

**EXCERPTS**

**PLANNING AND ZONING COMMISSION MEETING**

**COLUMBIA CITY HALL COUNCIL CHAMBER**

**701 EAST BROADWAY, COLUMBIA, MO**

**MARCH 7, 2019**

**VI. SPECIAL ITEMS**

**Case No. 31-2019**

**A request by the City of Columbia to amend Chapter 29, Sections 29-1.11 (Definitions) and 29-3.3 (Use-Specific Standards) of the City Code relating to the revision of the definitions for "hotel" and "bed and breakfast", creation of definitions for "short-term rental" and "transient guest", and the creation of new use-specific standards governing the establishment and operation of short-term rentals inside the City's corporate limits. The purpose of this hearing is to solicit additional public input on this matter. No Planning and Zoning Commission action is anticipated.**

MS. LOE: Mr. Zenner, may we have a staff report, please?

Staff Report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends:

- Hold a public listening session
- Provide direction on when to schedule the required public hearing.

MS. LOE: Thank you, Mr. Zenner. Are there any questions for staff? Mr. Toohey?

MR. TOOHEY: I've got several. So I guess my first question is, if -- if in this section of the Code, we're going to keep referring to the rental conservation law, then why wouldn't all this go in that part of the City Ordinances? And I think you guys have answered this before, but this is -- we're on draft three, so I can't remember what that answer was.

MR. ZENNER: I probably can't remember what I gave you, either. The rental -- Chapter 22 of the City's Code deals with rental conservation. It does not deal with land use. It deals with an inspection process for life, safety, and welfare. Now, the Zoning Code deals with land use, and therefore, this is a use of land that is different in staff's opinion than a single-family residence or a duplex. It is a subset no different than if we allow a home occupation to occur within a residential structure. So we believe that it is important to create land-use regulation that provides a framework in which we are able to address land-use related impacts. Chapter 22 in the Rental Conservation Code does nothing to address land-use impacts. It is not intended to do that. It is intended to deal with environmental impacts and potential nuisance complaints as it relates to violations of our Rental Conservation Code. So it is, in our mind, important that this use be created, and regulations are drafted by which it can be managed. I think, as we have discussed in work session previously, it is not outside the purview of the City or our authorization to create zoning related restrictions on this particular land use under our police power and, therefore, we

believe it is appropriate and we believe we are doing what Council has directed us to do, and that is to present and propose regulations to address the issue of short-term rental.

MR. TOOHEY: So my next question would be with the ADU section, if the next owner purchased that property and they wanted to use the other dwelling for the short-term rental, would they have to come back and apply for a new certificate of compliance?

MR. ZENNER: So I think your question, Mr. Toohey, is if you have a short-term rental or if you have a principal structure on your property, as well as an accessory dwelling unit, you permit the principal structure as the original short-term rental, but then sell the property and the future purchaser decides that they want to use the home, but then turn the -- turn the ADU into the short-term rental, would they have to come back. They would have to re-register the property for sure because the short -- the ADU may need to be inspected. If it wasn't used as a rental previously, that's something that we would have to do. As far as for going through the full inspection process, I would have to say that would be case specific. It depends on if that ADU was being used in rental previously. Moving it from one to the other is not something that's contemplated in the Code, but it's something that we definitely can look at.

MR. TOOHEY: And then with signage, does -- should that -- should that requirement be in the other part of the Code that lists all the signage requirements?

MR. ZENNER: This is actually the language that is pulled into, this is the exact same language, if I am not incorrect, with the exception of the directional sign, as what we utilize for current home occupations. So we wanted to clearly draw in -- the directional signage, as we have done our research, is something that's important, and we wanted to at least draw in the directional signage piece of it and, in the process of drafting the ordinance, it appeared to make sense to us, at least from a staff perspective, just put the signage in, but make sure that the signage matched what we already allow with the exception of adding in the directional signage. But that is why -- home occupation signage is actually not covered within the sign section. It is specifically culled out as a part of the home oc use.

MR. TOOHEY: And then with the conditional-use, will the Planning and Zoning Commission make a recommendation on those or will they go straight to City Council?

MR. ZENNER: The way that the current Code is set up is the conditional-use process does come through the Planning and Zoning Commission as a public hearing, so, obviously, the creation of the conditional-use process for anything in the R-1 zoning district will increase not only staff's workload from an administrative perspective, but the Commission and Council's. That is not something that has fallen on deaf ears within our department, but it would require, at this point, Commission, then Council action. There are potentially other options by which to consider how the conditional-use process is administered. It could be that Council chooses, if they want to go the conditional-use route, they could choose to hold the public hearing themselves, which is part of the reason why the public -- why the conditional use goes through the Commission right now, or they could choose as another duty assigned to the Board of Adjustment, have the Board of Adjustment, which used to handle all conditional uses, handle this particular conditional use, as well. There are potential disadvantages associated to having the Board of

Adjustment deal with the item. It is a quasi-judicial body. There is no Council oversight of their actions. The only oversight associated with that is at the circuit court, and I believe we've heard clearly from those that are opponents to R-1 usage that they want Council to have to make that land-use decision.

MR. TOOHEY: Okay.

MR. ZENNER: And that is -- again, it will have to be an item that Council would have to render a decision on. I would suggest that the Planning Commission is going to be getting the bulk of the activity if -- if it's approved as the way it is drafted.

MR. TOOHEY: That's all I have,

MS. LOE: Thank you, Mr. Toohey. Any additional questions for staff? Seeing none, we would -- do we need to ex parte for this?

MR. CALDERA: -- (Inaudible.)

MS. LOE: All right.

MR. ZENNER: Let me repeat that for the court reporter so she can hear it. If you believe that you have some information that you need to disclose, you may want to suggest a disclosure of that at this point, Ms. Chairman. Otherwise, not necessary.

MS. LOE: If there are any Commissioners who would like to --

MR. TOOHEY: I have a question. So I feel like two of us have already made that disclosure, so does that need to be made again?

MR. CALDERA: It might be beneficial for the people in the audience who weren't here last time, but the whole purpose of this is just for the sake of transparency, making sure that individuals know what we've been doing when they're not around.

MS. LOE: Additionally, there may have been conversations or communications since the last meeting we discussed this, so we'll just open the floor again. If there's any Commissioners that have had any ex parte on this matter who would like to disclose that now, to please share that with us. Ms. Burns?

MS. BURNS: Thank you. As I had disclosed on the 20th of December, I would just like to share that I have attended three meetings over the past nine months put on by the City that have included discussion on short-term rentals. The CVB was also involved in these meetings. I also served on a committee my neighborhood set up that researched short-term rentals, created a survey about short-term rentals for neighborhood residents, and provided recommendations to the neighborhood association. And I want to say that I am committed to listening to public comment and discussion and to rendering recommendations in a fair and impartial manner.

MS. LOE: Thank you, Ms. Burns. Anyone else?

MR. TOOHEY: I attended some of the public meetings on this topic, and the organization I work for also had a couple meetings, but all their views were submitted as public comments to the entire Commission.

MS. LOE: Thank you, Mr. Toohey. Any additional comments? Seeing none. Now we will look at moving to public comments.

## **OPEN PUBLIC LISTENING SESSION**

MS. LOE: So for public comments, we do ask that if anyone is representing a group, will you keep your comments limited to six minutes. If you're speaking for yourself or individually, we're going to limit you to three minutes. If you do come up to the podium, please give us your name and address so we have that for the record. And this is a public hearing --

MS. BACON: Listening session.

MS. LOE: -- listening session. Thank you. I'm sorry. Mr. Zenner, was there a comment?

MR. ZENNER: No.

MR. CALDERA: I recommended that you advise the audience that there is a red light up there that you will --

MS. LOE: Ah. Yes. There is a red light on the podium, so when that flashes, we would appreciate it if you would wrap up your comments. All right.

MR. BURNS: My name is Richard Burns, and I live at 310 East Brandon Road here in Columbia, Missouri. I'll disclose my wife, Tootie, sits on the Planning and Zoning Committee. And I am again speaking as a homeowner who lives in a residential neighborhood and won't restate my previous comments from the December meeting. But I'm here to reiterate my opposition of short-term rentals of any type in residential neighborhoods that are comprised of permanent homeowners. I did review the recent short-term rental draft and heard the comments made by Mr. Zenner. And I'm disappointed that staff has removed the cap on the maximum number of sleeping rooms in an R-1 short-term rental, and allows for a higher occupancy limit through a conditional-use permit. And that -- this would apply to both owner-occupied as well as non-owner-occupied short-term rentals. And, to me, this increased permissiveness comes despite the fact that unfortunate nuisance issues will be difficult, if not impossible at best, to enforce. And these are more likely to come if there are more guests on the property, and it's more problematic if the owner is not on-site at this particular property. And to date, I really haven't seen anything substantive to -- with respect to enforcement ideas, staffing, or funding. At the last meeting, Mr. Stanton and Mr. Toohey had asked me a couple of questions and I thought about those a little bit and I don't think I articulated my answers very well. Mr. Stanton had asked me to help him as a homeowner to protect his rights to use the inside of his house that he paid for. And I would say if there was no impact on his neighbors and he wasn't doing anything illegal or dangerous, I would do everything I could to help Mr. Stanton. But the problem is the short-term rental operation, there is an external impact on those that are surrounding him, and some neighbors may be more tolerant in these issues than others. There may be circumstances that dictate their particular tolerance. Maybe they have small children. But what I can say from personal experience, I've lived in a neighborhood that a short-term rental has definitely negatively impacted my neighbors. Mr. Toohey had asked me what the difference is between a bad neighbor living next to you and short-term rental tenant, and I later thought of the expression "better the devil you know than the devil you don't". And I like my chances of engaging with a permanent homeowner much better than transient guests or an owner that I may not be able to find that's not on-site.

And my primary message is to the staff and the Planning and Zoning Committee are as follows. Number one, permitting short-term rentals in areas without protective covenants selectively impacts older, more established neighborhoods. Some of these neighborhoods have the ability to protect themselves, but some don't. Maybe they're not organized, maybe they don't have the funding. Given the ramifications of short-term rentals, let's apply any Code created uniformly across all of Columbia or let's not do it at all. Number two, don't create ordinances that can't be enforced. This may help simplify things for the City, but we have -- for the City of Columbia, but we've seen time and time again that these can't be enforced. Number three, prioritize the desire of the permanent resident over the investor. If you can't do this, show us the majority of Columbia homeowners want short-term rentals. And, finally, let's take the time we need to get this done right. There are plenty of examples of cities that have done this for two or three years, and it's important we do this correctly the first time. Thank you.

MS. LOE: Thank you, Mr. Burns. Are there any questions for this speaker?

MS. RUSSELL: I noticed that you changed your presentation somewhat. Do you see any reason to treat R-1 areas and R-2 areas differently in these regulations?

MR. BURNS: I would leave that up to you all. So if it's a neighborhood comprised of primarily residential property owners, whether it's R-1 or R-2 or R-MF, I'll leave that up for the Council and the P & Z Committee and the staff to decide. I just think, again, if it's a neighborhood primarily composed of permanent homeowners, that -- that's what I object to. Does that answer your question?

MS. RUSHING: It does. Thank you.

MS. LOE: Mr. Stanton?

MR. STANTON: Good evening, sir. So what if I'm in the home with my guests, owner -- owner hosted, Airbnb? Buddies now or are we still --

MR. BURNS: You know, I -- Mr. Stanton, I think there's a time and a place for everything. And I'm not against short-term rentals, but I do think that there is a short-term rental, owner-occupied or not, that can potentially negatively impact other people around that particular house I can't support. So if that's -- if that's what you're asking me, owner-occupied versus non-owner-occupied --

MR. STANTON: Well, if I'm going to --

MR. BURNS: I think there's less likelihood of problems with the owner-occupied short-term rental. I definitely would grant you that if they're on-site. That being said, I still would not favor that in particular neighborhoods of permanent homeowners.

MR. STANTON: But doesn't that answer your -- doesn't that rectify your issue about having to interface with the devil you know versus the devil you don't? If I'm there and there's a problem and you know I'm there, hey, neighbor --.

MR. BURNS: It can help.

MR. STANTON: -- I had a problem with their guests. Let's rectify. You know, I'm just trying to get --

MR. BURNS: Yes. And I would agree with you. It would help in that particular -- in circumstances where there are problems having the on-site owner would definitely help. I would agree with that.

MR. STANTON: But your position is still that you don't want any --

MR. BURNS: My position would still -- with -- if that person has one, two, three rooms, they've gotten a conditional permit from the City to have multiple guests, I'm still dealing potentially with the issues of cars and noise, and so I still have to object to that, yes.

MR. STANTON: Thank you, sir.

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Burns, good evening. I wanted to go back to your comments on enforcement. You almost seem to imply or maybe I took it that you were talking about enforcement where the City is perhaps unable to do enforcement?

MR. BURNS: Yes.

MR. MACMANN: You almost seem to imply that -- well, I don't want to -- I don't want to put any things in there that you didn't say. What would your suggestion be for the enforcement to -- if these rules were in place? How can -- we have a complaint-driven system right now, and that's -- you're saying that that's insufficient currently?

MR. BURNS: Absolutely. I don't know what the answer to that is, Mr. MacMann. I think you would have to put a lot of staffing and a lot of money into that, and I haven't heard anything about doing that. So my answer to that is if we are going to do this is let's put the money, the funding, and the staffing behind it so when if I'm bothered by a short-term rental, I don't have to beg the police or somebody to come out there and do something about this. And it's -- so make it easy for me to get something done.

MR. MACMANN: Just one -- one more quick question. Would you be in favor, and this is just a hypothetical. Would you be in favor of a fee that would go towards enforcement that's levied upon the STR owner?

MR. BURNS: I'm not prepared to say that I would -- that would change my mind about how I feel about all this, no.

MR. MACMANN: All right. Thank you.

MS. LOE: Any additional questions for this speaker? I see none. Thank you.

MR. NORGARD: Good evening. My name is Peter Norgard; I live at 1602 Hinkson Avenue. I am the representative for Benton-Stephens neighborhood, but I am speaking on my own behalf tonight. I continue to find myself in opposition to short-term rentals of the non-hosted variety. I oppose these rentals because they do not foster my core neighborhood values and I believe they could potentially lead to a glut of otherwise -- of vacant homes in otherwise vibrant neighborhoods. So, in my experience, these vacant houses are ruinous to our neighborhood cohesion. Like, why did neighborhoods and urban environments, vacant houses make the neighborhood appear to be empty, unwanted, and ripe for property crime. And I -- the folks who do end up temporarily residing in these houses oftentimes don't

share in the same neighborhood values that I share in. So in Benton-Stephens, for instance, we have some short-term rentals where the guests are known to disobey noise ordinances, put their trash out anytime of the week they want, over-occupy the residence, park in illegal ways. However, I think the bigger problem is that about 95 percent of the time, the non-hosted short-term rental sits empty. You can't talk to a non-existent neighbor, just like Mr. Burns mentioned. I'm afraid the so-called disruptive technology is here to stay, and it's been my observation that the City has been fairly clumsy in how they roll out ways to deal with them from ride-shares to scooters and now short-term rentals. These technologies are disruptive because we never had the foresight to envision dealing with them and they're disruptive because they change dramatically the dynamic of human interaction. I know that I have neighbors here tonight who will disagree with my view and I don't know how to deal with that particularly. Neighborhoods are supposed to be places where people find stability. In Benton-Stephens, we balk when redevelopment favors higher-defense -- higher-density. And when we're -- when we complain, we're told to use the tools that you have available to you. Well, here's an opportunity for you, the City, to provide us in the neighborhoods a tool to protect ourselves with just a little bit. I strongly oppose the co-registration of dwelling units as both regular rental and short-term rental. I believe landlords need to make a choice regarding what they're going to offer. Also, I believe there is potential to defraud the City when you have self-reporting and overlapping definitions which I see in the current draft. I would also request that short-term rentals be strictly limited to R-1 and R-2 zoned districts. In neighborhoods like Benton-Stephens, which is predominantly R-MF, we have higher likelihood of seeing vacant homes whereas in, I believe, R-1, R-2 districts, people tend to live in those homes. Furthermore, if someone wishes to have a short-term rental in the home they occupy, the burden to acquire the appropriate zoning and other regulations isn't that significant. In closing, if you will receive additional comment, I have a small niche here and there and, if not, thank you for the chance to speak.

MS. LOE: Thank you, Mr. Norgard. Mr. Stanton?

MR. STANTON: Good evening, sir. Okay. In the last hearing we had, we heard testimony that some people like to stay in, let's say, historic neighborhoods and want to learn more about other people's restoration of their homes and things of that nature. So would you say if you had to pick the lesser of two evils, you would be for hosted?

MR. NORGARD: Absolutely. I don't have a problem --

MR. STANTON: Not a problem. So if we had to choose, you would say --

MR. NORGARD: I don't have a problem with hosted short-term rentals, per se. I do have a problem with non-hosted rentals. I believe the oversight -- the lack of oversight, the lack of -- of education on the part of the visitor is -- is likely to lead to tension within the neighborhoods.

MR. STANTON: Do you have experience with hosted short-term rentals in your neighborhood that you know of?

MR. NORGARD: I am not aware -- well, there may be one, but we have at least four or five non-hosted, at least, that I'm aware of, and many more that I'm sure I'm not aware of.

MR. STANTON: Thank you, sir.

MR. NORGARD: Uh-huh.

MS. LOE: Any additional questions for this speaker? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Good evening, Mr. Norgard. Real quick question. You sit on the Board of Adjustment.

MR. NORGARD: Uh-huh.

MR. MACMANN: Just yes, no, maybe. Would you be interested in revealing all these conditional uses? As a -- you can't speak for them. I'm just -- you know, what's your thought on that?

MR. NORGARD: Actually, I -- I listened to Mr. Zenner's comments and I see -- the quasi-judicial nature of the Board does present certain problems because if -- if the Board of Adjustment says no, then their only recourse is to go to the circuit court and have an expensive court battle. And so I'm not --

MR. MACMANN: So the current conditional use, which is a dual political process, you think may be more effective for everyone concerned or may be more fair or how would I characterize it?

MR. NORGARD: I appreciate the conditional-use permit attempt. I don't know if dual hearings is necessary. I know that it does create a larger workload for the different bodies --

MR. MACMANN: Everyone. Yeah.

MR. NORGARD: -- at least, and probably the City, as well, so there is three bodies that you're creating additional workload for. Efficiency is important in some cases, but I -- I do know that from a neighborhood perspective, a neighborhood that's seen a lot of pressures for growth and essentially people using our neighborhood to make money, I feel that the conditional-use process would benefit us.

MR. MACMANN: All right. If I can follow up on that, Madam Chair? Recently, New Orleans rolled back their STRs significantly. They, as a community, had some of the problems that you expressed. They had vacancies and they had folks, some in marginal neighborhoods, Ninth Ward, under the levee that folks are saying, hey, I'm going to invest in this house and the inside investors, outside investors, and they converted some of these, and New Orleans rolled that back, made people kind of up in the air. We're not to that point yet. Can you talk to me a little bit more about the unoccupied or the non-owner-occupied STRs in your neighborhood? I'm familiar with several of them.

MR. NORGARD: Well, I can tell you that we had -- we had an individual come into our neighborhood and tell us that he was going to build ultra-luxury living. And in the two years that it's been there, I think I've seen it occupied seven or eight times.

MR. MACMANN: And this is an STR?

MR. NORGARD: Uh-huh. So I feel that the vacancy issue is a big concern, particularly for Benton-Stephens where we have seen an up -- an increase in -- in property crime and where we have seen property values skyrocketing because of speculation.

MR. MACMANN: And that was -- that was my follow-up question. Do you see this as putting upward pressure on home prices and/or rents?



MR. NORGARD: Well, I'll say that there's a house that we're aware of that was selling for \$100,000. It's now on the market for over \$250,000.

MR. MACMANN: Is there a --

MR. NORGARD: -- so, yeah, it's putting an upward pressure on the market.

MR. MACMANN: Is there any other difference in the home? Has it been upgraded or remodeled or --

MR. NORGARD: No. It's the same home. It's just ten years older.

MR. MACMANN: And that's significantly higher -- more highly priced than almost any place in your neighborhood; is that correct?

MR. NORGARD: Correct. It's only available to speculators and -- and developers, in our -- in my opinion.

MR. MACMANN: Would you say, are there many homes in your neighborhood that are listed at \$170,000 -- in price in excess of \$175,000? And I realize this is an opinion.

MR. NORGARD: I'm not aware of all the pricing in our neighborhood, but I do see prices periodically, and \$180,000 is not an unusual number to see. And these are not for particularly large homes. Most of the lots in Benton-Stephens are, you know, a quarter of an acre, 55 feet wide, not wide enough to do anything with.

MR. MACMANN: Uh-huh. All right. I just wanted to get some input on that. I thank you for your time. Thank you, Madam Chair.

MS. LOE: Thank you. Any additional questions for this speaker? I see none. Thank you.

MR. YRONWODE: Good evening. I'll try not to cough into the microphone. My name is Peter Yronwode; I live at 203 Orchard Court. And although Peter Norgard is a good friend, I must say I have to agree -- disagree with him. I thank the Commission for their attention to my tardily submitted comments at the work session, and I appreciate that you were able to respond to them in any case. Let me say that my wife and I operate one non-owner-hosted short-term rental, and we do not contemplate any more. The history of this house is we purchased it for our son and his wife when they returned from University to complete their dissertations and wanted to be around family. When they subsequently bought their own house, we operated it as a long-term rental for a number of years. We had numerous unfortunate experiences with long-term tenants and decided to try the bed and breakfast -- the Airbnb route instead, and we have been much more satisfied with that for a number of reasons. We particularly focus on and advertise to families. And although it's a small house, we have had really good luck with bringing families to Columbia. At the moment, there is a couple and I believe it's four children who are here for a weekend swim meet. They have told me -- they told us on their application and they told me in person that it would be simply impossible for them to attend this event if they had to use conventional lodging. They just couldn't afford it. Now when they have a house, they can cook, they have a place they can come and go, their kids are less constrained in what they can do to entertain themselves. It's a much better situation for them, and we're very happy with that situation. We would really like to continue. Let me read a couple of

comments that were submitted by our guests. We, three adults, stayed here while visiting my son who is veterinary school. He spent the night, too. This place is located in a quiet family neighborhood. Several neighborhoods -- neighbors welcomed us while walking their dogs or leaving for work. That doesn't sound like an offensive impact to me. Here's another one. We visited Les Bourgeois Winery as you suggested. Super nice people there. Lakota Coffee was delicious. We purchased some to take home. My brother-in-law enjoyed the Rec Center -- the ARC. And that's just a couple of comments to let you know that short-term guests are people. Now, as to the proposed regulations, I think that the -- that the changes that have been made and the regulation, as a whole, hinges on the intensity of use. That seems to be the issue that most people are concerned about. Let me say that my feeling is that a short-term rental is actually a less intense use. As Peter pointed out, they are often vacant at least during the week and consequently less parking, less of an impact. The CUP process is onerous, and I think should only be applied in R-1 to non-owner-hosted for the reasons that have already been discussed. And I also think that asking for CUP to increase the occupancy level is another onerous requirement that I, as an operator, would find difficult to comply with. I do like the idea of posting the compliance certificate in the building and rental inspection and all that. We had it already when we operated the place as a long-term rental, and I have no objection to doing it as a short-term rental. But please let's consider the kinds of people who are coming to at least my kind of STR because I think they're the kind of people we want visiting our town.

MS. LOE: Thank you, Mr. Yronwode. Any questions? Mr. Stanton?

MR. YRONWODE: Yes, sir.

MR. STANTON: Sir, how are you doing today? Thank you for your testimony and so you've had success. You've heard the other side of the story. I'm a big believer in the industry governing themselves and giving at least the industry the opportunity to do so.

MR. YRONWODE: Thank you.

MR. STANTON: So hearing the negative side of what you're being very successful in doing, how can we help remedy that and make it more successful. How can we replicate what you -- what you --

MR. YRONWODE: Well, I happen to be in good communication with the adjacent home. The people who live there, they help me, I help them. We know each other by name. We can contact each other at any opportunity. If I received a complaint from them at any hour of the day about my guests in the STR, I'd be over there right then. I mean, I live five minutes away, and say cut that out or we'll call the cops.

MR. STANTON: So --

MR. YRONWODE: And I have no qualms about doing that. But I also know that to this point, it hasn't happened. It hasn't even come to that. They've said, oh, yeah, your guests are fun. We love seeing them.

MR. STANTON: So in a non-owner-occupied short-term rental --

MR. YRONWODE: That's what I have.

MR. STANTON: -- you would not be opposed to maybe a conditional-use kind of situation?

MR. YRONWODE: Yes, I would.

MR. STANTON: You would.

MR. YRONWODE: Because the process is very onerous for me as the operator.

MR. STANTON: Okay. Okay.

MR. YRONWODE: To have to seek out a special kind of permission from the City to operate.

But the proposal, as I understand it, is that the CUP would only be required in R-1 neighborhoods anyway, and that's not where my property is located.

MR. STANTON: So I kind of get where you're at, but I'm -- what I'm trying to find is a remedy to -- I want you to be successful, but I hear the people that you're -- you're an exception, at least so far.

MR. YRONWODE: Well, I don't think you've heard from enough people who are wanting Airbnbs, and that's important.

MR. STANTON: So -- okay. So -- so what is your answer to those owners that are profit driven and, like, okay, I just want my money. I deal with it what I have to, and the nightmares that we hear about bit parties, overparking, how do we fix that from the industry side, and that's what I'm trying to get at.

MR. YRONWODE: I'll try to control my language.

MR. STANTON: How does the industry fix it? How does the industry fix itself before we have to put our -- our nose in it?

MR. YRONWODE: Well, that is a problem. I -- I acknowledge that, and -- and I would say that if you have irresponsible -- irresponsible guests who are making trouble for your neighbors, they're probably making trouble for your property also. If there's going to be a rowdy party that spills out in the street, you know you're going to be up there cleaning out broken bottles and beer cans when -- when the parties have left. So I know for myself, I've spent more time and money maintaining and improving my property as a short-term rental than ever I did as a long-term rental, partly because I have access very frequently whereas the long-term rental, it's hard to get in there to do the kind of work you need to do unless the sewer overflows or something and it's an emergency. But I think, frankly, if the owner of a non-owner-hosted -- that's a very inelegant phrase, by the way, Pat. I hope you can come up with something better. But if -- if a non-owner is not concerned enough about how his guests are behaving, to let them run wild in the neighborhood, he's probably also costing himself a lot of time and money to clean up after them, and I think that that might very well be self-correcting. Also, we do have a police force to respond to nuisance complaints, and I think neighbors and the owner, him or herself, should avail themselves of that if they think it's necessary. This is all new and I don't really know how it would self-police, but I think you'll find that it's not as big a problem as opponents of STRs have made it out to be.

MR. STANTON: Thank you, sir.

MS. LOE: Any additional questions for this speaker? I see none.

MR. YRONWODE: All right. Thank you for your attention.

MS. LOE: Thank you.

MR. VESSELL: Good evening. My name is Jared Vessell, and my residence is 211 East Ridgeley, here in Columbia. I, first of all, thank you guys for all of your time and effort. Last time, I think we were here until about 12:30 or so. Can you not hear me? Sorry. I'm kind of tired, Ms. Rushing. I just wanted to -- to touch on a couple of things. I've prepared a document and I think you guys have all received a copy of that in the past. I think we had a deadline that Mr. Stanton gave us, and I provided that, and I would encourage you guys to look at that. I don't think my opinions have changed on that. If you could, Mr. Zenner, can you go back a couple of slides to your definitions in your proposed changes? Right here. The definition of "hotel" is what I focused on last time. I think you might all remember this. At this time, you see the two changes here, the one of them taking out the 30 days, changing it to 31. The other one is changing the definition to exclude the bed-and-breakfast establishment as a short-term rental or in short-term rentals -- excuse me. My argument is that there is really no need to -- to change this definition. I think it already applies. You can see the change wouldn't even be necessary if this definition didn't apply. That is the gist of most of my argument in that report. What I'd like to say today is more of a personal nature, not on behalf of any type of neighborhood association. I just want you guys to know that, you know, as citizens and homeowners in Columbia, you know, who are we to look to -- to protect our property interests, to protect our rights as property owners, you know? And we look at your own definitions and how we're supposed to operate in certain types of neighborhoods and zonings. And when we look at those, we take those as the law and as Code. And then when they're not enforced, it's somewhat frustrating. A number of people do have their residence and that residence is their biggest investment. I mean, and this is something that they're very proud of and something that they would like to protect. Who are the citizens of Columbia supposed to look to to protect them if it's not the City and if it's not the Planning and Zoning Commission? This is the body that we should look to. You guys are the ones that we need to look to to help us on this, to protect us. Last time, I think I need to apologize to Ms. Rushing. I don't know if she misinterpreted some of my statements and, if she did, I do apologize. I -- my entire point was talking about the R-1 when I made my arguments. In your -- my arguments that I made about the safety, I think you thought that I meant that that should only apply to R-1, and if you thought that, I do apologize. When I was talking about the safety situation and giving the example, the non-owner-occupied short-term rental that was next door to me, I was telling you about my fears and my concerns that I had for my family when it was next door. I did not think that that was to be R-1 only, and so I do want to apologize for that if you did think that.

MS. RUSHING: My irritation, I guess, is that I live in R-2 --

MR. VESSELL: Uh-huh.

MS. RUSHING: -- and I feel that me and I and the families that live in R-2 are just as needing of things being quiet and safe as people who live in R-1. So when I hear people saying I don't want this in R-1 because it's not safe. I don't want this in R-1 because it's going to be noisy. I don't want this in R-1 because there's going to be trash. But R-2, that's okay. And so I take exception to that point of view.

MR. VESSELL: Okay. And I -- I appreciate that, and I just wanted to clarify that because you brought that up after my time to comment was over. I wanted to make sure I told you that today.

MS. RUSHING: Well, it was after all the comments were over, so it wasn't specifically directed towards your comments.

MR. VESSELL: And I understand. And when I did talk about the R-1, if you -- and you may not have recalled, we listened to a lot, and it was about 12:00, so, you know, I was arguing that you have certain codes that are already in existence. This UDC, you guys adopted it. I mean, this is your definitions. And all we are asking and all my arguments were that night were about enforcing the codes that you guys have already come up with, adopted, and put to the City Council. So I see my light is buzzing.

MS. LOE: Were there any questions for this speaker? Mr. MacMann?

MR. MACMANN: Thank you for coming back, sir. I'll put the same question to you I've put to another one of our speakers. Do you have any ideas for enforcement besides the current complaint driven system?

MR. VESSELL: You know, I don't know. And it was something that I -- I've thought about a lot, and I've actually -- you know, we've had meetings and stuff. And I do think that if you are going to go with the proposals, that you guys really need to think about how you're going to fund this and you really need to have the staff and the infrastructure to do it. I know you don't now. I mean, it's not being enforced. And so if you're not going to be able to pay for these new regulations when the old ones aren't even being enforced, it's somewhat discouraging, you know, if we keep adding new regulations. I mean, what's next, you know? We didn't know about Birds two years ago. We didn't know about Uber five -- well, maybe five. I don't know. And short-term rentals are something new that we're dealing with. What's next, you know? I mean, we can't just -- we're going to have to just keep evolving, but if you have already instituted codes and everything, we look to you to enforce those, and then, if we decide we want to change those codes, to incorporate some type of new business or new type of a business model that's coming in, we can make that change. But until that time, you should enforce the ones that you've already adopted and the codes that we already have. I mean, look at the definition of hotel. I don't know how you don't say that these short-term rentals don't fit within that. I do understand that Chapter 26 has a different definition of hotel. I get that. I saw the City -- or the City Council's mandate to the City staff to look into the definition of hotel under the taxing code, which is under Chapter 26. We've been talking only about Chapter 29 this whole time. And so that's my big concern is, you know, if we're not going to be able to enforce these and we don't have the funds to enforce them, and -- I mean, what kind of fees are you going to have? I mean, is that going to negate this whole money-making opportunity for these people that are -- that are running these -- these Airbnbs? What's the fee? I mean, how are we going to fund two or three more staff?

MR. MACMANN: I don't know. That's why I was -- that's why I was -- I'm trying to get input on that very thing.

MR. VESSEL: You know, I mean, there's a certain number of them and that number is going to be fluid. Right? Because, as we were told, the City staff when we met with them, these are pop-up type of businesses. They can pop up, they can stop, they can be a business, they cannot be a business. They don't -- we don't know. And so, I mean, if you're not going to be able to enforce that, are you going to have the City staff? Are you going to have a 24/7 City staff? Like I said last time, my major beef with this is that your Tuesday night is their Friday night, you know. This is something that they've come in here, you know, not everybody. Now, I mean, that's -- that may be a bad stereotype, but I -- I experienced it next door to me. My Tuesday night was someone else's Friday night very often. And so that was very frustrating when you can't do anything about it and they're -- you know, we live close to downtown and people are walking by your house all the time, the new people every single day. I've got little children, you know, 11 and 13. You know, do I need to be outside with them all the time, because I don't know who is next door to me? You know, if you have a long-term rental, I can at least vet that person and know whether or not he's going to be safe, and that's what I was talking about, Ms. Rushing, and it wasn't any type of zoning ordinance. That was my personal experience with it. And I -- I think it should apply universally, to be honest with you.

MR. MACMANN: Thank you, sir.

MS. LOE: All right. Excuse me. Mr. Zenner?

MR. ZENNER: Let Mr. Vessell finish his comments. If you do not have any more, I'll provide some clarification.

MS. LOE: Any additional questions? Mr. Toohey?

MR. TOOHEY: So I guess I have a hard time looking at this. So can you explain to me why you don't feel like these amendments would be a taking of property-owners' rights?

MR. VESSEL: Well, Mr. Toohey, I would point you to your own definition of hotel. I mean, this is the -- the Uniform Development Code that you guys adopted. I mean, let's look at that definition. How does the Airbnb, the RBO not fit within that? I mean, what property right do you have if you guys adopted that and set this up?

MR. TOOHEY: The right to rent your property. That's being reduced. So how is that --

MR. VESSEL: Right. But if it fits the definition of hotel, do you not have to enforce that to prevent that from happening in the -- in the certain areas of the City that that's not allowed?

MR. TOOHEY: I mean, you're still reducing what someone can do with their property if you add the amendments?

MR. VESSEL: Well, then why can't you put a hotel in? I mean, how would -- tell me how that's any different than a hotel?

MR. TOOHEY: It's not an allowable use in the R-1 district.

MR. VESSEL: Okay. Well, look at your usable -- your chart that you have in Chapter 29, and you tell me what boarding or lodging residence or lodging establishment fits in R-1 and R-2? For most of them, there is not a single one.

MR. TOOHEY: We don't have anything in there. That's why, if you add this, would that be a taking?

MR. VESSEL: Or would there be adding something whereas you already have a code that prevents it -- and it's your Code. Thank you.

MS. LOE: Any additional questions? I see none. Mr. Zenner?

MR. ZENNER: A number of points have been made thus far this evening as it relates to what are the fees, how is staff going to enforce, what are the administrative components associated with this? As we have previously stated in public sessions, as well as we have communicated to the Planning Commission, before staff develops any administrative component inclusive of fees, staffing needs, we first to determine what regulations may or may not be considered acceptable by City Council. Part of what we are doing here this evening and what we will ultimately have the Planning Commission decide is a set of standards that Council can consider. And until Council has made a decision, not that staff has not given great consideration up to this point of the administrative issues and the costs associated with implementing a program of this nature will we develop those standards. So we can continue to seek to get that information. At this time, we have not put pen to paper as it relates to them because we believe it to be premature at this point given we have to first determine what process, if any, is going to be accepted. Once we have that, and prior to the implementation of any regulation that gets adopted, we will be asked by City Council to fully develop an implementation program, fees, application procedures, all of which fall under the administrative function. That is not part of what the purpose of this meeting or what the Council will be discussing. They do not discuss generally administrative procedures. That is left to the City staff to develop as it needs to as it relates to the overall administration of the codes that City Council has tasked them to enforce. Fees, of course, are something that Council does have to agree to and does have to place into our City's fee ordinance. Those will be discussed at that point. I guarantee you that there will be a discussion associated with our administrative capabilities and what the necessities are for staffing when the appropriate time comes. What we really would like to complete though through this process at this point is what standards should be presented forward so Council ultimately can make a decision on what they would like to implement. We are discussing amending the Code. These definitions are proposed amendments. That is the whole purpose of why they are being presented. Mr. Vessel's points will be incorporated into Council's deliberation if a hotel should be inclusive or not inclusive of an STR. Right now, as Mr. Toohey pointed out, it is not a use in the land-use list. It is not something that we deem at this point is identified within our Zoning Code and, therefore, we don't agree that it is a hotel. And part of what we are trying to do is make that differentiation at this point as should it be considered one or should it be on a separate plain with a separate set of regulations that apply to it. So we can move forward, if we would like. I wanted to clarify the fact that, yes, we have given great thought to what administration and the administrative processes would be for this, but we have not developed those standards. We do not want to get bogged down on that. Our enforcement strategies and how we administer our staff resources is something that is independent from the way that this

ordinance and these regulations would be developed. That is our position at this point, and that is why you have you have not seen them. It is not that we haven't heard that that's what you would like. We are not prepared to expend any additional time until we know what we are going to be developing those standards for. So hopefully that adds clarity to why you have not seen them and why we really have not spoken of them at all.

MS. LOE: Thank you, Mr. Zenner. Back to public listening.

MS. TURNER: My name is Alyce Turner, and I live at 1204 Fieldcrest. I am a 40-year resident of Columbia, Missouri. I have raised my family here and worked here in the public sector. I am currently a single retiree and empty-nester in a four-bedroom home. Last week was my two-year anniversary of being an owner-occupied Airbnb. And I have to say it has been pretty much 100 percent great experience. The reason I was late tonight is because a guest came to my house from the same swim meet at Mizzou with her 15-year-old. I like to meet my guests if possible if they come early enough, show her around, talk to her about restaurants, get to know them, they're staying in my home. It's an apartment -- private apartment, but it's still in my home. I want to talk a little bit about the kind of guests that have come to my Airbnb in the last two years. Let's see. I had two doctors who brought their bicycle. Their son attends MU and the pedway is just down from my house. They're coming back in March and we want to get together for coffee. They couldn't stay at my Airbnb. I'm booked. Last weekend, I had some millennials who went to school here. They're professionals; they came for True/False. The weekend before was a grandmother who was visiting her daughter who is a professor here. These are the kind of people that come to my Airbnb. I've never had a party. In my thing that I write up for Airbnb, I say quiet time is after 12:00 and rarely -- and one time, someone after a wedding was drinking with her husband. My neighbors all know about my Airbnb. I think they would tell you my lawn and gardens look a lot better because I can afford to hire a part-time gardener rather than just me trying to mow the lawn. And I feel like a lot of the discussion and some of the input from some residential neighborhoods will put a lot of burden on owner-occupied Airbnbs in residential neighborhoods. You could ask any of my neighbors. By the way, 60 percent of Columbia, maybe more, is rental, and there are people throughout every neighborhood renting. And when I first moved to this neighborhood, 50 percent of my neighborhood got bought by parents who put their college kids in there and they started putting, like, five college kids, and we had to start reporting them to the City, and it wasn't really fun. It's sort of turned over from there. But currently a lot of my neighbors have renters because they're big older homes. And they probably have more cars than I do. My Airbnb people park in my driveway, and there's only one car because I never rent to more than two people and a kid or three adults that are the same party. But I am alarmed that they -- there would be this conditional-use permit which I think would put a lot of stress on our community, our City staff, and I don't see the reason for it. Most of the people I know who have Airbnbs are owner-occupied Airbnbs, empty-nesters, and you'll probably find a lot throughout the City. And I think they're quite different than -- and in residential neighborhoods, they're quite different than people who have multiple houses and have quite a few Airbnbs. My -- in reading about this over the



years, I thought San Francisco said an owner-occupied Airbnb was what they allowed and maybe you could be six months there and six months gone, I'm not sure, and they may have changed it since then. But, you know, I'm just trying to earn some income as a retiree and I feel like there has been negativity from some neighborhoods, and I don't understand why if there is problems with parties, they aren't calling the police or -- you know, because there are noise ordinances, and trying to get those enforced. And my understanding is if you have a citation for a noise ordinance, the next time it's higher and the next time it's higher, so there are things to do if you don't have -- you have poor Airbnb hosts. Anyway, thank you.

MS. LOE: Mr. Toohey?

MR. TOOHEY: So if -- if you are going to have to get a conditional use for this, do you feel comfortable taking care of that yourself or do you feel like you need to hire an attorney to get through that process to help you with it?

MS. TURNER: Yeah. That's a whole another thing. I've never hired an attorney for anything, so that would be quite an expense, wouldn't it? No. I had college kids in previous years, but the Airbnb seemed to offer me a lot more privacy, because I can schedule when people stay there. And I have an elderly mother that I travel to see occasionally and help take care of her, and I can schedule and I can be out of town. Yeah. I feel like it would be a burden, and that's -- that's a concern of mine. I also was concerned, but not it's changed, about being there 270 days. A lot of retirees travel. They have a lot of family to visit, and they go on some trips they were never able to do before. So there's some burdens there, yes.

MS. LOE: Mr. Stanton?

MR. STANTON: Good evening. So I like hearing these success stories, but I have to play the devil's advocate.

MS. TURNER: Sure.

MR. STANTON: I'm trying -- and I'm trying -- I repeat. I keep saying this, audience. I want the industry to regulate itself so I don't have to. So as an industry person, how do I fix the exceptions to you. All right? So I'm taking those over by this head successor, so you're -- I'm assuming you screen the people that you have in your Airbnb, you personally pick them?

MS. TURNER: It's -- everybody is screened. I -- somebody leaves my Airbnb, they, unknown to me, write me up. Is it clean? Could I park safely? Was it an okay -- you know. They screen me; I screen them, and then we get to see it.

MR. STANTON: Okay. You're part of the Airbnb system; am I correct?

MS. TURNER: Right.

MR. STANTON: Okay. And not everybody that runs a short-term rental is in that situation. Correct? Or --

MS. TURNER: I guess everyone I know is with -- there are different Airbnbs.

MR. STANTON: Okay.

MS. TURNER: There's -- there's some different short-term rentals, but I believe they're all still online.

MR. STANTON: So that's the question I need to ask. Is everybody part of some kind of franchised system or not?

MS. TURNER: The people I know doing it are, but I --

MR. STANTON: Okay. So you take the little extra step to get to know the people that come in. Okay. So I'm going to -- say you're the bad guy. How do I fix you from messing up the reputation that you have as a -- as an Airbnb practitioner? What can I do you? How do I -- how do I fix the bad guys in your industry?

MS. TURNER: Well, I think neighbors or people who have concerns should (a) be reporting it to the proper officials in the City, be that zoning issues or more likely, you know, noise disturbance ordinances. I did that with someone who had a band in my neighborhood, and all they did was get a warning, and boy, that band never came back, you know. Also I'm wondering if you could also go to Airbnb and say there is an Airbnb in my neighborhood because they are very strict -- Airbnb, and they don't like complaints. So they have very strict rules and I don't know that you couldn't go back to Airbnb and say this is a nuisance. I believe they're an Airbnb. You know, what can we do about this? I don't know if that's possible. I've never faced it, but it would certainly seem -- they don't want their reputation tarnished and -- and they -- I had someone who booked with me, a young man. I don't think he knew how to book. And then he said, oh, no, I'm not going to stay there. Well, guess what, he got charged. I didn't have to give him back his funds because my cancellation policy says I need a certain amount of days. I gave it back to him. I called Airbnb. It took me 30 minutes, because I had to deal with Airbnb and say give this back to him, it's on his credit card. And they had to go back to him and then back to me. But, you know, the kid made a mistake, and I didn't feel like he needed to be charged. He wasn't staying there. I think there's policing things you can put in effect, but I definitely feel like Air -- short-term rentals have a place in residential neighborhoods. If I go down my block, I find other homeowners with renters, because we have big older homes in my neighborhood, and they -- they like just having a graduate student or someone staying with them. Yes, they have children, and they have more cars in front of their house than I do. Again, I feel like since we're only having three or four people at our home, we're not talking about a lot of cars. And mine get my driveway. If they would have two cars, I'd still park on the street. I'd let them park on the driveway. They're my guests. I can tell you the people across the street from me have family in all the time. I could have ten cars on my block from their family members. I don't create that kind of commotion, and I don't think anyone in my neighborhood would say I do, and it's been two years. I have to say some of the loveliest people I've ever met have come to my Airbnb. I've never had people that partied, and I don't know that -- I wouldn't tolerate it if they did, but I'm an owner-occupied Airbnb. I'm there. I text people, I find out about them. You text people and communicate before they come. You tell them what to expect in your Airbnb besides what's online, and so you have a communication.

MR. STANTON: So you live in the house that you rent. You're gone maybe on vacation or your expeditions, but you stay in the house that you rent?

MS. TURNER: I stay.

MR. STANTON: And you don't have multiple properties --

MS. TURNER: And if I'm gone, I can also -- I have a co-host that is a backup if I'm gone, because I have an elderly mother I visit from time to time. So there's always somebody responsible for it, yes.

MR. STANTON: And that's the only property you do that with, the --

MS. TURNER: The only one, and I don't plan to have others.

MR. STANTON: All right.

MS. TURNER: It's a fair amount of work, I have to tell you. I do it daily, communicating with people. People are booking for October. They want to know about the facility. I probably spend two hours a day on it, and that's unpaid time. It's not a very lucrative thing, but it permits me to stay in my four-bedroom home as a retiree.

MS. LOE: Ms. Burns?

MS. BURNS: Have you made any modifications to your home to accommodate your Airbnb?

MS. TURNER: I did make one modification. When I had roommates, they came in my front door and they went down my oak steps to the lower level where I have three bedrooms. One is kind of an office and living room. And I put in a doorway with a lock, so I have people going around the side of my house. That gives me more privacy. But when it's inclement weather or the young woman who came tonight -- she's not so young, but the mother who came tonight, I said why don't you come through house and let me show this to you and tomorrow morning you can go out. Yes. I did make that modification both for their privacy and mine.

MS. BURNS: Thank you.

MS. TURNER: And I'm not sure -- can we do that in the Code? At one point, I thought I saw no modifications.

MS. BURNS: I know there were discussions about that. I don't know exactly where that stands now.

MS. TURNER: Well, it was putting in a door at the end of the steps, yes.

MS. LOE: Any additional questions? I see none. Thank you.

MS. TURNER: Thank you.

MR. OTT: Good evening. My name is John Ott; I live at 212 Bingham Road, and I thank you for the opportunity to come up and talk to you about this issue again. You know, I've been in real estate for 33 years as a broker and I've also been real active in my neighborhood association, so I might bring a unique perspective to this. I don't know. But the -- you know, one of the things I heard Pat Fowler speak at a City meeting a couple nights ago, and one of her points was she felt like if I -- if I'm paraphrasing her properly, was that the -- that -- that maybe the staff isn't listening to the neighborhoods. And, you know, I

don't -- I know it's -- I'm not trying to get in the staff's face about this, but the -- but, you know, I talked to a lady who represents 65 homeowners' associations, Pat Bess. I don't know if some of you may know her. She has a company called Community Association Management, and half of those neighborhood associations are -- are -- are associations that are confirmed by the -- by the City. And I asked, I said has anyone approached you, and just said what are your feelings about this because you manage all these homeowners' associations. They've had no communication. She's been watching this. But I said, well, what -- what's your feedback; what do you think about all this? And she says there is no way that our residents want this to happen in our neighborhood associations, in our -- in our neighborhoods. And she said she plans to be here the next -- next time, but, you know, we have -- we have homeowners associations. It would be interesting if -- if those groups were brought together and asked about how we thought this type of activity would impact those neighborhoods. And when I look at what -- you know, why is this even going on, I don't believe that this should happen in any of our residential neighborhoods. I mean, after being involved in our neighborhood and seeing things that come up and, you know, as an active member, you get calls and you ask for help from the City with long-term residents, short-term -- well, not residents, but long-term rentals, short-term rentals. It's -- it's tough to enforce and so, you know, you look at the motivation. And I said, well, you know, what are the -- after going to all the meetings since, you know, before Thanksgiving, one of them, it seems like a lot of the thrust of this is coming from investment realtors, which I'm an investment realtor and I get it, but -- and apparently right now there is 30 percent more units available than there are students, and so there's -- there's some empty places. And -- and, you know, but I think the investment real estate community is expecting a legislative change to create a windfall so they can rent their places out and maybe for more money than what they're rented out now, and I do think that's going to have a big impact on affordable housing. I just don't -- you know, I don't -- I can only -- which I know is a big issue in our city. It can only be a negative impact on affordable housing. The other one is some of the folks that came up and said, yeah, I'm making a few extra dollars with my house. And, you know, it's the second group, and I get that and I appreciate it, but, you know, when you buy your house, and -- and there's never an understanding that you can rent it night by night. I know maybe Mr. Toohey would disagree with that and others, but I know -- and I've seen quotes in the paper and I think you've mentioned here, but you're -- you're bundle of rights when you buy your home in your neighborhood doesn't allow for that. It allows for what exists in your -- in your particular ordinances at that time. And so -- so for the people, and I can't even imagine being a realtor, you know, to have me disclose to people when you're presenting a house -- if someone comes in from out of town and you say, hey, look at this house, wouldn't you like to buy it, and then the next thing you know, they say, well, you have to disclose, well, by the way, there's a -- there could be an Airbnb next to you. Are you prepared -- you know, prepared for that? That's -- that's not going to sit well with -- with realtors and with prospective home purchasers in our -- in our communities. The other group -- there's two other groups, and one of those is -- is, you know, the -- the idea of taxing, people who promote taxing these entities, and that's kind of where this came up. And no one said, hey, you know, let's tax -- let's change our zoning so we can tax

them. They just said, look, if they're -- if they're illegal operations, let's -- let's tax those, but, hey, let's -- let's change our zoning so they can generate a whole bunch more of these -- of these entities, and then let's -- let's tax them. And then -- and then the other group, and I -- you know, is perhaps the other -- is the staff just saying, hey, what are we to do with this? I mean, that's kind of why, you know, one group that's going what are we doing with this -- these -- these Airbnbs right now, you know, and they're not regulated, what are we going to do? And I get that, but, you know, I think, in the end, the answer isn't a to say let's regulate them because I don't think that we have the ability and I know you don't want to talk about enforcement, but -- but I know we've been quoted in the paper saying we can't -- we really won't be able to enforce it. And, you know, if it's -- if the quote was correct, it says we can't enforce this. And so, my -- my suggestion for enforcement, and I know it's a big deal, is -- is to create -- keep the ordinances we have now. They work, except add -- make one amendment and say if you solicit this type of activity in your neighborhoods, then we -- then you'll be fine. And you won't have to even leave the office to find out whether it's being done, you just look at the platforms and you have a significant fine if someone is soliciting for overnight stays in your residential neighborhood. I think it would stop it, and it would be a lot less expensive. I think if we regulate it and create rules, there is no way that we could begin to generate enough income to enforce the problems that will occur. Other communities -- and I'll end this. Other communities -- we're a little bit behind other communities with this. We've -- we've said, hey, that's why we need to regulate them. Right? But other communities were way ahead of us. They've done it and we've just heard New Orleans is going, well, wait a minute, we made some mistakes. Other communities are finding that out, too. Maybe it's a good thing this time that we're -- that we were slower to try to do something and maybe we shouldn't do anything at all because, you know, we have some great neighborhoods and we're going to ruin the social fabric of our neighborhoods and the communities and neighborhoods that we've worked so hard to try to upgrade and improve and make a wonderful place to live, and this is going to hurt them. And I -- and that's -- I don't know if anybody has any questions.

MS. LOE: Any questions for Mr. Ott? Mr. Stanton?

MR. STANTON: I'll let Mr. Toohey go first.

MR. TOOHEY: So, first off, a property owner doesn't have to disclose what their neighbors are doing with their property. So going back to all these neighborhood associations, why don't these neighborhood associations just amend their covenants and restrictions and prohibit this type of -- of the use in those neighborhoods as opposed to the City having to do it?

MR. OTT: Well, I think -- I think that is what exists in a lot of them. I think what you're going find is that in many of the neighborhoods, they have covenants and restrictions that will -- that will prevent this in the long run. However, we have heard from the people in Woodridge, and they have covenants and restrictions, so you have somebody who is bold enough to go, hey, I'm going to do this and I don't really care about your covenants and restrictions. So then you have to gather all your neighbors and raise money and go to court and, you know, it's not -- you're placing a burden on -- on these neighborhoods when they shouldn't have to -- to deal -- to deal with it. But, you know, the idea of disclosing, well, yeah,

you don't have to disclose whether or not your neighbors have an Airbnb, but it certainly would probably be the ethical thing to do. If you know that you are living in a house that you're not -- and yet you don't have the quiet enjoyment of, and, you know, as Jared Vessell said, you know, your Tuesday is somebody else's Friday or -- you know. And so, you know, what do you just -- you know, you're basically selling the house with the understanding that they're not going to -- they may have problems with their neighbors. I don't know. I'd -- I'd feel obligated to disclose that.

MR. TOOHEY: So, have you been through the conditional-use process yourself with different projects?

MR. OTT: I have not been. I've never had to -- I don't believe I have. I've been to the Board of Adjustment before for things in real estate, but specifically a conditional-use permit, I don't believe I have. But I believe that that is a -- of the, you know, the things that have been brought up, the conditional-use permit, if you had to do this, would be a route to go because then you would have elected officials, people that, you know, in the end, have great accountability to be able to make that decision.

MR. TOOHEY: You don't think the burden of having to go through that and the cost potentially is too much of a burden on a property owner?

MR. OTT: Well, I think if you're -- you're -- you know, you mentioned the word "industry". And first of all, I don't believe industry belongs in residential neighborhoods. But if you're generating income from it, the one-time cost of gathering information and going before the Board, I think, would be, you know, the -- you know, the -- something that would be a reasonable request of people to make.

MR. TOOHEY: That's if you're approved, though? I mean, if you go through all this expense and you're denied, then you're out that --

MR. OTT: Probably ought to try to determine whether -- what your chances are of doing it -- you know, getting it approved before you spend a lot of money, and it's probably -- would be fairly clear-cut whether or not -- you know, you'd probably talk to your neighbors. I don't -- you know, I don't what all the -- what all the requirements would be, but I would presume you would want to know what your chances are before you would spend that -- spend any money on it.

MS. LOE: Any additional questions, Mr. Toohey? Mr. Stanton?

MR. STANTON: Okay. I've got one question, it's just straight up and down.

MR. OTT: Uh-huh.

MR. STANTON: Do you support owner or hosted short-term rentals?

MR. OTT: You know, I -- I appreciate the folks that are doing it to try to make some extra money. But my problem with -- with how I think it would actually work out is you would have people that would claim -- and not these folks, but they have spoken because I believe they're running a good operation. But I think you would have people that would claim to be owner hosted, and they wouldn't be. They wouldn't be there. There would be problems. You would call and ask for help and then you'd get -- you know, you'd get the comment from the enforcers saying, well, can you prove this, you know, were they there? And one of the things is that even with occupancy, you know, we've had some conversations

with -- with the City on just occupancy, and they said, well, you -- it's hard to prove, you know. So when you have in your -- in your list that you have to have 270 days there, well, who is going to -- you know, if you're the neighbor, are you going to -- supposed to, you know, check off, well, you know, he's here 30 -- you know, count the days the person is there to prove to the City that they're not really occupying their property? I mean, it's -- it would be very difficult. And -- and we see that with long-term rentals, there are certain aspects of that that when you have a problem with it and you ask for help, the -- the -- the comment is, well, bring me your proof, you know, because it's -- the burden is on the neighbors. Well, I think we're getting ready to potentially create regulations that will put a lot of burden on people that have lived in their homes and in their neighborhoods for years, and, you know -- and -- and some people are going to make some money, but they're going to be making it at the expense of the -- of the people who are living in neighborhoods. And I'm talking about all neighborhoods, all residential neighborhoods. There's places for this. There's commercial zoning. There's office zoning. There's -- in places -- there are places where you could do this and -- and not impact other neighbors.

MR. STANTON: Well, the same question is I guess you don't support non-occupied, either?

MR. OTT: Yeah. And I think would be -- you know, I think they're one -- I think they could be one in the same. I don't distinguish between the two because I think it'll be a lot of abuses and I don't think we'll be able to -- you know, and again I feel for the people that are doing it and doing it right, but I just think there will be abuses and there will be no way that -- that we'll be able to get a handle on it.

MR. STANTON: So you don't see any -- I'm going to give you an example that came to mind and -- a lot of my ancestors could not stay in hotels. Segregated, they couldn't go, so there was a -- basically, an underground chain. I think probably my ancestors started the first Airbnbs because back in the '40s, '50s, well, up until the '50s, you know, there was an underground network of houses that you could stay along the route that you were going. So you stayed at Ms. Jones' house and she rented you a room. So that tradition may not be as needed as it once was, but I still feel that there is a need. So what is the remedy? I understand that there -- yeah, I can see people working around that, you know, the occupancy issue and all of that. But how could I stick you as the owner of the house to make you comply. Like, what can I do? What do you suggest? In the public, what's that remedy?

MR. OTT: I don't know that you -- I mean, I don't know that you can make people comply. We have, you know, problems in all -- all kinds of areas where people don't -- they're just not willing to comply. There's a lot of fraud. There's -- they're not -- you know, they're not good citizens, you know, and that they make it -- they make it tough on the people that might be. But, you know, going back to the history, when we had -- we had the two train stations, Wabash and Katy. And I know 1013 Walnut, people would get off the train and they would stay in a boarding house at 1013 -- it was run by a lady, and she had boarders there. And I think a lot of the houses -- there were houses downtown and they were next door to residential places, you know, but there were boarding houses next to homes. I think the next -- you know, what happened later on was that, you know, a few blocks away, maybe across Providence and Stewart Road and different places, people said -- they put in their covenants and their

rules, no roomers or boarders. We had enough of that, you know. We lived next to it. We lived in the core of the City, and, you know, it was -- there was a lot of -- you know, a lot of noise and activity, and that's why we -- we -- so here we are, you know. It's like we didn't -- we learned that lesson once and -- and -- and now because you -- you can do this online or you can have pop-up stuff, it's like we have to learn the lesson again. Maybe New Orleans has learned the lesson again, but -- and here we are, we're -- you know, a few years behind New Orleans. But I don't -- I just don't think there's a place for it in our residential areas. I think people, you know, deserve to -- to have a quiet enjoyment of their homes when they go work and send their kids to school, and I just don't think that we have --

MR. STANTON: You're saying -- you're saying hotel or bed-and-breakfast or no. This where you're at?

MR. OTT: No. I mean -- yeah. I will say that currently we do have -- you know, we've had some bed-and-breakfasts and the way the ordinance reads, my understanding is that in R-2 and R-MF, I guess it would be now, but it was R-3, you could go to the Board of Adjustment if -- I guess if you had the support of your neighborhoods. But, you know, again, I think that was -- there was a few of them that -- that came around and they were operated properly, but I just think the preponderance of interest in operating these kinds of things and the pop-up nature of them is just -- is not a good thing for Columbia. Our neighborhood primarily has covenants and we would -- I think we would be there and we would enforce them. So we're not necessarily here saying, hey, the Grasslands wants this for the Grasslands. We think that -- that the neighborhoods in this community deserve better, and we know how hard, like, people like Pat Fowler and others have worked to stabilize their neighborhoods and -- and -- and, you know, empty homes three or four days out of the week and, you know, people who are there not because they live there on a regular basis, but because they're there to celebrate, you know. And that's -- it doesn't necessarily match up with somebody who has to go to work the next day and send their kids to school the next day or whatever the case may be, but -- you know.

MS. LOE: Any additional questions for this speaker? I see none. Thank you.

MR. OTT: Thank you.

MS. LOE: Before we continue, can I get a show of hands of how many additional people -- speakers would like to come up? Okay. I see one, two, three -- enough. I'm going to just call a ten-minute break -- five-minute break. We'll reconvene at five to 9:00.

(Off the record.)

MS. LOE: Call the March 7th, 2019 Planning and Zoning Commission Meeting back to order. We're in the middle of a public comment listening session for Case #31-2019, a request by City of Columbia to amend Chapter 20, Sections 29-1.11 (Definitions) and 29-3.3 (Use-Specific Standards) of the City Code relating to the revisions for "hotel" and "bed and breakfast", creation of a definition for "short-term rentals" and "transient guest", and creation of new use-specific standards governing the establishment and operation of short-term rentals inside the City's corporate limits. We're going to wrap up the public listening session now. So anyone else who would like to make comments, please come



forward and state your name and give your address for the public record. Please keep your comments limited to three minutes. Please keep in mind that if the Commissioners have questions, they will ask you questions, and that is after your three minutes. So if you can make your comments succinctly, we would appreciate that. There are still several speakers that want to speak, and we want to give them all the time to do so. Thank you.

MS. FELTMAN: Good evening, my name is Sharon Feltman. I live at 1136 St. Christopher Street. I have owned my home for 30 years. When I purchased my home, it had a mother-in-law apartment. It is a walk-out with a driveway in the back. And my children went through college, and I had roommates, and I had tenants, and it has always been a certified and inspected apartment. Now that I'm an empty-nester, I have been running an Airbnb in that apartment for three years. I have had wonderful experiences, and because I'm retired, that income is also very important to me that I can utilize space that I am not now needing to generate some extra income for myself. I am so shocked about this whole situation. It seems crazy because while some of us seem to be having some bad neighbor experiences, and there seems to be a few outliers in the situation, I think the majority of our Airbnb owners in Columbia are owner-occupied and really need that income and appreciate our guests. Like the previous speaker, some of my guests come for sporting events. They bring their children. They come to visit their kids. They come for mother-daughter sorority evenings, that kind of thing. I wanted to talk a little bit about the neighborhoods where there seem to be problems. I'm wondering -- I think someone mentioned covenants, and if neighborhood covenants wouldn't cover that if there are big problems in certain neighborhoods. I'm in a neighborhood where there are rentals. I have a rental across the street. There are rentals -- and it's kind of a mixed neighborhood. I'm not sure what my zoning is at this point. And I was wondering -- someone mentioned business licenses for short-term rental owners, and I'm wondering if -- if I -- when I was renting that apartment on a long-term basis, I didn't know that I needed a license, and I'm wondering if that would be different and if anyone who rents long-term also needs a business license to do that if they're renting property or if that's going to be different. I'm also worried about the expense if a lot of burden is placed on me as a homeowner just trying to utilize empty spaces in my home, for my own economic benefit, if I'm going to be faced with a lot of extra burdensome regulations and costs, fees, that kind of thing. I do have -- in my situation, I have a driveway in the back, so parking isn't an issue. I -- my neighbors know that I run an Airbnb, and I have never had any complaints. I see the red light, so I'll be courteous.

MS. LOE: Are there any questions for this speaker? Mr. Toohey?

MR. TOOHEY: So when you first started running your short-term rental, did your neighbor -- did your neighbors know in the beginning?

MS. FELTMAN: Yes.

MR. TOOHEY: Do you think if -- if you hadn't had told them, do you think they would have had any idea that you were even doing it?

MS. FELTMAN: I don't know. Maybe because there were a lot more different cars parking in the back driveway than when I had more like a student living down there for six months. There might have been one or two cars depending on their guests. But other than that, I don't think they would have noticed the difference.

MR. TOOHEY: Did it present any parking issues at all?

MS. FELTMAN: No, because personally I have two driveways.

MS. LOE: Any additional questions for this speaker? Mr. MacMann?

MR. MACMANN: Just a clarification. I did look it up. You are in R-1. That's just for everyone's identification.

MS. LOE: Thank you.

MS. NEUMER: My name is Shawna Neuner. I'm speaking on behalf of the Columbia Apartment Association which is at 404 Tiger Lane. The Columbia Apartment Association wishes to express our concerns with attitudes that have been addressed during the short-term rental proposal and conversations. The largest concern we have is regarding the assumption that renters are somehow less viable citizens of our community, that their rights are less, that they are stereotyped as being bad people. They are simply people, as are homeowners. Regardless of whether they chose to rent or purchase their home, they are capable of both good and poor choices. The ability and the desire to own a home do not make a person less likely to throw a large party, have frequent guests, leave their toys in the yard or refuse to pick up their trash. In a town where the majority of our population rent the home in which they reside, we should be very aware of the attitudes we hold regarding renters. Columbia likes to consider itself a very progressive community, and yet we still allow this closed-minded and discriminatory attitude to pervade many actions that are taken in our community. The conditions that are being placed on short-term rentals will have an impact on the way in which long-term rentals are treated now and in the future. City staff has stated that they do not want short-term rentals to be treated the same as traditional rentals, and yet they have set the regulation and enforcement to be largely based on the Rental Unit Conservation Law. The Columbia Apartment Association contends that rentals are rentals and all should be subject to the same laws, enforcement tools and efforts. The membership of CAA is certain that whatever regulations are enacted on the short-term rentals will come to be expected and eventually enforced on the traditional rental properties. To this end, we find the following portions of the proposed ordinance to be a cost burden and a restriction of our freedom to operate our businesses, which will have negative impacts on the community as a whole. The requirement for a conditional-use permit is a very difficult, onerous and expensive process for not only the property owner, but also the resources of City staff, the Commission, Council, et cetera. It is uncertain what the allowed occupancy of your property will be before you start the process. It is daunting to imagine the hundreds, and more likely thousands of units which currently serve as short-term rentals having to navigate this process. Now imagine when this part becomes enforced on long-term rental units, more than half of the housing stock in our community must waste time and resources of property owners, staff, Commission and Council for the purpose of

being able to serve the many thousands of residents who choose to live in our community without the responsibility of homeownership. Such a process will effectively eliminate the ability of many property owners to continue to operate a rental business causing significant changes to the housing industry in our community and driving housing costs even higher. This impact will be felt disproportionately hard on the low-income housing market where citizens who can least take another hit to their budget will once again face the burden of carrying the weight of an expense generated by well-intentioned but misguided ideals. Also of great concern to CAA is the City's attempt to micromanage business practice by allowing -- refusing to allow property owners to rent individual rooms to individual persons. In a traditional rental, the practice of holding individual leases for the residents of the property is quite common, used in University dorm rooms for ages, and more recently it has become a common practice in many applications from student housing to developments for seniors as well as a solution for affordable housing situations. Such practices allow residents to maintain flexibility and be free of responsibility for the actions of their roommates. Even during the initial implementation when this affects only the short-term rental properties, this eliminates the ability of groups who are traveling together from being able to take responsibility for their personal share of a trip. One member of our organization shared a story with me about how they rented their short-term rental to a family who were coming in for a funeral. The brother and sister wanted to stay in the same home, but each pay for their room individually. Why does the City care how their payment arrangements are performed? Even in a situation where the would-be strangers who chose to stay on the same property but different rooms, why would this be a problem? The renters are well aware of what they are booking, and they can reduce their costs by renting only a room instead of an entire home. The limitation of 25 percent of dwelling units in a multi-family dwelling unit containing three or more units has many flaws in the theory. First, how do you get 25 percent of a triplex? What about duplexes? These building types are for some reason being discriminated. One concern that has been presented from citizens is the transient nature of short-term rentals. So allowing one building to be completely short-term rental would allow that the persons in that building, by the nature of the lease that they have agreed to, they have accepted the transients which may exist. A large amount of the proposed ordinances are written without understanding of how the hosting of said short-term rentals actually works in reality. Frequently renters will secure their housing needs for a certain period of time and then extend that time. One of our members mentioned to me that they have a renter who originally signed a lease for two weeks, and that same renter has signed an additional week-long lease every week for nearly three months now. This renter is in town as a travelling medical staff and they have extended their employment contract. The flexibility to do so is great, but if the property owner would lose their ability to advertise for other short-term rentals in the building, he may not have allowed this person to stay past 31 days. Additionally, the CCA believes that limits placed on occupancy for housing should be based by legal bedrooms and should not be a randomly assigned number and it should not be discriminatory on the basis of familial status or other protected class as designated by HUD Fair Housing guidelines. Business licenses have never been required for rental properties that are managed by their -- by the owner. In

conclusion, Columbia Apartment Association supports the definitions, but believes that the majority of the proposed ordinance to be confusing, difficult and unnecessary as the majority of these items could be better solved by finding ways to better enforce the existing laws in regards to nuisance properties or parties and should be enforced equally in regards to whether they are owner-occupied or renter-occupied situations.

MS. LOE: Thank you. Are there any questions for this speaker? I have one. I'm just curious. You're -- do you consider hotel guests to be renters then?

MS. NEUNER: We look at -- from the Apartment Association perspective that all of our renters start out as a -- by this definition would start out as a transient guest until they have reached 32 days on their lease.

MS. LOE: Correct. So hotel guests would be -- in your definition would also conclude --

MS. NEUNER: They would --

MS. LOE: Renters would be considered hotel --

MS. NEUNER: They would be renters technically in that sense, yes.

MS. LOE: And you also characterize them as citizens? So you consider transient guests to be citizens of the community?

MS. NEUNER: So when we're looking at a rental situation, these are people who live in town quite often that they would consider their permanent home to be in Columbia, but there are a lot of people who move quite frequently. There is a very large percentage of our population who move. There are members of our organization who -- while they may sign a one-year lease with -- with residents, the percentage of their renters who actually succeed in completing that lease is less than 60 -- less than 50 percent.

MS. LOE: Right. But we are talking less than 30 days here as --

MS. NEUNER: Right.

MS. LOE: -- citizens. I think -- I mean, I think -- I'm just trying to -- I mean you've added a different wrinkle, but I'm not --

MS. NEUNER: Well, because we are looking at this that short-term rental and long-term rental blend together to the point that's it's going to be very difficult to regulate them separately, and we think that regulations that are put on short-term rentals are going to be put onto the long-term rentals, if not immediately, they will start to follow very soon after. And there is a perception that renters are bad people, that renters bring trash, that renters make bad choices. There's a lot of homeowners that have trash, that make poor choices, that have parties and too many cars and, you know, that happens. Broken lawnmowers are in yards and we have ordinances to deal with all of those things. And it's not just because of renters, there's homeowners that make bad choices too.

MS. LOE: Right. I mean, we're focusing specifically on short-term here and you're bring long-term into the discussion, so I think --

MS. NEUNER: Because we have seen how things in the past have slid down that slippery slope and what comes in in one way, it will start to impact all the others. And we have a large number of our property owners who are doing furnished rentals, and they will do those as needed. Some of them are doing short-term, some long-term, and they're switching back and forth between the two according to what the needs that they have, you know, so they're --

MS. LOE: So you already see a blending?

MS. NEUNER: We already see it blending quite a bit. We have -- have multiple situations where they have the furnished rental that their -- they will advertise it. And so if they get someone coming for weekends, they'll take that. If they get someone coming for six months, they'll take that. So it blends -- it does blend together, and I see that potential where what gets enacted with the intention of being on short-term rentals is going to have that impact on the long-term rentals. If nothing else, the neighborhoods that think that renters are bad are going to use it as a way -- hey, this tool worked to get rid of short-term rentals, let's try to use it to get rid of long-term rentals, so let's make a conditional-use permit requirement for every rental, and things like that where it can transition that way.

MS. LOE: Any additional questions for this speaker? I see none. Thank you.

MR. MARTIN: Madam Chair, members of the Planning and Zoning Commission, my name is Mike Martin. I reside at 206 South Glenwood Drive. And I'm here to address a very specific but very important issue in this proposed regulation. If you would turn to page 4 and go down to number 3 -- C3, you'll see something called property registration there. And I have learned more than I care to know about what this clause addresses over the last, say, six, seven years. I've talked to several attorneys both in state and out of state about its implications, and if you build this law on this clause, you will find that it's quickly overturned by our courts. So essentially, this registration shall follow the provisions of Chapter 22, et cetera. Such registration shall grant the City of Columbia the right to inspect the dwelling unit for compliance, et cetera, et cetera. You can't do that. You can't force a person to sign away their Fourth Amendment rights to have something inspected for any reason whatsoever, whether it's the law, whether it's a permit, whether it's a license. As an attorney told me, it would be like if you went to license your car, to get the license you're allowing the police to search your car. You can't do that. What you have to do is put a clause in here that allows that person to get an administrative search warrant -- that's what they call it, and Section 22-189 of Columbia City Code addresses that. It's also addressed in the Rental Unit Conservation Law for long-term rentals, the business I've been in for 30 years. I don't intend to get into short-term rentals -- don't want a dog in that fight, but this search warrant clause is critically important. And we have the right -- and we do this. We demand search warrants whenever City staff comes into our place to inspect, they bring a police officer, it's judicially signed and vetted, and if they come back to reinspect, they need a warrant. Here's why. If something is found in the unit, say somebody's got a little grow operation going on, and that inspector turns that over to the police, guess who's going to get sued for signing away that renter's rights? Me. The renter didn't sign on the dotted line when I gave them my permission, I did. So we demand search warrants. That same clause has to

apply to short-term rentals too. We have a Fourth Amendment in our Constitution for a reason. We cannot sign things like that away, and we can't advise people to do that either. It's not fair. It wouldn't be right of the government to put something out like this that's such a blatant violation of both its own City ordinances, Section 22-189 and the Fourth Amendment of the U.S. Constitution. So I would urge you to strike that clause and put in there that warrants can be provided, or warrants will be provided if the property owner wants them and that property owners are advised of that right too. Staff loves it, you know, when we sign away our rights and they don't need a warrant to come in, but it makes their job a lot easier, but it's not good for us, it's not good for our community, and it's not good for our renters. And just to clarify, my position on this is that I think there are certain neighborhoods that are going to do well with this sort of program -- short-term rentals, and there are certain neighborhoods -- Grasslands, most notably, where this would -- would create a huge imposition, and I totally get where they are coming from not wanting it. That's not the issue I'm addressing. I'm totally into the search warrant thing. You've got to get this right because if you don't, I'll be the first person leading the charge to court against the City for this law. Thank you very much. If you have any questions, I'm happy to answer them.

MS. LOE: Are there any questions for this speaker? I see none. Thank you.

MR. HUNTER: My name is Todd Hunter; I live at 509 Arbor, and I live in Woodridge Subdivision. In our subdivision, we have a covenant that says that -- that keeps Airbnbs out. It doesn't seem to matter. My next-door neighbor has an Airbnb. I have had to deal with my neighbor, his desire to make extra money is a burden to me, and I cannot understand how that can be. It makes no sense to me. Two o'clock in the morning we had four gentlemen from Fort Leonard Wood fighting in the middle of the street. We've had instances that have been very, very interesting, and the only reason I found out was a lady stopped -- was by the -- was walking in front of the house and said can you recommend a restaurant and I said -- I had no idea who she was. It was just some lady walking by. I'm staying at the Airbnb next door. From that point forward, it has been a very interesting ride. I am 100 percent opposed to it. My next-door neighbor lives in the house, but you tell me what one young lady is going to do to stop four guys from Fort Leonard Wood from fighting in the street. It's a problem. It's going to be a problem, and the only way it can be stopped is if you stand up for us, the homeowners, and say this is not right, because I don't believe that it is. That's what I came to say.

MS. LOE: Thank you. Any questions for this speaker? Mr. Toohey?

MR. TOOHEY: So did you report it to your homeowners' association?

MR. HUNTER: Yes.

MR. TOOHEY: And what happened with that?

MR. HUNTER: We filed a -- got an attorney and we filed paperwork to the Airbnb, and they didn't even accept the paperwork.

MR. TOOHEY: The Airbnb didn't accept the paperwork?

MR. HUNTER: The neighbor did not.

MS. LOE: Mr. Stanton?

MR. STANTON: Was this particular Airbnb registered as an Airbnb or some other type of --

MR. HUNTER: Registered as an Airbnb.

MR. STANTON: And did you try to complain or register a complaint to Airbnb?

MR. HUNTER: Did not.

MR. STANTON: Okay. We had heard testimony that they don't --

MR. HUNTER: I didn't know that was possible.

MR. STANTON: Yeah.

MR. HUNTER: I'm just the neighbor.

MR. STANTON: Yeah. Yeah. Yeah. So you might want to try that next -- I learned that myself today too.

MR. HUNTER: Okay. I've tried everything else. That's why I'm here at 9:00 at night.

MS. LOE: Any additional questions? I see none. Thank you.

MR. HUNTER: Thank you.

MR. GALEN: Madam Speaker, thank you very much, and Board, thank you very much. I think we have talked before. My name is Jeff Galen, and I live at 3603 Topanga Drive, here in Columbia, Missouri. I'm actually representing the Columbia Missouri Homeowners -- the Real Estate Investor's Association. I'm also a property owner here in Columbia. I've lived here for 30 years, and I do have 28 long-term rentals in the City of Columbia. First thing I'd like to mention -- and by the way, I promise I'm going to be pretty brief because I know it's getting late at night. And, Mr. Stanton, you had some awesome questions. Later, I would love to answer some of those questions too that you brought up. So the first thing I would like to say is the reasons why we are here is we recognize the need for the City to be able to collect tax on these, and we don't have any disagreement with that. We also understand that we want to maintain safe housing in Columbia. Again, we support that too. And we also agree that we do not want negative impacts on neighborhoods. So we're supporting the same thing as the folks who are coming up and saying they don't want short-term rentals. We want those same things also. But we think the way we should be going about it is a little bit different. We appreciate all the changes that have been put in by the City. They have done a wonderful job of updating this. They took a lot of our recommendations, and we thought that was wonderful. What I'm going to bring up is just a few minor changes I think would be nice. But these minor changes actually have a significant major impact on how we would run short-term rentals. First thing I would like to mention is that we applaud the inclusion of the Rental Unit Conservation Law and the certificate of compliance. That is something that has been out there for long-term rentals for quite a long time. It works. And we feel that that meets the needs of several of these concerns that individually these neighborhoods have because we can always have that certificate pulled, and there is a mechanism in place so that we can lose our ability to rent to individuals. What we do not support is the idea of conditional-use permits. We prefer the administrative approach. We think that it's not only onerous to those owners who would like to be short-term rental, we think that it is just not feasible in the current structure of the City to do in a reasonable manner. The next thing is that

we feel that there really is no difference between owner-occupied and non-owner-occupied-short-term rentals. The reality is rentals are rentals. I have 28 units. I don't live in a single one of them, but I would manage them all the same as if I lived in them. Tenants are tenants whether they are there for one day or whether they are there for 365 days, the difference just being the level of care I'm going to put into that house. If I have a short-term rental, I'm going to be spending a lot more time in that, and you have actually heard that from many people testifying tonight that the quality of their places have improved over time because they are short-term rentals. In fact, really the reason why we are here is because there is just a very small number of individuals who have been having problems. The vast majority of people who work in that short-term rental business, Airbnb, et cetera don't have these problems. The next thing that I would recommend is that we relook at the number of guests that we have. First, we feel that we should eliminate treating these short-term rentals differently, whether they are a R-1, R-2, R-MF. We feel that a short-term rental is a short-term rental and we should treat them all the same across all zones. The final thing is that we really have an issue with this limit of 25 percent of a multi-family to short-term rentals. The reality is that I know that we are talking about the intensity of use of these properties, but if I bring individuals into my property for a weekend as opposed to having families there every day of the week, the intensity of use is actually much lower for these short-term rentals. So that -- that's where we -- and I would love to answer any questions that you all may have at this time.

MS. LOE: Ms. Burns?

MS. BURNS: So do you have any requirement for maximum occupancy?

MR. GALEN: Absolutely. We follow the same recommendations as it is for long-term rentals.

MS. BURNS: So -- but in an R-1 zoning where it is three people, you would agree with --

MR. GALEN: I would support that. Absolutely. I mean, we have the -- we feel that the regulations that are out there in place now makes sense. We all want to have safe places. We don't want to have fire hazards. We want to make sure that the people that are coming into these units -- I mean, are not going to put excessive use, et cetera. We do feel that, you know, look, there are places downtown where we know they are being rented out by the room. We feel that that's appropriate, that we should be able to rent out by the room, and, of course, we're going to treat that differently. But, in general, when we have those leases typically like we do for occupancy, we would agree with what the City's current plans are under the Rental Unit Conservation Law.

MS. BURNS: Thank you.

MR. GALEN: Uh-huh.

MS. LOE: Mr. Stanton?

MR. STANTON: So do you support owner hosted as well as non-owner hosted short-term rentals?

MR. GALEN: I support them all and they should be all treated the exactly the same way. There is no difference whether I happen to live there or not because I have to take care of it. In addition to that,



we -- you know, there's not really much of a difference between a short-term renter and a long-term renter except they're for a shorter period of time. They actually have less use of my properties.

MR. STANTON: My next question is do you understand that we have to -- let me back that up. It's human nature when given an inch to take a mile. Do you agree with that?

MR. GALEN: Absolutely.

MR. STANTON: How do we prevent that in this situation? We're Wild, Wild West now. We're trying to prevent that guy that says, okay, I've got three rooms, I'm going to put six people in there because I can --

MR. GALEN: Right. And so actually we have --

MR. STANTON: And I --

MR. GALEN: And that's a great question and I've been wanting to say this all night. We put these units under the Rental Unit Conservation Law. They're going to have to go through inspections, they're going to have to meet the same certificates of compliance. You can still report these units to the City. Now we're in violation of the Rental Unit Conservation Law. We can have that certificate pulled. Now if I put someone in there without that certificate, now I'm in violation of City Code and now I have a much bigger fine. So we have teeth. We have a place out there to do this. We're not using it. I mean, we have the way to remedy these problems and we're not using it, and that's the challenge.

MR. STANTON: Okay. So one more question.

MR. GALEN: Uh-huh.

MR. STANTON: And I may be naïve, so I may need staff to help. Is everybody that's doing short-term rental under an umbrella of one of these Airbnbs and other companies that do this so that they can be doing this independently and advertising on Craigslist or something like that. Correct?

MR. ZENNER: It is a possibility.

MR. STANTON: Okay.

MR. GALEN: What you will find is actually the vast majority of people who do this and do it successfully do it under one of these organizations, whether it be Airbnb, VRBO or HomeAway. Those are the three major companies out there that do it and you're going to find excessive -- 98 percent do it that way. But there are the Craigslist folks out there. But we do the --

MR. STANTON: So you would support --

MR. GALEN: -- Craigslist folks --

MR. STANTON: You would support short-term rentals being under some bigger umbrella, not this freelance --

MR. GALEN: Absolutely. You know, the reality is we know there's bad actors. Bad actors are bad for everyone. You know, I don't like that in the long-term business we have people who will rent places that has sewage coming up through the floor. I don't like that we will have people going into places that have unsafe furnaces. That is why we have furnace inspections because we want it to be safe. When you have these bad actors and those slum lords, that reflects badly on all long-term renters.

Same thing happens with short-term rentals. When you have those bad actors, then it reflects badly. Luckily, these companies recognize that too because they want to be profitable, so they have mechanisms in place to weed these bad actors out. But I also know that we have a mechanism in place within the City to also deal with it at the local level under the Rental Unit Conservation Law.

MR. STANTON: Thank you, sir.

MS. LOE: Any additional questions for this speaker? I see none. Thank you.

MR. GALEN: Thank you.

MR. NEUNER: Hello. My name is Rick Neuner; I live at 3709 Citation Drive. And I am a long-term operator and I'm a short-term operator and non-owner host. I have quite a few rentals that are long-term, and I have about a dozen short-term rentals. I've met some of the greatest people in Airbnb, the people that come. Our biggest clients probably are travelling nurses. We have a lot of them that come, and they stay -- intend to stay a few weeks and sometimes they stay a month or two. We also have a lot -- we had somebody check in today who is -- their son was having surgery and they booked for eight days because it's going to be a long surgery for them, a long-time recovery. That's the type of people that we have. I have yet to have anybody that is having wild parties, any problems whatsoever with any of them. Even through graduation and so forth, we had maybe some parents that, you know, get a little rowdy sometimes, but for the most part, better than my current neighbors. I can -- I can tell you. I can't regulate them. But someone mentioned earlier, they don't leave -- you know, short-term renters don't leave lawn mowers and half-cut grass out in the yard. The place always looks nice, they are always taken care of, and the people have reciprocated and been good people, good visitors. We just had the True/False Film Festival. Very quickly, all of our hotels filled up. The rest of the people, they went to Airbnbs or they went somewhere else or they didn't come at all. If we do away with the Airbnbs in Columbia, all of our big events like that are going to see a down turn in people. If they stay in Jeff City, they're going to spend money in Jeff City. If they can't get in Columbia, they may just not come. And if True/False doesn't grow, do you think they will stay here? We need -- it's kind of the flood plains is how I look at it. The river is the hotels; they get the most of the business, but the flood plains, the levees or the Airbnbs, they take up the slack. And I think it is very needed. I think we serve a great purpose here in Columbia.

MS. LOE: Mr. Neuner, the proposed language isn't eliminating short-term rentals. Is there anything in the proposed language that you object to?

MR. NEUNER: It will affect me, yes, very much so. Much of -- much everything that is written there, it will affect us. Quite frankly, I'll probably make more money. I'll probably rent my properties more often because as a commercial operator, I will jump through the hoops. I will learn to play by the rules. I will -- I will have all of my properties listed. A lot of these other people that were here tonight speaking, they won't. They just will give up. It will be too hard for them and they won't even try. So unfortunately, I think that would be bad for Columbia. It might be good for me, but I think it will be bad for Columbia if that happens.

MS. LOE: Mr. Stanton?

MR. STANTON: That brings up a great point. I'm glad you said that. So what you're saying is because you're basically a commercial operator, you're open to that scrutiny because it's your business. So you're seeing the extra inspection, the extra this, that and the other because if you remember our umbrella picture we had, you're on the far side of that spectrum, and you feel like that should be where the regulation happens. Now on your smaller term, like if you had a single house or -- that's regulated, would you agree that's kind of how you look at that?

MR. NEUNER: Right. I think if I just had -- if I was renting out my basement or basement apartment, I wouldn't do this stuff. And I don't think those are the ones causing problems either. I don't -- I don't know how many are. I really have no way of telling that, but -- I certainly don't think it is -- there are very few problems that I have seen from anybody that I've talked to, and that's through -- and I've talked to people at the Columbia Apartment Association, at the CoMo REI Group. I don't hear of any operators having issues with their renters.

MR. STANTON: Thank you, sir.

MS. LOE: Any additional questions for this speaker? I see none. Thank you.

MS. MARTIN: Hello, I'm Jamie Martin and I live at 1309 Hickam Drive. I'm here on behalf of First Start --(inaudible) -- Housing. Tonight, I just wanted to kind of -- I don't know. I have a couple questions about what is going on with the short-term -- the STRs. We make affordable housing for people in transition, so transitional housing for substance abuse disorder, stuff like that. We offer and work with the court system and house individuals transitionally while they deal with Social Services, Department of Mental Health and stuff like that and get where they need to go. We operate duplexes, you know, the big -- for the most part, you know? I'm asking is transitional housing falling under this STR and all of its requirements or can we ask for transitional housing to be exempt from this -- this grouping because we're not a hotel; we're not a short-term rental; we're not any of these things, but this is a very huge fear because there is no way that we can keep our doors open and operate under this as it lays right now -- as the revised and everything is set right now. So I'm just kind of open for what that looks like.

MS. LOE: I'm going to direct this to staff. Mr. Zenner?

MR. ZENNER: What is being described is actually a group home and there are two versions of a group home within our Code, one that is a large group home that is permitted actually only in the R-MF zoning district, and that has a particular scale of people, and the group homes are generally those that are allocated towards people in transition -- transitional-type housing. There is also a group home, small, which is a smaller obviously number of individuals that may be under the same roof, and that is allowed in our R-1, R-2, R-MF, all the way through all of our office and commercial zoning as a principal permitted use. Your particular operation would not be classed as a short-term rental. It would be licensed most likely as a transitional facility, and then it would have to meet whatever use specific standards we have associated with its level, either large or small, which we do have particular qualifications and conditions for that. More than welcome to have you call our offices if you folks would like more information. We are

the Community Development Department Planning Division. Please just reach out and give us a phone call and we can walk you through what the Code has to say as it relates to your particular use. The short-term rental is really that individual that owns a home or -- owns a home either personally or they own a home for investment purposes and are using it more on a commercialized basis. That is not what your business operation is or what the services you are providing.

MS. MARTIN: Thank you so much for clarification. I appreciate your time. Thank you.

MS. LOE: You're welcome. Any questions for this speaker? Mr. MacMann?

MR. MACMANN: Just a little ex parte. They reached out to me at break and I encouraged them to come up here and speak and ask that question specifically. Just want everyone to know.

MS. MARTIN: Thank you so much.

MS. LOE: Thank you for coming forward. We appreciate the question.

MS. MALEDY: Good evening. My name is Teresa Maledy, and I live at 215 West Brandon Road. I appreciate the amount of work that the City and Planning and Zoning has put into this regarding short-term rentals. It's a new phenomenon, and I think we are all trying to get our arms around it. And so I know an incredible amount of time has been spent trying to accommodate the thoughts and concerns of homeowners along with those members of our community that are wanting to offer short-term rentals. But I do think it is the City's obligation to think long-term investment in our community and quality of life, and so I do believe that Mr. Burns earlier saying that it is really important that we get this right and that we don't have the situation -- New Orleans was one of the communities brought up where they put ordinances or regulations in place, thought better of it a little bit later, and they're now having to do a reversal, which is causing some legal problems for their town or their city. We also have learned from other cities that it does affect affordable housing and our City is very focused on that right now. It is a reality and it does impact the workers and people that need affordable housing. And we've heard some really good experiences by different people that probably represent the true spirit of Airbnb here tonight; however, I was pleased -- in earlier meetings, my impression was that the Planning and Zoning or City was not considering short-term rentals as a business, and that has been revised and it is now acknowledged that it is a business. When I purchased my home in a residential neighborhood, I did not anticipate having a commercial business next door. I didn't think I was going to need to worry about that. So I think you do have an obligation and responsibility to the citizens that have invested in our homes. I also don't understand a lot about the home occupation business that was mentioned earlier, but the little bit that I read, I don't see how it complies with that, so I would have a question there. And because we do want to get this right, I would encourage once again, we have a BNB ordinance on the books. If it needs to be modernized, why not start there and then give us some time and experience in this area and with this industry and make maybe modifications going forward. Thank you.

MS. LOE: Thank you. Questions for this speaker? Mr. Toohey?

MR. TOOHEY: So if I recall when we were first reviewing the UDO, you had come up and made comment how cumbersome the UDO was and how much regulation there was involved with it. So why do you feel like now we should be adding more regulation to it?

MS. MALEDY: I don't know that I remember that comment. I did when I was in business have significant concerns about the UDO, and that might have been it. But what is interesting to me is that we're hearing people that do want to have the business comment on how onerous it is to comply with the regulations and certificates that you are saying that you want to do. In contrast, I wonder why we would want to put that burden on the individual homeowners because we have heard over and over again you can have covenants, but it doesn't always protect you, and then those neighbors need to bear the burden and cost of legal representation, which can be very expensive or maybe ineffective. So I think the burden needs to be on both parties, and I think it is something that needs to be appropriately regulated as a business.

MR. TOOHEY: So do you know of any other type of commercial uses that are going on inside your subdivision?

MS. MALEDY: Not that I'm aware of.

MR. TOOHEY: So no one else in your subdivision has other businesses that they are --

MS. MALEDY: Not that I'm aware of.

MR. TOOHEY: Okay.

MS. MALEDY: There could be.

MS. LOE: Mr. Stanton?

MR. STANTON: So do you support hosted or nonhosted Airbnb type --

MS. MALEDY: I do not support short-term rentals in residential neighborhoods. I would once again encourage us to follow the existing BNB ordinance.

MS. LOE: Mr. MacMann?

MR. MACMANN: Just a little redirect. Hello, Ms. Maledy. How are you? If I could paraphrase what you said just a moment ago with Commissioner Toohey, you feel as if your rights as a homeowner are equivalent to your neighbors' rights as a homeowner/business owner? Your right to your property is equivalent to their right to their property? You can enjoy it as you wish? Am I following you?

MS. MALEDY: Maybe it's just semantics, but when I purchased my home in a residential neighborhood, I was under the impression that businesses were not allowed. Once again, I'm not that familiar with the occupational business -- home businesses, so there could be something around that I'm not aware of and I'm not seeing evidence of.

MR. MACMANN: Just to let you know, like teaching music, watching kids, that -- there are a few other things, but -- and I am familiar with your neighborhood. I'm not sure you have any of that down where you live.

MS. MALEDY: I'm not aware of it. It has not impacted my life, and there are certain within that ordinance where it specifies the amount of time that it is not to be a retail type of operation where you are selling things it sounds like. And this is providing a service or selling a room, in my opinion.

MR. MACMANN: Uh-huh. All right. I just -- I just wanted to get to that. Thank you very much.

MS. MALEDY: Thank you.

MS. LOE: Any additional questions?

MS. MALEDY: I'm sorry.

MS. LOE: No, you're fine. I don't see any. Thank you.

MR. ABBOTT: Hello. My name is Mark Abbott; I live at 2517 Highland Drive. I've spoken before you all in the past. I operate a short-term rental out of my home. I've been doing it since 2016. It's well reviewed. I've never received any direct complaints, and I've not certainly heard anything from the City or heard of anybody complaining to the City about my short-term rental. It is operated out of my principal residence. It is a place where I keep my stuff. It's the place where I have mail sent. You know, it is what I consider to be my home, and it is the place, you know, like I said, I operate -- it's shared. It's a room actually in my basement. It is most of the basement actually that I rent out. And in the way that it compares to what another option I might have would be to rent the whole place to long-term renters that in these situations -- as a short-term rental, I am there between every guest and sometimes when guests are there. Oftentimes I am not there when the guest is there, but I have the option to be there. There is less use overall. I think that point has been mirrored with some other speakers, but it's not abandoned. The place is upkeep -- kept up. I have an increased incentive to keep up the property because I need to keep the appearances up for my renters. It is my most expensive asset. It is where I keep my stuff, like I said. I have a vested interest in its upkeep and maintaining the relationship with my neighbors. It is my neighborhood too. It's a place where, like I said, it's my principal residence where I live. As an aside, I'm not quite sure, I haven't done the math, but as the occupancy requirement has changed, I don't know if that would work for me. I still find it a little bit burdensome for me to -- make sure I'm at the home for, I think three-quarters of the year. I'm 33 and I'm not married. I travel a lot and I don't really have any -- I have friends and family in St. Louis and Kansas City that I visit quite often, so that to me seems to be a bit of a concern. One of the things I want to point out is staff, I believe, has made a lot of attempts -- some of the situations that have been presented, specifically some locations, specific issues that were presented by some of the people who have commented over the past few meetings. I'm not a big fan of the conditional-use permit process, but I do see where a public hearing that could allow residents near the locality of the -- of the rental to express their concerns and to have those addressed by Planning and Zoning staff, whoever it might be, could be beneficial. And one other comment. There was a lot of comparisons between Columbia and a lot of other cities. I know that New Orleans has come up. We are not New Orleans. We don't have a party atmosphere like they do and drawing visitors like they do. In the past the comment was Hazelwood, Missouri. I grew up in Hazelwood. It is not the same city. It's a

primarily residential city near an airport. They have different concerns than the city that has a large land grant and use college like we do with sporting events and lots of festivals like we do. So -- but that's it.

MS. LOE: Thank you. Any questions for this speaker? Ms. Burns?

MS. BURNS: You said that your home was in a neighborhood. Are you aware of any covenants or restrictions on running an Airbnb in your neighborhood?

MR. ABBOTT: I am not aware. The -- my house was built in the 60s, so I'm fairly certain there are no covenants.

MS. BURNS: Thank you.

MS. LOE: Any additional questions? I see none. Thank you, Mr. Abbott.

MR. COLBERT: Good evening, Commissioners. Caleb Colbert, attorney at 601 East Broadway, and I'm here tonight on behalf of the Grasslands Neighborhood Association. So I'll make this as quick as possible. I don't want to reiterate a lot of the testimony that has been already made this evening, but I think the one thing that struck me this evening is your opinion of short-term rentals is based on your personal experience with short-term rentals, and as Mr. Stanton expressed, The Wild, Wild West. The Grasslands obviously had a bad experience. And I don't mean to pick on Mr. Zenner, but I will. He is concerned about not discussing the enforcement mechanism, but the enforcement mechanism is critical here. When we look at the Grasslands and the situation they had, a lot of my clients were too polite to get into the details, but I'll share those details with you. We had a home that advertises as a party property that slept up to 23 people, provided a full bar to the guest, provided food to the guest. We had reviews from the website that confirmed they were over occupied. We had neighbors file -- or call the police. When we came to the City to look for relief, we met in this building and they indicated that there wasn't anything they could do, so the Grasslands felt helpless. They did. You have a property that is not subject to covenants. All we have is a zoning code. We looked to the folks in this room to help us enforce that. So that colors our view of the short-term rental regulations. At the end of the day, we have heard from a lot of folks that are good actors, but we don't base the zoning -- the zoning code on just the good actors, we have to worry about the bad actors. Somebody might be able to have a restaurant in R-1 property and it would be a wonderful addition. It would be an asset. But it is a commercial business. We say that is incompatible with the character of the R-1 property. The same is true for short-term rentals. We can't set the regulations and rules based on only what we think the good actors will do because the bad actors are out there. The Grasslands had experience with that. I want to draw your attention to -- the position of the Grasslands is we want short-term rentals to be subject to the same zoning code as a traditional brick and mortar bed and breakfast. Here is a comparison of the two definitions. The bed and breakfast has to be owner-occupied, provides lodging and meals for transient guest, guest rooms rent for less than 31 days, no more than five rooms. Short-term rental, no owner-occupancy requirement in R-1, but they would have to go through the conditional-use process under the current proposal. Again, provides lodging for transient guests, guest rooms rent for less than 31 days, and under the language that was added to the conditional-use process, the maximum guest occupancy shall be determined based on

the number of sleeping rooms and their corresponding square footage requirement. Read the two of those and which one of those sounds more commercial? Certainly the short-term rental, in my view, sounds like it is the least incompatible with the residential neighborhood, but yet under the zoning code, a bed and breakfast is completely prohibited in R-1, and it is a conditional use in R-2. So why would we treat a short-term rental differently? I'll respond -- I do want to take a couple of moments to respond to some of the questions that came up. Mr. Toohey, you asked about covenants and why neighborhoods don't adopt those, and the answer is simple, you can't impose amended covenants on property owners that are not willing to self-impose those. You can't impose restrictions on people that are not willing to do that. So for the party property, he is not going to self-impose restrictions. He is not going to sign those amended covenants. Mr. MacMann, you asked about Planning and Zoning and City Council versus Board of Adjustment. You know, if you go to the Board of Adjustment, you have to hire an attorney, which is good for me, but bad for everyone else in the room. The City Council process, you know, if you come through the Planning and Zoning Commission, you might end up on a consent agenda. So I can see that being the better course of action, the least burdensome course of action. Again, there is a cost to doing business, and short-term rentals are a business. And there has to be some, you know, mechanism in place. With that, I'd be happy to answer any questions.

MS. LOE: Mr. Toohey?

MR. TOOHEY: So I asked one attorney earlier how is this not a taking of property rights when if this is added to the Code, so can you answer that question for me?

MR. COLBERT: Yeah. So if you look at the permitted use table, you see the bed and breakfast there. There is no commercial use allowed in an R-1 property with the exception of a home occupation. And a short-term rental is a commercial use. We've had the -- I mean, City staff acknowledged that this evening, so it is not a taking to prohibit something which traditionally has been prohibited anyway.

MR. TOOHEY: But it is not prohibited.

MR. COLBERT: Respectfully disagree.

MR. TOOHEY: Okay. So how much of a burden do you think applying for a conditional-use permit is going to be from an attorney's aspect to go through this continually? How many hours do you think you are going to have to put into this if someone hires an attorney?

MR. COLBERT: Every situation is different, and it is going to depend on the neighborhood. It sounds like based on the testimony tonight, there will be some neighborhoods that don't have any issues supporting a conditional-use permit. Obviously, there are going to be some neighborhoods that are not going to be in support of going that direction. So in those cases it will take more time.

MR. TOOHEY: What type of cost would you associate with that then?

MR. COLBERT: Well, you're going to have -- you don't have to hire an attorney to get a conditional use.

MR. TOOHEY: Right. But, I mean, we had a neighborhood subdivision -- a neighborhood association has hired you just to get this in the Code.



MR. COLBERT: Yeah. Uh-huh.

MR. TOOHEY: I mean, what makes you think that a regular individual property owner isn't going to have to get an attorney to get a continual -- a conditional-use permit approved?

MR. COLBERT: Any other business has to either hire an engineer, and accountant or a lawyer at some point. That's the cost of doing business. We have a commercial use.

MS. LOE: Mr. -- oops -- Mr. Toohey?

MR. TOOHEY: Okay. That's all I have.

MS. LOE: Mr. Stanton?

MR. STANTON: So are you looking at me owning my house, renting a couple of rooms out the same way as someone who owns multiple rental properties non-owner occupied? Are you looking at them the same way?

MR. COLBERT: Yes. I think Mr. Ott hit the nail on the head earlier. Owner hosted, non-owner hosted become the same animal.

MR. STANTON: So using what I talked about in my history, I don't have a right to use my home however how I please? I don't think I need a lawyer to rent a room out. I guess --

MR. COLBERT: You have a right --

MR. STANTON: I mean --

MR. COLBERT: You have a right to invite anybody into your house you want to, but if you're going to charge them to be there, it is a business, and that changes the rules and regulations that apply to your property.

MR. STANTON: So it's the same scale as I'm babysitting a couple of babies in my house versus a KinderCare operation?

MR. TOOHEY: Sure. We have degrees of regulation. We have a home occupation, use specific standards.

MR. STANTON: So you believe in those degrees of what I need to do to occupy my --

MR. TOOHEY: In some circumstances, yes.

MR. STANTON: In this circumstance what do you think?

MR. COLBERT: I don't -- I think the owner hosted, non-owner hosted --

MR. STANTON: So you should treat me like a Hilton, even if I'm renting out a room in my house?

MR. COLBERT: I think it creates an opportunity for manipulating the rules. And we just went through a process where we had somebody that we can prove owned the property in an LLC, wasn't registered to vote there and still when we went to the City, they said this isn't enough evidence to prove he doesn't really live here because he says he puts his head on the pillow and you can't prove otherwise.

MR. STANTON: So do you -- do you support -- so you don't support either occupied or nonoccupied short-term rentals?

MR. COLBERT: Correct. I think short-term rentals should be treated exactly the same as the bed and breakfast, which is highlighted there on the screen.

MR. STANTON: Okay.

MS. LOE: Mr. Toohey?

MR. TOOHEY: So that particular house in question, is that a short-term rental?

MR. COLBERT: As of today I -- it's still listed the last time I checked.

MR. TOOHEY: So --

MR. COLBERT: That's what I'm telling you. I don't know, I didn't look today.

MR. TOOHEY: Long-term rentals aren't in the usage table either. So is that a business also, and should those not be allowed either?

MR. COLBERT: We have a separate set of regulations for the long-term rentals.

MR. TOOHEY: Which we could have -- these could be put in there also to take care of these also.

MR. COLBERT: But we draw a distinction between a long-term rental of a single-family residence to a bed and breakfast.

MR. TOOHEY: And I don't see a difference. I mean, a rental is a rental. They are still using the property --

MR. COLBERT: If we put --

MR. TOOHEY: -- the same way. They are still sleeping, eating and enjoying that property. One might be more than 30 days, one might be less than 30 days.

MR. COLBERT: Well, I'll jump into it then. I have some slides here that talk a little bit about the distinction between a business and a residential use. You go out and you try and get insurance on your property and you've rented your property for a short-term rental -- Insurance Information Institute, if you plan to rent out your primary residence for short periods on a regular basis to various guests, this would constitute a business. To be properly covered, you would need a business policy, specifically, either a hotel or a bed and breakfast policy. It doesn't say a renter's policy. Liberty Mutual, so equal --

MR. TOOHEY: Can I just interrupt you real quick? What does this have to do with an ordinance?

MR. COLBERT: We're talking about whether or not this operation is more similar to a single-rent residence --

MR. TOOHEY: Right. And these are the opinions of insurance companies.

MR. COLBERT: Requiring them to have insurance and to be regulated and licensed if these are adopted. Correct?

MR. TOOHEY: We are requiring them to have insurance?

MR. ZENNER: Again, that is beyond the purview of the City's regulations as to personal property owner's issue with their mortgage company.

MR. TOOHEY: So since you represent the Grasslands, do you know any other businesses operating in that neighborhood that aren't short-term rentals.

MR. COLBERT: I do not.

MR. TOOHEY: So no one --

MR. COLBERT: I don't know one way or another.

MR. TOOHEY: No one using their front yard for parking during football games or anything like that?

MR. COLBERT: Not that I know of.

MR. TOOHEY: Okay.

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Colbert, it is so odd that we have a similar view on something, but that's okay. I'm going to go a little bit -- I just wanted to use a little bit of your time to make a comment. We keep coming back to an issue that we're not supposed to talk about and I think that is problematic. And from listening to everyone speak this evening, I've been plotting them on my phone -- where are they, you know, what's the zoning. This seems to be a bigger issue in certain neighborhoods, and those neighborhoods where it is an issue are closer to downtown. And the reason for renting closer to downtown is different than a med student staying for 30 days or something of that nature. And we dealt with this with the UDO, and we need to deal with it here, and I just keep coming back to the conclusion if we had a functioning enforcement mechanism, you wouldn't be here, and neither would we. Thank you for letting me use your time.

MR. COLBERT: You are very welcome.

MS. LOE: Any additional questions for this speaker? I see none.

MR. COLBERT: All right. Thank you.

MS. LOE: Thank you.

MR. LITTLE: Hello, my name is Lucas Little, and I live at 803 Timbers Court. I just wanted to tell you a little bit about my experiences. My wife, Dani and I, we have multiple properties, owner occupied and unowner occupied. So just a little bit about where we are at. We are just south of the football stadium, so it is a prime spot for people to rent with us. We are next to condos and we are next to apartments, and -- but we are a side street that is primarily made up of R-1 families. On that street, though, there are some long-term rentals with some families on those as well. We have been doing this since 2015. We have rented to over 300 different groups and we have given out five-star reviews -- five-out-of-five-star reviews for every group except for two. Of those two groups, we gave below average ratings. After we did that, we had both groups reach out to us asking if we could reverse that rating because it was affecting their ability to book at other Airbnbs. Mr. Stanton, you had talked about how the industry polices itself. Some people have talked about this already, but I think it is already happening in a way that's -- the platforms that I don't think we are looking at that enough. The reviews that the owners are giving and that the renters are giving to each other, I think that is having a bigger impact on the quality of people that you bring into the homes. We have only families -- some of the things that we're doing to try to offset the parties and the larger groups, since we do rent out the full houses, we do give out rental agreements that they have to sign, and in that, we have no parties and no events. That is separate from the sites also highlighting the rules, so we have our own separate rental agreement that we are sending

out via DocuSign that they're -- that they're using. On top of that, we also do charge a deposit so that they have some skin in the game and we always try to keep communications open while we are there, but also there is an aspect that we need to be neighborly. And so we are in communications with our neighbors and they all do know that we are doing this and have our phone numbers if anything comes up. And if there was anything to come up, I do encourage them to call the police.

MS. LOE: Thank you. Questions? Mr. Stanton?

MR. STANTON: So you are part of -- I hate calling it a franchise, but I don't know another word.

MR. LITTLE: Yeah. So -- yeah.

MR. STANTON: You're part of that system of Airbnb or whatever?

MR. LITTLE: Correct. I'm glad you brought that up. The Craigslist people that might be running it through that platform, that is very minute. I mean, if you have -- if you do it, you do it on a large scale and you are successful because you have to get reviews, you have to put out what your Airbnb is like, what your VRBO is like. So I know of two. I know of the HomeAway that owns VRBO and then there is Airbnb. So those are the two main platforms majority -- 95-plus percent is going to be on those platforms that help ensure those reviews that are encouraged, and feedback is given for other guests that will be hosting those renters.

MR. STANTON: So do you support both occupied and nonoccupied --

MR. LITTLE: I do.

MR. STANTON: And would you say that you would definitely make -- encourage or insist that you be part of a bigger network like an Airbnb or a VRBO -- I don't know all the names, but --

MR. LITTLE: Yeah. Because I think those are the organizations that are helping not only promote you, but it is keeping the renter safe and it's keeping the rentees safe. It is bringing in data -- the type of people that you want and they are vetting those people to get signed up to the site with you, so, I mean, they are having to tell who they are and where they live and their information and they are giving credit card information to book your place and if there is damage deposits, then it can be charged to them. I mean, they -- and then on top of ours, we are charging a deposit, so, I mean, they are going through hoops to do that, and when they do that, they are wanting to treat your house as their own, and we have great luck.

MS. LOE: Any additional questions? I see none. Thank you.

MR. LITTLE: Thank you.

MS. LOE: Any additional speakers? Seeing none, I'm going to close the public listening session.

#### **CLOSE PUBLIC LISTENING SESSION**

MS. LOE: Thank you all for coming forward and sharing your thoughts with us. We now have to decide what -- what we're going to do. Commission, discussion?

MR. ZENNER: I have a couple of comments that once you've all had some discussion, I think there is some clarification that may need to be made as well this evening with some of what was discussed.

MS. LOE: All right. Let's see how this discussion goes.

MR. ZENNER: I think what we do need to address though, first, is --

MS. LOE: Are you going to go first?

MR. ZENNER: -- before you get into the discussion. I apologize.

MS. LOE: Okay.

MR. ZENNER: I think what Mr. Stanton has been asking of many of our speakers about, well, what platform or how are you taking care of the bad actors? As we have listened to the responses and we respectfully would like to just point out that crafting any type of regulation that mandates you be part of a larger platform in order to be able to secure a certificate of rental compliance is not something that is within our purview to insist. Any successful business operator, as you have heard this evening, is going to avail themselves of that. Part of our Code structure to identify what platforms these individuals are participating in is to ensure that as those properties are being listed, they are being listed in accordance to what the Code requires or what their limitations have been set out. If they are bad operators, we are likely going to, through our enforcement and our administrative procedures for reporting violations, be able to go and evaluate those platforms and identify these uses through various means that may be made available to us -- private companies that do culling of these databases or these platforms or potentially utilization of our own staff resources. Again, an issue that we have not vetted, and we have not made any decisions on because we need to know what perspective Council would like us to proceed in. To that vein, another issue that I heard this evening was a lot of confusion as it relates to, well, I don't know what number of transient guests I may be able to have before I have to apply for a conditional use. If I'm an R-1 non-owner occupied or owner occupied or if I'm non-owner occupied in any of our other zoning districts, it is very clear, at least we believe, that you are afforded the ability to get three transient guests in an R-1 property right out of the gate. That is what we define for single-family, residential occupancy as part of the current definition of family and the current provisions that are provided in the occupancy disclosure of the Chapter 22 requirements for rental conservation. In the R-2, R-MF and any zoning district above that that a residential use is allowed in, you start at four. And as I had pointed out, transient guests as defined is any person, meaning an underage minor child is considered a transient guest. The purpose behind having the option for requesting additional transient guests is if you happen to have a four- or five-bedroom home and you would like to have families that have maybe four kids, you may request that Council give consideration to allowing that transient guest number to be increased beyond the guaranteed three because that you were allowed by the definition of family and by our short-term rental requirements today. There is no guarantee you will get that. That is a decision that has been made based upon an analysis of the conditional-use application, which again, the Code already prescribes particular elements that the staff must evaluate as a part of a conditional-use application that gets presented to the Planning and Zoning Commission. Those particular standards that are already the basic requirements that are defined within Article 6 of the Unified Development Code may be expanded based upon some of the conversation and the comments that we have made this evening to ensure that

the intensity and the impact that that type of use may create is as mitigated as possible. Those same standards would apply, of course, to an R-2 and above residential dwelling unit that would want more than four individuals placed within it. We do afford an R-2 and above an administrative approval process. That has not changed. We do allow owner occupied units and R-2, R-MF and the other commercial zoning districts to still pursue the ability to receive an administrative approval. It would have to meet specific requirements as well, and again, some of what the comments that have been made this evening, depending on the direction that Council goes, we would incorporate those into basic application requirements that would have to be evaluated. The occupancy or the determination of an occupancy load is defined within the International Property Maintenance Code, which is utilized as a part of the short term or long-term rental or Rental Conservation Code, and that is based upon square footage and other requirements in sleeping rooms. The code of the International Property Maintenance Code defines separately a sleeping room and a sleeping space. The proposed regulations is very specific. It is only applying to sleeping rooms. We are not letting somebody take a living room or a basement that has two sofas that are pullouts and allowing that space to be counted to the occupancy load. So a bedroom would have to meet the particular requirements of square footage to be able to be occupied by x number of people. That occupancy load determination would be done concurrently with an initial submission of an application for rental of a short-term unit. That is how we would envision the administrative procedure occurring, and then an individual would make their conditional-use application specifying what the -- how many transient guests they would want. We would have the information of what is the true occupancy load of the home based on its rooms -- sleeping rooms that complied. So that's how the inner relationship of sleeping rooms and the option to request to the conditional-use process for additional transient guests is intertwined. But out of the gate, like we have in our R-1 and our R-2 and above zoning districts, we have used the exact same number of unrelated individuals, but we have referred to those unrelated individuals as a result of this commercial use as a transient guest, no different than we would apply it to a hotel. And some of that goes back to the point of which -- which is not part of the zoning code the idea of the taxation. So that is part of where we are -- why we are wanting to make sure that transient guests used in the context of a short-term rental is the same that we would use as it relates to taxation for a hotel, which then it is being proposed to have that definition amended to include BNBs as well as short-term rentals. So that is part of what we have that I wanted to just provide as some additional clarity for those who are still here and those who may be wanting to watch this at home after this evening's meeting is over. That is the logic behind why we have created what we have created here. We may choose to agree to disagree, but that is what staff's conclusions were as we drafted these regulations and the revisions. At that point, if you have any questions or you want to provide some additional direction to us, we are more than happy to receive that at this point.

MS. LOE: Thank you, Mr. Zenner. Ms. Russell?

MS. RUSSELL: Well, you ask a question where do we go from here? I think that we need a work session where we can discuss this and then schedule the required public hearing. So I don't know what anybody else thinks about that.

MR. MACMANN: I'm with Commissioner Russell on that and I know we always do continue to take written and email comments. Someone emailed me fearing that they wouldn't be able to get in their email comments, so I'm just getting it on the record. Please send to Planning and Zoning to Planning Division Community Development -- anyone out there any of your input and we will get it. I'm with Commissioner Russell on this as to where we go from here.

MR. STANTON: I concur.

MS. LOE: Any additional comments? Any motion? Do we need a motion or do we just need to decide what we are doing?

MR. ZENNER: You will need a motion, and my suggestion, as I offered at the December 20th meeting, you are going to want to make a motion to continue the hearing to April -- that would be your second meeting in April. Pardon me. I apologize. It will be the second meeting in April, and we will have a work session in-between there, but the second meeting in April of the Planning Commission is April 18. So this hearing would be continued to April 18. We will readvertise two weeks prior, but we will hold -- so that would be the motion I would like you to make and then the movement to a work session is anticipated for March 21.

MR. MACMANN: Ms. Russell, do you want to do that?

MS. RUSSELL: Could I make a motion?

MS. LOE: Please.

MS. RUSSELL: I move to continue the public hearing on short-term rentals to the April --

MR. MACMANN: To April the 18th.

MS. RUSSELL: -- 18th Planning and Zoning Commission Meeting.

MR. STANTON: Second.

MS. LOE: Any discussion on this? Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Ms. Rushing, Ms. Russell. Motion carries 8-0.**

MS. BURNS: Eight to zero, motion carries.

MS. LOE: Okay. So we don't need a motion for the work session -- eavesdropping on staff over there. Okay.

MS. RUSHING: I move we adjourn.

MR. MACMANN: Point of order. I believe --

MS. LOE: We're not quite through the agenda yet.

MR. MACMANN: I believe Mr. Zenner gets another opportunity to talk.

MS. RUSHING: But he just did.

MS. LOE: Order.

MR. ZENNER: The public has some more opportunity to talk before me.

MS. LOE: Order, please.