

**CITY OF RUSTON
REGULAR COUNCIL MEETING
Tuesday, February 5, 2019**

MEETING CALLED TO ORDER

At 7:01PM Mayor Hopkins called the Regular Council Meeting to order. Councilmembers present were: Lyle Hardin, Deb Kristovich, Lynn Syler and Bradley Huson. Councilmember Jim Hedrick was excused. Following the flag salute, Mayor Hopkins called for approval of the agenda. Councilmember Hardin moved to approve the agenda, with a second from Councilmember Kristovich, passed 4-0.

MINUTES

Councilmember Hardin moved to approve the minutes for the Regular Council meeting of January 15, 2019, with a second from Councilmember Kristovich, passed 4-0.

STAFF REPORT – Nothing at this time.

GENERAL PUBLIC COMMENTS – Nothing at this time.

BUSINESS –

Ordinance 1505 – Amending Chapters 25.01, 25.07 and Adding Chapter 25.10 –

There is a growing number of short term rental agencies, such as Air BnB, Booking.com, Vacation Rentals by Owners, and the like which are creating new zoning issues for cities. Some property owners in Ruston would like to use their residential property to allow short term rentals. In other cities that have experienced this growth, the short term rentals have created impacts on surrounding properties that have diminished the quality of life of the resident. Apart from the recently adopted business licensing requirements, the City does not currently have regulations regarding this use. In order to ensure compatibility between a residential property being used as a short term rental and its neighbors, the Planning Commission recommends regulations be adopted to ensure for public safety, health and welfare of these surrounding properties and for any tenants utilizing a short term rental in Ruston. The Ruston Planning Commission held a public hearing on September 18, 2018. Following the public hearing the Planning Commission voted to recommend the short term rental regulations as contained in Ordinance No. 1505. The changes to the zoning code as proposed by the Planning Commission are described below.

RMC 25.01.020 – Definitions: Ordinance #1505 amends RMC 25.01.020 to add a definition for “short term rental.”

RMC 25.07.020 – Land Use Matrix: A line is added to the land use matrix for short term rentals reflecting that the use is permitted in the COM and COM-P zones and a conditional use in the residential zones. A footnote #10 is also added to reference the new Chapter 25.10 RMC which sets forth the regulations on short term rentals.

New Chapter 25.010 RMC: A new chapter is added to the Ruston Zoning Code to establish the regulations applicable to short term rentals. These regulations include such items as business licensing requirements, occupancy limits, parking requirements, a limitation of one unit per property, garbage, signage, complaint procedures, and permit revocation procedures.

Additional Information Requested by the Council during first reading:

On November 6, 2018, the City Council considered the Planning Commission's draft Short Term Rental (STR) ordinance and directed staff to complete additional research prior to taking action. Staff proceeded to search several online vacation rental sites such as AirBnb, HomeAway and VRBO, to determine where existing rentals are located in Ruston. Staff also researched existing utility and permit records to determine where existing Accessory Dwelling Units (ADU) exist. This information was then combined onto a single map showing all STR's (both approved and not approved), and all ADU's. The results include 31 Accessory Dwelling Units, 5 unapproved Short Term Rentals and 1 approved Short Term Rental unit. In addition, the Council suggested changes to ensure that there are not too many short term rentals opened in Ruston due to the impact on neighbors and on the hotel business. The attached updated ordinance seeks to meet those goals.

Revisions to Ordinance #1505 following First Reading:

Staff updated the land use matrix to indicate that STR's are permitted as a conditional use in the RES, COM and COM-P zones. The earlier version had the STR as outright permitted in commercial zones. The ordinance also updated RMC 25.10.010(j) as follows:

j. Accessory Dwelling Unit Approval Required. Short Term Rental units may only be permitted within an approved Accessory Dwelling Unit. The property owner must reside on premises and may rent out either the primary unit or the Accessory Dwelling Unit, but not both. Short Term Rental unit and Accessory Dwelling Unit permit applications may be processed concurrently.

Survey Results:

Following second reading, staff put out a survey to the public on this topic. The survey is still open but will close on Monday, February 4th and the results will be shared by the Planning Director at the study session.

Revisions to Ordinance #1505 following Second Reading:

The following changes have been made to Ordinance #1505 since Second Reading. To address the Council's concerns about ensuring that people with STRs on their property are "residing" on the property during the rental, RMC 25.10.010(j) was amended to read:

j. Accessory Dwelling Unit Approval Required. Short Term Rental units may only be permitted within on a property with an approved Accessory Dwelling Unit. The property owner must reside on premises and may rent out either the primary residence or the Accessory Dwelling Unit, but not both. Short Term Rental unit and Accessory Dwelling Unit permit applications may be processed concurrently. For purposes of this chapter, “reside” shall mean that the property owner’s permanent residence is at the same address, and the property owner is staying overnight on the premises during all days of each short term rental occupancy period.

Issues were raised about whether the added definition of “residing” is protective enough. One suggestion was that the ordinance should require that the property owner be present on the property during the rental period. To that end, Council should discuss whether requiring the owner to be residing on the property during the rental (with overnight on the premises) is adequate protection to ensure the STR does not create problems. Enforcing “presence” would require a definition and direction from council. For example, may the property owner go to work during the day? How about running errands? Enforcing 24/7 “presence” would be difficult. Please provide direction on this topic. The Council directed that the STR be a conditional use in all zones. This revision was made to the Land Use Matrix chart and to the language in the first paragraph of 25.10.010. Following Second Reading, an issue was raised about the definition of “Short Term Rental” causing some confusion on the part of some Council Members. This has been modified to provide greater clarity as follows: “Short Term Rental” means a residential dwelling unit used for short-term transient occupancy (for periods less than 30 days). The residential dwelling unit may be either a single family home or an approved accessory dwelling unit. After Council discussion, modifications were made. Councilmember Hardin moved to amend Ordinance 1505, with a second from Councilmember Kristovich, passed 4-0. Ordinance 1505, as amended, passed 4-0.

Ordinance 1517 – Update to Chapter 9.03 - Nuisance Code (1st reading). A recent issue with regard to code enforcement has arisen which caused the Code Enforcement Officer to review the City’s nuisance code. The nuisance code (Chapter 9.03 RMC) was adopted in 1968 and with the exception of one small change in 1980, has not been updated since. The Code Enforcement Officer requested the City Attorney’s office review and update the code. In doing so, the City Attorney is recommending a package of legislation to address nuisances in the City. These are described below:

Update to Chapter 9.03 Nuisance Code.

This ordinance which will fully replace the current Chapter 9.03 incorporates current state law to describe nuisances, including providing definitions (section 9.03.010), outlining prohibited conduct (9.03.020), and identifying types of “public nuisances” (9.03.030).

The Ordinance also provides for joint liability by property owners and renters or responsible parties (9.03.040). The Ordinance also provides for chronic criminal nuisances (9.03.050) which allows the city to take enforcement action against properties with chronic criminal activity. The Ordinance is enforced through either the code enforcement procedures in Chapter 12.40 RMC, through a criminal complaint, or through the civil infraction process contained in Chapter 9.22 RMC.

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This ordinance which will fully replace the current Chapter 9.03 incorporates current state law to describe nuisances, including providing definitions (section 9.03.010), outlining prohibited conduct (9.03.020), and identifying types of "public nuisances" (9.03.030). The Ordinance also provides for joint liability by property owners and renters or responsible parties (9.03.040). The Ordinance also provides for chronic criminal nuisances (9.03.050) which allows the city to take enforcement action against properties with chronic criminal activity. The Ordinance is enforced through either the code enforcement procedures in Chapter 12.40 RMC, through a criminal complaint, or through the civil infraction process contained in Chapter 9.22 RMC.

Ordinance 1518 – New Chapter 9.05 - Junk Vehicles (1st reading). A recent issue with regard to code enforcement has arisen which caused the Code Enforcement Officer to review the City's nuisance code. The nuisance code (Chapter 9.03 RMC) was adopted in 1968 and with the exception of one small change in 1980, has not been updated since. The Code Enforcement Officer requested the City Attorney's office review and update the code. In doing so, the City Attorney is recommending a package of legislation to address nuisances in the City. These are described below:

New Chapter 9.05 "Junk Vehicles".

State law allows cities to take enforcement action against junk vehicles which are stored on private property. Most cities have junk vehicle codes, but Ruston did not. Junk vehicles are defined by state law as follows:

A vehicle meeting at least three (3) of the following requirements:

1. Is three (3) years old or older;
2. Is extensively damaged, such damage including, but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor or transmission;

3. Is apparently inoperable;
4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

This definition is adopted in RMC 9.05.020. There are exemptions to this definition. RMC 9.05.040. Vehicles meeting this definition are declared a public nuisance (9.05.030) and the City may require their removal. RMC 9.05.050. This code is enforced using the code enforcement procedures in Chapter 12.40 RMC, filing a criminal citation or issuing a civil infraction (Ch. 9.22 RMC).

Ordinance 1519 – New Chapter 9.09 - Litter Control (1st reading). A recent issue with regard to code enforcement has arisen which caused the Code Enforcement Officer to review the City's nuisance code. The nuisance code (Chapter 9.03 RMC) was adopted in 1968 and with the exception of one small change in 1980, has not been updated since. The Code Enforcement Officer requested the City Attorney's office review and update the code. In doing so, the City Attorney is recommending a package of legislation to address nuisances in the City. These are described below:

New Chapter 9.09 – Litter Control.

While the City has provisions regarding how solid waste is to be stored for pick up, etc. in Title 6, it does not have a general litter code. A new chapter 9.09 RMC provides for additional tools for enforcement for litter in public places, parks, private property, etc. The chapter prohibits littering in public places (9.09.030) and requires litter to be placed into receptacles (9.09.040). The ordinance also prohibits littering in parks (9.09.050) or in lakes, ponds, streams, fountains, etc. (9.09.060). The ordinance provides a tool for enforcement against trucks that are causing litter (9.09.070) and for litter thrown from vehicles (9.09.080). This ordinance prohibits sweeping litter into gutters and requires merchants to keep their sidewalks free of litter. (9.09.090). The ordinance also prohibits keeping litter on private property. (9.09.100). Finally, the chapter also prohibits the posting of notices on public facilities. (RMC 9.09.110). This chapter is enforced using the code enforcement procedures in Chapter 12.40 RMC, filing a criminal citation or issuing a civil infraction (Ch. 9.22 RMC).

CLAIMS AND PAYROLL – Nothing at this time.

MAYOR'S TIME – Nothing at this time.

COUNCIL TIME –

Councilmember Hedrick – Excused.

Councilmember Hardin – Councilmember Hardin was pleased with Council, City Planner Rob White and residents and all the discussion held regarding Ordinance 1505.

CITY OF RUSTON
Regular Council Minutes
February 5, 2019

Councilmember Kristovich – Nothing at this time.

Councilmember Syler – Nothing at this time.

Councilmember Huson – Nothing at this time.

MEETING AJOURNED -

At 7:40PM Councilmember Hardin moved to adjourn, with a second from Councilmember Kristovich, passed 4-0.



Mayor Bruce Hopkins

ATTEST:



Judy Grams