

MINUTES OF THE SPECIAL MEETING OF THE
TRINIDAD PLANNING COMMISSION
Monday June 20th, 2016

I. CALL TO ORDER/ROLL CALL (6:00pm)

Commissioners Present: Johnson, Pinske, Poulton,
Commissioners Absent: Scott, Stockness
Staff: City Planner Parker

II. APPROVAL OF AGENDA

Motion (Johnson/Scott) to approve the agenda.
Passed unanimously (3-0).

III. ITEMS FROM THE FLOOR

None.

IV. AGENDA ITEMS

1. **VDU Ordinance Amendment:** Continued consideration of an amendment to the existing VDU Ordinance (§ 17.56.190 of the Trinidad Zoning Ordinance) and development of additional regulations to cap the number and/or density of VDUs in Trinidad. Specific topics may include, but are not limited to: cap, distance buffer, license transferability and enforcement.

Planner Parker stated that this is a true continuation of the previous week's meeting, and she has no new information to provide.

Commissioner Questions

Commissioner Johnson asks about the process for tonight's meeting. Chair Pinske responds that he does not expect that they will or should make any final decisions tonight, but work on specific recommendations with a focus on the four main outstanding issues: cap, distance buffer, license transferability and enforcement.

Chair Pinske notes that the Planning Commission has been working on this ordinance amendment for eight months based on recommendations made by the City Council. The original intent was to enhance the existing ordinance, and the Commission is nearing the end of the process. He wants to get specific language put together as well as the collective thoughts and recommendations of the Commission for the City Council.

Public Comment

S. Rotwein (53 N Westhaven) confirms that, as of now, no cap has been proposed in the C and PD zones. She supports a 150' buffer as measured from the center of a parcel. She also supports a cap of 15% of the housing units, but thinks that the housing count needs to include the permanent spaces in the two RV parks. She believes that the cap should allow for new VDUs to be established in appropriate locations, because Trinidad has always been a town for visitors. Rotwein feels that license transfers should be individually reviewed by the City. She also states that owners and managers can not be held responsible for guest behavior, referring to ordinance section 17.56.190.D.1.d.

L. Farrar (433 Ewing) requests that the Planning Commission re-review and consider previous public comments as part of their deliberations. She feels that it is important to require buffers between VDUs measured from property lines in order to address density issues; residents and neighbors are important.

Commission discussion

Chair Pinske started the discussion by summarizing his position on buffers. He feels that a buffer is important to reduce the clustering of STRs and alleviate some of the problems exacerbated by density, such as noise and traffic. He notes that only 4 of the existing 27 STRs in the UR zone appear to meet the 100 ft. buffer. He also notes that at the last meeting, the Commission voted to cap the number of STRs in the UR zone at 19. A reduction from the current 27 to 19 is substantial and could be complicated by a buffer requirement. He is interested in enacting a 'watch list,' which would be a consideration in whether to renew or transfer a license. He thinks that if a manager or owner is irresponsible with their STR, there should be clear consequences.

Commissioner Johnson clarifies that the Commission has only discussed and set caps for the UR and SR zones. He feels that it is important to have a city-wide cap in terms of preserving housing availability. Parker clarified that not all zones allow residences, such as the C zone. Commissioner Johnson continues that he thinks both a cap and buffer are important, but he is not sure of the best way to implement that. A lottery is one possibility, but he is not sure that is the best option, because there are existing VDUs that wouldn't meet the new standards but aren't causing problems. He thinks that another way to address some of the problems that arise from clustering would be to have more restrictions (occupancy, cars, etc.) on VDUs that don't meet buffers. He also feels it is important to periodically review the ordinance in the future.

Commissioner Scott thinks that it is important to discuss how to reduce the number of STRs to get to the cap. She states that only allowing one STR per owner would help. She emphasizes that enforcement is a big problem; she does not agree that there are STRs that aren't causing problems; the City just doesn't hear about them. She likes the idea of a lottery with a limited permit term, because it would be more fair, and she adds that current STR owners should not be eligible for the lottery.

Commissioner Johnson mentions the proposal suggested by Mayor Miller of a lottery with permit terms staggered over time as a possible solution. Parker suggests that the Commission should consider how a lottery would interact with other requirements such as the buffer. Commissioner Scott suggests that if the property drawn would not meet the buffer, another property would be drawn. Commissioner Pinske offers that there are going to be tough choices and not everyone will be happy with the end result, but a lottery would be unbiased. Commissioner Scott emphasizes that they should aim to make the process equitable for the most people.

Commissioner Johnson states that he is tired of hearing complaints about the STR complaint process; he would like to work on that outside of the ordinance and include that in the Commission's recommendations to the Council. Commissioner Pinske refers to the work that he and Commissioner Johnson did as a subcommittee towards that end. He suggests that occupants should be provided with a rule sheet that is specific to that STR and which includes consequences for breaking them. Commissioner Scott adds that the occupants or responsible person should be required to sign the rule sheet to indicate their agreement. Parker points out that a similar requirement has already been added to the ordinance ('Transmittal of Rules' within the STR standards section).

Commissioner Johnson brings the discussion back to the complaint process, stating that he would like to work on that personally. Commissioner Pinske offers to help. Commissioner Johnson states that his idea is to create a flowchart that details the process. He suggests that once the process is clarified, everyone will be on the same page and be able to move on from that issue. He does not think that the complaint process should be outlined in the ordinance, because it may need to change quickly, such as if the City hired an enforcement staff person. Commissioner Scott opines that it is important to ensure that all complaints are catalogued and possibly make them publically available. Parker notes that complaints are generally public, but that they can be made anonymously and sometime subject to some privacy restrictions.

A discussion of STR permit / license fees ensues. Commissioner Pinske thinks that it is important that fees cover the costs of inspections and other required staff time. Parker notes that there are some legal limitations on how fees are set and their amounts; fees generally need to be tied to the actual costs of City staff to process them. She suggests getting additional information from the City Attorney.

The discussion transitions into fines. Parker suggests that the Planning Commission recommendation to the Council include enactment of an administrative fine system. Commissioner Scott suggests that STR owners and managers should not benefit; if a renter's deposit is held back due to violations, the money should go to the City. Commissioner Johnson suggests that an up-front deposit be provided to the City for each STR, to be used for any necessary enforcement. He believes that owners and managers really need to be responsible. He also thinks that the current "Good Neighbor Brochure" is much too nice in tone, and it needs to be more serious and include consequences. Commissioner Pinske suggests that the brochure be personalized for each STR and that the responsible person must sign it.

Commissioner Pinske brings the discussion back to the primary topics of tonight's agenda. He confirms that there are only two existing VDUs located outside of the UR and SR zones, both of which are in the C zone. He feels that a buffer should be measured from the property lines. Commissioner Johnson asks about examples of lottery systems from other ordinances. Parker responds that she is not aware of any besides the Cannon Beach example they have seen, but she can research that topic. Commissioner Scott suggests that the lottery be done in the winter slow season. Commissioner Johnson notes that the renewal date has already been adjusted.

Commissioner Pinske states that one of the primary focuses of the Planning Commission has been to improve the enforcement process, with an emphasis on discouraging violations from occurring in the first place. Commissioner Scott suggests that the 'Good Neighbor Brochure' be changed to the 'Good Neighbor Contract.' Commissioner Johnson states that he gets annoyed when he hears owners or managers say that they can't control their guests' behavior. He suggests that check-in times be limited, such as to before 8 pm. The reason is that even a considerate group of people that comes to an unfamiliar location may inadvertently disturb neighbors by parking inappropriately, accidentally turning on flood lights, making noise, etc. That is also why he feels that it is important that a manager be there to meet the renters and show them around. This is part of that 'up front' enforcement, being proactive instead of reactive. Commissioner Pinske agrees. He thinks that with cell phones it would be easy to communicate delays, which makes a meet and greet requirement very doable. Based on his experience, it also makes for a positive experience for visitors. Commissioner Scott adds that campers can lose their State Park reservations if they show up late and don't notify the Park.

The topic of transferability comes up. Parker states that transferability may be a moot point with the proposed license term limit and lottery system. Commissioner Scott adds that she thinks that

transferability should still be limited so that owners can't transfer assets around during the life of the license. Commissioner Johnson feels that he needs more time to think about the idea of a lottery before deciding on transferability. He notes that people have purchased property with various plans for the future such as retirement or family trusts. If there is a maximum 5 year license term with the lottery and that is known up front, maybe transferability does not matter; but if there is no lottery or time limit, he doesn't think licenses should be transferable. He requests that the Planner research and provide examples of lottery systems from other jurisdictions. Commissioner Scott thinks that transferability should still be limited, even with a license term limit, in order to get down to the cap as quickly as possible. She states that someone can still speculate on property by entering the lottery and then selling for profit with the STR license if they get a license. Commissioner Johnson would still like to think about it some more and see some real data. He notes that the regulations can always be changed again in the future if necessary.

Commissioner Pinske feels that good progress was made at this meeting. Another special meeting in the next week or two is discussed. The process timeline was discussed. Commissioner Johnson would like to meet weekly and get the amendment to the Council soon. Commissioner Pinske suggested that the Council can also meet more than once a month to keep the process moving once they get the amendment. It is agreed that it is important to have all the Commissioners present for the last few meetings developing the final recommendations. Parker will work on arranging a meeting time for the following week, with a preference for the 29th.

VI. CITY COUNCIL REPORT

Nothing to report.

VII. STAFF REPORT

Nothing to report.

VIII. ADJOURNMENT

Meeting adjourned at 7:55 p.m.

Submitted by:

Trever Parker

Acting Secretary to Planning Commission

Approved by:

Mike Pinske

Planning Commission Chair