I. CALL TO ORDER  
• Welcome  
• Moment of Silence

II. ADOPTION OF AGENDA

III. APPROVAL OF JUNE 5, 2024, MEETING MINUTES

IV. OLD BUSINESS  
• Development Density Ratio Regulations  
  i. Development Density Ratio Regulation Investigation Review Examination  
  1. Texas Road and Maryland Place (Liz Johnson)  
  2. Appalachian Way (Bill Scheu)  
  3. Whitewater Cove Road and Oklahoma Road (Allen Crawford)  
  ii. Suggested Motion: [Amend/not amend] the Montreat General Ordinance Chapter K Article IV Section II(4)(j) [state amendment language, if applicable].

V. NEW BUSINESS

VI. NEXT MEETING  
• August 14, 2024, at 9:00 am

VII. PUBLIC COMMENT

VIII. ADJOURNMENT
Subcommittee Members Present: Liz Johnson  
Allen Crawford  
Bill Scheu

Subcommittee Members Absent: None

Town Staff Present: Kayla DiCristina, Zoning Administrator

There was one member of the public present (Jane Alexander (Board of Commissioners)). Liz Johnson called the meeting to order at 9:00 am and led the group in a moment of silence after a brief welcome. As a note, Subcommittee member Allen Crawford arrived at 9:04 am.

**Agenda Approval**

Bill Scheu moved to approve the agenda as presented. Liz Johnson seconded, and the motion carried 2-0.

**Minutes Approval**

Bill Scheu moved to approve the June 5, 2024, meeting minutes as presented. Liz Johnson seconded, and the motion carried 2-0. Subcommittee member Allen Crawford arrived at 9:04 am.

**Old Business**

Kayla DiCristina ("DiCristina"), the Town’s Zoning Administrator, explained the development density ratio regulation in the Town’s Hillside Development Ordinance including the definition and how this regulation is enforced. DiCristina then asked each Subcommittee Member to review their findings from the Development Density Ratio Regulation Investigation for their assigned areas. Bill Scheu ("Scheu") was assigned Appalachian Way. In Scheu’s investigation, they found that most of the lots were in the steep slope area and were mostly built on, although there were a few that were vacant. Scheu suspects those that were built on were built prior to 2009 when the Hillside Development Ordinance ("Ordinance") came into effect. Scheu observed that most lot sizes were similar, but larger lots were found on the northern side of the road. Liz Johnson ("Johnson") was assigned Maryland Place and Texas Road, including Texas Spur Road. In Johnson’s investigation on Maryland Place, they found that the lots appear to be mostly in the steep slope area and some are built on. Johnson observed that most built upon lots were larger and that lot sizes did vary with some lots being long and skinny. On Texas Road and Texas Spur Road, Johnson found very steep slopes with varying lot sizes. Johnson also observed that the lots closer to Assembly Drive (i.e. “toward Town”) were mostly built upon. Allen Crawford ("Crawford") was assigned Whitewater Cove Road and Oklahoma Road. In Crawford’s investigation of Oklahoma Road, they found that most lots were narrows and some lots were shallowed than others. On Whitewater Cove Road, there were a few houses built upon, but most
were vacant. There were also some lots that were very steep, and these were located mostly on the north side of the road. Crawford also noted the presence of streams in this area and that the roadbed appears to traverse across several lots. Johnson noted that there were other areas in Town that also have steep slopes, but, due to Subcommittee capacity, the areas discussed today were the only ones assigned. Johnson also asked DiCristina to resend the Mountain Ridge and Steep Slope Protection Strategies Report by Land of Sky Regional Council and the Region A Toolbox by Southwestern Commission via email after the meeting.

DiCristina reviewed staff’s proposed changes to the development density provisions of the Ordinance. DiCristina provided examples of how these changes would impact future development versus how the current regulations impact future development. They explained that the proposed revisions would encourage property owners to develop lots subject to the Ordinance in more a more responsible manner. The revisions would permit recombination of lots that are not currently possible. Future subdivisions would require a minimum lot size that is contextual to the Town and would limit the number of new structures on steep slope lots. By permitting recombinations, DiCristina stated that property owners would be able to build on less steep areas and result in final building heights at lower elevations. The revisions would ensure consistent and clear regulations that can be feasibly enforced by an administrator. DiCristina stated that the proposed revisions were based off similar regulations in other jurisdictions in the region, albeit with the lot size being more contextual to the Town. The Subcommittee discussed the impact of these regulations and decided to table the discussion until the next meeting when the Subcommittee would look to decide on the revisions. The Subcommittee discussed inviting major landowners to the Subcommittee meeting, but also decided to table that decision until the next meeting. Johnson reiterated the importance of the comprehensive plan in the Subcommittee’s work and cited several areas as relevant to this discussion including the prevalence of single-family development, the need for smart low-density development, and the desire to protect natural resource. DiCristina also reviewed the revised purpose with the Subcommittee. DiCristina encouraged the Subcommittee members to re-examine their investigation areas using the proposed text to envision where these regulations would likely apply and how development could look.

**New Business**

There was no new business.

**Next Meeting**

The Subcommittee will meet on July 11, 2024, at 9:00 am in Town Hall.

**Public Comment**

There was no public comment.
Adjournment

Bill Scheu moved to adjourn the meeting and the meeting was adjourned at 10:15 am.

___________________________________   _________________________________
Liz Johnson, Chair      Bill Scheu, Secretary
Develop: Conversion of land to new service or purpose so as to make use of its resources, or to use the land for residential or commercial purposes.

Development density: The total number of primary structures permitted per unit area as modified by existing grade.

Development intensity: The permitted ratio, expressed as percentages, of unimproved (preserved) area versus developed (buildings, parking, other improvements) area.

Disturbed area: The portions of a development project that include graded areas disturbed so as to remove the natural cover in conjunction with development activities; both pervious and impervious surfaces installed and/or constructed including, but not limited to, buildings; concrete/asphalt pavement and gravel areas such as parking lots, patios, roads, and paths; lawn and artificially surfaced (e.g. recycled rubber mulch, crushed brick, etc) areas; retention structures including, but not limited to, timber, stone and masonry walls; buried tanks or cisterns, etc. Grading activities undertaken exclusively for the installation of legally permitted septic leach/drainage field systems are not regulated under the requirements of this definition.

Existing grade: The vertical elevation of the land as it exists on the adoption date of this ordinance.

Existing grade is determined as follows:

**Calculation of Existing Grade.** The applicant may submit calculations of the existing grade for the entire parcel or for the proposed graded area; these calculations shall be sealed by a licensed surveyor, engineer, or landscape architect. If no calculations are provided, the Town of Montreat may calculate the existing grade of any entire parcel – or portion thereof - using Buncombe County’s “Slope Tool” [http://72.250.240.51/slopetool/] or calculate the average slope of any portion of a parcel using the following formula:

\[
S = \frac{.002310}{A} \times L
\]

Where:
- \( S \) = Existing grade of parcel or fraction thereof, in percent
- \( A \) = Contour interval of map in feet, with said contour intervals to be five feet or less
- \( L \) = Total length of the contour lines within the parcel or fraction thereof, in feet
- \( A \) = Area of the parcel or fraction thereof, in acres
- 0.0023 = Product of two constants, one of which converts feet into acres and one of which converts a decimal fraction into a percentage

Once “\( S \)” is calculated, it shall be rounded to the nearest whole number.
Buncombe County

Sec. 78-644. - Steep Slope/High Elevation Overlay District.

(f) Development standards.

(1) Lot size standards. Any new lot created with greater than ten percent of the area in the Steep Slope/High Elevation Overlay District after the effective date of this section shall be a minimum of 1.5 acres. This minimum lot size may be reduced through the approval of an alternative path hillside development subdivision, or a conservation development subdivision.

(2) Density standards. No more than two dwelling units or two principal buildings or structures per lot of record shall be allowed in the Steep Slope/High Elevation Overlay District.

Black Mountain

8.1.5 - Designation of steep slopes and hillside requirements.

D. In addition to the application requirements submitted for review, proposed projects which meet the standards of the hillside area definition must include the following information:

See Density Table at Link above.

Asheville

Sec. 7-12-4. Steep slope and ridgetop development.

(j) Density. Densities of residential development shall be reduced in steep slope and ridgetop areas to support the goals and objectives of this section.

(1) The allowable density shall be as follows for the listed underlying zoning districts. The fractional requirements provisions of subsection 7-2-3(b) shall not apply for density calculations in the steep slope and ridgetop areas.

See Tables below.
Woodfin

Sec. 54-214. - Steep slopes.

(e) Steep slope development standards. In addition to development standards identified elsewhere in this code, development in designated steep slope areas must also comply with the following:

(1) Lot size. Any new lot created with greater than ten percent of the area considered steep slope as defined in section 54-214(b), and which is created after February 15, 2022, shall be a minimum of 1.5 acres.

(2) Density. No single lot may contain more than two dwelling units.

Weaverville

Sec. 20-3710. - Density chart.

(1) Residential development regulated; exceptions. Residential developments which meet the standards set forth in the definition of hillside area shall further be regulated with regard to the permitted density on the site. The permitted density for residential uses shall be determined by the average slope for a site to be developed for residential use in accordance with the density chart for the purposes of this section, but in no event can the density be higher than that allowed in the applicable zoning district.

(2) Density chart. The density chart to be used in this section is shown in Figure 1. below. This density should be rounded off to the nearest whole number.

(3) Exceptions. As the chart and the definition of hillside area indicate, any proposed development whose average natural slope is less than 15 percent is not subject to the regulations for permitted density and as set forth herein. Any proposed development which meets the definition of hillside area and whose average natural slope is above 65 percent is subject to the most restrictive percent labeled on the maximum density scales.
### Watauga County

**Boone**

Has special requirements for land disturbing activities involving steep slopes under grading Article (Article 19, Section 19-3) and Viewshed Protection Overlay District. No minimum lot size requirement.

### Macon County

**Franklin**

Has a "steep slope" section reserved under the Natural Resources and Environmental Protection section. Not sure if the Town is actively enforcing any regulations. This section does list both a purpose and statutory authority and no other regulations.

**Highlands**

No minimum lot size requirements.

### Jackson County

Sec. 5.7 - Mountain ridge protection regulations.

(vii) Density limits. Development on lands that are subject to this section shall meet the density requirements shown in the Table 5.3:

<table>
<thead>
<tr>
<th>Slope</th>
<th>Septic Units/Acre</th>
<th>Sewer Units/Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>15%—28%</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>29%—34.99%</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>35%—42%</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>43%—44.99%</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>45%—53%</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>54%—65%</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

See Density Table at Link above.

**Sylva**

L. Density (This section is not applicable to hillside areas with an average natural slope of less than 30%). Densities of residential development shall be reduced in steep slope areas to support the goals and objectives of this section. Manufactured Home Parks are prohibited in steep slope areas even if the underlying district permits. Multifamily development and single-family subdivisions shall require review and approval as a Special Use in accordance with Article 3.

1. The allowable density shall be as follows for the listed underlying zoning districts
2. Existing lots or parcels. Construction of a single-family residence shall be permitted on any lawfully established lot or parcel existing as of the date of adoption of (the ordinance from which this Article is derived), even if the parcel does not meet the maximum density requirements listed in the table above.

M. Nonresidential Development Intensity (This section is not applicable to hillside areas with an average natural slope of less than 30%). The intensity of non-residential development shall be limited as follows in the steep slope areas to support the goals and objectives of the district. For the purpose of this section, "floor area ratio" shall mean the total gross floor area of the building or buildings on a lot divided by the gross area of the lot or site.

1. The allowable intensity shall be as follows for the grades below:

<table>
<thead>
<tr>
<th>Existing Grade</th>
<th>Maximum Allowable Floor Area Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>30%—34%</td>
<td>0.05</td>
</tr>
<tr>
<td>35%—39%</td>
<td>0.025</td>
</tr>
<tr>
<td>40% or greater</td>
<td>0.01</td>
</tr>
</tbody>
</table>

Example: 30%-34% requires 1.25 acres per unit; 35%-39% requires 1.67 acres per unit; 40% or greater needs 3.33 acres per unit in the LDR district.
### Madison County

**Marshall**

No minimum lot size requirement.

### Transylvania County

**Brevard**

G. Density:

1. Densities of residential development shall be reduced in steep slope areas to support the goals and objectives of this section. This shall be governed by the following table:

#### TABLE 6.4C: MAXIMUM RESIDENTIAL DENSITY BY SLOPE OF PARCEL

<table>
<thead>
<tr>
<th>Average Existing Slope</th>
<th>Residential Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>35% - 39%</td>
<td>20% reduction of underlying zoning district</td>
</tr>
<tr>
<td>40% - 44%</td>
<td>50% reduction of underlying zoning district</td>
</tr>
<tr>
<td>45% or greater</td>
<td>70% reduction of underlying zoning district</td>
</tr>
</tbody>
</table>

### Henderson County

**Fletcher**

D. General Regulations for All Development and Other Land-Disturbing Activity

4. Density and Lot Size

Densities of residential development shall be reduced in steep slope areas to support the goals and objectives of this section. Development on lands subject to this article shall meet the density requirements shown below in the table.

#### Maximum Density by Existing Slope

<table>
<thead>
<tr>
<th>Existing Slope</th>
<th>Minimum Lot Size (Acres)</th>
<th>Maximum Density (units per acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>33.00% - 44.99%</td>
<td>0.5</td>
<td>1.00</td>
</tr>
<tr>
<td>45.00% - 59.99%</td>
<td>2.0</td>
<td>1.00</td>
</tr>
<tr>
<td>60.00% +</td>
<td>4.0</td>
<td>1.00</td>
</tr>
</tbody>
</table>
Laurel Park

No minimum lot size.

Avery County

Has Steep Slop regulations, but an incomplete document is online. No stated purpose.

Banner Elk

No minimum lot size.

Sugar Mountain

§ 151.092 LOTS.

(A) Minimum lot sizes. When a proposed subdivision is classified as a hillside subdivision in accordance with § 151.091, the minimum lot size of all lots in a hillside subdivision shall be increased from the minimum lot requirements established in § 151.068(B). The increase in minimum lot size shall be made in accordance with a formula which increases the minimum lot size by 8% for every 1% (or fraction thereof) increase in the average slope above the 16% base slope established in this subchapter. The formula for determining minimum lot sizes in a hillside subdivision is as follows.

Minimum lot size of subject tract = (Average slope of subject tract in % - 16% x .08 + 1.00 x minimum lot size in § 151.068(B))

Caldwell County

No minimum lot size.
Current Language:

j) Development Density. Re-combinations, re-development, or newly-plated tracts undergoing development activities, or major/minor subdivisions as defined in the Subdivision Ordinance for the Town of Montreat with an existing grade of forty (40%) or greater shall conform to the following density table:

Proposed Changes:

j) Development Density. Re-combinations, re-development, or newly-plated tracts undergoing development activities, or major/minor subdivisions Lots created by subdivisions (as defined in the Town of Montreat Subdivision Ordinance for the Town of Montreat including those subdivisions not included within this definition nor subject to the regulations of the Subdivision Ordinance) with an existing grade slopes of forty (40%) percent (40%) or greater created after INSERT shall conform to the following density table provisions:

(1) Lot size. Lots shall be a minimum of 0.5 acres.
(2) Density. No single lot may contain more than one principal structure or two dwelling units.

Proposed Language:

j) Development Density. Lots created by subdivisions (as defined in the Town of Montreat Subdivision Ordinance including those subdivisions not included within this definition nor subject to the regulations of the Subdivision Ordinance) with slopes of forty percent (40%) or greater created after INSERT shall conform to the following provisions:

(1) Lot size. Lots shall be a minimum of 0.5 acres.
(2) Density. No single lot may contain more than one principal structure or two dwelling units.
Reasoning (REMINDER THIS ONLY APPLIES TO LOTS SUBJECT TO HDO):

Why 0.5 acres? Looking at vacant properties subject to HDO that are adjacent to each other (i.e. could be recombined), most are around 0.25 acres or more. Therefore, the minimum threshold should be 0.5 acres for new lots. A Lot of 0.5 acres would give an AGA of 5,445 sf – 8,712 sf and a DIR of 4,356 sf – 6,534 sf (depending on slope). These figures are in line with past HDO permits and would be sufficient for most future development.

Why proposed density language? This language achieves what I believe to be the intent to the current density table. The current density table attempts to limit the number of “units” (which could mean principal structures or dwelling units themselves, this itself is unclear) based on lot size. The density table requires a minimum lot size AND at least one acre of land per unit (not units per minimum lot size). In other words, you cannot construct a “unit” if you do not have at least one acre of land for new lots, regardless of if you meet the minimum lot size required. Density should limit the number of principal structures (regardless of Zoning District and slope) and the number of dwelling units in a clearly defined way. Given that few lots in Montreat are an acre or more, this presents an insurmountable barrier to development.

Why propose language at all? If a property owner wants to develop a lot and does not have enough land area to provide sufficient AGA and DIR, they need to subdivide their lot (i.e. recombine it). If they do not meet the density requirements under the current regulations, they cannot do this. This is a major barrier to development and may compel people wanting to develop their properties to undergo less than ideal development scenarios (higher costs, taller not wider structures, more visual intrusion because of taller structures with high final elevations compared to surrounding development). Further, if a property owner wanted to combine lots to remove a property line so that they could locate development on flatter land, they would not be able to do this unless they met the density requirements. If the intent of the ordinance is to encourage smart steep slope development, this provision works against that. Revising these provisions gives a greater chance of building on shallower areas and would also open the potential for more buildable lots resulting in increased tax revenue for the Town.
EXAMPLE A – CURRENT REGULATIONS

Assume the proposed house sizes are 2000 sf (1st floor 1,000, 2nd floor 1,000) and will be single-family dwellings. The resultant building envelope from the required setbacks on each lot is narrow and skinny with an area of 3,200 square feet. With this building envelope, the proposed house footprint on Lots A and B could be 15’ x 67’ to accommodate the proposed house size. While the resultant building envelope is a sufficient size to accommodate the proposed home size, the configuration of the building envelope pushes the proposed structures to the rear, where the Lots are steeper and produces dwellings that are long and skinny. The proposed house footprint on both Lots (based on the building envelope and possible dimensions) crosses about a 30’ elevation change. The final elevation of both structures is about 2,765’.

To avoid these steeper areas (and produce a better structure layout), one may seek to combine these lots. However, under the current rules, using the average slope of 46.05% (average of slope of Lots A + B), the minimum lot size of the resultant lot must be 0.756 ac. Lots A and B are insufficient in size to meet this requirement so these lots cannot be combined.

<table>
<thead>
<tr>
<th></th>
<th>Lot A</th>
<th>Lot B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>0.25 ac</td>
<td>0.25 ac</td>
</tr>
<tr>
<td>Slope</td>
<td>44.32%</td>
<td>47.79%</td>
</tr>
<tr>
<td>AGA</td>
<td>4,356 sf</td>
<td>3,812 sf</td>
</tr>
<tr>
<td>DIR</td>
<td>3,267 sf</td>
<td>2,723 sf</td>
</tr>
<tr>
<td>Bldg. Env.</td>
<td>3,200 sf</td>
<td>3,200 sf</td>
</tr>
</tbody>
</table>

LOT A

LOT B

R-1 Zoning District

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot A</td>
<td>30’</td>
<td>15’</td>
<td>10’</td>
</tr>
<tr>
<td>Lot B</td>
<td>30’</td>
<td>15’</td>
<td>10’</td>
</tr>
</tbody>
</table>

Assume the proposed house sizes are 2000 sf (1st floor 1,000, 2nd floor 1,000) and will be single-family dwellings. The resultant building envelope from the required setbacks on each lot is narrow and skinny with an area of 3,200 square feet. With this building envelope, the proposed house footprint on Lots A and B could be 15’ x 67’ to accommodate the proposed house size. While the resultant building envelope is a sufficient size to accommodate the proposed home size, the configuration of the building envelope pushes the proposed structures to the rear, where the Lots are steeper and produces dwellings that are long and skinny. The proposed house footprint on both Lots (based on the building envelope and possible dimensions) crosses about a 30’ elevation change. The final elevation of both structures is about 2,765’.

To avoid these steeper areas (and produce a better structure layout), one may seek to combine these lots. However, under the current rules, using the average slope of 46.05% (average of slope of Lots A + B), the minimum lot size of the resultant lot must be 0.756 ac. Lots A and B are insufficient in size to meet this requirement so these lots cannot be combined.
EXAMPLE A – NEW REGULATIONS

<table>
<thead>
<tr>
<th>Lot C</th>
<th>R-1 Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>0.50 ac</td>
</tr>
<tr>
<td>Slope</td>
<td>46.05%</td>
</tr>
<tr>
<td>AGA</td>
<td>7,623 sf</td>
</tr>
<tr>
<td>DIR</td>
<td>5,445 sf</td>
</tr>
<tr>
<td>Bldg. Env.</td>
<td>11,200 sf</td>
</tr>
</tbody>
</table>

Assume the proposed house size is 2000 sf (1st floor 1,000, 2nd floor 1,000) and will be a single-family dwelling. The resultant building envelope from the required setbacks on this Lot is wide and extends deep into the lot with an area of 11,200 square feet. With this building envelope, the proposed house footprint on Lot C could be 40’ x 25’ to accommodate the proposed house size. Compared to the development scenario on Lots A and B, the resultant building envelope on Lot C provides the ability to avoid the rear of the lot where terrain is steeper and to design a better structure layout. The resultant structure is also lower in final elevation than those proposed under Lots A and B. The proposed house footprint on this Lot (based on the building envelope and possible dimensions) crosses about a 15’ elevation change.

To allow this development scenario, Lots A and B would have to be combined. Utilizing the proposed staff language, the resultant combination would be the correct minimum lot size and would propose one principal structure with one dwelling unit.
Assume the proposed house sizes are 2000 sf (1st floor 1,000, 2nd floor 1,000) and will be single-family dwellings. The resultant building envelope from the required setbacks on each lot is relatively uniform with an area of 5,250 square feet. With this building envelope, the proposed house footprint on Lots A and B could be 30’ x 33’ to accommodate the proposed house size. While the resultant building envelope is a sufficient size and configuration to accommodate the proposed home size, the configuration of the building envelope on Lot B pushes the proposed structure to the right, where the Lot is steeper. The proposed house footprint on both Lots (based on the building envelope and possible dimensions) crosses about a 25’ elevation change. The final elevation of the structure on Lot A is 2850’ and Lot B is 2875’.

To avoid the steeper area on Lot B, one may seek to combine these lots. However, under the current rules, using the average slope of 48.49% (average of slope of Lots A + B), the minimum lot size of the resultant lot must be 0.35 ac. Lots A and B are insufficient in size to meet this requirement so these lots cannot be combined.
Assume the proposed house size is 3000 sf (1st floor 1,500, 2nd floor 1,500) and would be a two-family dwelling. The resultant building envelope from the required setbacks on Lot C is relatively uniform with an area of 12,650 square feet. With this building envelope, the proposed house footprint on Lot C could be 30’ x 33’ to accommodate the proposed house size. Compared to the development scenario on Lots A and B, the resultant building envelope on Lot C provides the ability to avoid the right of Lot B where terrain is steeper. The resultant structure is also lower in final elevation than that proposed on Lot B. The proposed house footprint on this Lot (based on the building envelope and possible dimensions) crosses about a 20’ elevation change.

To allow this development scenario, Lots A and B would have to be combined. Utilizing the proposed staff language, the resultant combination would be the correct minimum lot size and would propose one principal structure with two dwelling units.