

**Planning and Zoning Commission Work Session Minutes**  
**June 24, 2021**  
**Conference Room 1A & 1B - 1<sup>st</sup> Floor City Hall**

**I. Call to Order**

Commissioners Present – Burns, Stanton, Loe, MacMann, Rushing, Carroll, Placier and Kimbell  
Commissioners Absent – Geuea Jones  
Staff Present – Smith, Teddy, Thompson, and Zenner.

**II. Introductions**

**III. Approval of Agenda**

Meeting Agenda adopted as presented unanimously.

**IV. Approval of Minutes**

June 10, 2021 work session minutes adopted as presented unanimously.

**V. New Business**

**A. Election of Vice-Chair**

Ms. Burns was elected the interim Vice-Chair until the September elections of officers. The vote was 7-0 (Mr. Stanton was in attendance shortly after the vote).

**B. FY 2022 Capital Improvement Plan (CIP) Review**

Mr. Zenner outlined the schedule and the process for the Commission's annual review of the CIP. There was discussion of the CIP portal. There would be presentations by staffs from various departments at the July 8 meeting (Parks and Recreation, Public Works, etc.). The July 22 meeting would be dedicated to discussion and recap. This schedule would allow the Commission to send a memo to the Council by the August 2 deadline.

**C. "Outline of Content" re: Short-Term Rental (STRs) Regulations**

There was discussion of the intent of the upcoming new attempt to draft STR regulations. Staff would be gathering data based upon the scope the Commission desired. There was discussion on obtaining data, gathering regulations from other communities, and how to tie quantitative and qualitative data to the envisioned regulatory framework. The goal was to identify what data would inform the process and the desired product?

There was discussion on owner-hosted versus un-hosted models and how the regulations should address different models. There was discussion of using existing building code regulations, tax and business license regulations, rental conservation and other city regulations such as the definition of family for occupancy. Use-specific standards and the use of conditional use permits

was discussed as other tools to achieve desired regulations based upon operational characteristics.

The cross-walk between the UDC in regulating land uses versus the building code in regulating construction and occupancy was discussed and how to integrate the respective codes when they were each updated on different schedules. Enforcement and violation regulation and administration was also discussed.

There was discussion on how to frame topics, objectives, and how to gather research to develop the regulations. Where, who, and how many in terms of ownership characteristics was discussed as data that may be helpful to identify the field of practices and land use characteristics. There was discussion relating to communities that regulate the number of STRs a registrant may have, which was tied to owner-hosted or smaller scale models. The Commission discussed tailoring the code so that it was better able to be enforced and less complicated in administration. There was also discussion on what resources would be needed for regulation and enforcement (time, money, staff, etc.) and available sources of data/software services provided by the market. Residency and how LLCs may be determined was discussed as challenges common to STRs.

Understanding the data would help to understand how, where, if and in what matter STRs affected affordable housing. Updated data would help to know the trend of how many STRs were opening, closing, switching between long and short term rentals, etc. Investor activity would match what they perceive as opportunities.

There were concerns that some neighborhoods were most negatively impacted due to locational reasons. How to protect them or limit the density of STRs in a neighborhood was discussed, as were tools for neighborhoods to use the overlay zoning district tools in the UDC to fully opt-in or opt-out of STRs on a neighborhood-level of geography. The complications and opportunities for this process were discussed. There was a desire to give clear standards so that investors would understand the how, what, and where of the ultimate regulations.

Some Commissioners felt the previous ordinance drafts went too far to try to make too many operators happy and that was part of the problem. It was too complicated. Not everyone would be happy, but the regulations needed to be fair and tied to protecting neighborhoods from negative externalities associated with operations. Whether and how existing operators may or may not be grandfathered was discussed. It would be important to think critically about transition clauses, timelines and related issues.

The Commission spend more time discussing the ability of the building code to regulate and issues related to purpose-built structures for one use and if uses transition. Data scarping and the services of data providers was also discussed. Data that painted a picture of how the use operated in the City would help to right-size the regulations and help to make regulations enforceable and focused on real concerns vs. perceived concerns. It would also help to prepare the Commission on where the friction would arise from potential operators in terms of grandfathering/transition issues. Affordability issues may also be better addressed with data. Staff would update the Commission as data was reviewed/available and work with the Commission to identify data needs and sources in upcoming work sessions.

#### **D. Potential Commissioner Training Topics**

Ms. Loe gave an overview of training opportunities and how training may be addressed. She was interested in what the Commissioners' were interested in learning more about. There was discussion of similar trainings by topic, such as the recent PD training Ms. Thompson conducted, which was seen as helpful. A better understanding of the types of cases and elements of the UDC would be helpful. There would also be ongoing Sunshine Law trainings as were common every year. There was a desire to understand how all City codes were structured and the roles of departments, boards, commissions, etc. The role of Planning Staff, the Planning Commission, the CEC, the Council, and others with defined roles would be helpful. Best practices for running a meeting, making a motion, etc. would also be helpful.

Mr. Zenner described the Planning Commission Handbook and how that could be used to structure training. An overview of the UDC would be helpful, and breaking it down by category. The parameters, roles, responsibilities and "Repainting the Lane" of the Planning and Zoning Commission would be excellent training. Expectations on expertise and knowledge/constituencies versus the responsibility to be fair and objective and making defensible motions/votes, strategy and procedure for reviewing cases and structuring meetings, ex parte considerations were best-practice training topics to go over. The role and responsibilities of the staff and how that related to the Commission's role was also described as helpful. A mock public hearing would be helpful. Terminology, the anatomy of a zoning code, and how the UDC was used to regulate and carry out goals/objectives/comprehensive plans was also desired. How the UDC works and interrelates with other City codes and plans was also desired.

Ms. Loe said an annual check-in in addition to on-going discussions/training may be beneficial.

#### **VI. ADJOURNMENT**

Meeting adjourned approximately 7:00 pm

#### **ACTION(S) TAKEN:**

Motion made by Commissioner MacMann, seconded by Commissioner Carroll, to approve the agenda as submitted. Motion passed unanimously. Made motion by Commissioner MacMann, seconded by Commissioner Carroll, to approve the June 10, 2021 work session minutes as presented. The motion passed unanimously.