCKEYE
- B.O...BLACK OAK
- C.A...CRAB APPLE
- CAT...CATALPA
- CED...CEDAR
- CHN...CHESTNUT
- CHR...CHERRY
- CMY...GRAPE MYRTLE
- C.O...CHESTNUT OAK
- D.T...DEAD TREE
- D.W...DOGWOOD
- HEM...HEMLOCK
- HIC...HICKORY
- HOL...HOLLY
- J.M...JAPANESE MAPLE
- LOC...LOCUST
- MAG...MAGNOLIA
- MAP...MAPLE
- MM...MIMOSA
- ORN...ORNAMENTAL
- PER...PERSIMMON
- POP...POPLAR
- R.O...RED OAK
- S.G...SWEET GUM
- S.M...SILVER MAPLE
- SPR...SPRUCE
- S.W...SOURWOOD
- SYC...SYCAMORE
- U.T...UNIDENTIFIED TREE
- WAL...WALNUT
- WIL...WILLOW
- W.O...WHITE OAK
- W.P...WHITE PINE



THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- CLASS OF SURVEY: CLASS A (HORIZONTAL)
- POSITIONAL ACCURACY: 0.05" (H) & 0.06" (V) @ 95% CONFIDENCE
- TYPE OF GPS FIELD PROCEDURE: RTK (VRS)
- DATES OF SURVEY: 01/20/2022
- DATUM/EPOCH: NAD 83 (NSRS 2011), EPOCH 2010.00 (H) & NAVD 88 (V)
- PUBLISHED/FIXED-CONTROL USED: VRS NETWORK
- GEOID MODEL: GEOID 18
- COMBINED GRID FACTOR(S): 0.999770 (@ LOCALIZED POINT)
- UNITS: US SURVEY FOOT

TOTAL AREA OF SURVEY
0.60 ACRES
26,059.6 SQ. FT.

TRACT 1
0.40 ACRES
17,577.5 SQ. FT.
BEING PORTION OF:
DB 1842 PG 256
PB 16 PG 94-97
PIN 0720-15-2825

TRACT 2
0.20 ACRES
8,482.1 SQ. FT.
BEING PORTION OF:
DB 1842 PG 256
PB 16 PG 94-97
PIN 0720-15-2825

LINE	BEARING	DISTANCE
L1	N 41°52'44" W	135.03'
L2	S 48°02'59" W	130.17'
L3	N 28°35'37" E	28.65'
L4	S 29°48'28" E	70.71'

THIS PLAT IS APPROVED BY THE ZONING ADMINISTRATOR OF THE TOWN OF MONTREAT.

4/12/2022
DATE

Designed by:
Scott Adams
ZONING ADMINISTRATOR

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Hailee Madfis, REVIEW OFFICER OF BUNCOMBE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Designed by:
Hailee Madfis
REVIEW OFFICER
4/18/2022
DATE

Submitted electronically by: Cole Surveying and Design, PA, in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Buncombe County Register of Deeds.

I, RONALD JAMES CUTSHALL, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS GROUND SURVEY WAS PERFORMED AT THE 95% PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A TOPOGRAPHIC / PLANIMETRIC SURVEY TO THE ACCURACY OF CLASS AA AND VERTICAL ACCURACY WHEN APPLICABLE TO THE CLASS C STANDARD, AND THAT THE ORIGINAL DATA WAS OBTAINED ON 01/20/2022 THRU 01/31/22; THAT THE SURVEY WAS COMPLETED ON 02/09/22; THAT CONTOURS SHOWN AS SOLID LINES MAY NOT MEET THE STATED STANDARD; AND ALL ELEVATIONS ARE BASED ON NAD 83 (NSRS 2011) AND ALL ELEVATIONS ARE BASED ON NAVD 88.

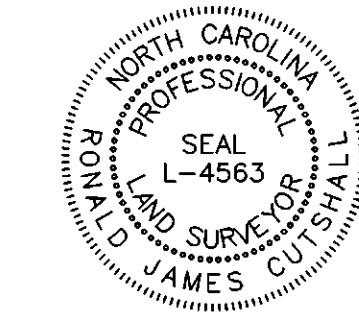
Designed by:
Ronald James Cutshall
RONALD JAMES CUTSHALL, P.L.S. L-4563

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, RONALD JAMES CUTSHALL, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 1842 PAGE 256; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOK 1842, PAGE 256; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL ON THIS DATE 4/18/2022.

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORIES AS DESCRIBED IN G.S. 47-30(11)(d): THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

Designed by:
Ronald James Cutshall
RONALD JAMES CUTSHALL, P.L.S. L-4563



EXEMPT SUBDIVISION AND TOPOGRAPHIC SURVEY FOR:

CHARLOTTE SEBESTA

(OWNER OF RECORD: SYBIL CORBETT, ET AL CO-TRUSTEES)
TOWN OF MONTREAT, BUNCOMBE COUNTY, NC

REFERENCES:

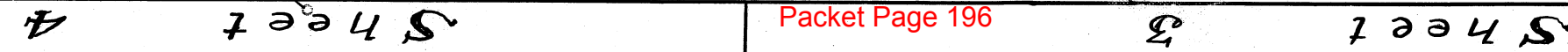
- DB 1842 PG 256
- DB 365 PG 82
- PB 16 PG 94-97



549 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804
PHONE: 828-251-7025
NC FIRM #C-3106 | SC COA #4052

Type: CONSOLIDATED REAL PROPERTY
Recorded: 4/18/2022 9:30:16 AM
Fee Amt: \$21.00 Page 1 of 1
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 226 PG 90



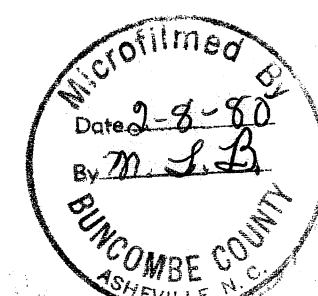
County of Essex Howard Wiswall being first duly sworn says, that the seal on which this certificate is enclosed is in all respects correct and was prepared from an actual survey made by said Howard Wiswall in the month of August 1935 as a verification of the description made from the true Meridian of minutes Howard Wiswall

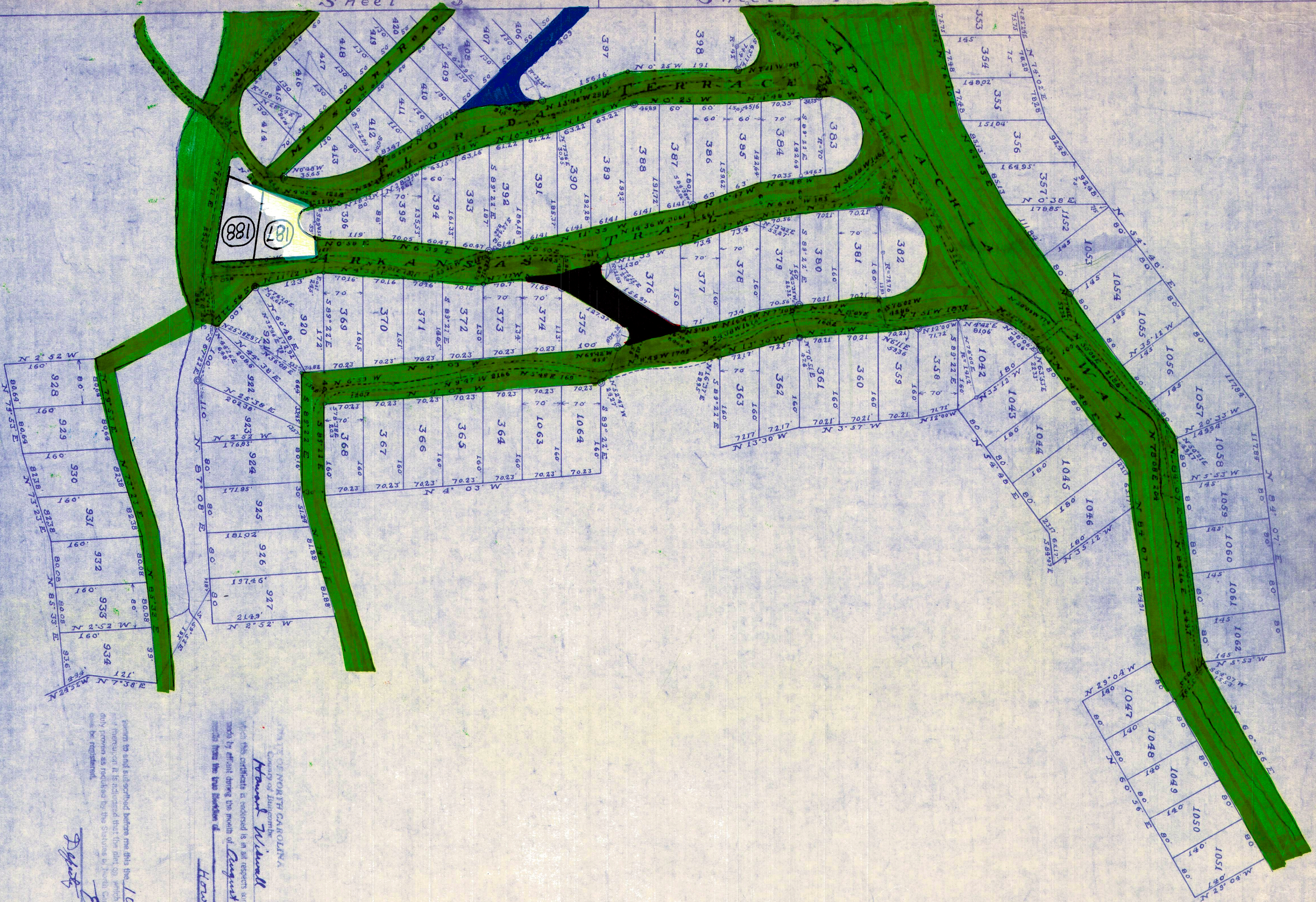
sworn to and subscribed before me this the 10 day of August 1935
and thereupon it is adjudged that the plot on which this certificate is returned that been
duly procured as required by the Statutes of North Carolina. Let the same with this certificate
be registered.

Deputy Edwards Roberts
Clerk Superior Court, Wayne County, N.C.

OWNED BY
THE MOUNTAIN RETREAT ASSOCIATION
And situate in
Buncombe County N. C.

Resurveyed and mapped from original survey and map 1935 by Howard Wisnall Registered Engineer.





Magnetic Meridian

MAIP

MONTREAL

OWNED BY

THE MOUNTAIN RETREAT ASSOCIATION

And situate in

Burcombe County N. C.

SCALE

Legend:
Concrete marker (copper centre)

Pipe Market

THE UNIVERSITY OF CAROLINA
 College of Education
Howard Nissel being first duly sworn, says that the first
 copy of this certificate is enclosed is in all respects correct and was prepared from an actual survey
 made by efficient during the month of August 1925, in a portion of the township of
 records from the Tax Section of North Carolina
Howard Nissel Deputy

seem to end subscript before me this has
10 day at August 1925
of interval or it is added that the date on which the coefficient is introduced has been
only proven as reached by the Statute in India Commission set the extra with the certificate
to be registered

F. J. J. J. J.

Charles C. Colver
J. G. Galt

Resurveyed and mapped from original survey and map 1935 by Howard Blumatt Registered Engineer.



BA 1443 PG 144

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE TOWN OF MONTREAT

REGISTERED

RESOLUTION

After recording sent to:
Adams, Hudon, Carson
Carr + Sanger
72 Patton Ave
Asheville NC 28801

'86 AUG 28 P4:20

WHEREAS, Mountain Retreat Association (Association) has made an Offer of Dedication to the Town of Montreat and the general public, upon conditions, contingencies and reverter rights as stated therein, copy of which Offer of Dedication is attached to and made a part of this Resolution; and,

WHEREAS, it appears in the best interest of the Town of Montreat that it accept the Offer of Dedication of The Association.

NOW, THEREFORE, BE IT RESOLVED that the Offer of Dedication of Mountain Retreat Association is hereby accepted by the Town of Montreat, upon the conditions, contingencies and reverter rights stated therein, a copy of said Offer of Dedication is attached hereto and copies of the maps showing the location of the roads and streets dedicated hereby and the parks, green space, and recreation areas dedicated thereby and referred to as Exhibits in said Offer of Dedication shall be initialed by the Mayor of the Town of Montreat and the President of Mountain Retreat Association and copies of said Offer of Dedication and maps shall be registered in the Office of the Register of Deeds of Buncombe County, North Carolina, and shall be a part of the Town's official records to be maintained by the Town Clerk of the Town of Montreat with and as a part of the records of the Town, said maps to be clearly designated as attachments to this Resolution and to the Offer of Dedication referred to herein;

RESOLVED FURTHER, that the Town of Montreat hereby acknowledges that it does not have or assert any interest in or ownership of the properties marked in yellow cross-hatching as shown on the maps referred to herein, the title to such property being claimed by the Mountain Retreat Association and not being disputed by the Town of Montreat.

RESOLVED FURTHER, that the Town of Montreat reserves the right at its option at such time in the future and to such extent that it shall deem appropriate from time to time to assume the maintenance of the rights-of-way offered for dedication by the Mountain Retreat Association by said Offer of Dedication and accepted by this Resolution by the Town of Montreat which the Town of Montreat does not presently maintain.

This Resolution was unanimously adopted on three readings upon motion of Commissioner Wan B. B. B. B. and second of Commissioner E. A. Andrews.

This 12 day of May, 1983.



John K. Ohermuthy
Mayor

I CERTIFY THIS IS A TRUE COPY OF THIS RESOLUTION.

Betty D. Pressley
Town Clerk

Registered August 28, 1986 at 4:20 PM.

OTW. De Brule
Register of Deeds

James E. Morgan
Deputy

After meeting return to
Adrian, Mountain, Carolina, (now)
72 Patton Ave.
Asheville NC 28801

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

REGISTERED

OFFER OF DEDICATION

'86 AUG 28 P4:20

THIS OFFER OF DEDICATION, made this 12th day of May,
1983, by and from MOUNTAIN RETREAT ASSOCIATION, a North Carolina corporation
(hereinafter referred to as "Association") to and in favor of THE TOWN OF
MONTREAT, a municipal corporation organized and existing under the laws of the
State of North Carolina (hereinafter referred to as "Town");

W I T N E S S E T H :

WHEREAS, Association has from time to time recorded in the Office of
the Register of Deeds for Buncombe County, North Carolina (hereinafter
referred to as the "Register of Deeds") various Plats of properties owned by
the Association, a schedule of said Plats being attached hereto as Exhibit "A"
and hereinafter referred to as the "Plats"; and

WHEREAS, from time to time some question has arisen as to the extent
to which road rights of way and certain additional areas shown on said Plats
may have been offered for dedication for use by the public by virtue of the
recording by Association of said Plats; and

WHEREAS, Association further wishes hereby to dedicate to Town for
the benefit of the public the road rights of way and certain additional areas
shown on said Plats and more particularly described herein, which areas are
still owned by Association, such dedication, however, being subject to the
reservations hereinafter stated;

NOW, THEREFORE, Association hereby states and declares as follows:

(1) There is attached as Exhibit "B" hereto a set of color-coded
copies of the Plats referred to in Exhibit "A" attached hereto. Each page of
said Exhibit "B" has been initialed by the President of Association and the
Mayor of Town as constituting a portion of said Exhibit "B". There is also
attached hereto as Exhibit "C" a color-coded copy of the official Town zoning
map showing said areas as to general location, Exhibit "C" also being
initialed by the President of Association and the Mayor of Town. Said Exhibits
"B" and "C" will be separately filed for record in the Office of the Register
of Deeds and in the Office of Town's Clerk.

(COLOR-CODED COPIES OF PLATS FILED IN MISCELLANEOUS
MAPS FILE)

BR 1443PC145

-2-

(2) Said color-coding in solid green, red and blue has been made of those portions of said Plats designated as rights of way. Said color-codings shall signify the following dedication to use of said respectively color-coded areas by Association for the use and benefit of Town and/or the general public as follows, with the exception of any specific notations made and initialed as stated above on the individual pages constituting said Exhibit "B":

<u>Color Code</u>	<u>Permitted Uses of Rights of Way</u>
Solid Green	- area previously dedicated to public and Town for street and utility right of way purposes by recording of said MRA Plats and previously accepted and presently maintained by Town
Red	- area previously dedicated to public and Town for above purposes by recording of said MRA Plats but with no existing roads previously accepted by Town but not presently maintained by Town
Blue	- area previously dedicated to public and Town for above purposes by recording of said MRA Plats, containing existing roads and/or utilities, some of which have been previously accepted and are maintained by Town and some by adjoining property owners

The right of way of all roads shown on Exhibit "B" shall extend to the lot line of all numbered lots abutting upon such right of way in all instances where said right of way is abutted on both sides by numbered lots. Where a numbered lot does not abut on both sides of a right of way as shown on the Plats, the right of way width on the side or sides not abutting a numbered lot shall, except as otherwise noted on said Exhibit "B", be as follows:

Thirty (30) feet from center line

Assembly Drive

Twenty five (25) feet from center line

Assembly Circle

Lookout Road

Appalachian Way to Oklahoma Road

Texas Road

Community Circle

Louisiana Road to John Knox Road

Georgia Terrace

Virginia Road between Assembly Drive and Mississippi Road

Kanawha Drive from Assembly Drive to Holston Lane

Twenty (20) feet from center line

All other roads

provided, however, that in no event shall a right of way be deemed to extend into a natural stream bed except where said right of way as shown on the Plats traverses said stream bed.

(3) Said color-coding in hatched green on Exhibit "B" hereto designates areas as to which Association does not acknowledge any previous dedication by Association to Town and/or the public. Association hereby offers for dedication in perpetuity to Town and the public, including Association, said hatched green-designated areas to be used only for recreation, fishing, greenspaces and beautification and for such street, bridge and utility rights of way as Town shall deem reasonably necessary for its use or shall grant to others for such purpose; subject, however, to Association's right hereby expressly reserved to itself to use said areas for said purposes, and further provided that any changes in the present character and natural condition of said hatched green-designated areas (other than for streets, bridges and utility rights of way) shall be as determined by mutual agreement between Town and Association from time to time. In the event that Town shall undertake to make any use of said area or change in said character or condition of said hatched green-designated areas other than as above permitted, without agreement with Association, then and in such event, Association at its option may rescind and nullify this Offer of Dedication, whereupon all rights of Town and the Public under this Offer of Dedication shall cease and terminate.

(4) This Offer of Dedication is made by Association conditioned and contingent upon the adoption by Town's Council of a proposed Resolution accepting this Offer of Dedication and acknowledging that Town does not assert any interest in or ownership of the hatched yellow-designated areas shown on Exhibit "B" hereto, over which areas Association asserts sole control, ownership and right of use and transfer to others, subject only to Town's general laws, ordinances and regulations relating to land use, as the same may be in effect from time to time. In the event any portion of said proposed Resolution,

once adopted by Town's Council, is in any manner amended or rescinded by subsequent action of Town, the reverter rights reserved to Association under the foregoing Paragraph (3) shall become applicable and enforceable at the option of Association.

(5) The limitations imposed by this Offer of Dedication upon the uses and ownership of lands not dedicated hereby and presently owned by Association shall not be construed as applicable to (a) any real property owned by Association located outside the existing geographical limits of Town or (b) any real property owned by Association located within the existing geographical limits of Town and not designated in color coding on Exhibit "B" hereto.

IN WITNESS WHEREOF, Association has caused the within Offer of Dedication to be executed by its duly authorized officers the day and year first above written.

(CORPORATE SEAL)

ATTEST: Elizabeth H. Lamb
Secretary

MOUNTAIN RETREAT ASSOCIATION

By: Samuel R. Lize
President

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, a Notary Public of said State and County, certify that ELIZABETH H. LAMB personally came before me this day and acknowledged that she is Secretary of MOUNTAIN RETREAT ASSOCIATION, a North Carolina corporation, and that, by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by herself as its Secretary.

WITNESS my hand and Notarial Seal, this 12th day of May, 1983.

My commission expires:
May 15, 1985

Meelba C. Koushew
Notary Public



Registered August 28, 1983 at 4:20 P.M.
David De Bruhl
Register of Deeds

Annet Morgan
Deputy

I CERTIFY THIS IS A TRUE COPY OF THIS DEDICATION.

Betty Jo Dressler
Town Clerk



Doc ID: 024443140007 Type: CRP
Recorded: 04/02/2012 at 12:04:15 PM
Fee Amt: \$26.00 Page 1 of 7
Workflow# 0000105302-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 4969 PG 1380-1386

STATE OF NORTH CAROLINA

AMENDMENT TO OFFER OF DEDICATION

COUNTY OF BUNCOMBE

Prepared by and return to: Susan Taylor Rash
Adams, Hendon, Carson, Crow & Saenger, P.A. Box #1

THIS AMENDMENT TO OFFER OF DEDICATION ("Amendment") is entered into this the ____ day of March, 2012, by and between MOUNTAIN RETREAT ASSOCIATION, a North Carolina non-profit corporation (hereinafter referred to as the "Association" or "MRA"), and the TOWN OF MONTREAT, a North Carolina municipal corporation (hereinafter referred to as the "Town").

WITNESSETH:

WHEREAS, the Association executed and recorded an Offer of Dedication dated May 12, 1983, and recorded August 28, 1986, in Deed Book 1443 at Page 145 in the Office of the Register of Deeds for Buncombe County, North Carolina (the "Offer of Dedication");

WHEREAS, the Town adopted a Resolution of the Board of Commissioners accepting the Offer of Dedication on May 12, 1983, which was recorded August 28, 1986 in Deed Book 1443 at Page 144 in the Office of the Register of Deeds for Buncombe County, North Carolina (the "Resolution of Acceptance"); and

WHEREAS, the Town and the Association desire to clarify certain provisions of the Offer of Dedication and Resolution of Acceptance.

NOW THEREFORE, the Association and the Town, for valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, hereby agree to amend the Offer of Dedication for the purpose of clarifying certain provisions regarding those certain road rights-of-way through those portions of Association property identified as "hatched yellow-designated areas" in the Offer of Dedication as follows:

1. MRA and the Town of Montreat agree that going forward there will be consistent and uniform rights-of-way through the “yellow-hatched” areas noted in Exhibit B of the 1983 Offer of Dedication as follows:

Thirty (30) feet from center line
Assembly Drive

Twenty five (25) feet from center line
Assembly Circle
Lookout Road
Texas Road
Community Circle
Georgia Terrace

Twenty (20) feet from center line
All other roads

2. (a)The Town and MRA agree those existing structures and uses located in the above-designated rights-of-way and listed on Exhibit A, attached hereto and incorporated herein by reference, will be subject to special considerations (the “Designated Structures and Uses”). The Town agrees that it will not require the MRA to remove the Designated Structures and Uses located in the rights-of-way in yellow-hatched areas except as it relates to Essential Town Services or Public Safety, and in such cases, MRA acknowledges that the Town shall have the authority to remove the Designated Structures and Uses in accordance with this Amendment. The Town agrees that the MRA can repair and maintain the Designated Structures and Uses in the rights-of-way in yellow-hatched areas in accordance with applicable statutes and ordinances. The Town further agrees that, for the purpose of approving MRA plans for the repair, maintenance, and replacement of the Designated Structures, the agreement that the Town requires for construction in rights-of-way will be modified for such events in a manner that is consistent with this Amendment.

(b)The Town will consult with the MRA on any Town construction projects located in the rights-of-way within the yellow-hatched areas.

(c)The MRA will have sole discretion to approve the altering, moving, removing or rebuilding of the Designated Structures and Uses for Town projects in the rights-of-way through yellow-hatched areas except as it relates to Essential Town Services.

(d)For Essential Town Services (i.e. streets, bridges, utilities, stormwater systems) and public safety projects affecting the Designated Structures and Uses in the rights-of-way in yellow-hatched areas, the Town will seek input from the MRA on the design of the project and will consider any MRA proposals that are submitted in a timely manner in developing and implementing project plans. In order to obtain funding for public utility and public safety projects, the Town is required to have control of the project area. The

Town will have authority to approve and implement project plans that involve the altering, moving, removing or rebuilding of MRA's Designated Structures and Uses for Town projects in the rights-of-way through yellow-hatched areas as they relate to Essential Town Services or public safety. MRA agrees that the Town shall not have to seek input or approval for altering, moving, removing or rebuilding the Designated Structures and Uses for emergency repairs that ensure public safety.

(e) Any of the Designated Structures and Uses altered, moved, removed, or rebuilt at the Town's initiative for any reason will be made at the Town's expense.

(f) All of the Designated Structures and Uses within the rights-of-way will be maintained, repaired or improved at MRA's expense.

(3) Except as set forth above, the Offer of Dedication and Resolution of Acceptance remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed this the day and year first above written.

[The remainder of this page is left blank intentionally. Signatures follow on attached pages.]

**Signature Page for Amendment to Offer of Dedication
between Mountain Retreat Association
and the Town of Montreat**

TOWN OF MONTREAT

[Corporate Seal]

Attest:

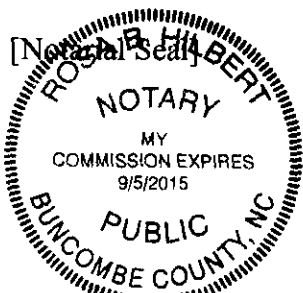
By: Letta Jean Taylor
Letta Jean Taylor, Mayor

Misty R. Gedlinske
Misty Gedlinske, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, a Notary Public of said County and State, do hereby certify that Misty Gedlinske personally appeared before me this day and acknowledged that she is the Town Clerk of Montreat, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor sealed with its corporate seal and attested by herself as its Town Clerk.

Witness my hand and official stamp or seal, this 13 day of March, 2012.



Rosa B Hilbert
Notary Public

My commission expires:
9-5-2015

Signature Page for Amendment to Offer of Dedication
between Mountain Retreat Association
and the Town of Montreat

Mountain Retreat Association

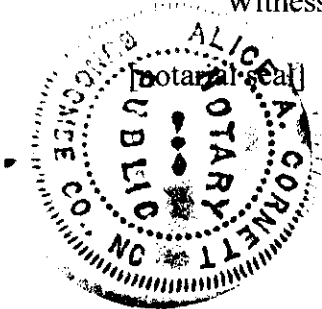


By: Albert G. Peery, Jr. (Seal)
Albert G. Peery, Jr., President

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, a Notary Public of said County and State, do hereby certify that the following person(s) personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Albert G. Peery, Jr., in his capacity as President of Mountain Retreat Association, a North Carolina non-profit corporation, by authority duly granted by the company.

Witness my hand and official stamp or seal, this 26th day of March, 2012.



Alice A. Cornett
Notary Public

My commission expires:
11-24-16

Typed or printed name of notary: Alice A. Cornett

Exhibit A
To Amendment to Offer of Dedication

Catalog of MRA Designated Structures and Uses
in rights-of-way in the yellow-hatched areas acknowledged by the Town
in the 2012 Amendment to the 1983 Offer of Dedication

The structures and uses listed in this Catalog are located partially or fully in the Town rights-of-way in the yellow-hatched areas shown in the exhibits to the 1983 Offer of Dedication. The provisions of the Amendment to Offer of Dedication apply to those portions of these Designated Structures and Uses that are located in the Town rights-of-way.

Assembly Drive

1. Gate
2. Gate House & sidewalk
3. Upper stacked stone retaining wall by Dowd Recreation Area
4. Portion of chain link fence by Dowd Recreation Area
5. Portion of Dowd Recreation Area (court)
6. Steps to Dowd Recreation Area and Post Office with railing
7. Split rail fence by Welch Field
8. Stone retaining wall by Welch Field
9. Sign for Welch Field
10. Backstop for Welch Field
11. Portion of Welch Field
12. Gravel parking area across from Dowd Recreation Area(east side)
13. Stone wall around parking space for McCallum Lodge
14. Parking space by McCallum Lodge
15. Service drive to Assembly Inn
16. Parking on east side of Assembly Drive from service drive to Inn to driveway to Inn
17. Parking on west side of Assembly Drive from Assembly Circle to Dam
18. Signage for Left Bank
19. Steps to Left Bank
20. Drive to Assembly Inn
21. Steps to Assembly Inn toward kitchen
22. Stone retaining wall by Assembly Inn from Assembly Inn drive to Georgia Terrace
23. Steps to Assembly Inn
24. Lampposts from steps to Left Bank to Lookout Road
25. Portion of walk by Lake from dam toward Left Bank
26. Portion of fence and rock columns by Lake from dam to Left Bank

Georgia Terrace

1. Stone retaining wall by Assembly Inn
2. Lamppost & sign by walkway
3. Walkway to Meditation Garden
4. Walkway to Convocation Hall
5. Driveway from Assembly Inn
6. Two driveways into Post Office
7. Portion of parking at Post Office

North Carolina Terrace

1. Stone wall near old miniature golf clubhouse

Collegiate Circle

1. Two driveway entrances to Reynolds Lodge
2. Stacked stone retaining wall on east side of street near Georgia Terrace

Tennessee Road

1. Stacked stone retaining wall for Dowd Recreation area
2. Portion of Dowd Recreation area
3. Chain link fence for Dowd Recreation area

Texas Road

1. Split rail fence by Welch Field
2. Portion of Welch Field
3. Cornwell Tennis Courts sign
4. Cornwell Tennis Courts stone wall and cross-ties
5. Cornwell Tennis Courts chain link fence
6. Portion of Cornwell Tennis Courts
7. Walk to Cornwell Courts
8. Walk to Bill Wilde Youth Center
9. Walk to Robert Lake Park
10. Parking by Updike Playground & Building to Community Center Circle
11. Lower parking area near Creek between Community Circle & 338 Texas Road (near Anderson Auditorium)
12. Driveway to Dunn Pavilion
13. Boulder wall by drive to Dunn Pavilion

Community Center Circle

1. Portion of creekside parking for Anderson Auditorium
2. Portion of main Anderson Auditorium Parking lot
3. Two drives into Walkup Building
4. Portion of parking at Walkup Building (2 spaces)
5. Lamppost by creekside parking
6. Lamppost by main Anderson parking
7. Split rail fences on both sides of Community Circle near bridge
8. Timber retaining wall by creekside parking

Lookout Road

1. Stone retaining wall by Way Out Building
2. Steps & sidewalk to Way Out Building
3. Lampposts by Way Out Building (2)
4. Concrete entrance (portion of sidewalk) to Allen Building
5. Sidewalk from front of Allen Building to main Anderson Auditorium parking lot
6. Steps and walk to Anderson Auditorium
7. Parking by Moore Field
8. Portion of Moore Field
9. Walks to Moore Center
10. Driveway to Moore Center
11. Portion of main Anderson Auditorium parking lot
12. Timber retaining wall along sidewalk next to Anderson Auditorium main parking lot

Assembly Circle

1. Stone retaining wall by Way Out Building
2. Walk & steps to Way Out Building
3. Parking area above Moore Field
4. Parking spaces from dam walkway to the gym
5. Rock & timber retaining wall & path by Lake in front of Howerton Hall
6. Walk from Assembly Circle over dam
7. Steps to bridge by the gym
8. Driveway by the Barn
9. Parking lot around the Barn
10. Parking lot in front of the Velvet Moose
11. Driveway to Glen Rock Inn

**STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE**

**PETITION TO CLOSE
PORTIONS OF RIGHTS OF WAY
IN THE TOWN OF MONTREAT**

Now comes the undersigned attorney on behalf of the owners of properties hereafter identified and referenced by PIN numbers assigned by the Buncombe County Tax Department and Land Records (said owners being hereinafter sometimes referred to collectively as the "Petitioners"), making petition to the Town of Montreat to close a portion of that unnamed right of way proceeding in an Western direction from its intersection with the Western margin of the right of way of Florida Terrace, (hereinafter sometimes referred to as the "Proposed RW Closure") more particularly described as follows:

LYING AND BEING in the Town of Montreat, Black Mountain Township, Buncombe County, North Carolina:

BEING that portion of the unnamed and currently unopened portion of right of way shown on each of those plats duly recorded in the Buncombe County, NC Registry in Plat Book 16, at Pages 94, 95, and 97 (hereinafter respectively sometimes referred to as "Plat 16-94", "Plat 16-95", and "Plat 16-97") to be located parallel to and Northeast of the right of way of Missouri Road and generally Southwest of, but converging into, the Southwestern margin of the right of way of Florida Terrace, extending in a Southeastern direction from a portion of the unnamed right of way previously closed by the Town of Montreat, now owned by Montreat College, Inc., and described in a Deed recorded in the Registry in Book 3104, Page 598, along the Northeastern boundaries of Lots 405-412, inclusive, shown on Plat 16-95 and Plat 16-97, to the intersection with the right of way of Florida Terrace. The Proposed RW Closure adjoins the Northern boundaries of those parcels identified on the land records and tax maps of Buncombe County, North Carolina, by PIN Numbers 0720-15-1926-00000, 0720-15-2816-00000, and 0720-15-2779-00000.

The Petitioners and the identification of their respective properties are as follows:

<u>PIN</u>	<u>Deed</u>	<u>Reference</u>	<u>Owners / Petitioners</u>
1. 0720-15-2779	6246-284	"Sebesta Lot"	Charlotte Riddle Sebesta and Michael Gerard Sebesta
2. 0720-15-2816	1842-256	"Westburne Trust Lot"	Catherine Riddle McIntosh, Jefferson Eugene Riddle, Charlotte Riddle Sebesta, Co-Trustees of the Westburne Trust, dated December 27, 1994, as amended
3. 0720-15-1926	1074-561	"Boyd Lot"	Dan M. Boyd, III, and Diane Hunter Boyd

A copy of a portion of a survey of the adjoining properties is attached to show the area of the Proposed RW Closure outlined in red. The closing of the Proposed RW Closure will necessitate and result in re-defining the previously unspecified width of the right of way of Florida Terrace at the prior area of intersection of the two rights of way. Therefore, it is anticipated that the configuration of the Proposed RW Closure will be surveyed so that the Southwestern margin of the remaining right-of-way of Florida Terrace will be approximately parallel to the Northeastern margin of the right of way of Florida Terrace, but a minimum of twenty (20) feet from the Southwestern edge of the current pavement of Florida Terrace.

This document prepared by:
Wm. Michael Begley
Begley Law Firm, PA
103 Richardson Blvd
Black Mountain, NC 28711

In support of this Petition, the undersigned does hereby state the following:

1. The entire portion of the unnamed right of way lying West of the Proposed RW Closure already has been closed for the benefit of Montreat College, Inc., the owner of property on either side thereof. By closing the Proposed RW Closure, the entire length of the unnamed right of way will be closed.
2. The Petitioners, Charlotte Riddle Sebesta and Michael Gerard Sebesta, cannot build the home they have intended without the additional strip of land that would result from the proposed closing, and in support of that contention, they offer the following supporting information:
 - a. In consultation with architect Maury Hurt, their preliminary house and lot construction plans were developed in 2021 before their final decision to purchase the Sebesta Lot.
 - b. They sought the helpful knowledge and guidance of the Town's staff in order to know that the anticipated construction drawings would comply with the Town's ordinances and any other matters of governmental regulation under the Town's supervision and enforcement.
 - c. Subsequent to pursuit of such matters of due diligence, they purchased the Sebesta Lot in reliance upon having reasonably determined that they would be able to build the home they had envisioned.
 - d. After having done their due diligence, purchased the Sebesta Lot, and having begun the construction planning, they have been informed that the geological maps have changed and currently designate the nearby stream as an intermittent stream thus requiring an additional thirty (30) feet of buffer from the stream where no such buffer had been required before.
 - e. The buffer alters the planned location of the house and does not allow sufficient remaining space for construction of the type of home with the floor plan and dimensions that the Sebestas have designed, even with an administrative variance of the setback line.
 - f. The proposed closing of the right of way would provide additional room to move the house in order to comply with current building requirements while enabling the Sebestas to preserve their architectural and construction plans for the house.
3. The Petitioners are not aware that any funds of the Town of Montreat have been expended for construction, maintenance, or repair of the Proposed RW Closure.
4. The Petitioners are not aware of any past, present or future public use or purpose that has occurred or is intended for the Proposed RW Closure.
5. The Petitioners are the only owners of properties who will need or utilize the Proposed RW Closure for any access to Florida Terrace.
6. The Petitioners prospectively have agreed, upon the closing of the Proposed RW Closure, to grant a shared easement for a permanent privately maintained driveway through the Proposed RW Closure to and from Florida Terrace and their respective properties.
7. The Petitioners are not aware that the Proposed RW Closure is part of any future street shown on a street plan adopted by the Town of Montreat pursuant to NCGS §36-66.2.

8. Portions of the Proposed RW Closure are unusually wide for Montreat public streets at the location where this partial closing is requested, and there will be more than sufficient width of right of way for Florida Terrace after the requested portion is closed, said remaining width of the right of way of Florida Terrace being approximately forty (40) feet.
9. In the vicinity of the Proposed RW Closure geographic characteristics of this area of Montreat will limit the need for any significant widening of Florida Terrace in the future that would necessitate a wider right of way than the remaining width of the right of way of Florida Terrace after closure of the Proposed RW Closure.
10. The Petitioners are not aware that there are any utilities within the Proposed RW Closure that closing of the right of way will encumber; but if there are, the future plans of Petitioners for their respective properties will not interfere with such utilities.

IN WITNESS HEREOF, the undersigned, on behalf of Petitioners, has caused this Petition to be executed, as of this 1st day of September, 2023.

BEGLEY LAW FIRM, P.A., Attorney for Petitioners

By: Wm. Michael Begley
Wm. Michael Begley



August 23, 2023

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)

Florida Terrace R.O.W. Closure Request

Montreat Board of Commissioners

September 14, 2022



REQUEST OVERVIEW

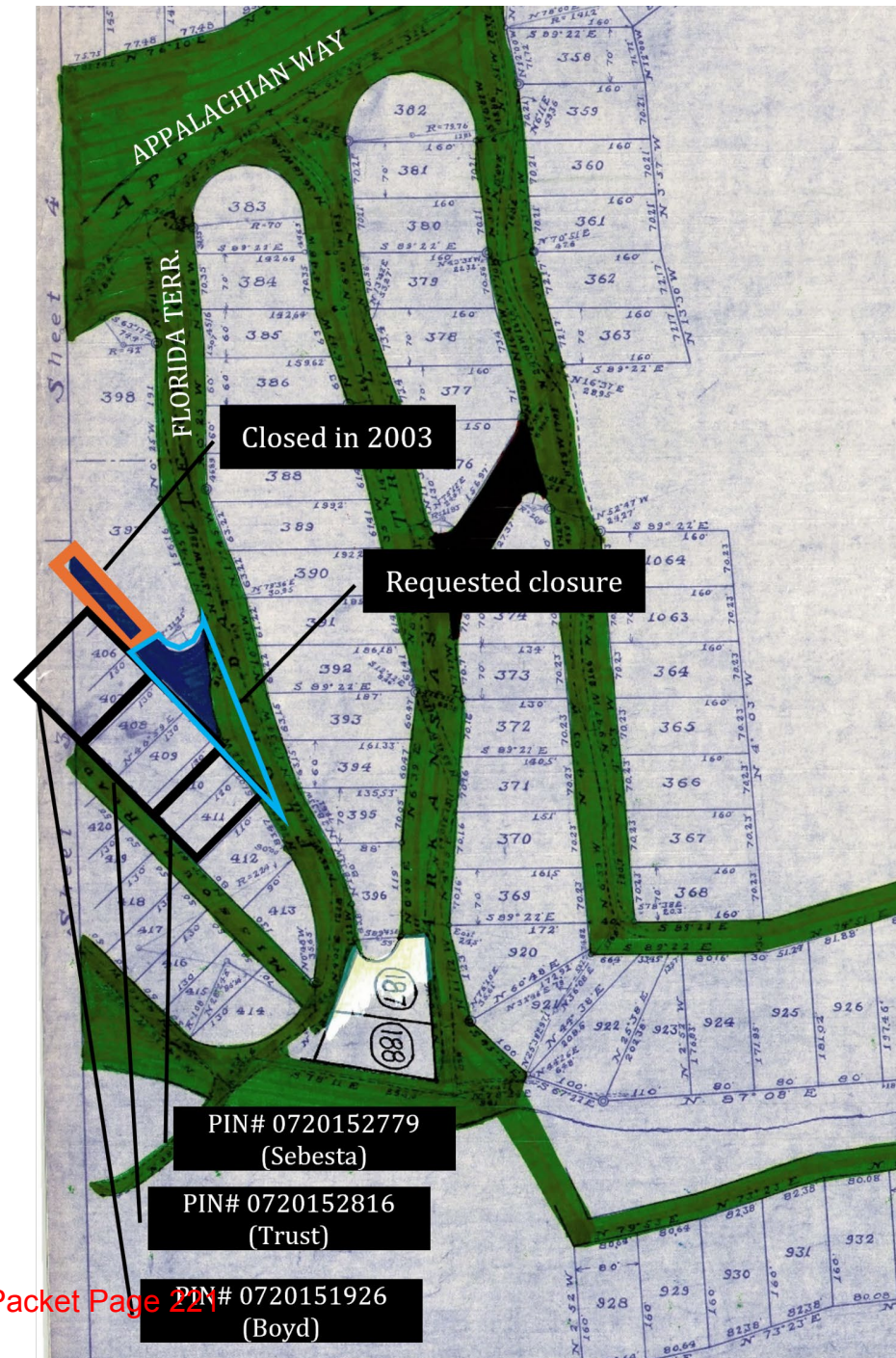
Applicant: Mike Begley (on behalf of the property owners of PIN#s 0720152779 (owned by Charlotte Riddle Sebesta and Michael Gerard Sebesta), 0720152816 (owned by Catherine Riddle McIntosh, Jefferson Eugene Riddle, Charlotte Riddle Sebesta, Co-Trustees of the Westburne Trust, dated December 27, 1994, as amended), and 0720151926 (owned by Dan M. Boyd, III and Diane Hunter Boyd))

Request Summary: For the Board of Commissioners to consider the closure of an unnamed right-of-way located south of Appalachian Way and a portion of the right-of-way of Florida Terrace. This request is specifically to obtain feedback from the Board of Commissioners on this request (ex. is the board amenable to the request, what additional information is needed, etc.).

[illegible]



GREENSPACE AGREEMENT



REQUEST DETAILS

- ❖ The applicant requests the Board of Commissioners to consider the closure of an unnamed right-of-way located south of Appalachian Way and a portion of the right-of-way of Florida Terrace. This request is specifically to obtain feedback from the Board of Commissioners on this request (ex. is the board amenable to the request, what additional information is needed, etc.).
- ❖ The purpose of this request is to accommodate the construction of a new home for the Sebesta family on the property with PIN#0720152779.

REQUEST BACKGROUND

- ❖ The Sebesta's approached the previous Zoning Administrator in 2021 prior to purchasing PIN#0720152779 to inquire about the existing restrictions on the property. No regulatory stream was present on the site.
- ❖ The Sebesta's purchased the property.
- ❖ In 2023, the Sebesta's approached the current Zoning Administrator about beginning to build on PIN#0720152779.
- ❖ Per Section 305(1) of the Montreat General Ordinance, Chapter K, Article III (i.e. the stormwater ordinance), no built-up area is permitted within 30 feet of any surface water as measured from the top of the streambank.
- ❖ During the current Zoning Administrator's review, a stream appeared on the Westbourne 1:24,000 scale (7.5 minute) quadrangle topographic map prepared by the United States Geological Survey map.

REQUEST BACKGROUND

- ❖ Due to the presence of the stream on this map, the 30-foot buffer required by Section 305(1) of the Montreat General Ordinance, Chapter K, Article III would be enforced.
- ❖ The Zoning Administrator advised the Sebesta's to obtain a formal stream determination from the North Carolina Division of Water Quality, as this determination would override the local ordinance.
- ❖ On June 9, 2023, a stream determination determined that an intermittent stream now ran through PIN#0720152779 and the buffer requirement applied bisecting the development envelope.
- ❖ The 1:24,000 scale (7.5 minute) quadrangle topographic map prepared by the United States Geological Survey was revised in 2022 and several new regulatory streams were added to the map, including the now intermittent stream on the Sebesta property.

REQUEST BACKGROUND

❖ The Sebestas were advised by the Zoning Administrator to pursue the following routes to develop their property:

1. Amend the proposed building plans to utilize the allowed provisions of the definition of built-upon area.
2. Obtain an administrative-level setback reduction from Florida Terrace per Section 609 of the Montreat Zoning Ordinance (MZO). The Sebesta's received this reduction in August 2023 reducing the front setback requirement from 30-feet to 15.3 feet based on the front setbacks of the structures on the adjacent properties.
3. Obtain a Variance from the Board of Adjustment per Section 310.42 and 310.5 of the MZO for any other setback reductions needed.
4. Apply for a Text Amendment per Section 309 of the MZO to amend Section 305(1) of the Montreat General Ordinance, Chapter K, Article III (i.e. the stormwater ordinance).
5. Request that a portion of the right-of-way of Florida Terrace be closed and vested with the Sebesta property via the process required by N.C.G.S. 160A-299 to increase the development envelope.

RECOMMENDATION

- ❖ This request is for the Board of Commissioners to consider the closure of an unnamed right-of-way located south of Appalachian Way and a portion of the right-of-way of Florida Terrace. This request is specifically to obtain feedback from the Board of Commissioners on this request (ex. is the board amenable to the request, what additional information is needed, etc.).
- ❖ Should the board desire to proceed with this request, the applicant must have the closure area surveyed. After a metes-and-bounds description of the closure area is provided to the Zoning Administrator, the applicant may return to a subsequent Board of Commissioner's meeting with the resolution of intent for the board to review and adopt in accordance with NCGS 160A-299. Following adoption of the resolution, notice will be sent and posted, and a public hearing held in accordance with NCGS 160A-299.

Florida Terrace R.O.W. Closure Request

Montreat Board of Commissioners

September 14, 2022



BL-0079 - Texas Road Bridge - ROUGH Estimate

Johnson, Gabriel L <gljohnson@ncdot.gov>

Thu 8/17/2023 12:24 PM

To:Tristan Winkler <tristan@landofsky.org>;Ben Blackburn <bblackburn@townofmontreat.org>;Tom Widmer <twidmer@townofmontreat.org>;Mason Blake <masonblake@outlook.com>

Cc:Cook, Hannah K <hkcook@ncdot.gov>;Calloway (TranSystems), Michael K <ext-mkcalloway@ncdot.gov>

All,

I have pulled some recent bridge bids from our projects and called around to a couple of pre-engineered and prefabricated bridge manufactures to look at costs for BL-0079. The costs below are quite a bit more than we have recently discussed. This is what I have come up with:

Preliminary Engineering (ie Design/Review) Costs: I would plan on **\$200,000** with the consultant (currently \$153,000) and NCDOT reviews – Hopefully, it will not be this high.

Construction Costs: I would plan on **\$700,000**. This includes Construction, 15% Contingency, and 10% Construction Engineering/Administration (NCDOT Inspection).

As we indicated in our meeting, creating construction estimates without any design is a difficult task. I have tried to shoot high and look at worst case scenarios in creating these estimates, **but there are no guarantees with costs...especially with the inflation we have seen over the recent past.**

The prefab/pre-engineered structure appears to be somewhere around \$140,000 alone before installed. Some of installation cost depends on what type of structure the Town really wants/chooses (wood, steel, etc). Some structures will come pre-fabricated and some will have to be assembled on site (pre-engineered only). The road to the site and the site itself do represent some challenges with delivering a pre-fabricated structure and setting with a crane (not much room onsite, overhead utility lines, etc). However, if the structure has to be assembled on site, it will likely cost more in the end. I allowed \$200,000 for the structure alone. I included the roof structure in this, but any element roof related would have to be broken out and the Town would have to pay for. Federal funds cannot be used for the covering of the bridge. Also roofing materials (metal roofing “tin”, waterproof membranes, shingles, etc) does not come with the structure.

The project currently is set up for \$191,000 (\$152,800 Federal, and \$38,200 Local). So we are looking at an additional \$710,000 (\$568,000, \$142,000)

Total Estimated Cost = \$900,000

80% Federal = \$720,000

20% Local (Town) = \$180,000

Keep in mind the Town's portion would probably be more with paying for the roof completely.

I will be glad to set up a meeting once you all have had a chance to assess your availability of funds.

Thank you,

Gabe

Gabriel Johnson, PE

Division 13 Project Manager

North Carolina Department of Transportation

Packet Page 228

Office Phone: 1-828-250-3006

gljohnson@ncdot.gov

55 Orange Street

Asheville, NC



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North Carolina Public Records Law and may be disclosed to third parties*

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.