

**Town of Montreat
Board of Commissioners
Special Meeting
August 24, 2009 – 5:00 p.m.
Town Services Office**

The Montreat Board of Commissioners held a Special Meeting on August 24 2009 at 5:00 p.m. in the Town Services Office. Present among the Board were Mayor Letta Jean Taylor, Mayor Pro Tem Eric Nichols, Commissioner Ruth Currie, Commissioner Bill Hollins, Commissioner Jack McCaskill. Commissioner O’Neil Tate was absent. Representing Town Staff were Town Administrator Ron Nalley, Town Clerk Misty R. Gedlinske and Building Inspector/Code Administrator David Currie. No members of the public were present. Mayor Taylor called the meeting to order and gave the invocation.

Agenda Adoption

Mayor Pro Tem Nichols moved to adopt the meeting agenda as presented. Commissioner McCaskill seconded and the motion carried 4/0.

Revisions to Montreat Subdivision Ordinance – Conservation Design Options

Mr. Currie presented the Planning and Zoning Commission’s recommended revisions to the Montreat Subdivision Ordinance allowing conservation subdivision design options. He noted that the text presented represented all changes to the original ordinance language. The Board then reviewed the proposed ordinance language as follows:

Section 501 – Conservation Design: Commissioner Currie suggested that references to “farmland” be removed from the ordinance. After brief discussion, the Board agreed by consensus to leave the language of this section unchanged.

Section 501.1 – Compliance: Mr. Nalley referred to several areas within both Montreat’s corporate limits and Extra-Territorial Jurisdiction area where properties could be combined or replatted in order to create a subdivision of five acres or more. He advised that conservation design principles may not be practical for smaller subdivisions for financial and other reasons. Mr. Currie said he had also consulted with a local engineering firm which had recommended that five contiguous acres was the smallest parcel size that may be practical for conservation subdivision designs. After brief discussion, the Board agreed to leave the language of this section unchanged.

Section 501.2 – General Design Requirements: The Board agreed by consensus to leave the language of this section unchanged.

Section 501.4 – Open Space Use, Location and Design: In response to Commissioner Currie’s questions, staff confirmed that the descriptions of greenspace and conservation easement lands referenced in this ordinance were included in the Open Space Conservation Plan. Commissioner Currie also asked why the slope threshold for secondary conservation areas was set at 50% rather than the 40% threshold used in the General Ordinance’s hillside development regulations. Mr.

Currie explained that this was done to prevent undue restrictions on the construction of recreational facilities or other similar uses in these areas.

Section 501.5 – Open Space Dedication or Reservation: Mr. Currie confirmed that the open space areas of a conservation subdivision would be open to public use. Commissioner McCaskill suggested that the language of this section be later revised to include a reference to future tree removal and replacement regulations once those were developed and approved.

Section 501.6 – Open Space Maintenance: Discussion was heard concerning whether open space areas created through conservation subdivision design should be permanently maintained by the Town or through a homeowners' association or similar legal entity. Staff advised that even if the Board decided that the Town would accept and maintain all conservation subdivision open spaces, the Open Space Conservation Plan's guidelines and evaluation criteria for accepting privately donated parcels on a case-by-case basis would still apply. The Board then agreed by consensus that the Town would accept responsibility for managing and maintaining all open spaces created through conservation subdivisions. The Board also agreed by consensus to remove all references to homeowners associations or similar legal entities from the text of the proposed revisions.

Section 501.7 – Design Procedure: In response to Commissioner Currie's questions, staff confirmed that the Open Space Conservation Committee would still review and make recommendations on individual lots being considered for permanent conservation, but would not do so for open spaces created within conservation subdivisions.

Section 501.8 – Evaluation Criteria: Commissioner Currie asked that the terms "Low Impact Development" and "Best Management Practices" be spelled out fully prior to using the "LID" and "BMP" reference acronyms.

Section 502 – Streets: Mr. Nalley noted that language had been added to this section clearly stating that all streets within conservation subdivisions must comply with Montreat General Ordinance Chapter D, Article 4 – Street Standards.

Section 503 – Water and Sewer Systems: Mr. Currie felt that the sentence reading "This requirement may be waived by the Planning and Zoning Commission with prior written approval of the Buncombe County Health Dept. or the Metropolitan Sewerage District (MSD)" was in conflict with recent updates to the Ordinance Regulating the Construction and Financing of Public Improvements. The Board agreed by consensus to remove the last sentence of this paragraph in its entirety.

Section 600 – Procedures for Review and Approval of Subdivision Plats: Staff responded to Commissioner Currie's questions concerning preliminary and final approval for subdivision plans. Commissioner Currie suggested it may be beneficial for the Board of Commissioners to become involved at an earlier point in the plan approval process. Mr. Nalley advised that the ordinance's plan approval processes were based on current statutory guidelines and had proven

effective. Commissioner Currie felt that the Board of Commissioners should consider approval the subdivision plans prior to the start of construction. Commissioner Hollins disagreed, stating he supported the current plan approval process with staff support to ensure that construction of the subdivision was consistent with the preliminary plans approved by the Planning and Zoning Commission.

603.2 Review Procedure: Mr. Nalley said that staff would add language to this section specifying that all professional engineering and technical review service fees related to subdivision projects were the sole responsibility of the applicant.

Section 604.2 – Improvement Guarantees: Mr. Currie advised that this section had been revised in order to comply with current statutory language which granted a subdivider the right to choose between several different methods for providing a security guarantee. He also noted that the amount of the required guarantee be raised from 1.25 to 2.00 times the total cost of the project for all types of subdivisions in order to adequately cover the costs of restoring disturbed sites left unfinished by developers or to protect property or water features endangered by those incomplete activities.

Section 604.23 – Default: Mr. Currie said that in the event of a default, the Board would have the discretion to use surety guarantee payments to complete all or any portion of any required improvements, stabilize or repair graded or disturbed areas or any other incomplete development activities which may pose threats to water quality or neighboring property due to potential soil erosion and sedimentation or site instability.

Appendix B – Sketch Plan Checklist and Appendix C – Preliminary Plan Checklist: Mr. Currie said that language referencing current stormwater management regulations was added to both of these sections

Public Comment

There were no comments from the public at this time.

Adjournment

There being no further items of business to discuss, Commissioner McCaskill moved to adjourn the Special Meeting. Commissioner Hollins seconded. The motion carried 4/0 and the meeting was adjourned at 6:00 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk