

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, AUGUST 23, 2016

I. CALL TO ORDER

- Mayor Miller called the meeting to order at 1:00PM. Council members in attendance: West, Fulkerson, Miller, Baker. **Tissot was absent.**
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – *No closed session.*

IV. RECONVENE TO OPEN SESSION – *Nothing to report.*

V. APPROVAL OF AGENDA

Motion (West/Baker) to approve the agenda written. Passed unanimously.

VI. APPROVAL OF MINUTES – *No minutes to approve.*

VII. COUNCIL MEMBER REPORTS – *No reports.*

VIII. STAFF REPORTS – *No reports.*

IX. ITEMS FROM THE FLOOR:

Zackary Zoah – Humboldt Pride

Announced September as LGBT Awareness and Humboldt Pride month. Requested the City consider a Proclamation at their September meeting.

Jim Cuthbertson – Trinidad

The Wagner Street Trail has been maintained poorly. The City must honor their agreements to keep that trail in better shape than it is.

Susan Rotwein – Trinidad

Why hasn't the City arranged mediation with the Ocean Avenue residents as per the VDU ordinance? Requested that critical infrastructure such as the Last Chance Grade and Humboldt Bay be maintained to support commerce. The City should be careful when drafting a noise ordinance to not undermine town fishing operations at the Harbor or in areas where fishermen do business.

Alan Grau – Trinidad

Complained about the meeting time.

X. CONSENT AGENDA – *None.*

XI. DISCUSSION/ACTION AGENDA:

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 of focus include, but are not necessarily limited to: definitions of different types of VDUs/STRs, cap, distance buffer, license transferability and enforcement.

Policy #1: Limiting the number of short-term rentals

By consensus, the Council agreed to the PC recommendations of the following cap; (19) in the UR Zone, (6) in the SR Zone. No restrictions on the number of STR's in Commercial or PD Zones.

Policy #2: Density Buffers

Baker: The proposed 100ft buffer brings up too many implementation problems. I suggest something more simple, such as one or two non-STR's should separate a permitted STR.

West: Agree with Baker. Would like to avoid over-complicating things and support Baker's suggestion. Concerned about new STR's and discretion issues the PC or Council may encounter if numerous applications have to be reviewed.

Miller: Suggested that density restrictions be placed in areas like Ocean & View Street due to congestion issues. Also that we could recommend a review period every few years to ensure enforcement requirements are working.

Fulkerson: I prefer a more common sense approach by letting the cap and strict enforcement solve the problem without buffers. We could create an interesting economic system by limiting the ability of owners on Ocean or View Street to rent their homes, and giving the more expensive ocean view homeowners less restrictions. Not sure if I agree with that.

City Attorney Stunich explained that the ordinance can allow the permit as a right if all the conditions are met. If the owner can't meet them all, then discretionary authority could be exercised by Staff, for example, as in the conditional use permit process. All permits could be subject to the non-transferability clause until the cap is met. He also explained property values related to STR permits.

Council unanimously agreed that for new STR licenses, no adjoining property lines should be shared with another STR.

Policy #3: Transferability

Council unanimously agreed that STR licenses could only be transferred to a spouse. No long-term or multi-generational transfers allowed.

Policy #4: Hosted (owner-occupied) vs. non-owner occupied

Council unanimously agreed to no cap or activity required for hosted rentals. 1-bedroom, 2 guest max for hosted rentals.

Policy #5: Minimum Rental Activity

Council unanimously agreed to require a minimum of 60 days per year rented, and retro-active for 2015 and 2016. City Manager Berman suggested the city re-work it's occupancy tax form so it calls out number of days rented.

BREAK FOR PUBLIC COMMENT

Public Comment included:

Alan Grau – Trinidad

Submitted a letter and read it aloud. Suggested ways of reaching the desired cap and emphasized enforcement.

Dick Bruce – Trinidad

I support Baker's suggestion regarding no new VDU's sharing property boundaries. Clustering has been an issue since the beginning.

Joe Moran – Trinidad

Current ordinance is good, and enforceable. Cap will be reached through weak links. Thanked the Council and PC for their effort.

Jan Hunt – Trinidad

Own property on Scenic Drive. Disagreed with the City Attorney, stating that long-term rentals – in fact – generate more profit. Clamp down on problems, but don't punish good managers and properties. Please set a deadline to resolve this and move on.

Jim Cuthbertson – Trinidad

Half of Van Wycke street is vacation rentals. I don't support buffers. Follow the rules and enforce them.

Susan Rotwein – Trinidad

Fix what is broken, not what's working well. New rentals should be on a wait list. Exceptions to noise should be granted to fisherman at the doc. Clustering should be up to the Planning Commission to use discretion when issuing permits. Transferability should not be allowed until the cap is reached.

Jonna Kitchen – Trinidad

We've had over 1100 stays this year with Trinidad Retreats and had no complaints. Focus on noise, or gatherings, but not public parking. The line between when guest and management responsibility should be clarified. Complaint process should be clear. Concerned about sharing private guest information. Submitted comments in writing.

Dorothy Cox – Trinidad

Support Baker's suggestion that STR's don't share a property boundary.

Tom Davies – Trinidad

Density issue must be addressed, and a cap must be reached asap. Enforcement is not the silver bullet that it's supposed to be. Signage issues still exist. No transferability, 1-STR per parcel, and please consider PC recommendations.

Alan Grau – Trinidad

Read a letter on behalf of wife Leslie Farrar. Explained expectations when they bought their home, and how things have changed since they built their home. Asked why property owners are granted commercial permission in residential areas.

Reid Kitchen – Trinidad

Handed out Trinidad Retreats guest contract to illustrate the details his company covers with all guests, and the communication level that is achieved prior to arrival.

BACK TO COUNCIL FOR FURTHER DISCUSSION

Fulkerson: The special meeting was held at 1pm today to expedite a process that has been going on for years. I'd like to see STR's become self-funded with dedicated staff. Permits should cost at least \$1000 to cover cost of hiring someone to enforce all these rules. *Council agreed to direct staff to find ways of funding this position.*

Baker & Miller agreed to be a committee of 2 to review contract requirements and license fee sliding scale based on 2 or 3 night stay with a max fee of \$1000.

Policy #8: How to get to the cap

Council unanimously agreed that attrition is the way to get to the cap, not a lottery system.

Policy #9: How to manage wait list

Council unanimously agreed to a lottery system for new STR licenses. Applicants will have 180 days to comply with all regulations. If they fail, a new name will be drawn.

Policy #10: Hold Harmless Agreement

Council unanimously agreed to remove this from the list of requirements.

Policy #11: Complaint Process

City Attorney Stunich suggested including clause in contract for intended 3rd party beneficiary. That would allow disturbed neighbors and/or city to file suit against offensive guests, impressing upon person signing contract the seriousness of the consequences handed down for disturbing neighbors. It essentially adds strength to the neighbors ability to take action against tenants.

Policy #12: Violations/Penalties

Violations of ordinances are misdemeanors or infractions.

Policy #13: Good Neighbor Contract

Good neighbor contract needs to be improved.

Policy #14: Guest Registry

Council agreed to require managers keep a guest registry for all stays.

Policy #15: Meet & Greet

Council agreed that this was overly burdensome for the benefits received. As an alternative, managers should require that phone contact should be made with guests upon arrival.

Policy #16: Noise Ordinance

Council will consider a noise ordinance in the future.

Policy #17: Administrative Fees/Fines

Council/Staff will consider the possibility of enacting a tiered system for issuing administrative fines for costs incurred for violations of the ordinance.

Policy #18: Contact Info

Council agreed there should be one number listed as primary contact for rental management.

Policy #19: Occupancy limits

Council agreed to change the current policy of (2) guests per bedroom plus (2), to only (2) guests per bedroom. However, first (2) children under the age of 12 are not counted in the guest headcount.

Policy #20: Visitors

No guests allowed between the hours of 10:00pm and 7:00am.

Baker suggested that STR Licenses should be withheld or revoked if the owners vegetation is encroaching into the public street or right-of-way.

Conclusions reached at this meeting will be included in a new draft and brought back to the Council at the regular meeting in September for further consideration.

XII. ADJOURNMENT

Meeting ended at 5:15pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Dwight Miller
Mayor

