

**Town of Weaverville
Planning Board
Thursday, June 6, 2024
Meeting Minutes**

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Thursday, June 6, 2024

Present: Chair Bob Pace, Vice Chair Jane Kelley, Donna Mann Belt, Mark Endries, and Stefanie Pupkiewicz Busch and alternate members Michelle Rippon and Michael Sollazzo.

Staff Present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Planning Director James Eller, and Town Clerk Tamara Mercer

1. Call to order Chairman Pace

Chairman Pace called the meeting to order at 6:00 p.m. and welcomed new alternate member, Michael Sollazzo.

2. Adoption of Agenda

Without objection, Mr. Pace declared the agenda approved. Carried unanimously. 5-0.

3. Approval of Minutes – 5/7/2024 Regular Meeting

Ms. Mann Belt stated that at the May 7th meeting minutes that she was not in favor of Woodfin's regulations, and she moved to approve the May 7, 2024 meeting minutes as amended. Without objection the meeting minutes approved as amended for May 7, 2024. Carried unanimously. 5-0.

4. Short Term Rentals Planning Director Eller and Attorney Jackson

Attorney Jackson provided a review of the short-term rental topic process and public input information gathering phases. The Planning Board has been working on the Short-Term Rental Project since March of 2023. The first phase of its work was learning about short-term rentals and receiving public input on the topic. The first phase concluded in March 2024 with the final report and presentation by Kayla DiChristina with Land of Sky Regional Council.

The Board then shifted its focus to possible regulation as requested by Town Council on March 25, 2024. This project was deemed a high priority within the CLUP. The Planning Board has discussed this complicated topic at 8 or more of its meetings since its joint meeting with Town Council on the topic was held on March 21, 2023, and devoted large amounts of time outside of those meetings to better understand the issues.

Based on the information gathered during the input sessions and the Planning Board's conversations on April 2 and May 7, staff has developed a set of draft regulations.

Staff continued to craft regulations based on the May meeting input to consider. Planning Director Eller proposed definitions for homestays, to be included in the table of uses and revisions permitted for single family dwellings across zoning districts. The non-conforming language remains as is.

Consideration of Action Items Polled:

- 1) Should short-term rentals be regulated? Jane Kelley, Donna Mann Belt, Mark Endries, and Stefanie Pupkiewicz Busch who said 'yay' and Bob Pace who said 'nay'. 4-1.
- 2) Are the drafted regulations presented to the Planning Board reflective of the Planning Board discussion? Board members agreed unanimously, 5-0.
- 3) Are the draft regulations consistent with the CLUP? Board members agreed unanimously that this is not addressed in the CLUP, 5-0.

There was further discussion regarding: residential and commercial zoning uses, short-term rental property owner income, the Comprehensive Land Use Plan, economic development, affordable housing, impacts and economic benefits that supports small businesses, visitors and tourism, signage, duplex and multi-family zoning, higher density, housing pricing and market trends, and housing stocks in Weaverville. Nuisance abatement and STR complaints, the Town's code of ordinances was discussed as well as court challenges, risks, and State legislation which has not been passed addressing short-term rentals.

Chairman Pace noted that as Buncombe County has delayed short-term rental regulations and that short-term rentals were not addressed by the Comprehensive Use Plan, warrants Town Council inclusion to provide better guidance on the issue. Mr. Pace believed the Town could delay adoption of short-term rental regulations until Buncombe County implements regulations, and he called the vote.

Chairman Pace moved to approve the short-term rental regulations, and Jane Kelley, Donna Mann Belt, and Stefanie Pupkiewicz Busch who voted 'yay' and Bob Pace and Mark Endries who voted 'nay'. 3-2.

As prepared by Attorney Jackson the Planning Board's review of the draft regulations offers comments as contained herein.

On the question of whether short-term rentals should be regulated in the Town of Weaverville, the Planning Board voted 4 to 1 in favor of regulating short-term rentals within the Town. With a majority vote of 3 to 2, the Planning Board submits a favorable recommendation to Town Council on the drafted text amendments and supports the adoption of these regulations of short-term rentals. This favorable recommendation is based on the findings as stated herein.

The Planning Board has reviewed this regulation against the CLUP and unanimously found that the CLUP does not directly address this topic and would recommend that the CLUP be amended to provide better guidance on the issue.

The Planning Board also noted that the following impacts/concerns over the regulation of Short-Term Rentals were expressed by one or more of the Planning Board members:

- The number of short-term rentals within the Town, when considering the overall number of housing units, may not justify the need for regulation.

Recommendation and amendments to Chapter 20 regarding short-term rentals:

- Amount of resources that may be needed to adequately enforce these regulations
- Generally applicable regulations (sanitation, noise, parking) apply to short-term rental uses and most problems can be handled through general regulations
- Delay of adoption might be considered pending a decision by Buncombe County on similar regulations
- To delay adoption may result in more short-term rentals that are allowed to continue in the R-1, R-2, and R-3 districts and may result in the Town being a safe harbor for short-term rentals
- Concern about potential legal risks
- Concern about entrenching the existing STRs within the R-1, R-2, and R-3 district
- This regulation provides an opportunity for an increase in housing availability
- Short-term rentals provide economic opportunities that regulation may limit
- Role of government is to protect the general public and often times does so by enacting regulation
- Concern about respecting the general character of residential areas

It should be noted that to make short-term rental uses legal in the R-12, C-1, C-2, and I-1 as proposed, an expansion of the districts within which single family dwellings can be constructed was necessary. A thorough review of the residential use section of the Table of Uses should be undertaken.

General consensus these reflect the Planning Board comments were unanimous. 5-0.

5. Other Business - Amend Growth Areas Resolution Attorney Jackson & Planning Director Eller

Planning Director Eller updated the Board that as result of the 75 Cole Road annexation request and approval by Town Council, the I-26 corridor growth area 4 would be reevaluated to expand the desired uses along the corridor.

6. Special Called Joint Town Council and Planning Board Meeting Chairman Pace

It was noted that on Tuesday, August 20, 2024 Town Council may call a joint meeting with the Planning Board. Vice Chair Kelley stated she may not be available. The meeting will be verified by Manager Coffey, in the interim:

Chairman Pace moved to call a special called joint meeting of the Planning Board and Town Council to be held on August 20, 2024 at 6:00 p.m. in Council Chambers. Carried Unanimously. 5-0

7. Adjournment - Chairman Pace

There being no further business and without objection, Chairman Pace requested adjournment at 7:20 p.m. Carried Unanimously. 5-0

ATTEST:

Tamara Mercer, Town Clerk