

Town of Leeds

Planning Commission Work Session for Wednesday, November 01, 2023

Work Session 5:00 PM

Call to order: 5:32 p.m.

Chairman Swenson called to order the Work Session of the Planning Commission at 5 PM on Wednesday, November 1, 2023.

ROLL CALL: PLANNING COMMISSION

| | <u>Present</u> | <u>Absent</u> |
|--------------------------------|----------------|---------------|
| CHAIRMAN: DANNY SWENSON | <u>X</u> | <u> </u> |
| COMMISSIONER: ALAN ROBERTS | <u>X</u> | <u> </u> |
| COMMISSIONER: TOM DARTON | <u>X</u> | <u> </u> |
| COMMISSIONER: KEN HADLEY | <u>X</u> | <u> </u> |
| COMMISSIONER: | <u>X</u> | <u> </u> |
| | <u>Present</u> | <u>Absent</u> |
| TOWN PLANNER: SCOTT MESSEL | <u>X</u> | <u> </u> |
| COMMISSIONER: ROCHELLE GARDNER | <u>X</u> | <u> </u> |

Conflicts or Abstentions: None

Commissioner Darton made a motion to approve the meeting minutes of November 1, 2023, with correction of spelling of names. Commissioner Roberts seconded the motion. Motion passed in a roll call vote.

Meeting adjourned: 7:04

ROLL CALL VOTE:

| | <u>Yea</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
|------------------------------------|------------|---------------|----------------|---------------|
| CHAIRMAN: DANNY SWENSON | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| COMMISSIONER: KEN HADLEY | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| COMMISSIONER: TOM DARTON | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| COMMISSIONER: | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| COMMISSIONER: ALAN ROBERTS | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| ALT COMMISSIONER: ROCHELLE GARDNER | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |

Scott Messel started the dialog on the state code governing alterations. Commissioner Darton had volunteered to make some adjustments to the county code. He stated this has been an ongoing discussion spanning several years. The focus has been on incorporating elements from the county code, with red highlights denoting the changes made to adapt it for Leeds. It's become apparent through ongoing issue that Leeds

definitions within the code lack clarity, often leading to post facto realizations. Therefore, there's value in refining and defining terms within the code to avert future disputes. Scott Messel agreed and gave a for instance, clarifying concepts like "residential character" proves essential. Adjustments are visible through the redlined changes, notably the capitalization of terms such as "accessory dwelling unit" and "short-term rental" to provide clear definitions. The redline signifies alterations from the Washington County format. The material in black mirrors the general county format, adapted for the town of Leeds. The presented document is open for discussion, featuring sections delineating accessory dwelling units, recognizing their interconnectedness.

Messel said, Anticipating upcoming state-level discussions on zoning reform, it's evident that legislators, some involved in development, seek to address housing crises by transferring authority from local to state levels. This shift, observed in recent public hearings and the transition from legislative to administrative procedures, raises concerns about transparency and local jurisdiction autonomy. The current climate suggests a potential move towards permitting detached accessory dwelling units in all residential zones at the state level, indicating a significant shift in policy.

The discussion involves deciphering the regulations governing homes with multiple kitchens and separate living spaces under the same roof, which are classified as internal accessory dwellings by state code. There's a debate over terminology, with the state standardizing the term "accessory dwelling" for various living spaces, and the aim is to differentiate between rentals and personal residences.

The conversation also involves the intricacies of short-term rental regulations, emphasizing that such licenses aren't entitlements but must comply with strict requirements and neighborhood compatibility guidelines to safeguard community integrity.

The commission discusses the specifics of regulations for short-term rentals (STRs) within the town of Leeds as per the Washington County code. They discuss the application of rules regarding transient use of residences, emphasizing that these regulations do not cover long-term rentals or certain commercial accommodations like hotels or timeshares. They touch upon the criteria for legal residences and the importance of compliance, citing instances where zoning discrepancies required rectification for legal operation.

They covered the topic of the intricacies of owner occupancy requirements for STR licenses, exploring scenarios where owners might have multiple adjacent properties. They debate the specifics of owner occupancy, proposing nuanced language to ensure the owner's continuous residence on the property, particularly for a minimum number of days per year, to prevent exploitation of residency loopholes.

The discussion extends to advertising requirements for STRs, where the emphasis is placed on including specific licensing information in all rental advertisements to ensure compliance and acknowledging the challenges posed by individuals attempting to manipulate residency requirements across different assessors' offices to qualify for multiple primary residences, highlighting the need for strict adherence to residency regulations to prevent such abuse.

In the commissioner's conversation, they focused on the challenge of verifying a homeowner's continuous residence in a property for a minimum number of days to comply with residency requirements for short-term rentals (STRs). They discuss methods of

verification without offending anyone, suggesting using annual licensing as an opportunity to confirm primary residency with the county recorder.

The dialogue acknowledges the difficulty in proving actual residency for the required period and the potential loopholes, including the legal declaration of primary residences. They highlight how legal declarations might not accurately reflect actual residency and the complexities involved in enforcing such regulations.

They discussed the issues of corporations and fractional ownership in relation to STRs, debating whether corporations or individuals from a corporation can qualify as owner-occupants for licensing purposes. The conversation explores scenarios where properties might not function as traditional rentals but still generate issues concerning property usage; acknowledging the inherent difficulty in creating airtight regulations for STRs due to the various loopholes and complexities involved in property ownership and usage, suggesting the need for additional codes to address specific nuances beyond traditional short-term rentals.

The discussion covers various key points related to regulations and requirements for renting properties. There are restrictions on hosting events like weddings or family reunions at the rental properties. It's crucial to specify the intended use of the property to inform neighbors and ensure compliance.

Applicants for short term rental licenses need to provide specific details, including the property's address, ownership proof, and descriptions of the areas to be rented out, possibly including amenities like pools or tennis courts.

There's a requirement to collect and remit all applicable taxes, including transient room taxes, to the town authorities at the time of rental.

There is discussion on the application process. It should involve submitting comprehensive information about the property's exterior, the intended use of outdoor areas, and any amenities available for rental guests. There's a concern voiced about informing neighbors about the property's usage and its potential impact on the neighborhood and if there might be considerations for neighbors to comment or give feedback on the rental applications. Scott Messel said the process should follow administrative application procedures, with discussions about informing owners about future changes or developments related to rental regulations and pointed out the importance of transparency and compliance when it comes to short term rental properties.

Lynn Potter spoke up from the audience addressing Scott Messel about House Bill SB 174 compliance by December. The conversation surrounding SB 174, delves into the implications of a forthcoming change requirement from the state legislature regarding Subdivision plat approval as the bill seems to bypass public involvement and heads directly to an administrative level. Scott Messel explains that the process will be handled administratively without involvement from elected officials or legislative bodies. This lack of direct elected involvement raises concerns about property rights and control over decisions, with many towns expressing opposition due to the perceived loss of control.

The anticipated changes are expected to shift the decision-making power to administrative staff or planning commissions. There is concern that decisions could face public backlash despite adherence to existing codes and regulations. The exchange highlights the tension between administrative decision-making and public input, with concerns raised about reduced transparency and the potential impact within local jurisdictions due to administrative decisions with political consequences. The upcoming

changes, driven by state law alterations, prompt discussions about the implications and the limitations imposed on local governing bodies.

Commissioner Darton brought the conversation back to the topic of Short-Term Rentals (STRs) as outlined in the license application process. Commissioner Darton mentions various prerequisites:

Parking and Site Plan Details: Requirements include providing proof of a graveled or paved parking stall per bedroom, pictures of parking stalls, a site plan showing setback, dwelling limitations, parking spaces, lanes for large vehicles or trailers, and trash disposal specifics.

Applicants must pay the application fee, demonstrate primary residential exemption as determined by the County Assessor's Office, and furnish contact details for local property managers, ensuring their availability round the clock and in case of emergencies.

There's a discussion about owner occupancy and the possibility of having a property manager. The dialogue addresses scenarios where the owner resides on-site or employs a property manager but emphasizes the necessity of the property being owner-occupied. The intent is to ensure swift response and accountability in case of issues or emergencies, even if a property manager is involved.

There's a concern about property owners being absent for an extended period, potentially creating issues when they are not on-site to handle problems or emergencies. The dialogue emphasizes the necessity for the property owner or occupant to address concerns promptly, even if they're away for a significant duration.

The conversation delves into the importance of having local property managers if the property is owner-occupied but managed remotely. Additionally, there's a focus on the necessity for property owners to certify compliance with licensing requirements, health and safety standards, and responsible use and good neighbor policies.

The discuss how to create policies for STRs to ensure they align with the community's norms. Specific points discussed include parking regulations, noise ordinances, and quiet hours, emphasizing the need to balance the interests of renters with the peace and harmony of the local community. There's a disagreement regarding the imposition of a 10 pm quiet time, as it may conflict with certain activities such as racquetball or tennis. Concerns are raised about aligning these rules with the town's noise ordinance and whether two different standards can coexist without conflict.

Overall, the conversation underscores the complexities of regulating STRs, balancing the interests of property owners and the community, and the challenges of harmonizing local policies with broader town ordinances. Highlighting the need for stringent regulations and clarity regarding owner occupancy and property management involvement, ensuring that the property owner or their designated manager can promptly address concerns or emergencies while adhering to the defined guidelines for Short-Term Rentals.

Rochell Gardner spoke about rules and regulations pertaining to Short-Term Rentals (STRs) and the possible enforcement of noise ordinances and nuisance complaints. Commissioner Darton emphasized property owners of STRs can impose rules stricter than the existing law challenge is of aligning personal preferences with community regulations. The discussion touches on the enforcement of nuisance ordinances, indicating that STR owners might risk losing their licenses if they fail to address complaints related to noise or disturbances. There's a debate around noise disturbances, such as the playing of pickleball or other activities, and the potential nuisance they might

cause. There's also consideration for the community's character and the impact of different noise levels on residents.

The commission deliberates on the time limit for noise disturbances, particularly the suggestion of a 10 pm cutoff. There's a discussion about the practicality of this time and its alignment with different seasons and community demographics. All agree on the necessity of broader discussions before implementing changes. There's a suggestion to align STR regulations with nuisance statutes and have a comprehensive review before enforcing any alterations.

Commissioner Darton puts an emphasis on the need for public hearings to consider community input when establishing rules for STRs. It's highlighted that regulations should be universally applicable, avoiding discriminatory standards for residents versus visitors.

The commissioner addresses the necessity for compliance with safety standards such as smoke detectors, carbon monoxide detectors, and fire extinguishers, following international residential codes. There's a discussion about inspections and the responsibility of property owners to ensure compliance to avoid potential conflicts of interest. The discussion touches on the different standards set by fire departments, emphasizing the need for consistency in inspections and aligning with local fire regulations.

More details about the licensing process for STRs are discussed, including limitations on the number of licenses allowed based on the percentage of dwellings in the town, aiming to maintain a balance between owner-occupied homes and STRs with a suggestion to review further sections related to STR licenses in the future, considering the need for efficiency and clarity in the licensing process. STRs need a valid town license, and they must register with the state as a business, paying applicable transient room taxes. There's a system in place where town licenses won't be issued without prior state registration. Commissioner Roberts points out that different zoning areas have varying size limitations for zones, ensuring compliance with property size and use.

There is discussion about whether the owner of an STR can occupy a residence on the same or adjacent lot as the STR. Additionally, there are specific requirements for local property managers' availability and display of contact information. A suggestion is made that STRs must display information prominently, including owner and manager contact details, maximum vehicle limits, trash disposal rules, good neighbor policies, and compliance with inspections when requested by authorities.

They discussed detailing enforcement, revocation, fines, and potential prosecution for non-compliance, although the aim isn't to penalize everyone but to ensure compliance where necessary. Leeds wants a comprehensive approach to regulating STRs, ensuring they adhere to safety, tax, and community guidelines while outlining clear consequences for non-compliance.

There's a plan to review and potentially amend these regulations in the next meeting at a work session for further refinement.

Adjournment: 7:02 pm

Approved this Sixth Day of December 2023.

Danny Swenson, Chairman

ATTEST:

Aseneth Steed, Town Clerk/Recorder