

Planning and Zoning Commission Work Session Minutes
April 7, 2022
Conference Room 1A & 1B - 1st Floor City Hall

Call to Order

Commissioners Present – Burns, Carroll, Geuea-Jones, Kimbell, MacMann, Loe, Placier, Rushing, and Stanton
Commissioners Absent – None
Staff Present –Palmer, Teddy, Thompson, Zenner

Introductions

Approval of Agenda

Meeting agenda adopted unanimously.

Approval of Minutes

March 24, 2022 work session minutes adopted as presented.

Old Business

A. Short-term Rental Regulations – Discussion Summary & Moving Forward

Chairman Loe introduced the topic and indicated a desire to include a purpose statement in the STR regulations given they were covering several different elements of land use. She noted that purpose statements existed for the zoning districts and that incorporating one into the STR standards would help identify the priorities considered as the Commission developed the STR regulations. Furthermore, Chairman Loe noted that establishing the purpose statement may guide the Commission as they further identify relevant “use-specific standards” that would establish the parameters under which STRs would be permitted to operate as either “accessory” or “guest accommodations”. Chairman Loe noted that she had been giving significant consideration to the purpose statement and that it was being brought forward for the Commissioners consideration. The proposed purpose statement was presented:

Primary/Accessory Use of Land and Buildings: Short-Term Rental (STR):

STR use is informed by the following priorities: promoting homeownership in the city, maintaining and growing the availability of affordable housing in the city, providing equitable opportunities for all Columbia residents, and promoting the development of strong, healthy, engaged neighborhoods that residents want to live in.

There was significant Commission discussion regarding the purpose statement and the stated priorities. There was not Commission consensus that the language was fully inclusive of all the actions/considerations that the Commission undertook in arriving at the proposed regulations. There was discussion that the establishment of the purpose statement and priorities would be useful in helping focus attention on what issue drove the regulations to include particular elements and that such conveyance would potentially reduce Council initiated amendments once the regulations were moved forward to a public hearing. Several Commissioners felt that the Council would do with the regulations as they saw fit and that establishing a purpose/priority statement may be beyond the scope of what the Commission was asked to do.

Mr. Zenner noted that he was uncertain that the purpose/priority statement was appropriate for inclusion within the proposed regulations given they would be spread across several different sections of the UDC. He noted that such a statement may be more appropriate as the staff and Commission prepared correspondence for Council's consideration regarding the complete regulatory package. He noted that including such a statement in that type of correspondence would allow for Council to express acceptance or disagreement with the issues the Commission identified as driving the regulatory development which in turn could lead to other topics being identified as important factors that may have been overlooked.

There was additional Commission discussion regarding the purpose/priority statement and it was determined that prior to acting upon it, Commissioner's needed time to absorb what Chairman Loe had proposed. Mr. Zenner was asked to include the prepared statement in the minutes from the meeting such that the Commission could review it more thoroughly and take the topic up again at a future work session once members had assembled their thoughts about it.

The Commission moved to the topics contained in the staff report prepared for the work session and noted that it was unclear if all the topics/issues noted in the summary of actions had been voted upon. The Commission reviewed the "dry-erase" board notes and identified that it appeared the issue of one STR per entity was not voted upon. **A motion was made to only permit one STR per entity in all STR tiers.**

There was Commission discussion on the motion which generally focused on how this would apply to Tier 3 (fully commercial) STRs. Commissioners noted that Tier 1 and Tier 2 STRs would be self-regulating given the "primary residence" concept that had been previously discussed; however, that Tier 3 STRs may need a somewhat relaxed provision given they were only proposed to be permitted within "mixed-use/non-residential" zoning districts. Concerns were expressed that without having controls established on the number of STRs registered to a single entity there could be de facto hotels being created in mixed-use districts via conversion of traditional multi-family dwellings moving to STRs as well as unintended consequences relating to the loss of affordable housing.

Mr. Zenner pointed out that to address this issue, a CUP process could be created within Tier 3. The CUP process could contain criteria whereby the added impact of multiple STRs by the same entity could be evaluated. There was Commission discussion on this suggestion, but no consensus reached given the significant uncertainty on what the criteria would be. Mr. Zenner also pointed out that the original STR regulations contained a provision that addressed the number of STRs allowed within multi-family structures as another possible approach to address the concerns expressed.

Several Commissioner's expressed concern that the conversation had moved away from the underlying motion. They noted that it would be easier to make the standards less restrictive should "push-back" be received on the proposal than trying to tighten the regulation if they were too loose in the beginning. Following these observations, Commissioner MacMann "called the question" on the original motion to allow only one STR per entity. **The Commission voted unanimously (9-0) in favor of including this provision within the final draft regulations.**

The Commission then chose to move onto the topic of "occupancy" which also appeared to have not been voted upon in prior work sessions. There was significant discussion on the concept of limiting occupancy to the standards specified in either the IRC (International Residential Code), IBC (International Building Code), or IPMC (International Property Maintenance Code). Mr. Zenner and Chairman Loe provided context related to how each respective code addressed the issue of occupancy. There was also acknowledgement of the desire to maintain consistency with occupancy standards established by zoning district and the definition of "family". It was stated that tying occupancy to the definition of "family" may not be advisable given the issues with the definition and enforcement.

Mr. Zenner noted that considering occupancy based on the number “bedrooms” within a dwelling is considered most appropriate since this would leave out areas that could otherwise be considered “sleeping spaces”. Chairman Loe noted that the IRC did not include an occupancy load limit for single or two-family dwellings and that the IBC did for a “lodging house” which was a maximum of 5-bedrooms with no more than 10 occupants.

There was additional Commissioner discussion on the differences between the IBC and the IPMC. There was confusion on the differences and which would be a potential better fit. There was discussion on the use of bedrooms as the basis of the occupancy cap; however, it was not clear that there was an understanding of how the calculation would be made. Mr. Zenner noted that the prior STR regulations utilized 2 persons per bedroom regardless of the bedroom’s size and referenced the standards that were included within the IPMC. Commissioner’s were not ready to make a final decision on the occupancy level for STRs. Mr. Zenner stated that he would provide a copy of the IPMC standards for consideration at the next work session.

Having reached the end of the work session, Chairman Loe noted that conversation would continue on the issue of “occupancy” at the next meeting.

ADJOURNMENT

Meeting adjourned approximately 6:55 pm

ACTION(S) TAKEN:

Motion made by Commissioner MacMann, seconded by Commissioner Kimball, to approve the agenda as presented. Motion passed unanimously. Made motion by Commissioner Burns, seconded by Commissioner MacMann to approve the March 24, 2022 work session minutes as presented. Motion passed unanimously.