

**Town of Montreat  
Board of Commissioners Meeting – Public Forum  
March 13, 2025 – 5:30 p.m.  
Town Hall**

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**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  
March 13, 2025 – 6:00 p.m.  
Town Hall**

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**I. Call to Order**

- Pledge of Allegiance
- Moment of Silence

**II. Agenda Adoption**

**III. Mayor's Communications**

**IV. Consent Agenda**

A. Meeting Minutes Adoption

- February 13<sup>th</sup> Public Forum Meeting Minutes
- February 13<sup>th</sup> 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.***

**V. Town Manager's Communications**

- Consent Agenda Review
- Other Items

**VI. Administrative Reports**

- Administration
- Planning and Zoning
- Police
- Public Works and Water
- Sanitation
- Streets
- Finance
- February Building Permits

**VII. Public Comment**

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

**VIII. Old Business**

**IX. New Business**

**A. Fire Safety Presentation from Black Mountain Fire Department**

**B. Consideration of Setting a Public Hearing re: Closing & Removing from Dedication a Portion of Virginia Road and solid green area north of PIN#071075992300000**

- **Presenter: Kayla DiCristina**
- **See Agenda Materials on pages 22-45**
- **Suggested Motion: Move to adopt/amend/deny a resolution declaring the Board of Commissioners intent to close a portion of Virginia Road and solid green area north of PIN#071075992300000 and set a Public Hearing on [date] with regards to closing and removing from dedication a portion of Virginia Road and solid green area north of PIN#071075992300000**

**C. Text Amendment TA-2024-05 Public Hearing**

- **Presenter: Kayla DiCristina**
- **See Agenda Materials on pages 46-71**
- **Suggested Motion: Move to adopt/adopt with revisions**

**D. TA-2024-05 Adoption Ordinance**

- **Presenter: Kayla DiCristina (if needed)**
- **See Agenda Materials on pages 72**
- **Suggested Motion: Move to adopt/adopt with revisions Ordinance #25-3-0001 for TA-2024-05**

**E. Water Rate Fee Schedule Changes**

- **Presenter: Savannah Parrish/Commissioner Tom Widmer**
- **See Agenda Materials on pages 73**
- **Suggested Motion: Move to adopt/deny/amend Water Rate Fee Schedule Changes**

**F. Resolution#25-03-0001 Memorandum of Understanding**

- **Presenter: Savannah Parrish**
- **See Agenda Materials on page 74-91**
- **Suggested Motion: Move to adopt/deny/adopt with revisions Resolution #25-03-0001**

**X. Public Comment**

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

**XI. Commissioner Communications**

**XII. Dates to Remember**

- **Montreat Cottagers Membership Voting Procedure Review Committee – Thursday, March 20<sup>th</sup>, 2025, at 2:00 p.m. in Town Hall with Zoom options**
- **Board of Adjustment – Thursday, March 27<sup>th</sup>, 2025, at 5:00 p.m. in Town Hall with Zoom options**
- **Landcare - Wednesday, April 2<sup>nd</sup>, 2025, at 9:00 a.m. in Town Hall with Zoom options**
- **Tree Board - Tuesday, April 8, 2025, at 9:00 a.m. in Town Hall with Zoom options**
- **April Town Council Meeting – Thursday, April 10<sup>th</sup>, 2025, at 6:00 p.m. Public Forum will begin at 5:30 p.m. in Town Hall with Zoom options**
- **Planning & Zoning Commission – Thursday, April 17<sup>th</sup>, 2025, at 10:30 p.m. in Town Hall with Zoom options**
- **Town Offices Closed - Friday, April 18<sup>th</sup>, 2025, in observance of Good Friday.**
- **Board of Adjustment – Thursday, April 24<sup>th</sup>, 2025, at 5:00 p.m. in Town Hall with Zoom options (Tentative)**

**XIII. Adjournment**

**Town of Montreat  
Board of Commissioners  
Public Forum Meeting Minutes  
February 13, 2025 – 5:30 p.m.  
Town Hall**

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Board members present: Mayor Pro Tem Kitty Fouche  
Commissioner Mason Blake  
Commissioner Grant Dasher  
Commissioner Tom Widmer  
Commissioner Jane Alexander

Board members absent: Mayor Tim Helms

Town staff present: Savannah Parrish, Town Manager (via Zoom Software)  
Angie Murphy, Town Clerk

Approximately twelve members of the public were present in Town Hall and several more were watching via Zoom. Mayor Pro Tem Kitty Fouche called the meeting to order at 5:30 p.m. and led the group in a moment of silence.

**Agenda Approval**

Commissioner Jane Alexander moved to approve the agenda as presented. Commissioner Grant Dasher seconded, and the motion carried 4/0.

**Public Comment**

Mr. Wade Burns of 779 Foreman Siding Road spoke at the request of Richard Hitch, son of Dooley Hitch. Mr. Burns advised that Richard and Debbie Hitch plan to move to Montreat from Texas this year. Mr. Burns also advised that the Hitches want to add on to their Montreat home. There is an existing cross-tie retaining wall which runs the length of the property. The Hitch family would like to replace the retaining wall with a stone wall which would potentially involve a right-of-way abandonment. Mr. Burns had documents about this matter that he circulated to the Board of Commissioners in advance of the agenda item proposed for the March meeting. Mr. Burns advised that he had availability to meet with the Board if they had questions. Mr. Burns also took a moment to acknowledge Town Staff and the progress they have made with repairs since Hurricane Helene.

Mrs. Shirley Mitchell of 201 Harmony Lane thanked the Commissioners for their willingness to serve the Town of Montreat. She also expressed that she was thankful to be back in Town Hall. Mrs. Mitchell had some praise for Public Works Director Barry Creasman with his responsiveness to an issue on Harmony Lane. She concluded by stating that last year she had problems with contractors playing loud music near her house and hoped this would not occur this year.

Mr. Tom Frist of 98 Frist Road questioned what kind of power the Board of Commissioners had with setbacks. Mr. Frist mentioned that cars have been parked beside walls in front of houses that block

the roadway. Mr. Frist would like a fair solution for everyone. Commissioner Blake advised that walls that encroach on the setbacks were grandfathered prior to the adoption of the Montreat Zoning Ordinance. There would be nothing the Town could do in this type of situation. Town Clerk Angie Murphy advised that if a citizen had concerns about emergency vehicles being able to move safely on a road to always contact the Montreat Police. Chief Jeff Eaton echoed this advice as well. Commissioner Tom Widmer asked Commissioner Blake to explain the difference between a setback and a right-of-way. Commissioner Widmer also mentioned that some cottage owners have placed “private parking” signs at or near their homes and questioned the “correctness” of this practice. Commissioner Blake advised that he felt sure there was something in the Montreat Code Ordinances to prevent this practice. Commissioner Blake advised that the rights-of-way were public but also stated that Montreat was unique in that drivers could park freely on any residential road. Commissioner Blake concluded by saying that no one can deny anyone else the right to park on public property.

### **Adjournment**

Commissioner Tom Widmer moved to adjourn the meeting. Commissioner Mason Blake seconded, and the motion carried 4/0. The meeting was adjourned at 5:50 p.m.

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Kitty Fouche, Mayor Pro Tem

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Angie Murphy, Town Clerk

**Town of Montreat  
Board of Commissioners  
Meeting Minutes  
February 13, 2025 – 6:00 p.m.  
Town Hall**

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Board members present: Mayor Pro Tem Kitty Fouche  
Commissioner Mason Blake  
Commissioner Grant Dasher  
Commissioner Tom Widmer  
Commissioner Jane Alexander

Board members absent: Mayor Tim Helms

Town staff present: Savannah Parrish, Town Manager (via Zoom)  
Angie Murphy, Town Clerk  
Jeff Eaton, Police Chief  
Barry Creasman, Public Works Director  
Rachel Eddings, Finance Officer

Approximately thirteen members of the public were present at Town Hall and several more were watching via Zoom. Mayor Pro Tem Kitty Fouche called the meeting to order at 6:00 p.m. and led the group in the Pledge of Allegiance and a moment of silence.

**Agenda Approval**

Commissioner Tom Widmer moved to approve the agenda as presented. Commissioner Jane Alexander seconded, and the motion carried 4/0.

**Mayor Pro Tem's Communications**

There were no communications from the Mayor Pro Tem Kitty Fouche.

**Meeting Minutes Adoption**

- January 9<sup>th</sup> Public Forum Meeting Minutes
- January 9<sup>th</sup> Town Council Meeting Minutes

**Town Manager's Communications**

Town Manager Savannah Parrish advised that Town Staff has been working with the consultants filling out the FEMA worksheets to receive reimbursement for damages from Hurricane Helene. Ms. Parrish stated it is a slow process but having the consultants has been invaluable.

### **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.
- January Building Permits – This report was given in written format.

Ms. Parrish stated that Town Staff was investigating a question that was raised related to water production and billing. Commissioner Tom Widmer stated that water production for January 2025 was up 24% over January 2024 but income was down 17% over the same period. Public Works Director Barry Creasman advised that there were several water leaks found on the Town's side of the tap after the most recent weather event. Mr. Creasman stated that the difference in the amounts would most likely go into "Unaccounted Water Loss" when they complete their annual reports.

### **Public Comment**

There was no public comment at this time.

### **Old Business**

There was no old business at this time.

### **New Business**

- Amendment to Tree Board Ordinance:** Ms. Parrish stated that this minor amendment to the Tree Board was to increase the at-large membership by two members. This will allow for the quorum to be met more often. Commissioner Mason Blake moved to adopt the Amendment to the Tree Board Ordinance. Commissioner Jane Alexander seconded, and the motion carried 4/0.
- Member Appointments to Tree Board:** Ms. Parrish stated that Ann Vinson and Elizabeth Hamilton had submitted applications to be considered for Tree Board. Commissioner Mason Blake moved to appoint Ann Vinson and Elizabeth Hamilton to the Tree Board. Commissioner Tom Widmer seconded, and the motion carried 4/0.
- Budget Amendment #5:** Ms. Parrish stated that this amendment was to move Tropical Storm Alberto funds (\$49,130.95), \$40,000 from fund balance, and \$13,125 in Hurricane Helene

donations to Fund 29 Hurricane Helene. Ms. Parrish also stated that Fund 25 (culvert repair project) had \$43,711.50 left over from the completed culvert repair project that Town Staff wanted to move to Fund 29 Hurricane Helene. Commissioner Jane Alexander moved to approve Budget Amendment #5 with the above amendments. Commissioner Grant Dasher seconded, and the motion carried 4/0.

- D. Budget Amendment #6: Ms. Parrish stated that this item was another Hurricane Helene-related amendment. Ms. Parrish stated that the funds earmarked for Withers-Ravenel (the Town's consultants) must be encumbered before Finance Officer Rachel Eddings could preaudit the contract. The preaudit certifies that the Town has the funds to fulfill the monetary requirements of the contract. This is required by the State of North Carolina. The estimated amount of the contract, for one year, was \$65,000 which is reimbursable from FEMA. Commissioner Mason Blake moved approval of Budget Amendment #6. Commissioner Tom Widmer seconded, and the motion carried 4/0.
- E. Resolution to accept a donation of a 2017 Ford Explorer/Police Interceptor from Sunset Beach Police Department: Ms. Parrish stated that the Town of Sunset Beach reached out to Chief Jeff Eaton and asked if the Town of Montreat would be interested in receiving a donated police vehicle from them. The vehicle is a 2017 and has not been in use for a while. Ms. Parrish stated that it would cost very little for the Town to put the vehicle into service (striping and exchanging amber lights for blue lights). Ms. Parrish advised that Montreat's police fleet is aging and several of the vehicles have had mechanical issues recently. Ms. Parrish advised that the resolution was to accept the donation from Sunset Beach. Commissioner Grant Dasher moved to approve the resolution to accept the donated police vehicle as presented. Commissioner Jane Alexander seconded, and the motion carried 4/0.

#### **Public Comment**

There were no public comments at this time.

#### **Commissioner Communications**

Commissioner Jane Alexander, liaison for the Montreat Cottagers, reminded everyone that the Montreat Cottagers Voting Procedure Review Committee meetings will be held on Thursday, March 13<sup>th</sup> and Thursday, March 20<sup>th</sup> at 2:00 p.m. in Town Hall.

Commissioner Mason Blake took the opportunity to thank Town Staff for their hard work and dedication. He also advised that he gets compliments all the time regarding the staff and their work.

#### **Dates to Remember**

- Planning & Zoning Commission, Regular Meeting, Thursday February 20<sup>th</sup> at 10:30 a.m. in Town Hall
- Town Hall Re-Opening Party – Tuesday, February 25<sup>th</sup>, 2025, from 4:00 p.m. to 6:00 p.m.
- Board of Adjustment – February Meeting Cancelled
- Landcare – Wednesday, March 5<sup>th</sup>, 2025, at 9:00 a.m. in Town Hall
- Tree Board - Tuesday, March 11<sup>th</sup>, 2025, at 9:00 a.m. in Town Hall with Zoom options
- March Town Council Meeting – Thursday, March 13<sup>th</sup>, 2025, at 6:00 p.m. Public Forum will begin at 5:30 p.m. in Town Hall with Zoom options
- Board of Adjustment Meeting, Thursday March 27<sup>th</sup>, 2025 at 5:00 p.m. in Town Hall with Zoom options

### **Adjournment**

Commissioner Tom Widmer moved to adjourn the meeting. Commissioner Grant Dasher seconded, and the motion carried 4/0. The meeting was adjourned at 7:00 p.m.

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Tim Helms, Mayor

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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](http://www.townofmontreat.org)

### ADMINISTRATIVE REPORTS: ADMINISTRATION

Town Administration report for the month of February 2025

Monthly Statistics	2024	2025
Public Meetings	7	6
Public Records Requests Processed	4	4
Water Bills Processed & Mailed	688	647
Water Bills Processed & Emailed	NA	53
Leak Adjustments	1	5
Sunshine List Messages	16	15
Website Posts	16	15
Social Media Posts	16	15

**Upcoming Events and Schedule Changes**  
0

**Comments**  
N/A

**Staff Communications**  
0



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### ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of February 2025

Monthly Statistics	2024	2025
Building Permits Issued	4	16
Pending Building Permits	0	0
Building Inspections Performed	31	30
Stop Work Order 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

0

#### Staff Communications

0



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### ADMINISTRATIVE REPORTS: STREETS

Streets Department report for the month of February 2025

Monthly Statistics	2024	2025
Public Trees Removed	6	2
Sand Applied to Roads (tons)	0	0
Ice Melt Applied to Roads (pounds)	0	400
Road Closures	4	2

#### Comments

We had two icing events and one snow event the month of January.

#### Staff Communitactions:

0



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### ADMINISTRATIVE REPORTS: POLICE DEPARTMENT

Police Department report for the month of February 2025

Monthly Statistics	2024	2025
Abandoned Vehicle	0	1
Assist EOC	0	3
Check Business	0	1
Community Outreach	0	0
#REF!	#REF!	#REF!
Contact Public	0	3
Direct Traffic	0	1
Detox Transport (BCSD)	0	0
#REF!	#REF!	#REF!
Found Property (BCSD)	0	1
Foot Patrol	0	1
#REF!	#REF!	#REF!
Harassing Phone Calls	0	0
Investigate BCSD	0	1
Locked Vehicle (BCSD)	0	1
Meet With (BCSD)	0	1
Improper Parking	0	3
Overdose	0	1
Motor Vehicle Accident	0	2
Suspicious Person	0	2
Suspicious Vehicle	0	5
Security Check BCSD	0	45
Traffic Stop	0	46
Residential Alarm	0	1

#### 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 February 2025

Monthly Statistics	2024	2025
Calls for Service	52	40
Water Leaks Repaired	1	8
New Water Lines Installed	0	0
Water Meter Replacements	0	3
Gallons of Water Produced	3,317,894	2,511,246
Hours Pumped (11 wells combined)	1,854	1,669
Water Samples Taken	1	1

#### Comments

0



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### ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of February 2025

Monthly Statistics	2024	2025
Tons of Curbside Trash Collected	23.92	9.07
Tons of Curbside Recycling Collected	3.79	1.11
Unique Curbside Sanitation Stops	1680	1690
Special Pickup Stops	2	2
Bagged Leaf Pickup	0	92
Brush Pickup (cubic yards)	4 Loads	4 Loads
Hauling Fees	4240.7	3956.75
Tipping Fees	796.12	1131.2
Dumpster Rental Fees	420.26	82
Convenience Center Usage-Trash	0	7.27
Convenience Center Usage-Recycle	0	2.39

**Comments:**

We would like to remind folks to please be aware of what is placed in their brush for removal each week. Please don't place any steel such as steel bars, weaths with steelwire frames or anything similar. This material will severely damage our equipment causing costly repairs and could also cause harm to the operator and any bystander.



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### ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zoning Administration report for the month of February 2025

Monthly Statistics	2024	2025
Approved Zoning Permits	0	0
Denied Zoning Permits	0	0
Pending Zoning Permits	0	5
Variance/Interpretation Granted	0	0
Special Use Permits Granted	0	0
Permit Extensions Granted	0	0
Notice of Violations	0	0

#### Comments

0



# Montreat PD

## Feb 2025 Number of Events by Nature Code

Total # of Calls	125
# of Calls	Nature Description
46	TRAFFIC STOP
45	SECURITY CHECK(BCSD)
5	SUSPICIOUS VEHICLE
3	IMPROPER PARKING
3	ASSIST EOC
3	CONTACT PUBLIC
2	ASSIST MOTORIST
2	SUSPICIOUS PERSON
2	MVA PD
1	PROWLER
1	RESIDENTIAL ALARM
1	INVESTIGATE _____(BCSD)
1	JUVENILE PROBLEM
1	LOCKED VEHICLE(BCSD)
1	MEET WITH _____(BCSD)
1	CHECK BUSINESS
1	(Z)OVERDOSE
1	ABANDONED VEHICLE
1	DIRECT TRAFFIC
1	FOOT PATROL
1	FOUND PROPERTY (BCSD)
1	GUN DISCHARGE
1	WELFARE CHECK



**TOWN OF  
MONTREAT**  
NORTH CAROLINA  
FINANCIAL REPORT

February 2025 - MONTH 8 OF FISCAL YEAR 2024-2025

**REVENUES**

Fund	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Collected	YTD Actual Percentage	Difference
GENERAL FUND	10	2,779,211.45	1,852,807.63	66.67%	2,258,337.60	81.26%	405,529.97
WATER FUND	30	423,744.00	282,496.00	66.67%	248,340.59	58.61%	(34,155.41)
<b>TOTAL REVENUES GENERAL &amp; WATER FUNDS</b>		<b>3,202,955.45</b>	<b>2,135,303.63</b>	<b>66.67%</b>	<b>2,506,678.19</b>	<b>78.26%</b>	<b>371,374.56</b>

**EXPENSES**

Dept Name	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Exp	YTD Actual Percentage	Difference
GOVERNING BODY	10	54,791.00	36,527.33	66.67%	50,120.26	91.48%	(13,592.93)
ADMINISTRATION	10	513,430.00	342,286.67	66.67%	381,086.55	74.22%	(38,799.88)
PUBLIC BUILDINGS	10	128,353.00	85,568.67	66.67%	39,630.16	30.88%	45,938.51
POLICE	10	475,950.00	317,300.00	66.67%	291,022.19	61.15%	26,277.81
BUILDING AND ZONING	10	101,900.00	67,933.33	66.67%	59,887.89	58.77%	8,045.44
PUBLIC WORKS	10	703,324.45	468,882.97	66.67%	666,193.97	94.72%	(197,311.00)
STREET	10	557,267.00	371,511.33	66.67%	451,457.82	81.01%	(79,946.49)
SANITATION	10	220,146.00	146,764.00	66.67%	148,426.51	67.42%	(1,662.51)
ENVIRON,CONS,REC	10	24,050.00	16,033.33	66.67%	22,283.50	92.65%	(6,250.17)
<b>TOTAL EXPENSES GENERAL FUND</b>		<b>2,779,211.45</b>	<b>1,852,807.63</b>	<b>66.67%</b>	<b>2,110,108.85</b>	<b>75.92%</b>	<b>(257,301.22)</b>

Dept Name	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Exp	YTD Actual Percentage	Difference
WATER	30	423,744.00	282,496.00	66.67%	206,259.90	48.68%	76,236.10
<b>TOTAL EXPENSES WATER FUND</b>		<b>423,744.00</b>	<b>282,496.00</b>	<b>66.67%</b>	<b>206,259.90</b>	<b>48.68%</b>	<b>76,236.10</b>
<b>TOTAL EXPENSES GENERAL &amp; WATER FUNDS</b>		<b>\$3,202,955.45</b>	<b>\$2,135,303.63</b>	<b>66.67%</b>	<b>\$2,316,368.75</b>	<b>72.32%</b>	<b>(\$181,065.12)</b>
<b>GENERAL FUND INCOME/LOSS - YTD</b>			<b>\$148,228.75</b>				
<b>WATER FUND INCOME/LOSS - YTD</b>			<b>\$42,080.69</b>				
<b>NET INCOME - YTD 2025</b>			<b>\$190,309.44</b>				

SPECIAL PROJECTS							
Project	Fund #	Budget	This Month Actual	Amount Spent To Date	Balance Remaining		% Spent
FEMA-MISC *Reconciled with Audit	25	221,590.50	0.00	221,590.50	0.00		100.00%
LANDCARE	26	121,435.24	0.00	1,073.16	120,362.08		0.88%
AMERICAN RESCUE PLAN ACT	28	277,266.78	0.00	277,266.78	0.00		100.00%
Hurricane Helene	29	907,241.45		793,826.65	113,414.80		
<b>TOTAL SPECIAL PROJECTS</b>		<b>\$ 1,527,533.97</b>	<b>\$ -</b>	<b>\$ 1,293,757.09</b>	<b>\$ 233,776.88</b>		<b>84.70%</b>



## Tax Receipts

Date of Deposit	Dec-23	Dec-24	% +/-	Jan-24	Jan-25	% +/-	Feb-24	Feb-25	% +/-
AdVal/RMV	293,841.04	298,581.86	1.59%	350,152.84	415,257.27	15.68%	298,947.79	247,023.30	21.02%
Sales	50,334.71	44,719.23	12.56%	51,506.29	44,323.60	16.21%	52,797.91	51,905.25	-1.72%
Solid Waste (Quarterly) Utility Fran (Quarterly) Wine/Beer (Annual-May)	26,453.45	31,727.74	16.62%				203.89	199.24	-2.33%
		QE 9/30/24							

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

## February Building Permit Information

Permit Number	Date	Name	Property Address	Permit Type	Project	Zoning Approval	Cost	PIN	CONTRACTORS	Fee Amount
6092	2/5/2025	David Evans	138 Mississippi Rd	electrical	car charger	no			Clegg Electric	\$ 100.00
6093	2/6/2025	Grant Dasher	167 Virginia Rd	elect/mech	hvac c/o	no			Stickels Service Co	\$ 100.00
6094	2/6/2025	Tommy Hendrix (college)	310 Gaither Circle	elec/mech	boilerr work	no			Climate Systems	\$ 100.00
6095	2/6/2025	John White	169 Oak Lane	demo-res	home demo	no			Ground Breaker Excavation	\$ 100.00
6096	2/10/2025	Dan Moore	318 Chapman Rd	bldg	decorative wall	no			Trillium Creek-J Powell	\$ 100.00
6097	2/19/2025	Jim Wall	129 John Knox Rd	bldg	cosmetic uplift	no			Sineath Construction	\$ 682.00
6098	2/19/2025	James Kennedy	609 Greybeard Trail	bldg	resi repairs	no			owner	NA
6099	2/20/2025	Susan Isler	196 Harmony Lane	mech	mini-split	no			Gentry Service Group	\$ 100.00
6100	2/24/2025	Francis Burriss	376 Arkansas Trl	bldg	resi repairs				owner	\$ 284.00
6101	2/28/2025	MRA	317 Assembly Dr	demo	comm demo	no			DH Griffin Wrecking	\$ 100.00
6102	2/28/2025	MRA	312 Georgia Terr	demo	comm demo	no			DH Griffin Wrecking	\$ 100.00
6103	2/28/2025	MRA	314 Georgia Terr	demo	comm demo	no			DH Griffin Wrecking	\$ 100.00



**MEMORANDUM**

TO: The Town of Montreat Board of Commissioners

CC: Savannah Parrish (Town Manager), Angela Murphy (Town Clerk), Wade Burns (Applicant)

FROM: Kayla DiCristina (Zoning Administrator)

SUBJECT: Virginia Road Right-of-Way and Greenspace Agreement Closure Request

DATE: March 13, 2025

ATTACHMENTS: Applicant Request and Plat, Greenspace Agreement & Acceptance, N.C.G.S. 160A-299, Draft Resolution of Intent

This request, submitted by the applicant, Wade Burns ("Applicant"), on behalf of the property owner of PIN# 071075992300000 ("Subject Property") (owned by Richard W Hitch, "Property Owner") is for the Board of Commissioners to close the rights-of-way as shown on the plat provided by the applicant in accordance with N.C.G.S. 160A-299. The Subject Property is located on the western side of the intersection of Virginia Road and Alabama Terrace. The following describe the requested right-of-way closures:

- (1) 2,978 square feet (0.068 ac) of the right-of-way of Virginia Road immediately adjacent to the south and east sides of the Subject Property.
- (2) 3,823 square feet (0.088 ac) of the right-of-way of Virginia Road immediately adjacent to the south and east sides of the Subject Property.
- (3) 1,288 square feet (0.030 ac) of solid green area as shown on the Mountain Retreat Association's Greenspace Agreement immediately to the north of the Subject Property.

All of the requested right-of-way closure areas include only a portion of the established rights-of-way. None of these requests are for the entire right-of-way to be closed. Right-of-way closures are subject to the provisions required by N.C.G.S. 160A-299, a copy of which is attached to this memo.

The Applicant requests that these areas of right-of-way be closed (as described in the Applicant provided plat) and vested with the Subject Property. The Subject Property is zoned R-2 Residential and contains an existing dwelling. The current vehicular access for this dwelling appears to be from the north side of the Subject Property.

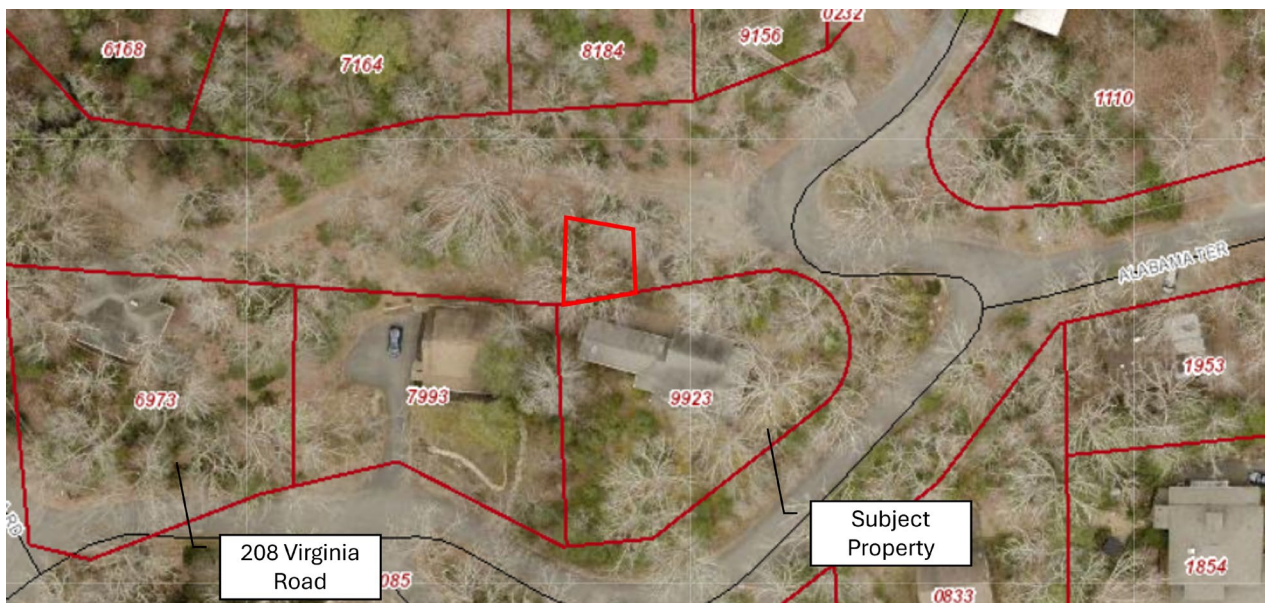
Per the Applicant's materials, the purpose of these right-of-way closures would be to allow the Property Owner to (1) build an addition on to the existing dwelling on the Subject Property, (2) add parking to the Subject Property, and (3) replace a decaying retaining wall. Generally, new structures on the Subject Property are subject to a 30-foot setback from the south and east sides of the lot and a 10-foot setback from the west and north sides of the lot. According to the Applicant's materials, due to the shape of the Subject Property, the Property Owner would need to obtain two Variances to the required setbacks to construct the desired addition. Variances are granted via a quasi-judicial process with Board of Adjustment. Additionally, the Property Owner wants to replace a decaying retaining wall in the existing right-of-way of Virginia Road, but wants the new wall to be entirely on private property and not within the right-of-way of Virginia Road.

The Property Owner approached the Zoning Administrator in 2022 about replacing the decaying retaining wall, but no agreement was ever reached. The Applicant approached the Zoning Administrator in 2024 about the desired addition and was provided with the required setbacks for a new structure on the Subject Property. The Zoning Administrator stated that if the Applicant was unable to meet the setbacks required for new structure, they could (1) apply for setback Variances through the Board of Adjustment, (2) request the Board of Commissioners to close part of the right-of-way of Virginia Road, or (3) demonstrate that the Lot is "unusable" per Section 608 of the MZO and request an administrative setback reduction.

The right-of-way closure areas 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. Both right-of-way closure areas included in this petition are 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 rights-of-way purposes by recording of the MRA Plats in the Agreement and were previously accepted and presently maintained by the Town.

There are no other properties directly abutting the right-of-way closure areas. It is unlikely that the requested right-of-way closures on Virginia Road will deprive any individual owning property in the vicinity reasonable means of ingress and egress to their properties. However, the requested right-of-way closure in the hatched green area north of the Subject Property may impact access to 208 Virginia Road, a dwelling located on property approximately 200 feet west of the closure area. Due to topographic changes within and beyond this closure area, it is unclear whether there would be and to what extent future development of this closure area would impact existing access to 208 Virginia Road.



Per a conversation with Barry Creasman, Director of Public Works, on February 4, 2025, the requested right-of-way closures are not anticipated to impact future utility work. Creasman did note that the applicant would likely need to remove some trees (around 8" DBH) and understory growth in the closure areas to accomplish the proposed work. Creasman also noted that there are existing drainage issues on the northern side of Virginia Road. A copy of this memo and associated materials was sent to the Town of Montreat Tree Board on February 6, 2025, for comment.

Tonight the Board of Commissioners is asked to adopt a resolution declaring its intent to close the requested right-of-way areas and to call a public hearing on the request. The adoption of this resolution formally initiates the right-of-way 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 rights-of-way as shown on the Buncombe County tax records, and notice is posted along the rights-of-way. At the public hearing, the Board of Commissioners must find that, after the hearing, that closing the right-of-way is not contrary to the public interest and that no individual owning property in the vicinity of the right-of-way or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property. Should the Board of Commissioners find these elements satisfactory, the Board of Commissioners may adopt an order closing the right-of-way. The Board of Commissioners may reserve a right, title, and interest in any improvements or easements within a right-of-way closed pursuant to this section. An easement under this section shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the Board of Commissioners to be in the public interest.

Wade Dubose Burns, Architect  
PO Box 610  
Montreat, N.C. 28757  
[wdbmountainliving@gmail.com](mailto:wdbmountainliving@gmail.com)

January 27, 2025

Savanah Parrish, Town Manager and Administrator  
Town of Montreat

Dear Ms. Parrish,

I am petitioning as agent for Richard and Debbie Hitch,  
abandonment of certain parcels of R/W as described in exhibits  
A,B,C, & D where title will transfer to the Hitch family if approved.

Please file proper notices for this item to be on the February Board  
of Commissioners meeting.

Thank you.



Wade D. burns

PROPOSED HITCH HOME ADDITIONS TO 205 VIRGINIA ROAD  
ACROSS FROM THE ALABAMA TERRACE INTERSECTION

Richard and Debbie Hitch own one of Montreat's first homes, a 1 story 2 BR w/ 2 baths on a 1/3 acre thumb shaped lot. They wish to move to Montreat permanently this year.

They have designed an addition to the south side of their home plus a much needed closet on the north side. Due to the unusual shape of their lot, they would need to apply for 2 setback variances.

However, a better approach (which may be in the Town's best interest) is to deed that certain Town R/W area to the Hitch lot where their plans will meet Town building setback requirements.

COST ADVANTAGE TO THE TOWN OF MONTREAT:

The Hitch family is offering to remove a 200' decaying retaining wall (presently in Town R/W that could be a cost to the Town to remove). The land if granted from R/W will add to the Town tax base value. The Hitch family will pay to replace the decaying wall with a stone wall (the permitted construction cost will add to the Town taxbase). The 2 planned Hitch home additions will add to the Town tax base. Because the new stone wall will be on the Hitch lot, it will be their responsibility to maintain the wall and their homeowners insurance can cover to cost of repairing damage to the wall if damaged by an unsured or hit and run driver which would not be true if still R/W.

WHY CONVEY THE REQUESTED R/W ? THIS CASE IS UNUSUAL:

The Hitch thumb shaped lot has very large Town R/W's on 3 sides. While Montreat's standard R/W's are 30' wide:  
The R/W north of the Hitch lot is now over 110' wide.  
The R/W east and south of the Hitch lot is now about 50' wide.

Also: The northern R/W is to provide required parking with an area for SW (Storm water) retention. With these being on Hitch property, the cost and maintenance of them will be the Hitch's responsibility.

Wade DuBose Burns, Architect and Planner

D

EXHIBIT

I, JOHN M. STOLLERY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN D.B. 3866, P. 393 AND P.B. 16, Pg. 93.) THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS BROKEN LINES AS DRAWN FROM INFORMATION FOUND IN OTHER REFERENCE SOURCES THAT THE RATIO OF PRECISION IS 1:10,000, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 N.C. 56.1600) THIS 23rd DAY OF JANUARY, 2025.

I, JOHN M. STOLLERY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GNSS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING WAS USED TO PERFORM THE SURVEY.

1. CLASS OF SURVEY: CLASS A (HORIZONTAL)
2. POSITIONAL ACCURACY: NOT TO EXCEED 0.1" H.A. & V.
3. TYPE OF FIELD PROCEDURE: RTK-VRS
4. DATES OF SURVEY: 01/29/2018
5. DATUM/EPOCH: H-NAD 83-2011 EPOCH 2010.0 NAVD 88
6. PUBLISHED/FIXED-CONTROL: NC VRS NETWORK
7. GEOD MODEL: GEOD 12
8. COMBINED GRID FACTOR: 0.9997720
9. UNITS USED: US SURVEY FEET

\*RTK Observations were used only to tie property to NC Grid.

PROFESSIONAL LAND SURVEYOR  
LICENSE NUMBER L-2996

EXISTING TOWN R/W

#### LEGEND

- △ NGS GEODETIC MONUMENT
- CMF CONCRETE MONUMENT FOUND
- ⊠ PSF PLANTED STONE FOUND
- ⊙ IPF IRON PIN FOUND-SIZE AS NOTED
- ⊙ RBF REBAR FOUND-SIZE AS NOTED
- ⊙ #5 REBAR 1/2" ID CAP SET
- ⊙ CALCULATED POINT-NOT SET
- ⊙ FIRE HYDRANT
- ⊙ SEWER CLEANOUT
- ⊙ ELECTRIC METER
- ⊙ GAS METER
- ⊙ PHONE PEDESTAL
- ⊙ WATER VALVE
- ⊙ WATER METER
- ⊙ HEAT PUMP
- ⊙ AREA LIGHT
- ⊙ EXISTING MANHOLE & SEWERLINE
- ⊙ UTILITY POLE & OVERHEAD LINES
- ⊙ WOOD RAIL FENCE LINE

R/W REQUEST DRAWING/NOTES BY:  
Wade DuBose Burns, Architect and Planner

**RICHARD AND DEBBIE HITCH**  
205 VIRGINIA ROAD  
RIGHT OF WAY ACQUISITION REQUEST

**B**

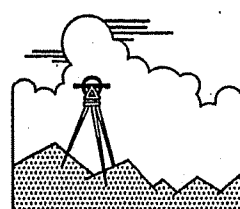
EXHIBIT

1 inch = 20 ft.

January 23, 2025



REFERENCES: DEED BOOK 3866, PAGE 393  
DEED BOOK 1443, PAGE 145  
PLAT BOOK 16, PAGE 93



**HIGH COUNTRY SURVEYORS, INC.**  
403-B WEST STATE ST., BLACK MOUNTAIN, NC 28711 (828) 664-0091  
HIGHCOUNTRYSURVEYORS.NET CORPORATE LICENSE NUMBER C-1854

Luis & Mary DeLuzuriaga  
D.B. 4652, P. 475

Charlotte Williams  
D.B. 4686, P. 980

Witherington McKaughan LLC.  
D.B. 5346, P. 736  
P.B. 16, P. 93

EXISTING TOWN R/W IS 109' WIDE

EXISTING TOWN R/W

REQUESTED R/W FOR PARKING AND  
STORM WATER RETENTION TANKS

180  
P.B. 154, P. 1  
Elizabeth S. Ellett  
D.B. 2093, P. 336

#5 RBF  
NAD 83 (2011) COORDS.  
N=705860.09  
E=1017862.42  
C. FACT. = 0.99977720

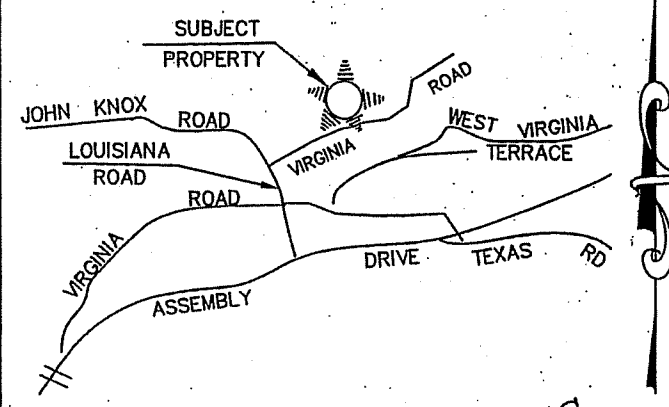
N.G.S. "MONTREAT"  
NAD 83 (2011) COORDS.  
N=703833.07  
E=1016142.85  
C. FACT. = 0.99978088

Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	22.00'	53.08'	41.11'	S 23°18'04" E	138°15'02"
C3	34.18'	89.87'	66.13'	S 16°59'19" E	150°39'56"

**TOTAL AREA = 0.394 AC.**  
By Coord. Computation

**PRELIMINARY PLAT**  
NOT FOR RECORDATION, CONVEYANCES, OR SALES



AREA FOR  
INCREASING  
TURN RADIUS

#### NOTES

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH, AND MAY NOT SHOW ALL EASEMENTS, RESTRICTIONS, RIGHTS OF WAY, ENCUMBRANCES, OR OTHER FACTS THAT MAY BE DISCLOSED BY A FULL TITLE EXAMINATION PERFORMED BY AN ATTORNEY AT LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE PROPERTY IS FREE FROM ENCUMBRANCES.
2. THE DISTANCES AND ACRES SHOWN ON THIS PLAT ARE GRID MEASUREMENTS TO CONVERT TO GROUND DISTANCES AND AREAS, DIVIDE BY THE COMBINED FACTOR OF 0.99977720.
3. UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS, BURIED UTILITIES, PIPELINES, OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL VISUAL SURVEY OF PREMISES ARE SHOWN. INTERESTED PARTIES SHOULD INVESTIGATE THE EXISTENCE OF EASEMENTS, BURIED UTILITIES, OR PIPELINES IF ANY, AND VERIFY NO LIABILITY IS ASSUMED BY HIGH COUNTRY SURVEYORS, INC. FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY EASEMENT, BURIED UTILITY, OR PIPELINE ON THE PREMISES.
4. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA. SEE FIRM 3710071000J DATED 01.06.2010.
5. UNDERGROUND SEWERLINE INFORMATION IS TAKEN FROM BUNCOMBE COUNTY MSD GIS INFORMATION, AND HAS NOT BEEN FIELD VERIFIED.
6. THIS PROPERTY IS ZONED TR-4 BY THE TOWN OF MONTREAT. SETBACKS: 30' FRONT, 10' SIDE, REAR IS 20% MEAN LOT DEPTH (17.2'). SEE THE TOWN OF MONTREAT ZONING ORDINANCE FOR MORE INFORMATION. INTERESTED PARTIES SHOULD INVESTIGATE ALL EXISTING RESTRICTIONS PRIOR TO DESIGN OR CONSTRUCTION. HIGH COUNTRY SURVEYORS, INC. MAKES NO CLAIM TO THE EXISTENCE OF ANY RESTRICTIONS OR COVENANTS.
7. 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'S/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
8. EXISTING HOUSE DOES NOT MEET TOWN OF MONTREAT SETBACK REQUIREMENTS AND IS CONSIDERED AN EXISTING NON-CONFORMING STRUCTURE.

I, JOHN M. STOLLERY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN D.B. 3866, P. 393 AND P.B. 16, Pg. 93.) THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS BROKEN LINES AS DRAWN FROM INFORMATION FOUND IN OTHER REFERENCE SOURCES; THAT THE RATIO OF PRECISION IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600) THIS 8th DAY OF JANUARY, 2024.

I, JOHN M. STOLLERY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GNSS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING WAS USED TO PERFORM THE SURVEY:

1. CLASS OF SURVEY: CLASS A (HORIZONTAL)
2. POSITIONAL ACCURACY: NOT TO EXCEED 0.14" AT 100' V.
3. TYPE OF FIELD PROCEDURE: RTK-VRS
4. DATES OF SURVEY: 01/29/2018
5. DATUM/EPOCH: H-NAD 83-2011 EPOCH 2010 NAVD 88
6. PUBLISHED/FIXED-CONTROL: USED NC VRS NETWORK
7. GEOID MODEL: GEOID 2011
8. COMBINED GRID FACTOR: 0.9997
9. UNITS USED: US SURVEY FEET

\*RTK Observations were used only to tie property to NC Grid.

PROFESSIONAL LAND SURVEYOR  
LICENSE NUMBER 1-2996

#### LEGEND

- △ NGS GEODETIC MONUMENT
- CMF CONCRETE MONUMENT FOUND
- PSF PLANTED STONE FOUND
- IPF IRON PIN FOUND-SIZE AS NOTED
- RBF REBAR FOUND-SIZE AS NOTED
- RBS #5 REBAR W/ ID CAP SET
- CALCULATED POINT-NOT SET
- FIRE HYDRANT
- SEWER CLEANOUT
- ELECTRIC METER
- GAS METER
- PHONE PEDESTAL
- WATER VALVE
- WATER METER
- HEAT PUMP
- AREA LIGHT
- EXISTING MANHOLE & SEWERLINE
- UTILITY POLE & OVERHEAD LINES
- WOOD RAIL FENCE LINE

## RICHARD AND DEBBIE HITCH 205 VIRGINIA ROAD RIGHT OF WAY ACQUISITION REQUEST

WADE DUBOSE BURNS, ARCHITECT  
DRAWING ON HIGH COUNTRY SURVEY

## WITH EROSION CONTROL WALL AND ADDITIONAL CONSTRUCTION NOTES

**C**  
EXHIBIT

1 inch = 20 ft.

January 8, 2024

REFERENCES: DEED BOOK 3866, PAGE 393  
DEED BOOK 1443, PAGE 145  
PLAT BOOK 16, PAGE 93

HIGH COUNTRY SURVEYORS, INC.  
403-B WEST STATE ST., BLACK MOUNTAIN, NC 28711 (828) 664-0091  
HIGHCOUNTRYSURVEYORS.NET CORPORATE LICENSE NUMBER C-1854

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TOTAL AREA = 0.394 AC.  
By Coord. Computation

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2. THE DISTANCES AND AREAS SHOWN ON THIS PLAT ARE GRID MEASUREMENTS TO CONVERT TO GROUND DISTANCES AND AREAS, DIVIDE BY THE COMBINED FACTOR OF 0.99977720.
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5. UNDERGROUND SEWERLINE INFORMATION IS TAKEN FROM BUNCOMBE COUNTY MSD GIS INFORMATION, AND HAS NOT BEEN FIELD VERIFIED.
6. THIS PROPERTY IS ZONED TR-4 BY THE TOWN OF MONTREAT. SETBACKS: 30' FRONT, 10' SIDE, REAR IS 20% MEAN LOT DEPTH (17.2') SEE THE TOWN OF MONTREAT ZONING ORDINANCE FOR MORE INFORMATION. INTERESTED PARTIES SHOULD INVESTIGATE ALL EXISTING RESTRICTIONS PRIOR TO DESIGN OR CONSTRUCTION. HIGH COUNTRY SURVEYORS, INC. MAKES NO CLAIM TO THE EXISTENCE OF ANY RESTRICTIONS OR COVENANTS.
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8. EXISTING HOUSE DOES NOT MEET TOWN OF MONTREAT SETBACK REQUIREMENTS AND IS CONSIDERED AN EXISTING NON-CONFORMING STRUCTURE.

Charlotte Williams  
D.B. 4686, P. 980

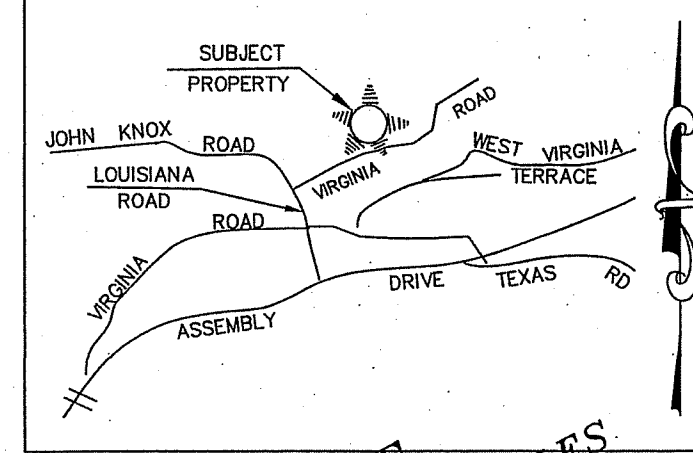
Witherington McKaughan LLC.  
D.B. 6348, P. 736  
P.B. 16, P. 93

Luis & Mary DeLuzuriaga  
D.B. 4652, P. 475

Town of Montreat  
D.B. 1443, P. 145  
P.B. 16, P. 93  
(Area of R/W defined by "Green" Color  
Code Per Exhibit B, D.B. 1443, P. 145)  
Remaining Portion of P.L.N. 0720-04-5095

180  
P.B. 154, P. 1  
Elizabeth S. Ellett  
D.B. 2093, P. 336

Town of Montreat  
D.B. 1443, P. 145  
P.B. 16, P. 93  
(Area of R/W defined by "Green" Color  
Code Per Exhibit B, D.B. 1443, P. 145)  
Remaining Portion of P.L.N. 0720-04-5095



Grid North

**§ 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 dedicatory, or those claiming under a dedicatory, 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.)

**RESOLUTION # \_\_\_\_\_  
CONCERNING INTENT TO CLOSE STREET RIGHTS-OF-WAY**

A Petition has been filed with the Board of Commissioners of the Town of Montreat, North Carolina, pursuant to North Carolina General Statute Section 160A-299 to close permanently a portion of street rights-of-way.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Montreat:

1. Pursuant to North Carolina General Statute Section 160A-299, the Board of Commissioners declares its intent to close the portions of street rights-of-way as described on the attached plat.
2. A public hearing on the question of closing said street rights-of-way is hereby called at the Montreat Town Hall, 1210 Montreat Rd., Black Mountain, NC 28711 on Thursday, [DATE] at 6:00 PM.
3. Following the public hearing called hereby, the Board of Commissioners shall consider the passage of an order closing the street rights-of-way identified and described above.
4. The Town of Montreat Town Clerk is hereby directed to publish this Resolution once a week for four successive weeks in the Black Mountain News, or other newspaper of general circulation in Buncombe County.
5. The Town of Montreat Town Clerk is hereby directed to transmit a copy of this Resolution by registered or certified mail to each owner of property abutting upon that portion of said street rights-of-way.
6. The Town of Montreat Town Clerk is further directed to cause adequate notices of the proposed closings and of the public hearing to be posted as required by North Carolina General Statute Section 160A-299.

I move the adoption of the foregoing Resolution.

\_\_\_\_\_  
\_\_\_\_\_, Commissioner

READ, APPROVED, AND ADOPTED, by a vote of \_\_\_ to \_\_\_, this the \_\_\_ day of \_\_\_\_\_ 2025.

ATTEST:

\_\_\_\_\_  
Timothy R. Helms, Mayor

\_\_\_\_\_  
Angie Murphy, Town Clerk

\_\_\_\_\_  
Savannah Parrish, Town Manager

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, (new)  
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.  
De Bruhl  
Register of Deeds

Annal. 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

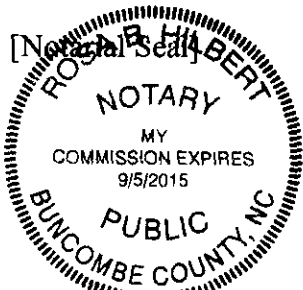
Misty R. Gedlinske  
Misty Gedlinske, Town Clerk

---

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

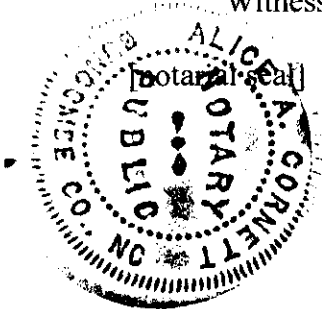


By: Albert G. Peery, Jr. (Seal)  
Albert G. Peery, Jr., President

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 26<sup>th</sup> day of March, 2012.



My commission expires:  
11-24-16

Alice A. Cornett  
Notary Public

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**

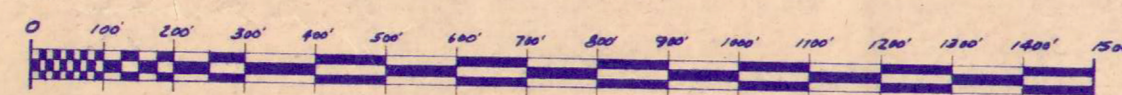
1. Stone retaining wall by Way Out Building
2. Steps & sidewalk to Way Out Building
3. Lampposts by Way Out Building (2)
4. Concrete entrance (portion of sidewalk) to Allen Building
5. Sidewalk from front of Allen Building to main Anderson Auditorium parking lot
6. Steps and walk to Anderson Auditorium
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

# TOWN OF MONTREAT

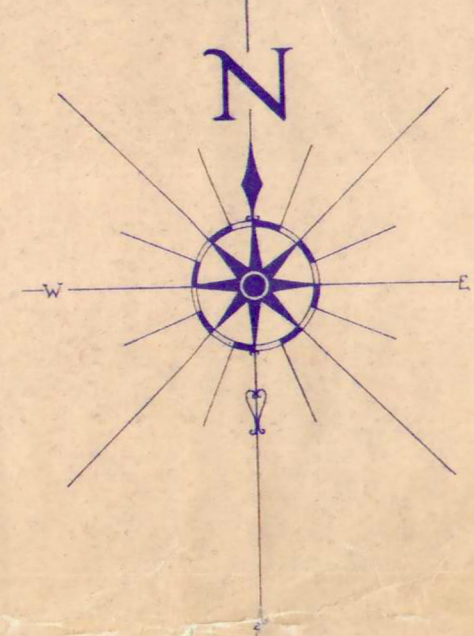
## NORTH CAROLINA



1975

### STREET INDEX

A ALABAMA TERRACE ARIZONA WAY ARBOLE LANE ARIZONA DRIVE ARIZONA DRIVE ARIZONA DRIVE	F-7 F-8 F-9 F-10 F-11 F-12	I JOHN KNOX ROAD	P RAINBOW TRAIL	R-4
B BIG PINEY ROAD	P-14 P-15 P-16 P-17 P-18 P-19	K KAWAHA DRIVE KENTUCKY DRIVE KENTUCKY ROAD	S SOUTH CAROLINA EXTENSION C-2 SOUTH CAROLINA TERRACE	Q-3 Q-4 Q-5 Q-6 Q-7 Q-8
C CAMP GROUND ROAD CHADWICK HOME ROAD COLLEGE CIRCLE COMMUNITY CENTER CIRCLE CRISP LANE	Q-13 Q-14 Q-15 Q-16 Q-17 Q-18	L LOXLEY ROAD LOUISIANA ROAD	T TENNESSEE ROAD TEXAS ROAD TEXAS ROAD EXTENSION TEXAS ROAD SOUTH	K-6 K-7 K-8 K-9 K-10 K-11
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H HENRY ROAD	Q-1 Q-2 Q-3 Q-4 Q-5 Q-6	Q QUILLAN LANE		



DESIGNED BY  
CHARLES W. SMITH  
REGISTERED LAND SURVEYOR  
MONTREAT, N.C.

### ZONING IDENTIFICATION

- R-1 - LOW DENSITY RESIDENTIAL
- R-2 - HIGH DENSITY RESIDENTIAL (SINGLE FAMILIES)
- R-3 - GENERAL RESIDENTIAL
- R-4 - LODGES AND HOSTELS
- R-5 - CAMPS AND CAMPING AREAS
- I - INSTITUTIONAL
- NB - NEIGHBORHOOD BUSINESS
- F-1 - FLOODWAY

### -LEGEND-

- ① - TAX RECORD LOT NUMBERS
- ② - RECORDED PLAT LOT NUMBERS
- ZONING BOUNDARY
- ROAD RIGHT OF WAY
- TRAVELED WAY



## ORDINANCE AMENDMENT APPLICATION

Town of Montreat Planning and Zoning  
1210 Montreat Road, Black Mountain, NC 28711 | (828) 669-8002

**REQUIRED FEE: \$50.00 (CASH OR CHECK)**

### INSTRUCTIONS

All applications for amendments to the Town of Montreat's Ordinances must include a completed and signed application and fee, set forth by the Town of Montreat Fee Schedule. Completed applications are submitted to the Town Clerk. All fees must be made payable to the Town of Montreat. Fees are non-refundable except where an application is withdrawn prior to its consideration by the Planning and Zoning Commission. The Zoning Administrator will determine whether the application is complete following its submittal and will notify the applicant via the contact information listed below of the tentative meeting dates that the Planning and Zoning Commission and Board of Commissioners will hear the proposal and of any action taken or decision made concerning this request. All meetings of the Planning and Zoning Commission and Board of Commissioners are open to the public.

### APPLICANT INFORMATION

APPLICANT NAME: Brinkley and Robin Melvin TELEPHONE: 803 622 9491  
MAILING ADDRESS: PO Box 866 CITY: Montreat STATE: NC ZIP: 28757  
LOCAL ADDRESS: 246 Texas Spur Road CITY: Montreat STATE: NC ZIP: 28757  
EMAIL: wbmelvin@gmail.com

### PROPOSED AMENDMENT

ORDINANCE TO BE AMENDED: ☒ GENERAL ORDINANCE ☐ ZONING ORDINANCE  
☐ SUBDIVISION ORDINANCE ☐ WIRELESS COMM. ORDINANCE  
CHAPTER, ARTICLE, & SECTION TO BE AMENDED: Chapter K. Article III: STORMWATER MANAGEMENT

PROPOSED TEXT IN FULL (ATTACH SHEETS AS NECESSARY): See Attached sheets  
300 General Provisions, 3. Applicability and Exemptions are the only part of the ordinance that  
appears to be confusing.

STATE THE REASON FOR THE REQUEST (ATTACH SHEETS AS NECESSARY): There is confusion on who is exempt.  
Historically, the Disturbed area of 5,000 sq. ft. or greater, more than 24% total lot area developed to include

impervious cover, or addition of 2,500 square feet or more impervious surface has been the threshold for who must comply with stormwater ordinance provisions.

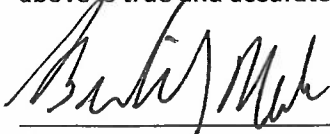
Recently, it has been interpreted everyone must comply and only Grazing, Forestry, Mining and vested rights are exempt.

LIST SUPPORTING & ATTACHED DOCUMENTS: See existing Code of Ordinances,  
Chapter K - Environment, Article III, Stormwater Management

**SIGNATURES AND ACKNOWLEDGEMENT**

Brinkley Melvin, Robin Melvin

I, \_\_\_\_\_, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.



*Signature of Applicant*

Brinkley Melvin, Robin Melvin



August 30, 2024

*Date*

*Printed Name of Applicant*

**OFFICE USE ONLY**



Complete



Incomplete



*Zoning Administrator Signature*

*Date*

Kayla DiCristina

*Printed Name of Zoning Administrator*

Fee: \$50.00

Paid: ☒ Yes ☐ No

Payment Method: Check

Scheduled Planning and Zoning Commission Meeting Date: TBD\*

Scheduled Board of Commissioner Meeting Date: 10/10/24 & 11/14/24\*

\* The Board of Commissioners may opt to refer this amendment to the Planning and Zoning Commission for review before approval.

Due to TS Helene, Oct BOC meeting was cancelled. TA to be heard by BOC at March 2025 meeting per AM 1/30/25. The Board of Commissioners may opt to refer this amendment to the Planning and Zoning Commission for review before approval.

# **MONTREAT CODE OF GENERAL ORDINANCES**

## **CHAPTER K – ENVIRONMENT**

### **ARTICLE III: STORMWATER MANAGEMENT (Revised 6/11/2009); (Revised 2/11/2010)**

#### **300. General Provisions**

- 1. Purpose, No Change**
- 2. Scope. No Change**
- 3. Applicability and Exemptions.**

**Replace existing text with:**

Stormwater Management regulations apply: When new development will disturb an area of 5,000 square feet or greater, at least 24% total lot area developed to include impervious cover, or addition of 2,500 square feet or more impervious cover.

Or, a party who has a vested right to develop or construct their site under plans submitted prior to the effective date of this ordinance.

#### **301. Interpretations and Definitions**

**No Change**

## MONTREAT CODE OF GENERAL ORDINANCES

### CHAPTER K - ENVIRONMENT

#### ARTICLE III: STORMWATER MANAGEMENT

*(Revised 6/11/2009); (Revised 2/11/2010)*

##### 300. General Provisions

1. Purpose. The stormwater management regulations of this article shall protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of stormwater runoff associated with new development. Proper management of stormwater runoff will protect property, control stream channel erosion, prevent increased flooding associated with new development, protect floodplains, wetlands, water resources, riparian and aquatic ecosystems, and otherwise provide for environmentally sound use of the town's natural resources.
2. Scope. Except as otherwise expressly stated, the stormwater management regulations of this article apply to all development within Montreat and the unincorporated Buncombe County inside the extraterritorial jurisdiction of Montreat. Additional requirements regulating development on steeply-sloping sites ( $\geq 40\%$ ) are detailed in Montreat Code of General Ordinances, Chapter K—Environment, Article IV: Hillside Development.
3. Applicability and Exemptions. The stormwater management regulations of this article do not apply to any of the following development activities:
  - a) Activities including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to humans, including but not limited to:
    - Forages and sod crops, grains and feed crops, tobacco, cotton and peanuts.
    - Dairy animals and apiary products.
    - Poultry and poultry products.
    - Livestock, including beef cattle, sheep, swine, horses, ponies, mules and goats.
    - Bees and dairy products.
    - Fur producing animals.

## MONTREAT GENERAL ORDINANCE

Key: Text to Remain | New Text | Deleted Text

### CHAPTER K ARTICLE III

#### 300. General Provisions

1. Purpose. The stormwater management regulations of this article shall protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of stormwater runoff associated with new development. Proper management of stormwater runoff will protect property, control stream channel erosion, prevent increased flooding associated with new development, protect floodplains, wetlands, water resources, riparian and aquatic ecosystems, and otherwise provide for environmentally sound use of the town's natural resources.
2. Scope. Except as otherwise expressly stated, the stormwater management regulations of this article apply to all development within Montreat and the unincorporated Buncombe County inside the extraterritorial jurisdiction of Montreat. Additional requirements regulating development on steeply-sloping sites ( $\geq 40\%$ ) are detailed in Montreat Code of General Ordinances, Chapter K—Environment, Article IV: Hillside Development.
3. Applicability and Exemptions. The stormwater management regulations of this article do not apply to any of the following development activities:
  - a) ~~Activities including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to humans, including but not limited to:~~
    - ~~• Forages and sod crops, grains and feed crops, tobacco, cotton and peanuts.~~
    - ~~• Dairy animals and apiary products.~~
    - ~~• Poultry and poultry products.~~
    - ~~• Livestock, including beef cattle, sheep, swine, horses, ponies, mules and goats.~~
    - ~~• Bees and dairy products.~~
    - ~~• Fur producing animals.~~

- b) ~~Activities undertaken on forestland for the production or harvesting of timber and timber products and conducted in accordance with best management practices as set out in Forest Practice Guidelines Related to Water Quality referenced as follows:~~

~~[http://www.ncforestry.org/docs/Landowners/regulations/mgmt\\_practices.htm](http://www.ncforestry.org/docs/Landowners/regulations/mgmt_practices.htm)~~

- c) ~~Activities for which a permit is required under the mining act, G.S. 74-46 et. seq.~~

~~<http://www.dlr.enr.state.nc.us/pages/miningprogram.html>~~

- d) ~~Any development in which the owner has accrued a vested right. For the purposes of this Chapter K only, a vested right is recognized if either (1) a preliminary plan has been approved by the Planning and Zoning Commission that meets the required specifications and standards of the Town of Montreat ordinances, Buncombe County ordinances, or (ii) a Land Disturbing Permit has been issued pursuant to the Buncombe County Soil Erosion and Sedimentation Control ordinance in effect on or before the effective date of this ordinance, and that such plan or permit remains unexpired.~~

~~A party in interest to a particular plan found to have no vested right to construct or develop on or before the effective date of this ordinance may appeal to the Town of Montreat Board of Adjustment for a hearing de novo. Such hearing shall be expedited and shall be limited to the issue of whether the landowner has a vested right to construct or develop their site under plans submitted prior to the effective date of this ordinance.~~

~~Redevelopment or expansion to uses included in the above categories are not subject to the stormwater requirements unless it *qualifies* by having disturbed area of 5,000 square feet or greater; at least 24% total lot area developed to include impervious cover; or addition of 2,500 square feet or more impervious surface, unless exempt pursuant to this ordinance.~~

The stormwater management regulations of this Article III apply when new development will disturb an area of 5,000 square feet or greater; at least 24% of total lot area is developed (including impervious cover); or there is an addition of 2,500 square feet or more of impervious cover. Notwithstanding the foregoing, such regulations shall not apply to any person who has a vested right to develop or construct on the subject property improvements which are the subject of plans submitted to the Town prior to the effective date of this Ordinance.



**TOWN OF MONTREAT**  
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# Staff Report TA-2024-05

**Text Amendment Request (TA-2024-05)** – A Text Amendment request (TA-2024-05), submitted by Brinkley and Robin Melvin (Property Owners of 242 Texas Spur Road, PIN# 071095032200000) to Chapter K, Article III, Section 300(3) of the Montreat General Ordinance to exempt all development with disturbed area of less than 5,000 square feet, less than 24% of the total lot area developed to include impervious cover, and the addition of less than 2,500 square feet of impervious surface from the provisions of Chapter K, Article III of the Montreat General Ordinance.

Created by:

Kayla DiCristina, AICP, CZO  
Zoning Administrator  
Town of Montreat

Created for:

Town of Montreat Board of Commissioners  
March 13, 2025

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## REQUEST SUMMARY

The Applicants, Brinkley and Robin Melvin (Property Owners of 242 Texas Spur Road, PIN# 071095032200000), submit this text amendment application to Chapter K Article III Section 300(3) of the Montreat General Ordinance. The purpose of this text amendment is to exempt all development with disturbed area of less than 5,000 square feet, development resulting in less than 24% of the total lot area converted to impervious cover, and the addition of less than 2,500 square feet of impervious surface from the provisions of Chapter K, Article III of the Montreat General Ordinance.

Brinkley Melvin (“Applicant”) approached the Zoning Administrator in March of 2024 to inquire about constructing an addition onto the east side of the existing dwelling located at 242 Texas Spur Road (PIN# 071095032200000) (“Subject Property”). The existing structure appears to have been constructed in 1908, per the Buncombe County Property Record Card. The Zoning Administrator found that a stream was present on the Subject Property per the 1:24,000 scale (7.5 minute) quadrangle topographic map prepared by the United States Geologic Survey. Per Section 305(1) of Chapter K, Article III of the Montreat General Ordinance, the presence of a stream on the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS) triggers the 30-foot built-upon area buffer requirement, as measured from the bank of the stream on either side.

Due to the location of the stream and the existing structure, the Zoning Administrator informed the Applicant that an addition on the east side of the existing structure was likely to intersect with the required 30-foot buffer and would therefore not be permitted. The Applicant was advised to either (1) change the location of the addition (either to the west side of the structure or so that it is cantilevered over the buffer area) so as not to intersect with the required 30-foot built-upon area stream buffer, (2) contact the North Carolina Department of Environmental Quality Division of Water Resources to have a stream determination performed as streams determined to be ephemeral are exempt from the buffer requirement of Section 305(1), or (3) apply for a text amendment to the current stormwater regulations.

The Town’s General Ordinance (“the Ordinance”) houses stormwater regulations in Chapter K Article III. These regulations were enacted on 06/11/2009 and revised on 02/11/2010 and 03/14/2024. The purpose of the Ordinance (per MGO Chapter K Article III Section 300(1)) is as follows:

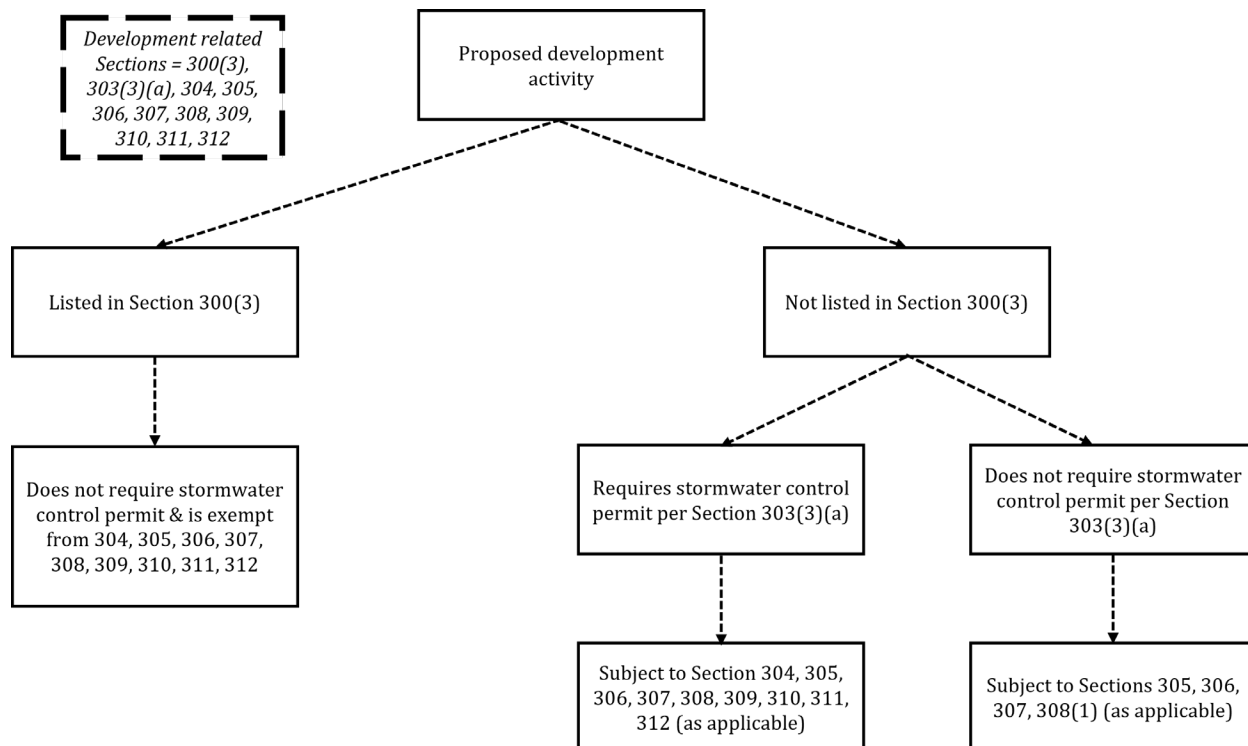
*The stormwater management regulations of this article shall protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of stormwater runoff associated with new development. Proper management of stormwater runoff will protect property, control stream channel erosion, prevent increased flooding associated with new development, protect floodplains, wetlands, water resources, riparian and aquatic ecosystems, and otherwise provide for environmentally sound use of the town’s natural resources.*

Per MGO Chapter K Article III Section 300(2), the Ordinance applies to all development within Montreat and the Town's extraterritorial jurisdiction. The following activities are exempt from the provisions of the Ordinance per MGO Chapter K Article III Section 300(3):

1. Activities including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to humans.
2. Activities undertaken on forestland for the production or harvesting of timber and timber products and conducted in accordance with best management practices as set out in Forest Practice Guidelines Related to Water Quality.
3. Activities for which a permit is required under the mining act, G.S. 74-46 et. seq.
4. Any development in which the owner has accrued a vested right.
5. Redevelopment or expansion to the uses listed in Section 300(3) are not subject to the stormwater requirements unless it qualifies by having disturbed area of 5,000 square feet or greater; at least 24% total lot area developed to include impervious cover; or addition of 2,500 square feet or more impervious surface, unless exempt pursuant to this ordinance.

All development in Montreat, except for those activities listed in MGO Chapter K Article III Section 300(3), are subject to the provisions of the Ordinance regarding development regulations. However, per Section 303(3)(a), only development or qualifying redevelopment that proposes disturbance of equal to or greater than 5,000 square feet, conversion of equal to or greater than 24% of the total lot area to impervious cover, or the addition of equal to or greater than 2,500 square feet of impervious surface requires a stormwater control permit and associated stormwater management plans. Development triggering formal stormwater control permitting must also comply with Section 304, 305, 306, 307, 308, 309, 310, 311, 312 (as applicable). If a development does not trigger the requirement for a stormwater control permit under Section 303(3)(a), but is not exempt from the Ordinance per Section 300(3), the development must still comply with all other provisions of the Ordinance including provisions of Sections 305, 306, 307, 308(1) (as applicable). Variances to the Ordinance are not permitted. As a note, the enforcement provisions listed in Sections 313 to 318 apply to all activities within the Town of Montreat and its ETJ regardless of exemptions listed in Section 300(3).

The following flowchart demonstrates the process by which Ordinance applicability is determined:



The applicant’s proposed changes and the existing language are provided as supplemental attachments to this staff report.

## STAFF RESEARCH

DiCristina reviewed the Unified Development Ordinances of Buncombe County, Asheville, Black Mountain, Woodfin, Weaverville, and Biltmore Forest to examine existing regulations related to exemptions for Stormwater Management/Control Ordinances. Verbatim excerpts from these ordinances are included at the end of this staff report. The following describe what is exempt and when a permit is required under each ordinance. All municipalities regulating stormwater recognize vested rights.

### **Buncombe County Unified Development Ordinance (Chapter 26)**

Post-construction stormwater management regulations apply to all development in Buncombe County except specific agricultural and forestry activities, activities where a permit under the Mining Act of 1971 is required, commercial development on lots less than one acre disturbing less than one acre of land, residential development disturbing less than one acre of land, land disturbing activities for surveying not exceeding one acre, and single

family home construction on lots of record established prior to September 27, 2006 proposing impervious surface totaling less than 15% of the total lot area. A stormwater permit is required for all development and redevelopment which equals or exceeds one acre of residential development, or on commercial lots that are one acre in size or more, unless exempt pursuant to this article. Development exempt from the ordinance is not required to comply with the 30-foot built upon area buffer stated in Section 26-362. The UDO also permits variances to the provisions listed in Section 26.

#### **City of Asheville Unified Development Ordinance (Chapter 7)**

The City of Asheville's requirement of no land disturbance within 30 feet of a perennial and/or intermittent stream is housed in both the erosion and sediment control measures and post-construction stormwater control sections of the ordinance under Section 7-12-2. Erosion and sediment control regulations apply to all development except specific agricultural and forestry activities, activities where a permit under the Mining Act of 1971 is required, activities under the state's jurisdiction, protection of human life, stockpiling of material, single gravesites, maintenance of lawns and gardens less than one acre, and land disturbing activities totaling 500 square feet or less located 50 feet or more from a perennial or intermittent stream. Post-construction stormwater control measures apply to all activities except those exempt under Section 404 of the Clean Water Act and redevelopment that results in no net increase in built-upon area and that provides equal or greater stormwater control than the previous development on the site. Development or redevelopment disturbing less than one acre of land with a proposed impervious surface area of less than 50% of the total site area and development or redevelopment of single- or two-family dwellings that disturb less than one acre of land is only exempt from the stormwater control standards listed in Section 7-12-2(f)(1) and (2), which do not include stream buffers. A permit is required for all development and redevelopment unless exempt from the ordinance. The UDO provides a provision for reduction of the undisturbed buffer by the Stormwater Administrator if specific requirements are met as listed in Section 7-12-2(f)(3)(b). The UDO also permits variances to the provisions listed in Section 7-12-2. Exceptions to the 30-foot stream buffer may be granted when there is a lack of practical alternative for a road crossing, railroad crossing, bridge, airport facility, utility crossing, or a stormwater management facility.

#### **Town of Black Mountain Unified Development Ordinance (Chapter 8)**

Post-construction stormwater management regulations apply to all development in the Town of Black Mountain except for activities exempt per Section 404 of the Clean Water Act, development that adds less than 5,000 square feet of impervious surface, and development activities within the Town's designated historic district. Stormwater permits are required for specific development under a common plan and any development and redevelopment

which results in an increase of impervious surface area by a net amount of 5,000 square feet or more. Only projects requiring a stormwater permit are required to adhere to the required 30-foot built upon area buffer required in Section 8.2.14(c). The UDO also permits variances to the provisions listed in Section 8.2. Exceptions to the 30-foot stream buffer may be granted when there is a lack of practical alternative for a road crossing, railroad crossing, bridge, airport facility, utility crossing, or a stormwater management facility.

#### **[Town of Weaverville Unified Development Ordinance \(Chapter 20\)](#)**

Section 20-1112 of the Town of Weaverville's UDO states that the Town utilizes Buncombe County's stormwater regulations. These regulations are enforced by Buncombe County for the Town of Weaverville.

#### **[Town of Woodfin Unified Development Ordinance \(Chapter 41\)](#)**

Post-construction stormwater management regulations apply to all development in the Town of Woodfin except for activities exempt per Section 404 of the Clean Water Act, redevelopment that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development regardless of the percent of impervious surface, and pre-existing development or development activities that do not remove, alter or decrease existing stormwater controls. A stormwater permit is required for projects that disturb one acre or more, projects that expand upon the built-upon area resulting in 50 percent or more of the total lot area covered in impervious surfaces, and redevelopment of an existing site, either in whole or in part, that increases the pre-development impervious surface area. All projects not exempt by the ordinance, regardless of whether a stormwater permit is required, are required to adhere to the required 30-foot built upon area buffer as stated in Section 41-12. The ordinance also permits variances to the provisions listed in Chapter 41. Exceptions to the 30-foot stream buffer may be granted when there is a lack of practical alternative for a road crossing, railroad crossing, bridge, airport facility, utility crossing, or a stormwater management facility.

#### **[Town of Biltmore Forest Unified Development Ordinance \(Chapter 52\)](#)**

The Town of Biltmore Forest's post-construction stormwater management regulations are enforced by Buncombe County. Post-construction stormwater management regulations apply to all development in the Town of Biltmore Forest except specific agricultural and forestry activities, activities where a permit under the Mining Act of 1971 is required, commercial development on lots less than half an acre, and residential development disturbing less than one acre of land if the development is not part of a larger plan of development that is greater than one acre. Redevelopment or expansions to uses previously listed are not subject to the stormwater requirements unless the redevelopment or expansion would result in an expansion of impervious surface on commercial lots in size

equal to or greater than one-half acre, would result in commercial redevelopment where more than 50 percent of the square footage of a structure is replaced on a lot in size equal to or greater than one-half acre, or would result in a total developed acreage of one acre for residential development. A stormwater permit is required for all development and redevelopment which equals or exceeds one acre of residential development, or on commercial lots that are one-half acre in size or more, unless exempt. Per Town of Biltmore Forest staff, if a stormwater permit is not required, compliance with the required stream buffer per Section 52.11(B)(4) is still required as this section is governed by the Flood Damage Prevention Ordinance (which is also administered by Buncombe County). The ordinance does not permit variances to the provisions listed in Chapter 52.

## **BOARD OF COMMISSIONERS ACTION**

Per Section 160D-601(a) of the North Carolina General Statute, before adopting, amending, or repealing any ordinance or development regulation, the governing body shall hold a properly noticed legislative hearing. This public hearing was noticed in the Black Mountain Newspaper on February 27, 2025, and March 6, 2025. Section 160D-604 of the North Carolina General Statute states that the governing body may refer any development regulation that is proposed to be adopted to the Planning and Zoning Commission for review and comment before making their final decision.

Should the Board of Commissioners not refer this text amendment to the Planning and Zoning Commission, the Board of Commissioners must approve, approve with revisions, or deny the proposed amendments.

## STAFF RESEARCH ORDINANCE EXCERPTS

### *Buncombe County Unified Development Ordinance (Chapter 26)*

#### **Section 26-303**

The stormwater management regulations of this article do not apply to any of the following development activities:

- (1) Activities including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to:
  - a. Forages and sod crops, grains and feed crops, tobacco, cotton and peanuts.
  - b. Dairy animals and apiary products.
  - c. Poultry and poultry products.
  - d. Livestock, including beef cattle, sheep, swine, horses, ponies, mules and goats.
  - e. Bees and dairy products.
  - f. Fur producing animals.
- (2) Activities undertaken on forestland for the production or harvesting of timber and timber products and conducted in accordance with best management practices as set out in Forest Practice Guidelines Related to Water Quality.
- (3) Activities for which a permit is required under the mining act, G.S. 74-46 et seq.
- (4) Commercial development on lots less than one acre and with total land disturbance less than one acre.
- (5) Residential development that disturbs less than one acre, including total buildout of the site.
- (6) Any development in which the owner has accrued a vested right. A vested right is recognized if either a preliminary plan has been approved by the planning board that meets the required specifications and standards of Buncombe County ordinances, or a land disturbing permit has been issued pursuant to Buncombe County Soil Erosion and Sedimentation Control ordinance in effect on or before the effective date of this article, and that such plan or permit remains unexpired. A vested right is recognized if created by virtue of statutory or common law, including but not limited to G.S. ch. 160D; 160D-108; 160D-108.1.
- (7) Land disturbing activities for the purpose of surveying, geotechnical exploration and access for percolation tests and wells not to exceed a maximum of one acre. This exemption does not include clearing for building pads or leach fields.

- (8) Single family home site construction and associated land disturbing activities on a lot of record prior to September 27, 2006, that results in total impervious area of 15 percent or less on the lot.

A party in interest to a particular plan found to have no vested right to construct or develop on or before the effective date of this article may appeal to the Buncombe County Board of Adjustment for a hearing de novo. Such hearing shall be expedited and shall be limited to the issue of whether the landowner has a vested right to construct or develop his site under plans submitted prior to the effective date of this article.

Development and redevelopment that disturb less than one acre are not exempt if such activities are part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules.

### **Section 26-322**

- a) A stormwater permit is required for all development and redevelopment which equals or exceeds one acre of residential development, or on commercial lots that are one acre in size or more, unless exempt pursuant to this article.

### **Section 26-362**

- (9) Variances.

- a. Any person may petition to the board of adjustment or such other local governing body having jurisdiction in the area where the project is located for a variance granting permission to use the person's land in a manner otherwise prohibited by this article. To qualify for a variance, the petitioner must show all of the following:
  1. Unnecessary hardships would result from strict application of this article
  2. The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.
  3. The hardships did not result from actions taken by the petitioner.
  4. The requested variance is consistent with the spirit, purpose, and intent of this article; will secure public safety and welfare; and will preserve substantial justice.
- b. The board of adjustment or other local governing body having jurisdiction may impose reasonable and appropriate conditions and safeguards upon any variance it grants, and any such hearing before the board of adjustment shall be conducted in the manner provided in the provisions of the county zoning ordinance for appeals and applications. Such hearings before any other local governing body having jurisdiction shall be conducted pursuant to its rules for hearing appeals of administrative decisions, or in accordance with the county zoning ordinance section 78-623.

*City of Asheville Unified Development Ordinance (Chapter 7)*

**Section 7-12-2**

(a) Authority, purpose, objective, findings, jurisdiction, applicability, exemptions.

(6) Applicability: Unless exempted pursuant to subsection 7-12-2(a)(7) below, beginning with and subsequent to its effective date, this section shall be applicable as follows:

- a. All development and redevelopment, including, but not limited to, site plan applications, subdivision applications, and land disturbing applications.
- b. The provisions of subsection 7-12-2(k), pertaining to prohibition, detection and elimination of illicit connections, illicit discharges and improper disposal to the stormwater system shall apply to all properties, lands, city's MS4 and waters of the state within the territorial jurisdiction of the city as well as to all properties owned by the city within Buncombe County.

(7) Exemptions:

- a. The following activities for land disturbance shall be exempt from the provisions of the erosion prevention and sediment control regulations of subsection 7-12-2(e):
  1. An activity, including breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts, dairy animals and dairy products, poultry and poultry products, livestock, including beef cattle, sheep, swine, horses, ponies, mules, and goats, bees and apiary products, and fur producing animals.
  2. An activity undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality and the Forestry Best Management Practices Manual, as adopted by the North Carolina Division of Forest Resources. If land disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality and the Forestry Best Management Practices Manual, the provisions of this section shall apply to such activity and any related land disturbing activity on the site.
  3. An activity for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the North Carolina General Statutes.
  4. Land disturbing activities over which the State of North Carolina has exclusive regulatory jurisdiction as set forth in NCGS 113A-56(a).

5. An activity which is essential to protect human life during an emergency and those done for the purpose of fighting fires;
6. The stock-piling of fill dirt, raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damage;
7. Individual gravesites;
8. Maintenance of existing lawns where there is no change in contours;
9. Gardens, similar horticultural activities that disturb less than one acre; and
10. Land disturbing activities totaling 500 square feet or less and located 50 feet or greater from a perennial or intermittent stream.

b. The following activities for land disturbance shall be exempt from provisions of the post- construction stormwater control regulations of subsection 7-12-2(f)(1) and (2):

1. Development that cumulatively disturbs less than one acre and will have a proposed impervious surface area on completion of development of 50 percent or less of the total acreage of the development site; provided however, such is not exempt if part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules.
2. Redevelopment that cumulatively disturbs less than one acre and will have a proposed impervious surface area on completion of development of 50 percent or less of the total acreage of the development site; provided however, such is not exempt if part of a larger common plan of redevelopment or sale, even though multiple, separate or distinct activities take place at different times on different schedules.
3. Development and/or redevelopment of a single one- or two-family dwelling that cumulatively disturbs less than one acre and is not part of a larger common plan of development or sale.

c. The following activities for land disturbance shall be exempt from all provisions of the post- construction stormwater control regulations of subsection 7-12-2(f):

1. Redevelopment that results in no net increase in built-upon area and that provides equal or greater stormwater control than the previous development on the site.

2. Activities that are exempt from the permit requirements of Section 404 of the Federal Clean Water Act (CWA), as specified in 40 CFR 302 (primarily, ongoing farming and forestry activities).

(c) Requirements and process for compliance.

(2) Permit application requirements:

b. Permit application: A permit application, intended to provide a mechanism for the review, approval, and inspection of the practices and measures for erosion, sediment and stormwater management and control, is required for all development and redevelopment unless exempt pursuant to this section.

(j) Variances, exceptions and appeals.

(1) Variances: Any aggrieved person may petition for a variance to the board of adjustment to use one's land in a manner otherwise prohibited by this section. Variances may also be requested from the aquatic buffer requirements, deed restrictions and protective covenants required herein. Reasonable and appropriate conditions and safeguards may be imposed on any variance granted. Merely providing that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. All of the procedural requirements of the entity charged with granting a variance shall be met by the applicant. Provided however, only the NCDENR—Division of Land Resources may grant a variance or exception as herein below set forth, to aquatic buffers along designated trout streams. The stormwater administrator may support an applicant's appeal for a variance if the applicant's application satisfies all of the following criteria:

a. Unnecessary hardships would result from strict application of this section.

b. The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.

c. The hardships did not result from actions taken by the applicant.

d. The requested variance is consistent with the spirit, purpose, and intent of this section; will protect water quality; will secure public safety and welfare; and will preserve substantial justice.

(2) *Exceptions*: The stormwater administrator may approve plans that do not comply with the mandatory standards of subsection 7-12-2(e)(2) of this section if the land disturbing activity is for the construction of facilities to be located on, over, or under a lake or natural water course or work done for the purposes of creating trails, walkways, river access areas, and similar facilities along the rivers, creeks or streams. Where one or more measures required under subsection 7-12-2(e)(2) are not practicable, the stormwater administrator may approve plans provided that additional measures are installed that provide the same level of treatment, discharge and velocity control.

a. *Required exceptions:* Notwithstanding the variance allowance herein, the stormwater administrator shall grant an exception from the aquatic buffer requirements, deed restrictions and protective covenants in any of the following instances:

1. When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide pollutant removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of the BMPs.
2. When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located 15 feet landward of all perennial and intermittent surface waters and as long as it is located designed, constructed, and maintained to minimize disturbance, provide pollutant removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.
3. A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.

b. *Limitation of aquatic buffer with a granted exception:* Where a temporary and minimal disturbance has been permitted as an exception to the aquatic buffer, to the extent practicable, land disturbing activities in the aquatic buffer shall be limited to a maximum of ten percent of the total length of the aquatic buffer within the site to be disturbed such that there is not more than 100 linear feet of disturbance in each 1,000 linear feet of aquatic buffer.

### **Town of Black Mountain Unified Development Ordinance (Chapter 8)**

#### **Section 8.2.2**

A. *General.* Beginning with and subsequent to its effective date, this ordinance shall be applicable to all development and redevelopment occurring within the corporate limits of the Town of Black Mountain, unless exempt pursuant to section [8.2.2\(C\)](#) of this section, exemptions.

B. *Activity threshold requiring a stormwater permit.* A stormwater permit is required for any development and redevelopment which results in an increase of impervious surface area by a net amount of 5,000 square feet or more. Projects developed under a common plan adding 5,000 square

feet or more of impervious surface, regardless of the number of parcels included in the plan, requires a stormwater permit.

All phased developments must achieve post-construction requirements at the completion of each phase unless otherwise approved by the stormwater administrator.

#### C. Exemptions.

(1) Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this ordinance.

(2) Development which adds less than 5,000 square feet of impervious surface and is not part of a larger common plan of development does not require a stormwater permit.

(3) Pre-existing development or development activities that do not remove or decrease existing stormwater controls shall not be required to install new or increased stormwater controls.

(4) When a pre-existing development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before redevelopment.

(5) Development activities within the town's designated historic district.

#### **Section 8.2.9**

A. Permit required; must apply for permit. A stormwater permit is required for all development and redevelopment unless exempt pursuant to this ordinance.

#### **Section 8.2.16**

A. Any person may petition the Town of Black Mountain for a variance granting permission to use the person's land in a manner otherwise prohibited by this ordinance. The Town of Black Mountain may impose reasonable and appropriate conditions and safeguards upon any variance it grants. To qualify for a variance, the petitioner must show all of the following:

(1) Unnecessary hardships would result from strict application of this ordinance.

(2) The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.

(3) The hardships did not result from actions taken by the petitioner.

(4) The requested variance is consistent with the spirit, purpose, and intent of this ordinance; will secure public safety and welfare; and will preserve substantial justice.

B. Statutory exceptions. Notwithstanding subsection (A) of this section, exceptions from the 30-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenants requirements shall be granted in any of the following instances:

(1) When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of SCMs.

(2) When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located 15 feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of SCMs.

1. A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.

2. The stormwater runoff from the entire impervious area of the development is collected, treated and discharged so that it pass through a segment of the vegetative buffer and is managed so that it otherwise complies with all applicable state and federal stormwater management requirements.

#### **Town of Weaverville Unified Development Ordinance (Chapter 20)**

##### **Section 20-1112.**

The town has consented to the application of the Buncombe County construction and post-construction stormwater control regulations within the town's jurisdiction and all permitting, inspections and enforcement of those regulations shall be conducted by Buncombe County.

#### **Town of Woodfin Unified Development Ordinance (Chapter 41)**

##### **Section 41-4**

(a)Commencement date. Beginning with and subsequent to its effective date, the requirements of this section are applicable to all development and redevelopment located within the town limits of Woodfin including, but not limited to, grading and zoning permit applications and applications for subdivision, unless exempt pursuant to this section.

(b) Activity threshold requiring a stormwater permit. The standards in this section shall apply to all of the following new development and redevelopment projects.

(1) Projects that disturb one acre or more.

(2) Projects that disturb less than one acre when:

a. The project is part of a larger common plan of development or sale, even though multiple, separate, or distinct activities take place at different times on different schedules.

b. All phases of the development must achieve post-construction requirements at the completion of each phase unless otherwise approved by the stormwater administrator.

(3) The project expands the built-upon area resulting in 50 percent or more of the total lot area covered in impervious surfaces.

(4) Redevelopment of an existing site, either in whole or in part, that increases the pre-development impervious surface area. a. Increased stormwater controls shall only be required for the amount of impervious surface being added.

(c) Exemptions.

(1) Redevelopment that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development, regardless of the percent of impervious surface.

(2) Pre-existing development or development activities that do not remove, alter or decrease existing stormwater controls.

(3) Activities that are exempt from permit requirements of Section 404 of the Federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities).

#### **Section 41-11**

(a) Permit required. A stormwater permit is required for all development and redevelopment unless exempt pursuant to this chapter. A permit may only be issued subsequent to a properly submitted and reviewed complete permit application, pursuant to this section.

#### **Section 41-12**

(b) Access encroachments. Pre-existing lots and those areas identified in adopted master plans are allowed a minimum encroachment into the 30-foot buffer for the purpose of transportation and access if all of the following criteria are met:

- 1) It is for the purpose of vehicles or non-motorized transportation and access only, such as trails, greenways, walkways, driveways, alley ways or access roads. Residential, accessory or commercial structures are not included in this encroachment allowance;

- 2) Utility structures that follow the right-of-way for the access are only allowed within the disturbance area of the roadway, an existing utility easement or bridge structural footprint;
- 3) It is the minimum encroachment necessary for access of the property, or is part of a trail, sidewalk or street alignment included on the Town of Woodfin's pedestrian master plan, greenway plan or transportation plan or other approved master plan;
- 4) The encroachment area does not exceed more than ten percent of the total land area within the required buffer area, and shall never exceed more than 100 feet of linear disturbance for 1,000 feet of linear stream;
- 5) Provides the minimum area of disturbance needed for access and includes mitigation of stream and stream bank disturbance as part of the design;
- 6) Encroachments which include stream crossing should be designed so that crossing is perpendicular to the stream centerline to the maximum extent practicable; and
- 7) Encroachments which are parallel to the watercourse should be designed to incorporate the maximum buffer practicable and still allow the necessary encroachment. Additional stormwater management techniques to slow and filtrate run-off should be included between the disturbed area and the waterway. Such parallel encroachments may be subject to additional review by the division.
- 8) Any encroachment into the required surface water buffer which exceeds this allowance shall require a variance from the board of adjustment.

#### **Section 41-16**

- (a) Variance standards. Any person may petition the Town of Woodfin for a variance granting permission to use the person's land in a manner not permitted by this chapter. The Town of Woodfin may impose reasonable and appropriate conditions and safeguards upon any variance it grants. To qualify for a variance, the petitioner must show each of the following:
  - 1) Unnecessary hardships would result from strict application of this chapter. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
  - 2) The hardship results from conditions that are peculiar to the property, such as the location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Housing Act for a person with a disability.
  - 3) The hardships did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist may justify the granting of a variance is not a self-created hardship.
  - 4) The requested variance is consistent with the spirit, purpose, and intent of this chapter; will secure public safety and welfare; and will preserve substantial justice.

The Town of Woodfin may impose reasonable and appropriate conditions upon any variance it grants.

**Town of Biltmore Forest Unified Development Ordinance (Chapter 52)**

**Section 52.03**

- A. The stormwater management regulations of this chapter do not apply to any of the following development activities:
- (1) Activities, including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to humans, including, but not limited to:
    - (a) Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts;
    - (b) Dairy animals and apiary products;
    - (c) Poultry and poultry products;
    - (d) Livestock, including beef cattle, sheep, swine, horses, ponies, mules, and goats;
    - (e) Bees and dairy products; or
    - (f) Fur-producing animals.
  - (2) Activities undertaken on forest land for the production or harvesting of timber and timber products and conducted in accordance with best management practices as set out in Forest Practice Guidelines Related to Water Quality;
  - (3) Activities for which a permit is required under the mining act, G.S. §§ 74-46 et seq.;
  - (4) Commercial development on lots less than one half acre;
  - (5) Residential development that disturbs less than one acre, including, total build out of the site, if it is not part of a larger plan of development that is greater than one acre; or
  - (6) Any development in which the owner has accrued a vested right. A vested right is recognized if either a preliminary plan has been approved by the County Planning Board that meets the required specifications and standards of county ordinances, or a land-disturbing permit has been issued pursuant to county soil erosion and sedimentation control ordinance in effect on or before the effective date of this chapter, and that such plan or permit remains unexpired.
- B. A party in interest to a particular plan found to have no vested right to construct or develop on or before the effective date of this chapter may appeal to the County Board of Adjustment for a hearing de novo. Such hearing shall be expedited and shall be limited to the issue of whether the landowner has a vested right to construct or develop his or her site under plans submitted prior to the effective date of this chapter.
- C. Redevelopment or expansions to uses included in the above categories are not subject to the stormwater requirements unless it would result in an expansion of impervious surface on commercial lots in size equal to or greater than one-half acre, would result in commercial redevelopment where more than 50% of the square footage of a structure is replaced on a lot in

size equal to or greater than one-half acre, or would result in a total developed acreage of one acre for residential development.

**Section 52.06**

- A. A stormwater permit is required for all development and redevelopment which equals or exceeds one acre of residential development, or on commercial lots that are one-half acre in size or more, unless exempt pursuant to this chapter.



## TOWN OF MONTREAT

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

### **RESOLUTION # 25-03-0001** **RESOLUTION PASSED BY THE TOWN OF MONTREAT**

The following resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_ and upon being put to a vote was carried \_\_\_\_\_ on the 13<sup>th</sup> of March, 2025

THAT WHEREAS, it is recognized that a proper transportation system to support movement within and through the French Broad River MPO planning area is highly desirable element of a comprehensive plan for the orderly growth and development of the area, and;

WHEREAS, there are a number of governmental jurisdictions within the French Broad River MPO planning area which have been authorized with implementation and regulatory responsibilities for transportation by North Carolina General Statutes, and;

WHEREAS, it is desirable that coordinated, comprehensive and cooperative transportation planning processes be maintained in the French Broad River MPO planning area to ensure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety and welfare, and;

WHEREAS, a Memorandum of Understanding between the City/Town/Village/County of Asheville, Biltmore Forest, Black Mountain, Buncombe, Canton, Clyde, Flat Rock, Fletcher, Haywood, Henderson, Hendersonville, Laurel Park, Madison, Maggie Valley, Mars Hill, Mills River, Montreat, Waynesville, Weaverville, Woodfin, and the North Carolina Department of Transportation has been entered into that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive and cooperative transportation planning process, and;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MONTREAT, NORTH CAROLINA:

That the Memorandum of Understanding between the City/Town/Village/County of Asheville, Biltmore Forest, Black Mountain, Buncombe, Canton, Clyde, Flat Rock, Fletcher, Haywood, Henderson, Hendersonville, Laurel Park, Madison, Maggie Valley, Mars Hill, Mills River, Montreat, Waynesville, Weaverville, Woodfin, and the North Carolina Department of Transportation be approved and that the Mayor and Town Clerk are hereby directed to enter into and execute the Memorandum of Understanding.

Adopted by the Town of Montreat in regular session this 13th day of March, 2025.

Town of Montreat

(Seal)

\_\_\_\_\_  
Angie Murphy  
Town Clerk

\_\_\_\_\_  
Tim Helms  
Mayor, Town of Montreat



## Water Rate Fee Schedule Suggested Changes

The following changes are recommended for clarification on rate determinations for institutional water accounts. The reason for the suggested changes is due to needed clarifications on timing of when consumption will be determined, which drives the rate per 1,000 gallons. No changes to the actual water rates are being recommended, clarification verbiage only.

### Suggested changes in Red

Water Rates (per 1,000 gallons):

- Consumption up to 3,999,999 gallons based on previous calendar year's usage to go into effect on July 1 of the upcoming fiscal year, all accounts combined per institution: \$7.83
- Consumption of 4,000,000 gallons or more based on previous calendar year's usage to go into effect on July 1 of the upcoming fiscal year, all accounts combined per institution: \$9.39

**MPO MEMORANDUM OF UNDERSTANDING  
FOR  
CONTINUING, COOPERATIVE AND COMPREHENSIVE TRANSPORTATION  
PLANNING**

Between

THE CITY/TOWN/VILLAGE/COUNTY OF ASHEVILLE, BILTMORE FOREST, BLACK  
MOUNTAIN, BUNCOMBE, CANTON, CLYDE, FLAT ROCK, FLETCHER, HAYWOOD,  
HENDERSON, HENDERSONVILLE, LAUREL PARK, MADISON, MAGGIE VALLEY,  
MARS HILL, MILLS RIVER, MONTREAT, WAYNESVILLE, WEAVERVILLE, WOODFIN  
AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter  
collectively, "the parties"),  
IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF  
TRANSPORTATION

WITNESSETH;

THAT WHEREAS, the parties desire to enter into a Memorandum of Understanding for Cooperative, Comprehensive, and Continuing Transportation Planning, regarding the French Broad River Metropolitan Planning Organization (MPO); and

WHEREAS, each MPO is required to develop a Metropolitan Transportation Plan in cooperation with NCDOT and in accordance with 23 U.S.C., Section 134, and a Comprehensive Transportation Plan as per Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina, and any subsequent applicable amendments to these statutes and any implementing regulations; and

WHEREAS, these transportation plans, once adopted by the MPO and NCDOT, shall be the basis for future transportation improvements within the MPO.

NOW THEREFORE, the following Memorandum of Understanding is made:

**Section 1: Establishment of the French Broad River Metropolitan Planning Organization (MPO)**

It is hereby agreed that the parties, in cooperation with the UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuous planning process as related in the following paragraphs:

1. The area involved, the French Broad River Metropolitan Planning Area, will be the Asheville Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, including that area beyond the existing urbanized area boundary that is expected to become urban within a twenty year

planning period. This area is hereinafter referred to as the Metropolitan Planning Area (MPA).

2. The MPA will be periodically reassessed and revised in the light of new developments and basic data projections.
3. Transportation planning will be a continuing, comprehensive, and cooperative process and all planning discussions will be reflective of and responsive to the programs of the NCDOT, and to the comprehensive plans for growth and development of the City of Asheville, Town of Biltmore Forest, Town of Black Mountain, Buncombe County, Town of Canton, Town of Clyde, Village of Flat Rock, Town of Fletcher, Haywood County, Henderson County, City of Hendersonville, Henderson County, Town of Laurel Park, Madison County, Town of Maggie Valley, Town of Mars Hill, Town of Mills River, Town of Montreat, Town of Waynesville, Town of Weaverville, and Town of Woodfin.
4. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.
5. Transportation policy decisions within the planning area are the responsibility of the MPO in cooperation with the Asheville City Council, Town of Biltmore Forest Board of Commissioners, Black Mountain Town Council, Buncombe County Board of Commissioners, Canton Board of Aldermen, Clyde Board of Aldermen, Village of Flat Rock Council, Fletcher Town Council, Haywood County Board of Commissioners, Henderson County Board of Commissioners, Hendersonville City Council, Laurel Park Town Council, Madison County Board of Commissioners, Maggie Valley Board of Aldermen, Mars Hill Town Council, Mills River Town Council, Montreat Board of Commissioners, Waynesville Town Council, Weaverville Town Council, Woodfin Town Council, and the NCDOT.
6. Transportation plans and programs and land use policies and programs, for the MPA, having regional impacts will be coordinated with MPOs and RPOs that share a boundary with the MPO, and other municipalities and counties in the region.

## **Section 2: Establishment of a Governing Board**

A French Broad River Metropolitan Planning Organization Governing Board, hereinafter referred to as the Board, is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision making for the MPO. The Board

is the policy board of the MPO. By definition, in 23 U.S.C. §134(b)(2), the Board is the MPO.

1. The Board shall consist of representatives appointed by member Boards of Local Government and members of the North Carolina Board of Transportation (BOT). Each member Board of Local Government and the BOT may also, at its sole discretion, appoint an alternate member to serve in the member's absence. The Board representative and the alternate member appointed by Boards of Local Government must be an elected official of the appointing Board of Local Government.
2. Every voting Board member and alternate shall comply with the State Government Ethics Act as per Chapter 138A of the NC General Statutes and the Ethics provisions of Chapter 136-200.2 of the NC General Statutes.
3. The Board members shall have the responsibility for keeping their respective Boards of Local Government informed of the status and requirements of the transportation planning process; assisting in the dissemination and clarification of the decisions, inclinations, and policies of the boards; and ensuring meaningful public participation in the transportation planning process.
4. The Board, in cooperation with NCDOT, will be responsible for carrying out the provisions of 23 U.S.C. 134 and NC General Statutes, Chapter 136, including, but not limited to:
  - a. Review and approval of the MPO Unified Planning Work Program, which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
  - b. Review and approval of changes to the Urbanized Area Boundary and the Metropolitan Planning Area Boundary;
  - c. Review and approval of the MPO's Transportation Improvement Program (TIP) for multi-modal capital and operating expenditures and to ensure coordination between local and State capital and operating improvement programs;
  - d. Endorsement, review and approval of changes to the MPO's adopted Metropolitan Transportation Plan and Comprehensive Transportation Plan. As required by the North Carolina General Statutes Section 136-66.2(d), revisions to the Comprehensive Transportation Plan must be adopted by both the MPO and the NCDOT;

- e. Review and approval of the Public Participation Plan to ensure the public is given ample opportunity to participate in the transportation planning process.
  - f. Development and approval of the Congestion Management Process, the regionally-accepted approach for identifying and implementing strategies to manage congestion that meet State and local needs.
  - g. Endorsement, review and approval of changes to the Federal-Aid Functional Classification System and the Asheville adjusted urbanized area;
  - h. Establishment of goals and objectives for the transportation planning process;
  - i. Provide local input to North Carolina's transportation project prioritization process; and
  - j. Adoption of Bylaws for the purpose of establishing operating policies and procedures.
  - k. Any other NCDOT, State, and/or Federal required plans and/or documentation, including amendments or modifications to these documents
5. Board Members will vote on matters pursuant to the authority granted by their respective governmental body.

When any project is on an Interstate route, a limited-access highway, or is on a designated Strategic Highway Corridor, any member of the Board may call for a weighted vote regarding project-specific decisions related to the MTIP. The weighted vote must take place at a duly advertised meeting of the Board in which a quorum is present. In a weighed vote, votes of Board members from "directly impacted" jurisdictions will be weighted according to the following table:

<b>Governmental Body</b>	<b>Voting Status</b>	<b>Number of Votes (unweighted)</b>	<b>Weighted votes</b>
Buncombe County	Yes	2	6
Haywood County	Yes	2	6
Henderson County	Yes	2	6
Madison County	Yes	1	3
City of Asheville	Yes	2	6
Town of Biltmore Forest	Yes	1	3
Town of Black Mountain	Yes	1	3

Town of Canton	Yes	1	3
Town of Clyde	Yes	1	3
Town of Flat Rock	Yes	1	3
Town of Fletcher	Yes	1	3
City of Hendersonville	Yes	1	3
Town of Laurel Park	Yes	1	3
Town of Maggie Valley	Yes	1	3
Town of Mars Hill	Yes	1	3
Town of Mills River	Yes	1	3
Town of Montreat	Yes	1	3
Town of Waynesville	Yes	1	3
Town of Weaverville	Yes	1	3
Town of Woodfin	Yes	1	3
NCDOT Board of Transportation (Representative for Division 13)	Yes	1	1
NCDOT Board of Transportation (Representative for Division 14)	Yes	1	1
Rural Transit Representative	Yes	1	1
Urban Transit Representative	Yes	1	1
<b>Total number of voting members</b>		<b>28</b>	<b>76*</b>

\*Weighted votes are subject to the weighted vote provisions and unlikely to include weighted votes for all voting members.

“Directly Impacted” Defined. “Directly impacted” jurisdictions shall include Municipalities where any portion of the project is within the Municipality’s corporate limits or sphere of influence, and shall include Counties where any portion of the project is within the County’s unincorporated area and outside the sphere of influence of any municipality. Sphere of influence shall include extraterritorial jurisdiction, pending annexation areas, or areas covered by a Resolution of Intent to annex.

### **Veto Power**

When any project is on a road that does not carry an Interstate route designation, is not located on a limited-access highway, or is not a designated Strategic Highway Corridor, any member of the Board shall be allowed to call for a veto vote to determine whether a selected project will be excluded from the TIP. In a veto vote, members from jurisdictions that are “directly impacted” by the project may vote to exclude a project from the TIP, provided that every

Board members from the “directly impacted” jurisdictions must be present, and must unanimously vote for the veto. The call for a veto vote can only take place at a duly advertised meeting of the Board in which a quorum is present.

Representatives from each of the following bodies will serve as non-voting members of the Board:

<b>Organization</b>	<b>Voting Status</b>
Federal Highway Administration (FHWA) North Carolina Div.	No
Federal Transit Administration (FTA)	No

### **Appointment of Transit Representative Positions**

The Urban and Rural Transit Representative positions will be appointed for two-year terms.

Urban Transit Representatives will appointed for two-year terms by jurisdictions eligible to receive FTA 5307 funding in the MPO Planning Area. Jurisdictions will rotate appointment responsibilities every two years.

Rural Transit Representatives will appointed for two-year terms by jurisdictions eligible to receive FTA 5311 funding in the MPO Planning Area. Jurisdictions will rotate appointment responsibilities every two years.

6. On the basis of majority vote, the Board may appoint a member of the Committee to act as Chairperson with the responsibility for coordination of the Committee's activities. A staff member of the French Broad River Metropolitan Planning Organization will serve as Secretary to the Committee. A member of any local elected board may serve as an alternate to the designated Board member for each member. The MPO staff shall be notified of changes in Board members and Board alternate members each year and/or as changes are made. As established in its Bylaws, the Board may create subcommittees to assist it in carrying out its responsibilities. Board will meet with the necessary regularity to ensure adequate performance of duties as described herein.

### **Section 3: Establishment of a Technical Coordinating Committee**

**A Technical Coordinating Committee (TCC)** shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the planning area and with the responsibility for making recommendations to the respective local and State governmental agencies and the Board regarding any necessary actions relating to the continuing transportation planning process.

1. The TCC shall be responsible for development, review and recommendation for approval by the Board of the Unified Planning Work Program, Transportation Improvement Program, Metropolitan Planning Area Boundary, Metropolitan Transportation Plan, Comprehensive Transportation Plan, Public Participation Plan, and any other NCDOT, State, and/or Federal required plans and/or documentation, including amendments or modifications to these documents.
2. Membership of the TCC shall include technical representatives from all local and State governmental agencies directly related to and concerned with the transportation planning process for the planning area. The TCC shall be comprised of the following members:

<b>TCC Member Organization</b>	<b>Voting Status</b>	<b>No. of Votes</b>
City of Asheville	Yes	1
Town of Biltmore Forest	Yes	1
Town of Black Mountain	Yes	1
Buncombe County	Yes	1
Town of Canton	Yes	1
Town of Clyde	Yes	1
Village of Flat Rock	Yes	1
Town of Fletcher	Yes	1
Haywood County	Yes	1
Henderson County	Yes	1
City of Hendersonville	Yes	1
Town of Laurel Park	Yes	1
Madison County	Yes	1
Town of Maggie Valley	Yes	1
Town of Mars Hill	Yes	1
Town of Mills River	Yes	1
Town of Montreat	Yes	1
Town of Waynesville	Yes	1
Town of Weaverville	Yes	1
Town of Woodfin	Yes	1
NCDOT Division 13	Yes	1
NCDOT Division 14	Yes	1
NCDOT Transportation Planning Division	Yes	1
City of Asheville Public Transit	Yes	1
Henderson County Public Transit	Yes	1
Buncombe County Public Transit	Yes	1
Haywood County Public Transit	Yes	1
Land of Sky Rural Planning Organization	Yes	1
<b>Total number of voting members</b>		<b>28</b>

Representatives from each of the following bodies will serve as non-voting members of the Technical Coordinating Committee:

<b>Organization</b>	<b>Voting Status</b>
Federal Highways Administration (FHWA)	No
Federal Transit Administration (FTA)	No
Land of Sky Regional Council (LOSRC)	No
Asheville Regional Airport	No
WNC Regional Air Quality Agency	No
NCDOT Regional Safety Engineer	No
NCDOT Freight Representative	No
NCDOT Rail Representative	No
NCDOT Integrated Mobility Division	No
Regional Housing Representative	No
Vulnerable Road Users Representative	No

Appointment of FHWA, FTA, LOSRC, Asheville Regional Airport, WNC Regional Air Quality Agency, and NCDOT positions will be made by those agencies. Appointment of the Regional Housing Representative and Vulnerable Road Users Representative will be at-large appointments, subject to approval by the TCC and Board.

3. The TCC shall meet when it is deemed appropriate and advisable, but will meet with the necessary regularity to ensure adequate performance of duties as described herein. On the basis of majority vote of its membership, the TCC may appoint a member of the Committee to act as Chairperson with the responsibility of coordination of the Committee's activities. On the basis of majority vote of its membership, the TCC may also appoint a Vice-Chair to lead meetings in the absence of the Chair. Membership to the TCC may be altered on the basis of a majority vote of its membership, provided all agencies with Board membership are represented. TCC membership changes must be approved by the Board.

#### **Section 4: MPO Meetings**

The Board and TCC, as well as any established subcommittees, are responsible for carrying out the provisions of North Carolina General Statute Chapter 143, Article 33C regarding open meetings, and Chapter 132 regarding public records. In addition:

1. A quorum is required for transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise

transacting public business. A quorum consists of 51% of the active members of the Board or TCC, plus as many additional members as may be required to ensure that 51% of possible votes are present. Vacant seats will not count against the quorum.

2. Members or alternates should be identified by name on the meeting attendance log.
3. Per NCGS 143-318.13, regarding TCC and/or Board meetings that are held by use of conference telephone or other electronic means, the LPA shall provide a location and means whereby members of the public may listen to the meeting.
4. Electronic meetings and voting are allowed as long as proper public notice is given and meeting materials are available to the public upon request. Minutes of meetings at which remote participation occurs should reflect which members are physically present and which are not. They should also reflect when members are excused from voting or are excused to leave or rejoin the meeting, just as they would for members who are physically present.
5. Any member who does not attend two consecutive Board/TCC meetings will not be included as part of the membership needed to obtain a quorum after the second meeting. Membership, however, is immediately reinstated by the presence of the most recently appointed member (or his alternate) at any future meeting.

### **Section 5: Lead Planning Agency Responsibility**

The Land of Sky Regional Council shall serve as the Lead Planning Agency and will provide the staff of the MPO, including a Secretary to the Board and the TCC. As such, Land of Sky Regional Council staff will maintain the official records of the MPO and all state and federal reporting and budgetary requirements in cooperation with the NCDOT staff. The Land of Sky Regional Council will further assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Unified Planning Work Program. Additionally, the Land of Sky Regional Council shall coordinate zoning and subdivision approvals within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan.

The Land of Sky Regional Council will be responsible for initially expending locally derived funds and seeking reimbursement from NCDOT in accordance with the respective funding source.

The Land of Sky Regional Council will be responsible for the following functions:

1. Providing a secretary for the Board and the TCC
2. Arranging meetings and agenda
3. Maintaining minutes and records
4. Preparing a Prospectus and Unified Planning Work Program
5. Serving as custodian of all MPO plans and documents
6. Collecting from local governments minutes and resolutions that document transportation plan revisions, and submitting these for mutual adoption by the NCDOT
7. Monitoring the transportation planning process to ensure its execution is in accordance with the MPO goals and objectives
8. Performing other coordinating functions as assigned by the Board as needed
9. Lead responsibility for structuring public involvement in the transportation planning process
10. Preparation of the PL Expenditure Report and other grant/fund management.

The NCDOT will assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Unified Planning Work Program. The Transportation Planning Division will designate a French Broad River Metropolitan Planning Organization Coordinator to serve as Staff liaison and participant in the French Broad River Metropolitan Planning Organization planning process.

## **Section 6: Cost Sharing**

Activities of the MPO, as set forth in the annually adopted Unified Planning Work Program, are funded with Federal Planning funds distributed through the North Carolina Department of Transportation. These funds require a twenty percent (20%) local match. Dues-paying local government members that are parties to the Memorandum of Understanding agree to fund the local match in an amount in direct proportion to their share of the total population contained in the approved Metropolitan Planning Area. Population figures for determination of local match contribution shall be determined based on the most recent Federal Decennial Census. This funding share shall be invoiced on a regular basis by the Land of Sky Regional Council, acting as Lead Planning Agency, and as recipient of the Federal Planning funds distributed by the North Carolina Department of Transportation. Annual local match funds are non-refundable.

### Dues-Paying Members and Responsibilities

<b>Dues-Paying Member</b>	<b>Jurisdictions Included in Population Calculations</b>
City of Asheville	City of Asheville
Buncombe County	Unincorporated Buncombe County (within the MPO Planning Area, Town of Biltmore Forest, Town of Black Mountain, Town of Montreat, Town of Weaverville, Town of Woodfin
Haywood County	Unincorporated Haywood County within the MPO Planning Area, Town of Canton, Town of Clyde, Town of Maggie Valley
Henderson County	Unincorporated Henderson County within the MPO Planning Area, Village of Flat Rock, Town of Fletcher, Town of Laurel Park, Town of Mills River
City of Hendersonville	City of Hendersonville
Madison County	Unincorporated Madison County within the MPO Planning Area, Town of Mars Hill
Town of Waynesville	Town of Waynesville

Any member jurisdiction of the MPO may request planning funds for special studies with local match provided from a single jurisdiction. Those items will be highlighted in the Board-approved UPWP and not be calculated as part of regular MPO dues.

## **Section 7: Withdrawal from the French Broad River Metropolitan Planning Organization**

Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 180 days written notice to the other parties prior to the date of termination.

## **Section 8:**

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the City of Asheville by its Mayor, The Town of Biltmore Forest by its Mayor, The Town of Black Mountain by its Mayor, the Town of Canton by its Mayor, the Town of Clyde by its Mayor, the Village of Flat Rock by its Mayor, the Town of Fletcher by its Mayor, the City of Hendersonville by its Mayor, the Town of Laurel Park by its Mayor, the Town of Maggie Valley by its Mayor, the Town of Mars Hill by its Mayor, the Town of Mills River by its Mayor, the Town of Montreat by its Mayor, the Town of Waynesville by its Mayor, the Town of Weaverville by its Mayor, the Town of Woodfin by its Mayor, Buncombe County by its Chairman of the Board of Commissioners, Haywood County by the Chairman of the Board of Commissioners, Henderson County by the Chairman of the Board of Commissioners, Madison County by the Chairman of the Board of Commissioners, and the North Carolina Department of Transportation by the Secretary of Transportation. This Memorandum of Understanding becomes effective as of the last day signed. The following pages comprise the signature pages from each party to this Memorandum.

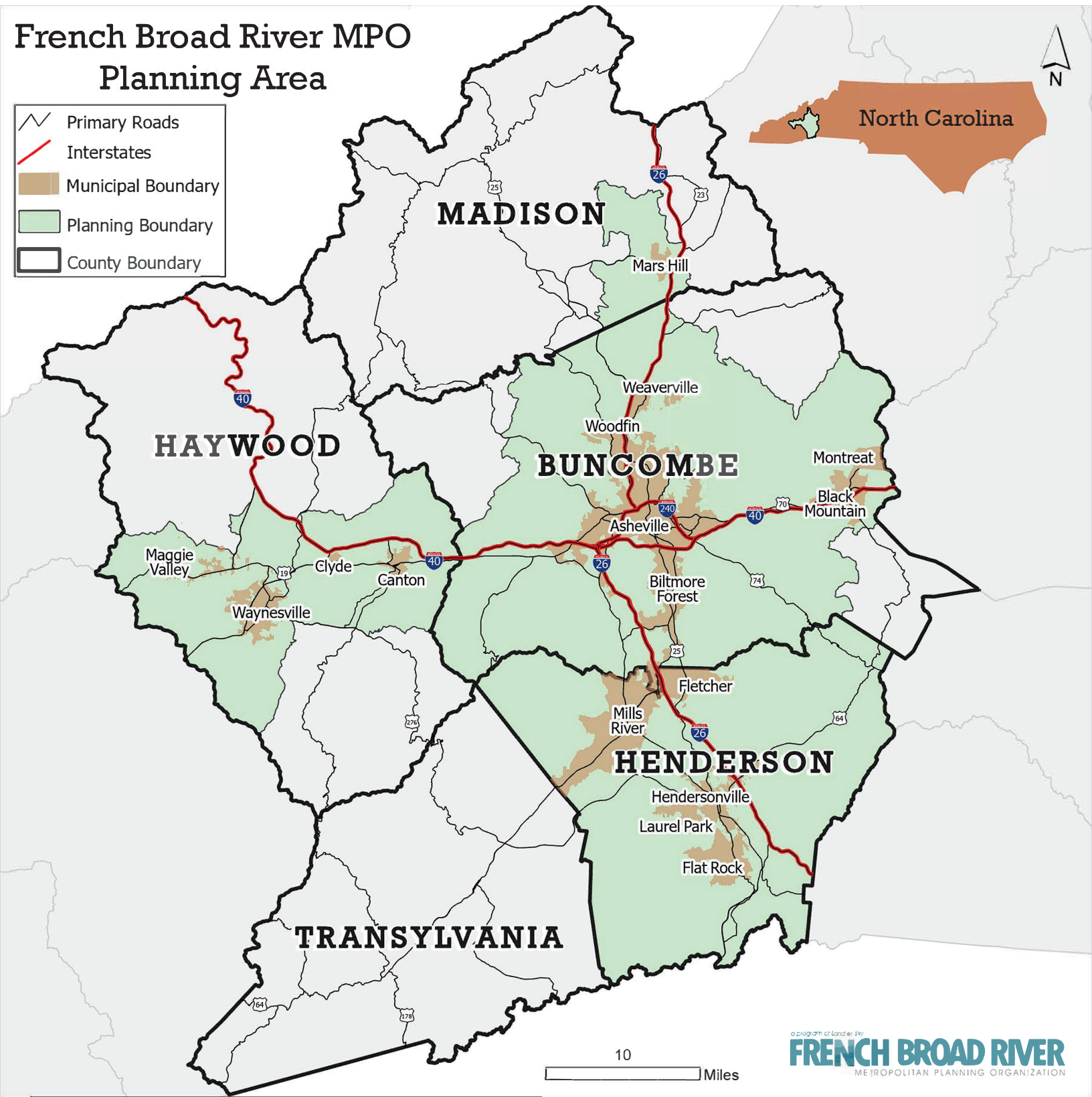
# **APPENDIX A**

## **MPO PLANNING AREA**

### **ADOPTED (2023)**

# French Broad River MPO Planning Area

- Primary Roads
- Interstates
- Municipal Boundary
- Planning Boundary
- County Boundary



ORDINANCE # \_\_\_\_\_

**AN ORDINANCE AMENDING THE TOWN OF MONTREAT GENERAL ORDINANCE  
TA-2024-05**

**WHEREAS**, the Town of Montreat Board of Commissioners is responsible for adopting and rejecting development ordinance amendments, under Chapter 160D Article 6 of the North Carolina General Statutes; and

**WHEREAS**, the Town's existing General Ordinance was adopted on March 24, 1999; and

**WHEREAS**, pursuant to Section 160D-601(a) of the North Carolina General Statutes, the Town of Montreat used the adoption process mandated for zoning text amendments to adopt revisions to the Montreat General Ordinance, which is a development ordinance. A public hearing was noticed on February 27, 2025, and March 6, 2025, in the *Black Mountain News* newspaper and held on March 13, 2025; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MONTREAT, NORTH CAROLINA THAT:**

The following revisions (shown in **bold**) be made to Chapter K Article III Section 300(3):

Redevelopment and Stormwater Rules

Section 300(3) Applicability and Exemptions

This ordinance shall be in full force and effect from and after the date of its adoption.

**READ, APPROVED, AND ADOPTED** this the \_\_\_\_ day of \_\_\_\_, 2025.

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Tim Helms, Mayor

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Savannah Parrish, Town Manager