

**Planning and Zoning Commission Work Session Minutes
October 20, 2022
Conference Room 1A & 1B - 1st Floor City Hall**

Call to Order

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

Introductions

Approval of Agenda

Meeting agenda adopted unanimously

Approval of Minutes

October 6, 2022 work session minutes adopted as presented.

Old Business

A. Draft Regulations – Short-term Rental Update

Mr. Zenner introduced the topic and recapped where the Commission had last left the discussion. Previously, the Commission had approved definitions for *Short-term Rental tiers, Transient Guest, Hotel, and Bed and Breakfasts*. Commissioners previously asked staff to revise the definition language for the sake of consistency.

Mr. Zenner presented those revisions to *Short-term Rental, Transient Guest, and Short-term Rental (Tier 3)* which were discussed and subsequently voted upon. Vote totals are shown within **(parenthesis)**.

Short-term Rental. (Approved 7-0)

Staff noted that this definition overlapped with the definition of transient guest and that Chapter 26 would need to be amended for consistency.

Transient Guest. (Approved 7-0)

Short-term Rental (Tier 3). (Approved 7-0)

Regarding Tier 3, commissioners and staff discussed grandfathering within the M-DT and residential zoning districts. Mr. Zenner stated grandfathering conditions cannot be presented to City Council, per Law department, due to the current legal status of existing STRs. He relayed that the Commission was directed to present a simpler ordinance to Council by the end of the year.

The Commission and staff continued previous work session discussion of the relationship of Accessory Dwelling Units (ADUs) and how they may be used in conjunction with STRs. Mr. Zenner indicated that Conditional Use Permits (CUPs) for ADUs have been conditioned such that tenancy status is involved which has implications for STRs, including who may be considered the principal resident and what would be considered the principal residence. Commissioners agreed with Mr. Zenner and referenced a previous graphic about potential ADU locations in City Limits. Commissioners indicated that regulations should encourage people to register their unit and that the intent is to create a level playing field at Tier 1. Regarding compliance and registration, staff remarked that there is a need for complaints to be a part of the process even though many residents do not want to go on the record with complaints.

When discussing STRs and ADUs in the R-1 zoning district, Commissioners brought up the question of what is the intent of allowing ADUs in the residential zones. The Commission cited the spirit of ADUs to increase density incrementally, provide a revenue stream for “the little guy”, and as way to promote affordable housing.

Some Commissioners wanted to leave ADUs out of the regulations whereas others stated that not addressing them would create a ‘wild west’ scenario that shouldn’t be unregulated. Staff noted that currently ADUs are permitted by-right in R-2 and are a conditional use in R-1. Some commissioners reiterated that one of the problems with the last ordinance was that too much was left open. Scenarios were discussed in which a principal resident may switch between living in the principal residence and renting out the ADU, and vice-versa. The Commission requested clarification on whether staying silent on ADUs meant that registered ADUs can be considered a dwelling unit for the sake of STRs and if these issues were specifically related to STRs or if they are just inherent to ADUs in general.

The Commission motioned to allow ADUs to be used as STRs per existing regulations in Tier 1. Given this motion was made near the end of the work session, commissioners questioned if they were ready to vote on the motion yet or if more discussion was necessary. Some commissioners expressed concern with being silent on the issue and enabling an unregulated STR market. The motion was amended to request staff to work out the issue. Motion passed unanimously, with one abstention.

ADJOURNMENT

Meeting adjourned at approximately 7:02 pm

ACTION(S) TAKEN:

Motion made by Commissioner MacMann, seconded by Commissioner Loe, to approve the agenda as proposed. Motion passed unanimously. Motion made by Commissioner Kimbell, seconded by Commissioner MacMann, to approve the October 6, 2022 work session minutes as presented. Motion passed unanimously.