

MINUTES
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
OCTOBER 19, 2023

MEMBERS PRESENT: Charles Snyder, Chair
Justin Peck, Vice-Chair
Robert Helton
James Clemmer
Kent Lynn
Steve Marx
Trent Reid

MEMBERS ABSENT: Ron Crouch

STAFF PRESENT: Ray Jones, City Attorney
Amanda McCellon, Comm. Dev. Director
Linda Hlinicky, Adm. Assistant

Charles Snyder, Chair called the meeting to order. Steve Marx gave the invocation. Motion was made by Steve Marx, seconded by James Clemmer to approve the August 3, 2023 Planning and Zoning Commission minutes as mailed. The votes are as follows: AYE- Charles Snyder, Justin Peck, Robert Helton, James Clemmer, Kent Lynn, Steve Marx, Trent Reid. NAY- None. ABSTAIN- None. The motion carried unanimously 7 -0.

ITEM 1: **PC 23-10**
Continue a discussion by the Planning & Zoning Commission regarding a short-term rental ordinance.

ACTION: Amanda McCellon, Comm. Dev. Director opened the meeting to discuss the proposed short-term rental ordinance. Input from citizens, city staff and developers have called for an ordinance for short-term rentals since 2018. The ordinance would benefit the city by allowing us to license and inspect homes. Also, hold property owners accountable in the case of code violations and nuisances. The ordinance would ensure we are getting the hotel/motel tax that those entities should be paying.

Amanda McCellon, Comm. Dev. Director reviewed how some of the surrounding city's ordinances are handling short-term rentals.

Amanda McCellon, Comm. Dev. Director stated staff went through the ordinance with some of the questions we had from the last discussion meeting and answered them. How do we know how much hotel tax each will pay and if they are paying? Operators will pay the standard hotel/motel tax, and the Finance Department will monitor whether the tax is being paid.

Amanda McCellon, Comm. Dev. Director discussed will attached or detached garages or sheds be allowed to host short-term rentals, the answer is no.

There was some discussion about going through the special use permit request process, the general consensus was that would possibly be more of a hassle.

Ray Jones, City Attorney said the special use permit requirements would be a lengthy process.

Charles Snyder, Chair asked if we find someone that does not have insurance after they have been permitted, do we cancel their permit? Then the applicant would have to re-apply.

Amanda McCellon, Comm. Dev. Director we certainly could.

Ray Jones, City Attorney said if there is not a clause in the proposed ordinance, we could add a simple clause that states, "a violation of any of these terms would cause revocation of the permit". Put it like you have to remedy the issue within thirty (30) days.

Charles Snyder, Chair suggested also put in there that once revocation occurs, you cannot reinstate that permit/license. Also, license/permits will not be transferrable.

Amanda McCellon, Comm. Dev. Director noted none of our permits are transferable.

Amanda McCellon, Comm. Dev. Director explained our next step will be to have a public hearing scheduled for Planning and Zoning Commission and City Council and get the ordinance finalized.

Charles Snyder, Chair stated other than some spelling corrections, the main thing we talked about was the loss of the permit and re-applying if there is a revocation.

Commissioner Helton would like "local contact person" to be a little bit more defined. Someone be there in person in a certain amount of time.

After some discussion on local contact person, Commissioner Snyder suggested we could incorporate something like, "if the owner is not locally available, the owner will have a designated contact person".

Motion was made by Kent Lynn, seconded by Trent Reid to approve the proposed short-term rental ordinance with the following adjustments:

- Make typo corrections; and
- Add a "revocation process" to ordinance; and
- "Contact Person" be a little more defined.

The votes are as follows: AYE- Charles Snyder, Justin Peck, James Clemmer, Kent Lynn, Steve Marx, Trent Reid. NAY- Robert Helton. ABSTAIN- None. The motion carried unanimously 6-1-0.

Commission Snyder asked how are we going to notify the BRBO's etc.

Amanda McCellon, Comm. Dev. Director stated we will specifically reach out to Air B&B and BRBO and make them aware of the short-term rental ordinance. We can do Facebook and media posts.

NEW BUSINESS

Amanda McCellon, Comm. Dev. Director stated the Salazar business park property at 4107 N. Council Rd. is 75% leased out. There is a new farmers market under construction across the street from the Post Office. We are working on a plat for a new senior living development on NW 30th St. At your next Planning and Zoning Commission, the Bethany Village duplexes will be coming back. Frank McClendon, Applicant is asking to amend the PUD rezoning request that was approved earlier. Also, there are going to be numerous bond projects starting soon.

Motion was made by Kent Lynn, seconded by Steve Marx to adjourn. The motion carried unanimously 7 - 0.

Chair

Date