Town of Bluff

Planning and Zoning Commission

Minutes for November 21, 2019 at 7:00 pm
at the Bluff Community Center
190 North 3rd East, Bluff, Utah 84512
AP

7:00 Roll Call
Commission: Sarah Burak, Malyssa Egge, Michael Haviken, Robin Cantrell, Amanda Podmore
Advisory Council: Deborah Westfall, Wendy Smith, Eileen Fjerstad
Town Council: Luanne Hook

Approval of meeting minutes from 11/14 - Haviken motions to approve minutes of 11/14, Egge seconds, motion passes unanimously.

Public Citizens to Be Heard -No public comments.

Old Business

1. Update from Town Council - Hook reported that next week's meeting is cancelled. There was a work session today. The final vote on the dark sky ordinance will be December 3rd. The Mayor needs access to edit the final ordinance that Podmore will send. Sayers concern was how to determine lumens. The Council is working on fee rentals for the Community Center. Lois Young reported on the health board. Leah Shrenk asked for a tavern alcohol consent license with a letter of recommendation but the application was the same as the last time. She will present on December 3rd. The Council continues to work on the Inter-Local Agreement with Mack McDonald at the County. The fiber optic has gotten through its approval with White Mesa and it sounds like the town will have access to it. They need to buy a half acre of land to house the equipment in Bluff. The Council is still working on the business license form. Cottage industries/home businesses cannot be charged a fee but can still require a business license. Several people are working on a traffic/safety plan for the solstice event, though it is not a Town-organized event.

New Business

2. Review building permits and site plan applications - None to review.
3. Review and present compiled information for Short Term Rental ordinance - Podmore presented a powerpoint on what the Commission has discussed in the past. The powerpoint will be available on the Planning & Zoning website. The Commission has defined what a short term rental is in the zoning ordinance in terms of its length of time.
4. Discussion and community input for Short Term Rental ordinance - Fjerstad reiterated the Silverton requirements including an annual permit of $500 and a business license.

The annual permit helps pay the code enforcer who does annual inspections. The $500 fee was high to discourage rentals that weren't appropriate. The owner or manager has to be in town 24/7 when the property is occupied. The owner has to notify all adjoining neighbors and provide contact information for the owner or manager. The rental has to have a folder with rules of conduct that included a 10 o'clock noise curfew. The Code Enforcer helped determine what the occupancy was. An ingress/egress posting was required. Parking rules allowed 2 cars per lot. The Town regulations said events cannot be held at short term rentals in residential areas. The regulations said that a permit could be revoked with 2 or more complaints in a year. The number of short term rentals were capped by zone.

Haviken said that using mobile homes, RVs, or travel trailers as SRTs could be a problem if they weren't hooked up to septic system. He suggested that short term rentals be only allowed in dwellings that are permanently affixed to the ground. Davila said STRs are a very lucrative business for people in town and many people do operate them out of trailers or mobile homes. Podmore and Burak said that a trailer or mobile home with access to adequate septic would be appropriate. Smith asked if access to utilities should be required from a health and safety perspective. Cantrell said a line should be drawn when a residential lot begins to look like a mobile home park. Davila suggested limiting the number of rentals you can have on a property. Davila asked if a property like her parents', which has three rental rooms, is considered 1 or 3 rental properties. Davila likes the idea of a cap like Silverton. Podmore and Fjerstad suggested the most important utility to consider from a town nuisance problem was toilets.

Hook asked about when tents and yurts in yards begin to compete with an RV park. She said the Olympics has partnered with Airbnbs, which has been problematic, and that Airbnb is the biggest provider of rooms worldwide. Egge said it should be allowed but limited in vague ways until the Commission better understands the associated problems. She suggested a solution fit within the Ordinance limiting a number of units per acre.

Podmore asked the group to discuss a requirement to live on-site or have a manager. Cantrell said that many people do operate Airbnbs remotely and believes they should have a way to do things with their property. She said a 24/7 manager can be a solution. Davila seconded. Fjerstad suggested their can be a tertiary point of contact.

Davila said short term rentals encourages property upkeep.

Egge stressed the importance of providing long-term rentals for people who want to live and work here. Egge also said it is important permits exist and taxes are paid. Egge and Fjerstad like the idea of a high fee. Davila asked if a SRT is considered a cottage industry, as those cannot be charged a fee.

A summary of the discussion: the community would like to support short term rentals, possibly put a percentage cap, consider density, create rules and regulations that account for nuisances including:

- Need a permit system
- Require a fee
- Need to pay taxes
- Need a property manager available 24/7
- Needs Code of conduct
- Limit the number of rentals per acre by looking at the existing zoning ordinance.

Hook suggested Bluff doesn't have a problem yet and people agreed, but Podmore said Bluff has a unique opportunity to get ahead of the problem. Burak said a lot of people have approached the Commission with questions about future short-term rentals.

Ann Kramer asked if the Commission had a sense of how many long-term rentals are being taken off the market by short-term rentals. This is an unknown figure for the Commission. Davila, Cantrell, and Hook gave examples of how long-term rental properties in Bluff may not be considered affordable, low-income options and were not always sustainable at long-term rentals with mortgages.

Egge suggested the Commission look at ways to make unoccupied, liveable structures short or long-term rentals. Hook suggested subsidized housing could be a solution. Davila asked that a draft ordinance be made available soon. There was a discussion as to whether short-term rentals may operate differently in commercial. The Commission suggested that short term rentals operated by hotels would be subject to the regulations. Hook said that Bluff does not have a large property management company like places like Steamboat. Davila suggested talking to Linda Sosa on the number of current short term rentals and using that cap, with 5-6 more.

5. Review and approve building permit application - Podmore motions to approve the building permit application checklist with a letterhead, Cantrell seconds. Motion passes unanimously. Hook will provide access to a letterhead that the Commission will add to the building permit application checklist. The Commission will review Haviken's latest comments on the building permit application for the next meeting. The checklist will be made available online once the full application is approved.
6. Discussion of Barry Simpson's request and nonconforming uses - Current Barry Simpson owns a metal shed that is being used to storage restaurant equipment. He has been approached by a company that wants to lease the space for CBD storage and distribution. The problem is that the is currently is a residential zone and this is a commercial endeavor, not a home occupation. The main question is whether the proposed use is an expansion or continuation of the current nonconforming use. Burak said that the Commission needs to decide if this is a change of use. Podmore said that the Simpson's proposal says that they are seeking to do storage and shipping and suggested that the Commission ask the Simpsons directly if the current use includes shipping and it is does not, that the Commission consider it an expansion of a nonconforming use and recommend that the Simpsons request a rezone.

   Haviken wanted to know what the certificate of occupancy says, if one exists. Fjerstad was concerned about traffic from shipping and that a staff of 2-3 would do all the

shipping through the post office. Fjerstad believed it would be a change in use. Davila said that residential users go to the post office regularly. She sees the activity as low-impact and existing in an area that should have been zoned commercial. Westfall said distribution centers fall in the factory/industrial zone in the Town's ordinance and asked that the Commission consider whether we should allow factory/industrial uses in residential.

Smith was concerned about the health and safety of employees, whether HVAC is provided, and if workers comp is provided. She said adding workers comp is a change in use. Burak said the Commission is looking at this issue only from a land use question. Podmore said that future compliance with the use could be enforced by the Town's business license.

Burak will draft an email for the Simpsons and ask if they can describe the current use in more detail in writing. She will circulate the email to the Commission before sending. If the Commission believes it is a change of use, the lawyer outlined three options: first, an ordinance rewrite, second, a rezone request or third, creating a conditional use permit process. Podmore recommended against an ordinance rewrite and said the second options would take a lot of time. The Commission discussed not wanting to show favoritism towards the Simpson and decided they are deliberating through this as a new process. Davila wanted to remind the Commission that this is already a grandfathered in property, not a residential property trying to become a commercial property.

7. Off Street Parking Ordinance review and discussion - The Commission agreed to not hold a public hearing on ordinances in December. Haviken lumped off-street parking, driveways, air rights and drones in draft ordinances into general provisions. These drafts are not yet available on the Town website. Some of his draft language comes from San Juan County. The only new thing is the 5 foot pedestrian walkway, which is a new trend nationwide. The off-street parking language specifically addresses when parking is in the public right of way. Haviken suggested using the parking requirements on page 23 of the IZC. Podmore asked for clarification if the required parking spots apply to all zones. The Commission agreed to reword the parking requirements for residential zones so that there is planning for parking but no requirement for a garage. Davila asked if the Commission should address special event parking in this ordinance. The Commission needs to polish it before sending it to the lawyer.
8. Air Rights and Drones review and discussion - tabled
9. Additional Items to be added to the next meeting's agenda - The next meeting will be December 5th. Review short term rental draft, discuss Simpson property, approve building permit application, work on off-street parking. Podmore will try to send a town update before the next meeting.

Adjourn - Egge motions to adjourn, Burak seconds, meeting unanimously adjourned at 9:25 pm.