



## **OFFICIAL ZONING CODE INTERPRETATION (No. 22-001)**

### **Short-Term Rentals: Permit Review Authority and Appeal Review Authority**

#### ZONING CODE PROVISION INTERPRETED:

**Section 20-48.040(C)(5), Short-Term Rental Permit Requirements – Application Requirements. Section 20-48.040(I), Short-Term Rental Permit Requirements - Appeals.**

Purpose: Clarify that the Director of the Planning and Economic Development Department (Director) is the review authority for Short-Term Rental Permits and that the Planning Commission is the review authority for the appeal of Director determinations on Short-Term Rental Permits.

#### Short-Term Rental Permit Review Authority

##### Discussion:

Zoning Code Section 20-48.040(C) (Application Requirements) provides the ministerial process and requirements for Short-Term Rental Permit Application submittal. Section 20-48.040(C)(5) specifies that the application materials shall be reviewed by the Planning Director or Enforcement Official to determine whether the applications are complete or whether additional information is deemed “reasonably necessary to administer this chapter.” Further, Section 20-48.030(E) defines Enforcement Official as “The City Manager, the Planning Director, the Police Chief, the Fire Marshal, the Building Official, or one or more of their respective designees.”

Pursuant to Zoning Code Section 20-60.080 (Director of Community Development), the Planning Director, who is appointed by the City Manager, “...performs the duties and functions identified in this Zoning Code, including the initial review of land use applications....”

At issue is whether the Planning Director or another Enforcement Official is responsible for administering the issuance of Short-Term Rental Permits after determining that applications comply with all Zoning Code provisions applicable to proposed short-term rental activities.

##### Determination:

Based on Zoning Code Section 20-48.040(C)(5) which refers administration of the Short-Term Rentals Chapter (20-48) to the Planning Director or Enforcement Officer and based on Zoning Code Section 20-68.080 which refers performing duties and functions in the Zoning Code to the Planning Director, the review authority for Short-Term Rental Permits is the Planning Director.

#### Short-Term Rental Permit Appeal Authority:

##### Discussion:

Zoning Code Section 20-48.040(I) states that “the procedures related to appeals and revocation in Division 6 (Zoning Code Administration) shall apply following issuance or denial of a Short-Term Rental Permit.” Division 6, Chapter 20-62 (Appeals), “establishes procedures for the appeal and review of decisions and determinations of the Director...” Zoning Code Section 20-62.020(A) (Director Decisions) provides that “A determination or



decision by the Director may be appealed to the DRB, CHB, Commission, or Council as applicable to the decision.”

Division 6 Section 20-62.030(B)(2) (Review Authority) refers to Table 6-1 (Appeal Review Authority) which provides the review authority and appeal body for most planning permits. Short-Term Rental Permits, Temporary Use Permits, and Zoning Clearances are not included in Table 6-1 however Zoning Code Section 20-62.030(A) (Eligibility) clarifies that any action by the Director in the administration of the Zoning Code may be appealed in compliance with this Chapter; and refers to Table 5-1 (Review Authority) in Division 5 (Land Use and Development Permit Procedures).

Zoning Code Section 20-50.020 Table 5-1 (Review Authority) identifies the city official or authority responsible for reviewing and making decisions on Zoning Code related permit applications and provides the appeal body for such decisions. Table 5-1 has not been amended to reflect adoption of the Short-Term Rentals Ordinance.

At issue is which is the applicable appeal review authority for the Director’s Short-Term Rental Permit determinations.

The Short-Term Rental Permit is a ministerial permit pursuant to Zoning Code Section 20-70.020 (Definitions of Specialized Terms and Phrases) in that issuance of the permit is based solely on compliance with the Short-Term Rentals Ordinance which provides regulations and the process necessary for permit issuance, and no discretion is exercised. The Short-Term Rental Permit is most similar to Temporary Use Permits and Zoning Clearances in that they are non-discretionary and approved by the Director. The Planning Commission is the Appeal Review Authority for Temporary Use Permits and Zoning Clearances.

Determination: Based on the Short-Term Rental Permit being a non-discretionary Director level determination, the Planning Commission is the applicable appeal review authority for Short-Term Rental Permits.

These determinations are consistent with the General Plan because the intent of this interpretation is to clarify which are the review and appeal authorities for Short-Term Rental Permits. Short-term rental activities are considered an extension of an existing residential land use and do not increase residential densities allowed by the General Plan.

Date: April 21, 2022

*Amy Nicholson*  
Amy Nicholson (Apr 21, 2022 15:07 PDT)

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Zoning Administrator






# Zoning Code Interpretation No 22-001

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