

**Planning and Zoning Commission Work Session Minutes
September 8, 2022
Conference Room 1A & 1B - 1st Floor City Hall**

Call to Order

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

Introductions

Approval of Agenda

Meeting agenda adopted unanimously.

Approval of Minutes

August 18, 2022 work session minutes adopted as presented with one abstension.

Old Business

A. Draft Regulations – Short-term Rental Update

Mr. Zenner provided an overview of the draft regulations since their prior discussion and identified the desired objectives for the work session. He noted that there were several items within the draft that had “margin notes” associated with them that staff wanted clarification on to ensure the regulations were being prepared as desired by the Commission. He also stated that he had engaged in additional ordinance research and had identified several other communities where the standards proposed in the draft up for discussion were also implemented. Mr. Zenner noted that having found this commonality was reassuring in that it meant the future City regulations would not be wildly inconsistent with those implemented in other communities. He did acknowledge; however, the draft regulations did propose several standards not generally found elsewhere.

Following his overview, Mr. Zenner asked that the Commission vote up or down each of the sections/components of the ordinance as was previously recommended by Commissioner Stanton. Commissioners agreed with this technique and proceeded to discuss the proposed definitions.

In discussing the definition of “owner”, Mr. Zenner noted that this was originally shown as a “TBD” item and was “margin-noted” as potentially not be necessary given the definition of “Principal Residence”. He explained that following his additional research such a definition was necessary to address the issue of STR licensure. The definition proposed in the draft took parts from College Station, TX and Seattle, WA merged them together. The resulting definition was thought to provide clarity on what type of individual constituted an owner and also provided recognition to a long-term “tenant” as an owner which was previously discussed earlier work sessions.

There was significant and lengthy discussion on the proposed definition. There were concerns expressed about how enforcement issues would be resolved if tenants were recognized as “owners” and other administrative matters such as provision of authorization by the underlying land owner that a tenant was permitted to use their long-term rental as an STR, in essence sub-letting it.

There was an equally robust discussion of the need to create opportunities for the long-term tenants to be treated like owners since they often were more likely to be present in such situations than the actual underlying owner of the property for dealing with day to day matters dealing of the dwelling unit. There was also discussion that allowing a long-term tenant the ability to considered an owner would off-set the possible loss of affordable housing stock within the community by creating a method of income stabilization.

The Commission noted that given the compelling arguments on both sides of the owner and tenant issue that additional research was needed. It was recommended that the Commission circle-back to this definition once staff (Planning and Legal) conducted some additional research. This recommendation was approved and the definition of “owner” was put in the “parking lot” for further discussion.

The Commission moved onto the definition of “Designated Agent” and after discussion moved to approve the definition with a modification by a vote of 5-1. The presented definition was modified to more clearly state that the “designated agent” (individual or management company) did not have to be on site in the absence of the property owner. This clarification removed language that reference “regardless if the property where the owner’s principal residence”. The modified definition is proposed to read as follows:

Designated Agent. When used in the context of Short-Term Rentals this term shall mean, an individual or management company located within the City of Columbia that is available 24-hours per day who assumes full responsibility for addressing matters arising with the operation or use of a dwelling unit licensed as a short-term rental in the absence of the owner of the property upon which such dwelling is located. The individual or management company is not required to be on-site in the absence of the owner of the property.

The Commission then moved to discuss the definition of “Principal Residence”. Mr. Zenner noted that this proposed definition had a “margin note” associated with it as the definition included a “tenant of greater than 30 days” being considered equal to an “owner” of the property. He noted that depending on how the Commission desired to deal with the definition of owner the “margin-noted” text may be able to be removed since it would be otherwise redundant. He further noted that resolving the issues of “owner” and “tenant” was critical given the remaining structure of the regulations were built upon the definitions of “Principal Residence” and “Secondary Residence”.

There was significant discussion relating to the definition of “Principal Residence”. It was recommended that one potential way of getting around the need to defined owner was to possibly create a definition for “Principal Resident”. This was discussed and no consensus was reached. It was further suggested that the Commission circle-back to this definition once the issue of “Owner” was resolved. Commissioners agreed that would be most productive step to take and decided to put the definition for “Principal Residence” into the “parking lot” for further discussion.

The Commission then moved to the definition of “Previously Existing Short-term Rental”. Mr. Zenner explained that the timeframe referenced in the definition was consistent with other researched regulations. Mrs. Thompson suggested that the definition was premature for discussion given the ordinance presented did not include any provisions for recognition of previously existing STRs. The Commission agreed that discussion of the proposed definition was not necessary and requested that staff remove it from further consideration in future drafts. Mr. Zenner noted he would do so.

Given the robust nature of conversation relating to the definitions of “owner” and “principal residence” work session time was reached. Mr. Zenner thank the Commission for their comments and noted that this topic would be carried forward to the October 22 work session.

ADJOURNMENT

Meeting adjourned at approximately 6:55 pm

ACTION(S) TAKEN:

Motion made by Commissioner Geuea-Jones, seconded by Commissioner MacMann, to approve the agenda as presented. Motion passed unanimously. Motion made by Commissioner Geuea-Jones, seconded by Commissioner Burns, to approve the August 18, 2022 work session minutes as presented. Motion passed with one abstention.