



**The Buena Vista Planning & Zoning Commission
September 1, 2021 at 7:00 PM**

**Virtual Regular Meeting will be
held via Zoom.**

The public can join the meeting virtually via ZOOM. To participate in Public Comment and/or Public Hearings you may connect to the video conference.

Conferencing Access Information: <https://zoom.us/j/94545062179>

Listen via phone at 1-346-248-7799 Meeting ID: 945 4506 2179 Passcode: BuenaVista

AGENDA

7:00 REGULAR MEETING OF THE PLANNING & ZONING COMMISSION

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Agenda Adoption**
- V. Approval of Minutes – August 18, 2021**
- VI. Public Comment**
- VII. New Business**
 1. No New Business Scheduled
- VIII. Staff/Commission Interaction**
 1. APA Conference – September 8-10, 2021
- IX. Adjournment**

This Agenda was Posted at Buena Vista Town Hall,
Buena Vista Post Office, and www.buenavistaco.gov on August 30, 2021



**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
August 18, 2021**

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm, Wednesday, August 18, 2021 **at the Community Center & via Zoom** by Chair Preston Larimer. Also present were Vice Chair Lynn Schultz-Writsel, Commissioners Thomas Doumas, Craig Brown, and Blake Bennetts.

Staff Present: Principal Planner Mark Doering, Special Projects Manager Joel Benson, Town Attorney Kathryn Sellars, Code Enforcement Officer Grant Bryans, and Planning Technician Doug Tart.

PLEDGE OF ALLEGIANCE

Chair Larimer led in the Pledge of Allegiance.

ROLL CALL

Tart proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Larimer called for approval of the agenda. Commissioner Schultz-Writsel motioned to adopt the agenda as presented, **Motion #1** seconded by Commissioner Larimer. Motion carried.

APPROVAL OF MINUTES

Commissioner Brown motioned for approval of the July 21, 2021 minutes as amended. **Motion #2** was seconded by Commissioner Doumas. Motion carried.

PUBLIC COMMENT

Public comment opened at 7:04 pm. With no comments, public comment was closed at 7:04 pm.

NEW BUSINESS

Doering opened the discussion of the proposed amendments to Chapter 16 of the UDC regarding definitions of types of structures and the definition of "Short-Term Rental".

Any amendments recommended by the Planning and Zoning Commission will go the Board of Trustees on Tuesday, August 24th. All discussion pertaining to licensing in Chapter 6 will also occur during the BOT meeting on Tuesday. Packets will be available online by the end of the day Friday.

Letters regarding Chapter 6 were received from the following members of the public and will be forwarded to the Board of Trustees:

- Glen Blakeslee
- Erik Brofos
- Ken Cook
- Devin and Kelly Corbett
- Amber Stephenson
- Amber Gaston

Letters mentioning items relating to Chapter 16 for the Planning & Zoning Commission and the Board of Trustees on August 24th were received from the following members of the public:

- Jacob Mueller - 3rd Page, 2nd Paragraph
- Mark Krasnow - 1st Page, 4th Paragraph

Benson gave an introduction to the process of making amendments to both Chapter 6 and Chapter 16 of the Municipal Code. According to state statute, the Planning and Zoning Commission is charged with the development of the Comprehensive Plan, as well as making proposed changes to be presented to the Board of Trustees as they relate to the land use and development code.

Benson stated that the average single family dwelling building permits issued annually has increased significantly from 24 to 83, yet there is still the continued pressure on housing. The Planning Commission is also currently looking at proposed code changes regarding single-room occupancy uses, allowing for increased density in some zone districts, as well as more flexibility for the development of apartments and multifamily uses in some zone districts.

There has been an increased push to address short-term rentals, not necessarily as the cause of the housing shortage, but as a related part of the complex issue of housing and community dynamics. The Board of Trustees has identified two problems to address as they relate to short-term rentals:

1. Issues as they relate to the nuisance code
2. Excessive speculation potential

Doering presented the proposed new and amended definitions outlined in sections 1, 2 and 3 of the draft ordinance:

Section 1:

1. Apartment
2. Mixed-Use Structure
3. Residential Structure
4. Rooming Unit
5. Nonresidential Structure

Section 2: Short-Term Rentals

Section 3: Proposal for changing the permitting process for STR's in the MU-2 zone district to include the requirement of a Special Use Permit as opposed to a permitted use as currently shown. Special Use Permits would not require annual renewal, but the STR license would.

Commissioner Doumas asked for clarification on the "cooking device" portion of the Rooming Unit definition. Doering stated that it could be changed to reference kitchens as defined in the Accessory Dwelling Unit definition because the minimum elements that comprise a kitchen are listed.

Chair Larimer opened up the discussion to public comment. The following members of the public commented:

- Mark Krasnow – 103 River Run Ct. – Short-term rental regulations are a permanent solution to a temporary problem while not addressing the issue of affordable housing.
- JJ Kinsfather – 905 Swift Cir. – Need broader community involvement for definition amendments concerning short-term rentals.

- Anna Winger – 142 Raymond Lee Dr. – Owner of a short-term rental and local business, short-term rental regulations are not a solution to address workforce housing. Approval of regulations need to be put on pause. An excise tax would be a preferred route.
- Amber Gaston – 116 Split Rail Ln. – Need to pause on short-term rental regulations, encourages increased tax.
- Jordan Euler – 27820 CR 339 (Out of Town limits) – Property owners should decide what to do with property. Regulations should be put on pause.

Commissioner Shultz-Writsel expressed concern over approval of definitions that would be used in the licensing process without the context of their use in Chapter 6.

Commissioner Dumas stated that the definitions appear to be independent of what will be in Chapter 6 and expressed concern that it was a catch 22 situation as they relate to Chapter 6 and that he did not want it to prevent any discussions on Chapter 6. He thought that the definitions could move forward.

Town Attorney Kathryn Sellars clarified that the Board of Trustees can propose an excise tax, but it is up to the Town's voters to pass any taxes. Sellars also pointed out that the proposed definition amendments and additions - the amendment for the STR definition brings the definition into conformity with the Town's allowed uses, and the other five proposed definition amendments are used outside of the short-term rental context.

Benson addressed the topic of adjusting fees for short-term rentals - fees must match the staff time necessary to process and evaluate short-term rental licenses.

Chair Larimer motioned for the tabling of Section 3 of the draft ordinance as proposed, and for staff to amend the 'Rooming Unit' definition in Section 1 to replace 'cooking device' with 'kitchen' as currently defined in the use requirements for an Accessory Dwelling Unit. **Motion #3** was seconded by Commissioner Schultz-Writsel. Motion Carried.

Change definition of rooming unit to definition of kitchen as currently exists. Part of **Motion #3**.

STAFF / COMMISSION INTERACTION

The APA Conference is September 8th-10th, Commissioners Schultz-Writsel and Dumas will be attending along with staff.

Packet for next week's board meeting will be available Friday August 20th. Members of the Commission are able to attend as members of the public for Board of Trustees meetings, not as commissioners for the Town.

Commissioner Schultz-Writsel asked about the public perception that the short-term rental discussion is rushed.

Benson stated that the first presentation discussing short-term rentals was approximately 18 months ago, and the Board wanted to wait a while to see how it evolved. A few months ago, the Board then asked staff to address nuisance code issues and outside investment concerns, and since then, short-term rental licensing has gone up by about 15 percent.

Doering mentioned that some Commissioners terms are set to expire in December. In October or November, the Commission can have a conversation to gauge interests in returning to Commission for another term.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Doumas motioned to adjourn the meeting at 9:37 p.m. Chair Larimer seconded. **Motion #4** was unanimously approved.

Respectfully submitted:

Preston Larimer, Chair

Doug Tart, Planning Technician

DRAFT