

BANNER ELK PLANNING BOARD MEETING
MONDAY, DECEMBER 02, 2019
MINUTES

Members Present: Aaron Barlow, Allen Bolick, Meredith Olan, Joel Owen, Penny VonCanon

Staff Present: Zoning Administrator Cheryl Buchanan, Town Manager Rick Owen

Chairman Joel Owen called the meeting to order at 6:02 pm. Mr. Owen opened with the pledge of allegiance to the flag.

Consideration of the October 2019 Minutes

Penny VonCanon motioned to approve the minutes for the October 2019 meeting as submitted. Allen Bolick seconded the motion. The vote was unanimous and the motion carried.

Old Business

None entertained.

New Business

CUP Request – Phase 3, the Vistas

Zoning Administrator Cheryl Buchanan introduced this topic as a continuation of the development known as The Banner Elk Vista Properties, LLC. The developer Kent Smith could not be present, and sent J.P. Cogdill as his representative. The development began in 2005 and has completed two (2) phases and is ready to start the third and final phase. It was previously established that Mr. Smith has a vested right per North Carolina State Statute.

The third phase will consist of seven (7) quadplex buildings in the middle of the development, numbered 17 through 23. The infrastructure is already in the ground and working well. The road is paved up to the building 17 and 18. Compaction results have been submitted for these two building sites as well.

With no further questions, Aaron Barlow motioned to make a recommendation to approve to the Board of Adjustment. Penny VonCanon seconded. All were in agreement and the motion carried.

Ordinance Review – Short Term Rentals

The topic has been on the back burner for the Planning Department for a short time. The North Carolina Legislature has been dealing with the same topic and were close to declaring a moratorium on adopting ordinances related to this topic. Banner Elk has been watching to see which way this goes before bringing it to the Planning Board, but a citizen addressed the Town Council at the November meeting asking that this be addressed sooner. Before the Board tonight is a draft and a copy of the draft with Four's red letter comments to that original draft.

The discussion that ensued was very beneficial and brought out some points that will need to be addressed. Here are some of the highlights to that discussion:

Fees. Aaron Barlow said that Blowing Rock charges \$100 for the initial permit and \$50 for renewal. Ms. Buchanan said that Asheville charges \$208 for each permit and renewal. Meredith Olan asked if the fees would be used to hire another employee to handle the extra work or could be set to be able to do that. Ms. Buchanan responded that she did not foresee the Town hiring another employee.

Number of STR's owned by one person or entity. Some members voiced concerns that a corporation could come in and buy several houses in order to rent them, narrowing the opportunities for other potential homeowners who may want to own property in Banner Elk. Ms. Buchanan said she would ask The Town's Attorney about the legality of limiting one entity purchasing multiple properties.

What constitutes a valid complaint? Can a neighbor complain or would it require the Police Department being called and filing an incident report before it becomes a valid complaint. Meredith Olan asked that the rules for STR's be visible in each unit so that those who are renting will know what is expected.

Who will be responsible for the extra workload? Ms. Buchanan said she thought she would be. Aaron Barlow said that some areas, like Beech Mountain have hired an outside company to come in and identify which properties are being rented through these hosting platforms. Ms. Buchanan said that can be easily looked at through perusing those websites. Ms. Buchanan was asked if there would be an initial mailing to inform renters of what would be expected of them. She replied that there would be several ways she would try to get the word out.

What charges would the occupancy tax apply to? It would appear that the home owners make a deal with the hosting site for the fees they are willing to charge and then the hosting site charges additional fees. Aaron Barlow asked which one of those fees the occupancy tax would be affected by. Ms. Buchanan said this was a statewide problem and the hosting sites do not report who they are paying for and claim they do not have to provide any reporting. Currently there is no reporting being done and Ms. Buchanan's aim was to make the homeowner responsible for the reporting form. This would give the Town a better chance to put a payment with a location.

What zoning districts and areas would this ordinance apply to? The Board felt that the residential districts would apply. The question of whether this would apply to just town limits or/and the ETJ was also broached. Ms. Buchanan said the occupancy tax only applies to the town limits and that patrolling the ETJ would be a much larger undertaking. Ms. Buchanan said it should apply to all of the town limits, whatever the zoning, and not the ETJ since the ETJ is not as densely populated. Aaron Barlow suggested that we begin with the town limits and see how successful it is before expanding to the ETJ.

Ms. Buchanan thanked the Board for their comments and said she would share them with the Town Manager and the Town Attorney.

With no further business, Aaron Barlow motioned to adjourn and everyone was in agreement, the meeting came to an end at 7.20 pm.

Respectfully submitted,
Cheryl Buchanan, Zoning Administrator, Town of Banner Elk