

**CITY OF ESSEX JUNCTION
PLANNING COMMISSION
PUBLIC HEARING
MINUTES OF MEETING
May 4, 2023
DRAFT**

MEMBERS PRESENT: Phil Batalion, Chair; Diane Clemens; Scott McCormick.

MEMBERS ABSENT: Patrick Scheld, Vice Chair; Elijah Massey

ADMINISTRATION: Chris Yuen, Community Development Director.

OTHERS PRESENT: None.

1. CALL TO ORDER

Phil Batalion called the meeting to order at 6:34 PM.

2. AGENDA ADDITIONS/CHANGES

3. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda
None.

4. MINUTES

a. **April 6, 2023**

MOTION by SCOTT McCORMICK, SECOND by DIANE CLEMENS, to approve the minutes of April 6, 2023 as drafted. VOTING: unanimous (3-0); motion carries.

5. BUSINESS ITEMS

a. S.100 Updates

Community Development Director Yuen said that the City received a legislative update from the Vermont Planning Association yesterday and noted that there have not been many more amendments since the prior update to the Planning Commission in April. He noted that the legislature is still exploring changes to the “interested party” provision and the appeals process. He said that in terms of what would affect the City directly (provisions around 4-plexes and parking), there has not been much movement. He noted that because the legislation is not yet finalized, counsel will still warn the initial public hearing for the Land Development Code amendments as currently written. Commissioner Clemens noted that it’s possible that the S.100 updates aren’t finalized until the next legislative session, so it would likely be fine to approve the LDC amendments as they stand.

b. Land Development Code Amendments

• **Public Engagement Updates**

Community Development Director Yuen said that he had hoped to have the public engagement component of the LDC amendments launched by now, but that the City is slightly behind. He noted that a draft survey is available for review, if Commissioners wish to do so. Commissioner Clemens suggested making the survey available in hard copy and have copies available at the library for review, as a way of reaching certain audiences who may not be as technologically savvy. Commissioner

McCormick suggested having a list of organizations or distribution lists to which the City can send copies of the survey. Commissioner Batalion provided positive feedback on the draft survey, noting that the image showing examples of different housing (single-family homes, duplexes, triplexes, etc) was extremely helpful, as well as the context for some of the proposed LDC changes.

- **Design-review and Historic-preservation overlay district eastern limits**

The Planning Commission provided Community Development Director Yuen with some brief historical context around why the overlay district's eastern limits are in their currently proposed location.

c. Neighborhood Development Area (NDA) expansion updates

Community Development Director Yuen said that he received guidance from the staff at the state level that handles municipal designations regarding how far the downtown designation can extend. He said there are no hard and fast limits and that he would recommend extending the designation to be consistent with the Transit Oriented Development (TOD) overlay. He said that they should pursue this at some point, but that they should currently pursue the neighborhood development area (NDA) expansion (just not as far as the TOD). He asked whether the NDA should conform to the design review overlay area or extend further. Commissioner Batalion said that the NDA should comprise the area where having an NDA makes the most sense and has the most benefits. Community Development Director Yuen noted that in order to convert the Village Center designation to a Downtown designation, the City would need to form a separate non-profit board of downtown interests. Commissioner Clemens suggested that they pursue the Downtown designation once the Crescent Connector is finished and the core business area is expanded, since a business association may be needed at that juncture. Community Development Director Yuen agreed. Commissioner McCormick said it would be helpful for staff to draft a document summarizing the pros and cons of different various designations that can be pursued by the City.

d. Rental Registry & Inspection Program

- **Presentation by Winooski Fire Chief and Director of Code Enforcement John Audy (recording)**

The Planning Commission watched the first fifteen minutes of John Audy's recorded presentation but this was curtailed due to time constraints and they decided to review the remainder of the recording between Planning Commission meetings.

- **Presentation by UVM Master of Public Administration students**

Christine Gallese and Aaron DeNamur, graduate students in the Master of Public Administration program from the University of Vermont, gave a capstone presentation regarding the creation of a rental registry in Essex Junction. Mr. DeNamur said that the goal was to support the City in researching rental registry program models and identifying lessons learned from other municipalities that have implemented registries, as well as noting best practices and some key recommendations for the City. Mr. DeNamur began by speaking about the benefits of rental registries to property owners, renters, and municipalities, many of which pertain to safety. Ms. Gallese spoke about national examples of best practices for rental registries, which include registries in Portland, Oregon and Syracuse, New York. She also highlighted local examples of rental registries in St. Johnsbury (which modeled its registry after that in Barre).

Ms. Gallese and Mr. DeNamur then outlined a number of recommendations for implementing a rental registry in Essex Junction. These include being mindful of accessibility issues around any online registration and payment systems, as some individuals may not have access to computers or email, that having a code compliance officer is essential for a rental registry, that the registration form should be as brief and succinct as possible, and emphasizing that the City should be mindful that landlords with small portfolios may be more financially vulnerable and that fee waivers or financial assistance to certain landlords may be prudent. Mr. DeNamur noted that average charges to be on a registry range from \$35-\$55 per year. They noted additional resources around rental registries, including research done by the University of Texas School of Law and a rental registry guide from Louisville, Kentucky.

Commissioner McCormick asked how many properties were included in the St. Johnsbury registry. Ms. Gallese replied that the registry included approximately 500 properties, but that she will provide a firmer figure offline.

Commissioner Clemens asked why the St. Johnsbury registry did not include short-term rentals. Ms. Gallese replied that they did not say why they excluded short-term rentals. Mr. DeNamur said that it is also not known how much of a benefit there is in having a rental registry for short-term rentals outside of larger municipalities. Community Development Director Yuen added that rental registries for long-term rentals are typically in place to address safety concerns and maintain compliance with code, whereas registries for short-term rentals are generally used to try and address housing supply issues.

Commissioner Batalion noted that while St. Johnsbury's rental registry does not seem like it is paying for itself (through fees), it is still providing benefits to the town.

Commissioner McCormick said that it will be important as this conversation moves forward for the City to articulate the objectives of a rental registry, should it set one up. He said that there are open questions around whether a rental registry should serve just as a database, whether inspections and/or health inspections should occur, and whether a fire marshal should also be involved in the process. Commissioner Clemens said that any registry and associated enforcement activity should come out of its own funding, not the general fund, so that it can be tracked. Community Development Director Yuen noted that the enforcement/health officer position was budgeted assuming a 50% cost recovery for the next fiscal year. He also spoke about the software that could be used for a registry, and different options for customer interfaces and using the system's analytical tools to lessen the burden on a code enforcement staff-person. The Planning Commission discussed the merits of an online rental registry system, as well as the periodicity of inspections (in-person inspections every four years, mirroring Winooski's example, with self-inspection/attestation in the registry for the other three years).

- **Discussion on next steps**

The Planning Commission will review the remainder of the recording around John Audy's presentation prior to the next meeting. They will also plan to discuss the framing of objectives for a rental registry as part of their next meeting.

6. READING FILE –

- a. 2023 ECOS Metropolitan Transportation Plan Draft

7. MEMBER UPDATES – None.

8. STAFF UPDATES – None.

9. ADJOURNMENT

MOTION by DIANE CLEMENS, **SECOND** by SCOTT McCORMICK, to adjourn the meeting.
VOTING: unanimous (3-0); motion carries.

The meeting was adjourned at 8:33 P.M.

RScty: AACoonradt