

Town of Bluff
Planning and Zoning Commission Regular Meeting Minutes
Wednesday, April 7, 2021 at 6:00 pm
VIRTUAL - Bluff Community Center
190th 3rd East, Bluff, Utah 84512

Approved

6:04 PM Roll Call: Amanda Podmore (Acting Chair), Marica Hadenfeldt, Malysa Egge, Sarah Burak joined the meeting at 6:07PM, Ed Dobson excused by Burak prior to meeting

Planning and Zoning Advisors: Deborah Westfall

Town Council Representatives: Luanne Hook, Jim Sayers

Approval of minutes from 3/17/2021 regular meeting: Hadenfeldt made the motion to approve the meeting minutes as submitted for the March 17th regular meeting and Egge seconded the motion. Hadenfeldt - Aye, Podmore - Aye, Egge - Aye. Three in favor, none opposed. The motion passed unanimously.

Sarah Burak joined the meeting at 6:07PM

Public Citizens to Be Heard: Marcia Hadenfeldt received an email from Lois Young, forwarded from UNHS inquiring about zoning in Bluff, as UNHS would like to explore building a full-service clinic in town. Burak asked Hadenfeldt to forward the email to herso Burak could follow up.

Old Business

1. **Update from Town Council:** The topic of turning the deeds to the alleys over to the Town of Bluff will be discussed in the county commission meeting on April 20th. While the speeds through town are not being lowered, the town is still exploring ways to enforce the current speeds.

The commission asked whether the town intends to host in-person meetings. Hook replied that meetings will still be conducted virtually and NetForce will be installing equipment so meetings can be hosted on YouTube. The community center main building and kitchen will remain closed. Groups who would like to request an exception must ask Town Council and will be considered on a case-by-case basis (governmental requests for inside use may be granted).

Sayers shared that anyone applying for a town council elected position must apply from June 1-6, 2021.

New Business

- 1) **Review any Land Use Clearances and Building Permit Applications:** None at this time

Burak took over the role as Chair beginning at 6:14PM.

- 2) **Discussion and revision of Short-term rentals ordinance:** During the previous meeting, the commissioners had come to a consensus that the following items brought up during the public

hearing should be addressed in the Short-Term Rental Ordinance prior to submitting the ordinance to Town Council.

- a) **Clarify temporary rental of owner-occupied homes:** Podmore proposed language on page 5 of the ordinance draft, section for exemptions: "Property owners who rent all or a portion of their property as a short-term rental for 30 or less consecutive or non-consecutive days in a calendar year are exempt from this ordinance." Egge thanked Podmore and agreed with the suggestion. The commission suggested edits to clarify the language and discussed "home owner" vs "property owner" and Westfall suggested in the chat to use "home owner."

Hook asked whether this language would eliminate people who have a second home in Bluff. The commission discussed this and stated that no, second homes can be rented. Individuals may rent out a second building on a property, as well, but would require a permit for over 30 days. The intention of the exemption is to address public comments that primary residences should have some leniency and not require a permit for rentals of fewer than 30 days. The commission decided to write the exemption as follows: "Home owners who rent all or a portion of their residence as a short-term rental for 30 or less consecutive or non-consecutive total days in a calendar year are exempt from this ordinance."

- b) **Revise the term egress:** On page 2 of the ordinance, the commission replaced the term and definition of "egress" to "Exit: A door or window providing access to an exterior open space protected from fire exposure from the building." "Egress" was replaced with "exit" throughout the ordinance.

The commission discussed whether a checklist was necessary and if the town would be over-stepping their bounds by having a checklist. The town would be unable to inspect the rentals and enforce this portion of the ordinance (including exits). Hadenfeldt noted building codes require windows and/or doors in bedrooms to meet inspection. Burak stated the idea of mandating the exits in the checklist was to ensure a room that might not have been a bedroom originally, still be safe to rent as such.

- c) **Review and discuss safety checklist and proof of insurance:** The commission debated whether a checklist be mandatory for a permit, or suggested. Hadenfeldt noted that if a situation did arise, the town would not want to be held liable or take on any responsibility. Burak and Egge both suggested language which would create a suggestion, as opposed to a mandatory checklist, and noted again that the town would be unable to perform physical inspections. It was also noted that owners who rent through larger companies such as Airbnb and Vrbo are already required to adhere to those company's standards and safety requirements. While Podmore agreed with a self-compliance checklist, she noted that having a list would empower the town to revoke or suspend a permit if issues did arise.

Items included on checklist as of the 4/7 meeting included: quiet hours, parking, maximum occupancy limits, trash, water conservation, emergency phone numbers, a copy of the Permit, location of fire extinguishers, update on burn bans, town updates, smoke and carbon dioxide

detectors, and a code of conduct with items such as ensuring a point of contact responsible for the property be in town at all times during rental.

It was noted that the checklist naming be standardized throughout the document. After further discussion, the commission decided to remove the requirement for proof of insurance and checklist, and thus struck the sentence “permit will not be issued until such time as proof of insurance and safety checklist are provided to the Town of Bluff” from the ordinance.

- d) **Discuss transfer of use permit:** The commissioners agreed permits should not be transferrable. It was noted that should a property be sold, the new owner could re-apply for a permit. This brought up the topic of commercial vs residential zones, and Burak suggested that in residential zones, the permits should not be transferable.
- e) **Define commercial vs residential use:** Podmore suggested the ordinance only apply to residential and agricultural zones, and short-term rentals in commercial zones not be counted in the total number of permits. The topic of the town collecting taxes was also raised, and it was noted that short-term rentals in commercial zones be operated as a business, and thus taxes would be collected and regulated by the town.

Ultimately, it was decided to change the scope of the ordinance to include only residential and agricultural zones. The phrase “business licenses” was removed, as these would apply only to short-term rentals in commercial zones.

A comment from Hook was acknowledged regarding the checklists. Hook asked if other municipalities had checklists and Burak and Podmore affirmed that yes, checklists for short-term rentals were common in towns, including Boulder, CO and Silverton, CO. They did note, however, that these were larger towns with the personnel resources to enforce.

- f) **Review and discuss total number allowed:** The commission discussed setting a number or percentage, and whether the number of buildings on a parcel of land should require one or more permits. Burak reminded the group that 20 total permits were selected because using the percentage calculation, Bluff already exceeds what other towns had set as a percentage in the current number of short-term rentals. Burak noted Bluff wanted to allow some room for growth. Egge asked which method would be more straightforward from an administrative perspective: setting a new number every few years, or calculating the percentage. The commission also noted the need to limit a single shareholder’s permit number, as the intention of the ordinance was to prevent a company from buying a significant number of properties and turning them into short-term rentals.

The commission agreed to a limit of 20 total permits, and a maximum limit of 2 permits issued to a single entity. The Town of Bluff will also maintain a waitlist for permits. The commission also added language to reflect that one permit would be applicable for one lot with up to 3 rental units. Any additional rental units on the parcel would require an additional permit.

g) Other: Egge will clean up the document, and each commission member will read the ordinance draft prior to the next meeting.

3) Items for the next agenda:

Old Business

Vote on the Short-Term Rental Ordinance

Review the Animal Ordinance

Invite UNHS to talk about zoning

4) Other: Burak thanked Podmore for chairing the meeting. Burak made the motion to adjourn the meeting, and Hadenfeldt seconded the motion. Egge – Aye, Podmore – Aye, Hadenfeldt – Aye, Burak – Aye. Four in favor, none opposed. The motion passed unanimously. Meeting adjourned at 7:10PM.