

# WEBSTER PLANNING BOARD

## JANUARY 19, 2023 Meeting Minutes



The Webster Planning Board met on January 19, 2023, at 5:30 p.m. for a regularly scheduled meeting.

**CALL TO ORDER:** Jenny Reisinger called the meeting to order at 5:38 p.m.

**MEMBERS PRESENT:** Tonya Basse, Brandon McDevitt, Jenny Reisinger, Sara Stahlman (via Zoom), Will Whitfield, Rachel Pollack, Leigh Anne Young (liaison)

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Chris Cox

Sara read aloud the ethics statement. No conflicts were expressed.

### GENERAL MEETING

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#### **Approval of Agenda and Minutes:**

The agenda and November 17, 2022 meeting minutes were reviewed.

**MOTION:** Tonya Basse motioned to approve the agenda, Will Whitfield seconded. Motion carried unanimously.

**MOTION:** Brandon McDevitt motioned to approve the November 17, 2022 meeting minutes. Tonya Basse seconded. Motion carried unanimously.

**Informal comments by the public:** None

#### **Administrative Reports:**

**Chair Report:** Discussed moving someone from alternate role to full time planning board member. Will Whitfield nominated Rachel Pollack. Brandon McDevitt seconded. Motion carried unanimously. Secretary position discussed and tabled until Rachel arrives at the meeting. When revisited, Rachel did not want to serve as secretary. Sara Stahlman opened the floor for nominations. Sara Stahlman nominated Brandon McDevitt, Jenny Reisinger seconded. No other nominations were received. Sara Stahlman closed the floor for nominations. Sara Stahlman moved to appoint Brandon McDevitt as secretary, Jenny Reisinger seconded. Motion carried unanimously.

**Planning Board Members' Reports:** Leigh Anne Young sent her update to the group and verbally reported on the following:

- **MUNICIPAL GRANT:** Tracy and Leigh Anne attended the County Commissioner's meeting last week to present the town's proposal for the municipal grant, which includes trash cans, a recycling receptacle, and a bench for town hall. The \$5,000 grant proposal was approved.
- **WEBSTER PARK PROJECT:** County Commissioners agreed to contribute \$15,000 to our Webster Park Project to help with costs for ballfield netting and ADA-compliant parking and access. Tracy and Leigh Anne are meeting with Rusty next week to look at cost estimates for

pavilion designs with more architectural features that were specified in our survey of town and planning board members.

- JOINT MEETING: There is a joint meeting scheduled for town and planning board members for Wednesday, February 1, at 5:30 at Town Hall. This is the first of its kind. Leigh Anne has requested that at least 45min-1hr be set aside for discussions on short and long term goals (and if budget adjustments are needed to address those goals). Leigh Anne will be creating a loose framework for how we might use this time and sharing with planning board members for input within the coming days.
- PLANNING BOARD MEMBERSHIP: Brandon Core was appointed to the Town Board to fill Kelly Donaldson's vacant seat. We are delighted to welcome him as the newest commissioner on the Town Board, but also sad to lose his presence on this board.
- CELL TOWER WAIVER: The cell tower waiver passed unanimously at the town board meeting on 12/7/22. Construction will likely begin in 4-5 months, following building and permitting approvals. It is expected to be up and running before the beginning of the next school year, and all signs point towards residents experiencing improved coverage after the installation.
- >>Followup to Will's questions at our last meeting, this is a 5G tower. The finer details of the coverage map were tricky to read from across the conference room. There were a few areas in red (with patchy, suboptimal service), but the majority of our area (Webster - SCC - SMHS/Fairview - Walmart) should have improved service. I cannot speak specifically to sections of N River Road, where currently there is no service. The only way to improve upon the service we will be getting is to raise the tower higher. At 200' FAA restrictions and guidelines kick in; the tower is designed to maximize range but still top-out just below that threshold.
- ANIMAL CONTROL ORDINANCE: The updates were approved at our December meeting. There was a recent incident involving a dog attack on a neighbor's property. The mayor has sent a letter to the offending dog owner informing the owner of our Ordinance and imposing a \$75 fine.
- TRAFFIC SAFETY COMMITTEE: Newly-formed and based on the recommendation from this board for greater advocacy. The committee met for the first time last week. Leigh Anne will update the Planning Board on its progress after the town board has received a report on their discussions and recommendations.
- NEW TOWN CLERK: Our current town clerk, Debbie Coffey, will be stepping down at the end of February. We have hired Stephanie Gibson on a trial basis to allow her time to train with Debbie.

### *OLD BUSINESS*

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#### **1. Short term rentals work session**

- a. Webster STR Data Update - There are 2 new full house STRs off of Buchanan Loop. Full data can be viewed at <https://www.airdna.co/vacation-rental-data/app/us/north-carolina/sylva/overview>

- b. Precedent from case in Wilmington - anything tied to permitting or registration in the Wilmington ordinance had to be removed. Eliminates the ability for municipalities to require registration or capping percentage of rentals within residential areas. Can regulate through zoning, land use regulations.
- c. Within ordinances and LUP, we stipulate usages. Currently R1, B1, G1. A number of examples from communities across NC include several residential districts. Could create zones where it is or isn't allowed.
- d. Asheville, for example, has a "resort zone." Could partition areas where we allow certain things and others where we cannot. Sylva only allows STR as accessory use (e.g. within the same structure or accessory building).
- e. National League of Cities Short Term Rental Regulation review, policy priorities, policy levers to reach priorities; reviewed board priorities from previous work session and policy levers that can be pulled to help reach those goals
- f. Review examples of STR ordinances from other communities including Asheville, Sylva, Highlands, Chapel Hill (highlighted CH as an easy way for lay people to understand process and decisions) and highlight sections with language we like.
- g. Discussed ways to include public in dialogue
- h. Discussed recommendations for Town Board - clarifying what we already have as an ordinance to make it clear what is and is not allowed. Notifying houses that are out of compliance, and asking them to change the use at some point.
  - i. **There should not be stand alone properties used as short term rentals, which is in alignment with what we thought the ordinances already communicated.**
  - ii. What is a "Certificate of Compliance" with Zoning Administrator?
  - iii. Can we merge the B&B and Rental?
  - iv. Reviewed ordinance 5.2 and 5.3 of current Webster ordinances. Can we merge these two ordinances? As written, residential space has to be attached to the house. Owner must be the primary resident of the house.
  - v. Two bedrooms/one apartment is not critical although there are health and safety issues with that. CLARIFY THIS.
  - vi. Clarify auxiliary unit allowances (size, use, design) as part 2. Make that clear. If we allow for auxiliary buildings on the lot, how does that impact? Can we allow more than one dwelling per lot? If not connected to the house, it needs to have two uses. As written - needs to be in the same building. Generally open to the idea with more discussion and clarification on what's allowed and not allowed. Accessory dwelling appearance? Perhaps add to ballot during election cycle.
  - vii. Process for residents when there's a violation / air grievances.
- i. Community desires - residential feel, quiet neighborhood
- j. Simplicity of ordinance - make it easy to understand, provide examples of what would be in compliance and what would not
- k. Enforcement - clear way for neighbors to report violations. What does the town board do with that information?
- l. Metrics of success/evaluation/feedback - pull community back into the conversation here as well. Is this working? Does it make sense?

- m. How to communicate it to town?
  - i. Already in ordinances, just clarifying
  - ii. Why ordinances help
  - iii. Encourage community to think about what they value about the community and then show how the ordinance helps preserve the community they wanted

Questions for attorneys:

- Can properties “Grandfather” in our community when our ordinances already restrict the use of properties as STRs?
- Can we give a time period until compliance?
- Can they help us create something that is enforceable in court?
- Does 5.2 fit with long-term rental as written? Are there ordinances for long term rentals?
- What are legal ramifications of being out of compliance with current ordinances?

*NEW BUSINESS*

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None

**MOTION:** Sara Stahlman motioned to adjourn at 8:05 pm. Tonya seconded. Motion passed.

**MEETING SUMMARY:**

- Rachel Pollack became a full time planning board member.
- Brandon McDevitt became secretary.
- Lots of time spent discussing short term rentals. Sara and Leigh Anne will collaborate on a draft to review at the next meeting..

**NEXT MEETING:** The Planning Board will meet for a joint meeting with the Town Board on February 1st and as a Planning Board on February 16, 2023, both at 5:30 pm.

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Brandon McDevitt, Secretary, Planning Board, Town of Webster