

Buncombe County Short Term Rental Ad Hoc Committee
September 11, 2024
Minutes

The Buncombe County Short Term Rental Ad Hoc Committee met on September 11, 2024, at 200 College St., Asheville, NC 28801

Ad Hoc Committee members present were Commissioner Brownie Newman-Chairperson, Planning Board member Ken Kahn, Andrea Golden, ME Gray, Angelica Cote, Matt Allen, Kit Molina-Nauert, Candice Matelski-Brady, Chris Joyell, and Matt Lutz

Also, present were Matthew Baker, Angelica Tyler, Gillian Phillips, Haylee Madfis - County Staff; Curt Euler, County Attorney; and Diana McCall, group facilitator.

Introduction (Arrive & Regroup)

Diana McCall reviewed the highlights of the work the group did from the previous meeting.

Committee Interactivity & Mingle

The group broke up into pairs and discussed which aspects of the work they would like to focus on.

Continue review of Current STR Proposed Text Amendments

The committee worked in small groups to review the proposed STR regulation graphic sheet and choose which elements of the proposed text amendments they (1) agree-on, (2) neutral/need to discuss more, and (3) revisions and/or review.

- Agree On:
 - 50 miles owner/operator
 - Bathroom with septic
 - Prohibited location
 - MHP
 - Multifamily
 - Duplexes
 - Parking
 - 50 miles
 - 20 ft dist.
 - Bathroom
 - 2 guests per bedroom
 - Single family Detached
 - 10 Guests
 - E-911
 - Access roads
- Neutral/ Need to discuss
 - Street Parking
 - 1 parking space/2 guest rooms

- Congestion in communities holding to different standards
 - 10 Guests
 - Occasional larger events could use flexibility.
 - Where are new STRs allowed?
 - Discussion especially regarding OU
 - 2 guests per bedroom
 - Grandfathering
- Review and Revise
 - 50 miles
 - Grandfather
 - Where new STRs are allowed?

Grandfathering Overview and Discussion

Gillian Phillips gave an overview and explanation of grandfathering. She explained how the current proposed regulations were written.

- Matt Allen asked Curt Euler about the whether the zoning permit renewal was Schroeder compliant.
- Curt Euler explained his position on the Schroder compliance question.
- Gillian Phillips explained the differences between the single-family homes as short-term rentals and glamping (yurts, A-frames, cabins, tents, tiny homes, etc.)
- Candice Matelski-Brady would like to have an “out-of-scope” sheet where the issues that cannot be addressed be placed.
- Candice Matelski-Brady would like a “garden to grow ideas” that were not on the agenda but that the group would like to address at a later date.
- The group asked some questions to Curt Euler and Gillian Phillips for clarifications on the discussion for grandfathering.

Continue review of Proposed Grandfathering

The committee worked in small groups to review the proposed grandfathering section of the regulations and choose which elements of the proposed text amendments they (1) agree-on, (2) neutral/need to discuss more, and (3) revisions and/or review.

- Agree:
 - Yes to grandfathering in some form if there are protections on other ways
 - Habitable structure with bathroom
 - Every 2 years renewal
 - Require zoning permit
- Neutral:
 - [Is there a grace period or pathway to be grandfathered \(MOVED TO AGREE\)](#)
 - Waste management should be included
 - [Zoning permit must obtain renew every 2 years \(MOVED TO AGREE\)](#)

- 3+ STRs (MOVED TO AGREE)
- 2 nights/2 years need more discussion
- Review/Revise - no items added to this column

- Discussion Regarding items in the Neutral Category
 - Candice Matelski-Brady brought up a grace period to allow uninhabitable units to be brought up to code to be able to continue as a grandfathered STR.
 - Angelica Cote asked if grandfathered units can be brought up to safety standards.
- Group discussed 'waste management':
 - Curt Euler explained the difference between the zoning and development ordinance and the police power ordinances.
 - Public safety can be addressed in separate ordinances.
 - Candice Matelski-Brady brought up the issue of waste management that will protect the health of the county at large.
 - Ken Kahn explained that the grandfathered units would still be subject to the solid waste ordinance.
- Group discussed the "zoning permit must be obtained and renewed every 2 years":
 - Matt Lutz asked how the zoning permit requirement would be enforced if it may not hold up in court.
 - Andrea Golden said it's really hard to do the piece-by-piece review without seeing the big picture.
 - Diana McCall said that this is just the information gathering stage and minds can change.
 - Andrea Golden stated that the existing proposal was already the result of a lot of concession for many people in the community.
 - Matt Allen wants there to be more flexibility so that if people would want to have a short-term rental and then have a long-term rental and then have a short-term rental again they can.
 - Brownie Newman wants to know if they can get rid of the 2 days every 2 years rule.
 - Curt Euler stated that he will get a better answer about the 2 day every 2 year rule to bring to the group.
 - Gillian Phillips explained the zoning permit issue. She indicated that they need a mechanism to enforce the zoning ordinance. If we pass the regulations without the ability to issue zoning permits there is no way to enforce.
 - Candice Matelski-Brady said that New York City used the fee for the zoning permit to fund the enforcement of the STRs.
 - Candice Matelski-Brady stated that we can't be in fear of zoning permits being a legal issue.
 - Brownie Newman stated that the City of Brevard does not require permits so what is the issue.
 - Gillian Phillips explained the difference in scale between the City of Brevard and Buncombe County.

- Kit Molina-Nauer stated that she is for grandfathering as a short-term rental owner, but is concerned that people’s concerns would not be addressed.
 - Yes to grandfathering but with other ways to enforcement.
 - Even though it is out of scope she wants to committee to acknowledge these concerns.
- Andrea Golden asked if the Iredale case states that you can’t have the zoning permit what would happen to our ordinance?
- Gillian Phillips stated that it would be challenging to enforce the ordinance
- Group Discussed ‘3 plus STRs’:
 - Gillian Phillips explained that the 3 plus STRs are currently considered a vacation rental complex in the ordinance.
 - Gillian Phillips explained that SUPs are transferred with the land.

Determine the Data Source

The committee decided to move this to a later date.

Closing

Matt Lutz wants to propose 4-6 minutes statement for each member to make a temperature taking statement. Introduce themselves and where they stand on the committee.

Adjournment

The meeting was adjourned at 7:03 pm.

Garden Plot	
1.	Homestays would not be allowed if the current regulations pass
2.	Enforcement discussion needs to be continued

Out of Scope Box	
1.	Acknowledge the concerns around the grandfathered STRs not complying with the new regulations