

Town of Bluff

Planning and Zoning Commission Public Hearing on Short term rental, Animal and Off-street parking ordinances

Agenda for Wednesday, March 3, 2021 at 6:00 pm

VIRTUAL - Bluff Community Center
190th 3rd East, Bluff, Utah 84512

Approved

6:00 Roll Call: Sarah Burak, Amanda Podmore, Marica Hadenfeldt, Malysa Egge, Ed Dobson

Planning and Zoning Advisors: Deborah Westfall

Town Council Representatives: Luanne Hook, Jim Sayers (joined after roll call), Linda Sosa (joined after roll call)

Approval of minutes from 2/17/2021 regular meeting: Podmore asked that the comment regarding the public comment sheet's availability be struck from the record. Hadenfeldt made the motion to approve the meeting minutes with the change Podmore suggested, and Dobson seconded the motion. Egge – Aye, Podmore – Aye, Dobson – Aye, Hadenfeldt – Aye, Burak – Aye. All in favor, none opposed. The motion passed unanimously.

Public Citizens to Be Heard (general P&Z concerns): None at this time

New Business

1. **Welcome-virtual meeting etiquette and procedures:** All attendees were asked to mute their phones, only speak when called upon, form a cue in the chat box, and no public comments were to be written in the chat box. Hadenfeldt timed all comments to two minutes. The hearing is intended for comments only; the commissioners will discuss the comments during the March 17th Regular P&Z Meeting at 6PM.

Written comments may also be submitted via email at planningzoning@townofbluff.org or by mail to Planning and Zoning, PO BOX 324, Bluff, UT 84512. The comments must be received within 10 days of the public hearing.

All ordinances are in draft form, and can be found on the Town of Bluff website.

2. **Presentation of Short Term Rental ordinance:** Podmore shared information on the draft ordinance and acknowledged that short-term rentals are an economic driver. The full definition of a short term rental is written in the draft, and bed and breakfasts are considered short-term rentals. The ordinance applies to all zones in the Town of Bluff. The ordinance limits short term rentals to 2 per half acre in residential zones, and 4 per half acre in commercial zones. The ordinance limits the total number of short term rentals to 20 in a zone, with a required annual permit to ensure safe operation. A property manager (not necessarily the owner) must be available 24/7, and a code of conduct must be posted in each rental. The full draft can be found on the Town of Bluff website.
3. **Public hearing on Short Term Rental ordinance (2 minutes per speaker):** Burak opened the floor to public comment.

Josh Ewing was in support of the ordinance, but requested the commission consider a revision to allow flexibility for Bluff homeowners. He suggested allowing a certain number of nights not require a permit, for example, up to 2 weeks per year.

Jim Sayers was also in support of the ordinance, and suggested the commission review the verbiage around “natural barriers” and proposed perhaps using instead “existing barriers”. Sayers also asked for clarification regarding transferring/selling/or assigning permits. Burak clarified that permits could not be transferred from a permit holder.

Jennifer Davila asked if an amount had been set for the annual application fee and Burak stated no fee amount had been discussed. Davila asked about the term “egress” and whether it had to be an exit. Burak confirmed that a window a person could fit through would count as an egress. Davila also inquired as to the number of short term rentals in operation currently, and which were considered short term rentals. Burak replied that approximately 12 short term rentals were known to the commission at this time, but this was based upon those that could be found on AirBnB, VRBO, and known locations such as the Adams House (operated by Recapture Lodge). Burak also confirmed for Davila that the owner of the property would hold the license/permit, however, the permit holder could hire someone to manage the property.

Mary Gillam stated the term “Egress” has very precisely defined legal implications, which the commission should review. In addition, Gillam asked the commission to consider flexibility when Bluff homeowners have informal paid rentals from friends and family.

4. **Presentation of Animal ordinance:** Podmore provided information regarding definitions, and stated the purpose of the ordinance is to ensure use of animals domestically and on an agricultural level is safe and does not present nuisance to neighbors, as well as ensure animal welfare. Small, Medium, and Large animals are defined, as well as the quantity of medium and large animals per acre. The draft proposes 2 large animals per acre, or 4 medium animals per acre. There is no limit to small animals.

The ordinance prohibits leaving animals in automobiles during hot weather. Feeding of feral cats is discouraged and the town can remove food left out for feral cats. Barking dogs are not addressed in the ordinance, however, dangerous animals, including dogs, are prohibited and are subject to removal by a town appointed officer.

Animals can not be killed without legal privilege. Trespassing animals can be impounded and the property owner can recoup costs of holding the animal. Bees are allowed in all zones, and excess agricultural products (eggs, cheese, etc.) can be sold. The ordinance prohibits concentrated animal feed operations.

The full draft can be found on the Town of Bluff website.

5. **Public hearing on Animal ordinance (2 minutes per speaker)**

Jackie Warren inquired as to if a budget had been created to address the enforcement of this ordinance, including a budget for an animal warden or for reimbursing property owners who held a trespassing animal. Burak stated that a budget has not been discussed.

6. **Presentation on Off-street Parking ordinance:** Podmore thanked former Planning and zoning commissioners Michael Haviken and Robin Cantrell for their help in creating the Off-Street Parking and Animal ordinances, respectively. Podmore shared a slide deck sharing the purpose of the ordinance as to addressing safe and accessible parking, and ensuring businesses using the right-of-way for parking are doing so safely. The ordinance is applicable in all zones and proposes the number of required parking spots per business type, standard parking stall (from the international zoning code) and driveway dimensions, and ADA compliance in all zones.

Use of a right-of-way for parking must have a 5-foot pedestrian walkway between the parking stall and the building. In addition, should a sign be placed in a right-of-way and is knocked down, the town will replace the sign at the cost of the business owner.

The full draft can be found on the Town of Bluff website.

7. **Public hearing on Off-street Parking (2 minutes per speaker):** Burak opened the floor for public comment.

Josh Ewing suggested considering the impacts and issues associated with overnight parking. He noted there are people parking overnight at the library, Fort, church, post office, and fire department and suggested proposing no overnight parking in some zones.

Jennifer Davila commented that as a business owner, she also has concerns regarding overnight parking. The town should encourage people to stay in the spots provided (such as RV parks), as opposed to parking and camping anywhere they can find a pullout.

Mary Gillam shared that in Durango, the prohibiting of sleeping in RVs and cars has created push back, as it can constitute as discrimination against transients.

8. **Other:** The public has 10 days from the date of public hearing to make a formal public comment via email or written by emailing planningzoning@townofbluff.org or mailing comments to PO Box 324, Bluff, UT, 84512

Egge and Burak thanked all participants in the meeting and acknowledged how much public comments help the ordinance process.

Dobson made the motion to adjourn the meeting, and Hadenfeldt seconded. Podmore – Aye, Egge – Aye, Dobson – Aye, Burak – Aye, Hadenfeldt – Aye. All in favor, none opposed. The motion passed unanimously. The meeting adjourned at 6:47PM.