

PLANNING AND ZONING COMMISSION

MEETING AGENDA

March 1, 2021

12:00 PM

AT: Pinedale Library, Conference Room, Pinedale, Wyoming

Due to COVID-19, this meeting will be made available digitally

Virtual Meeting Details

<https://meet.google.com/dva-kmqh-xmq>

Join by Phone

Call-in Number: (US) +1 513-480-3950

PIN: 762 718 892#

Attendees on the virtual option will be able to listen to the meeting. Efforts to give virtual attendees an opportunity to speak will be made but cannot be guaranteed.

Agenda Items:

1. Organizational Matters
 - a. Approve Agenda
 - b. Approval of the February 1, 2021 regular meeting minutes.
2. Public Comments
3. New Business
 - a. Welcome New Planning and Zoning Administrator
4. Old Business
 - a. Update regarding Short-Term Rental Progress
 - b. Update to Town Master Plan
5. Planning and Zoning Administrator's Report
 - a. See Attached
6. Chairman's Comments
7. Board Member Comments
8. Schedule of next Regular P&Z Meeting
Time: April 5, 2021 at 12:00 p.m.;
Location: Sublette County Library, Conference Room, Pinedale, Wyoming
9. Adjourn meeting.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
FEBRUARY 1, 2021
12:00 PM**

AT: Pinedale Library, Conference Room, Pinedale, Wyoming
Due to COVID-19, this meeting will be made available digitally

Virtual Meeting Details

<https://meet.google.com/hrx-hhfm-gbz?hs=122&authuser=0>

Join by Phone

Call-in Number: (US) +1 470-285-0282

PIN: 118 210 625#

Attendees on the virtual option will be able to listen to the meeting. Efforts to give virtual attendees an opportunity to speak will be made but cannot be guaranteed.

In Person Attendance:

Commission Members: Ryan Wells, Sandy Wanfalt, Judi Boyce and Isaac Best

Town Staff: Abram Pearce, Kevin Mitchell and Mary Gallardo

Public: Sno Ann Engler, Angela Douglas, Karla Bird, Roy & Kari Dewitt, Jeff Ellis, Ann Noble, Jenny & Chris Gepner, Delta McCormick, Halley & Travis Bing, Scott Miller, Loren & Tayte Racich, David Radakovich, Audrey Wallace, Nina David, Holly Roberts, Andrew Bailey, Sage Price and Sarah Ross

Virtual Attendance:

Town Staff: Maureen Rudnick

Public: Melanie Peterson, Forest Wakefield, Oscar Friesen, Conor Raney, Margaret Gillette, Cathy Wachter, Teresa Tomaski, Dennis Fornstrom, Johnathan Mitchel, Sarah Murdock, Brian Gray and Scott Kosiba

Other members of the public were present but may have not signed in or were unidentifiable in the virtual meeting. Approximately 40 members of the public in person and approximately 25-30 virtual attendees.

Meeting Called to order at 12:00 P.M. by Chairman Wells

Agenda Items:

1. Organizational Matters
 - a. Approve Agenda

Commissioner Boyce moved to approve the agenda, Commissioner Wanfalt seconded, motion passed 4-0.
 - b. Approval of the January 4, 2021 regular meeting minutes.

Commissioner Wanfalt moved to approve the minutes from the January 4th, 2021 Regular Planning & Zoning meeting, Commissioner Best seconded, motion passed.
2. Public Hearing
 - a. An Ordinance of the Town Of Pinedale, State of Wyoming, Amending Section 475-23 To Provide that Members of the Planning and Zoning Commission must be Residents of the Town of Pinedale

Short discussion regarding the contents of the proposed ordinance. Town Staff Pearce explained that this revision is not directed at this commission alone and was also

addressed in Park and Tree Board for the Town of Pinedale. Short Discussion. Commission Best motioned to recommend approval to the Town Council An Ordinance of the Town of Pinedale, State of Wyoming, Amending Section 475-23 To Provide that Members of the Planning and Zoning Commission must be Residents of the Town of Pinedale, Seconded by Commission Boyce. Motion Carried 3-1 with Commissioner Wanfalt voting against.

- b. An Ordinance of the Town of Pinedale, Wyoming creating Article XLI of Chapter 475 Concerning Requirements for Short-Term Rental Properties
- Town Staff Pearce opened the discussion regarding the proposed ordinance giving a brief description of the timeline this item has been under consideration (dating back to August and September of 2020), including meetings in November and December that had decent levels of participation from the Public. In the December meeting, it was discussed, and direction given by the commission to pursue an option on STR's similar to those in place in Cody, Wyoming. Town Staff drafted such draft ordinance and presented in the January Meeting, where several changes were discussed. All but three (3) of these changes were made between the January meeting and the publication for public hearing for the February meeting. Those three items were such...
1. The commission gave direction asking to add language for the allowance for STR's in R-1 (and other similarly zoned districts) for non hosted STR's as long as the owner is a resident of Sublette County and capable of being onsite at some point during the duration of the rental period. Legal counsel was sought with this question and it was the direction of the legal counsel that such wording would open an "Equal Protection" issue and discouraged the Town to consider such in the Town Code. The wording would have to be different to avoid "equal protection" issues and focus on distances or something much more direct and consistent to the zoned lot. Further discussion on the topic today with legal counsel present would be appropriate.
 2. Adding a provision requiring Proof of insurance was discussed at the commission meeting in January. Again, legal counsel was sought. It was the opinion of legal counsel that such insurance is not required of other businesses in Town, why should it be required of STR's. No legal issue either way, but was left out of the current draft for further discussion.
 3. At the January meeting, STR in Mixed Use Commercial (CUP Requirements) was discussed as a potential hole in the code. Legal counsel was sought, and it is the opinion of Mr. Wood that the current code addresses these concerns sufficiently.

Mr. Pearce also discussed the current code requirements, the letters/phone calls/conversations that had reached him regarding the subject both in support and against the proposed ordinance. Mr. Pearce mentioned that he was told by some that they felt unsafe to attend the meeting fearing personal and business repercussions.

Lastly Mr. Pearce gave a brief update regarding the timeline of any ordinance and the requirement to pass three (3) reads at Town Council prior to becoming law.

Commission Discussion

Commissioner Best asked the Town Attorney, regarding the residency requirements and why is it an issue? Commissioner Wanfalt followed up on the same question. Mr. Wood explained that the

Town would need to consider broader language indicating that someone would have to be “available” during the rental and then define “available” using something like distance or more tied to the lot itself.

Public Comments on Proposed Ordinance (Public Comment period was opened by Chairman Wells)

A. Karla Bird (Just out of Town)

- i. Uses Airbnb often
- ii. Likes that small businesses like STRs can make some money.
- iii. Stated that St. George, UT is shutting down Airbnbs.
- iv. Prefers most Airbnbs are hosted. Guests can get inside the property without someone on site. STRs usually have a lockbox.
- v. Agrees on the offsite parking requirements.

B. Dave Radakovich (Rock Springs)

- i. Owns an STR on S. Fremont and has a Property Manager.
- ii. The property is his source of income and helps him keep his house here.
- iii. Hopes the Town will not shut it down.

C. Audrey Wallace (Pinedale)

- i. Asked about the compliance period. Commissioner Best and Town Attorney acknowledged the need to look at this. Both Chair Wells and Pearce agreed that this is a valid point.
- ii. Inquired about the required number of miles of the STR owner from the property.

D. Nina David

- i. Asked who will be responsible for the inspection.
- ii. Believes that taxes and regulations will cause major issues and have a snowball effect to both the Town and county.

Commissioner Boyce answered that currently nothing is definite yet; and that Town and county are two separate entities.

E. Travis Bing

- i. Said that properties come with a bundle of sticks.
- ii. Asked for consideration to property value.
- iii. Thinks that shutting down STR will harm tourism and the Town’s economy.
- iv. Inquired about 342-C and D; single booking and the ten (10) maximum number of guests allowed per booking. Pearce read the definition of hotel / motel from 475-11.
- v. Questioned the perceived need for a new ordinance. Commissioner Best replied that at this time STRs are not legal; that current definition does not match enforcement.

F. Holly Roberts

- i. Owns an STR.
- ii. Believes in free enterprise and wants no limits on STRs in any zone.

- iii. Questioned the reasoning on the restrictions of STRs in residential zone and the elimination of MH. Chair Wells responded that the Town is trying to come up with a solution / recommendation to the Council to allow STRs with reasonable limitations e.g., keeping residential zone as residential with the same reasoning that restaurants and bars are not allowed.
- iv. Inquired about the difference between long term and short- term rentals. Commissioner Boyce indicated it depends on the intension. Having a long-term rental that someone moves out of in less than 30 days does not make it a short-term-rental.
- v. Asked if the Town is ready to handle rezoning. Chair Wells said that the Town will rezone appropriately.

G. Sno Ann Engler

- i. Rented a property 3 years ago in a heavily rented area.
- ii. Bought a property to make a STR.
- iii. Previously worked for a rental company. Thinks that an individual owning an STR is more personable / preferable than a big rental company.

H. Aaron Bailey

- i. Wants more flexibility on the permit, to be able to use the same permit in various areas of the property. Example, live in primary unit while renting ADU for a period of the year, and then renting primary unit and living in ADU separate portion of the year. Such definition may need to be considered.
- ii. Believes that this affects tourism, and that the Town should be open to travelers.

I. Angela Douglas

- i. Inquired if there are existing STRs in residential areas and will they be grandfathered. Commissioner Boyce explained that currently STRs are not allowed so they will not be grandfathered.
- ii. Asked about her family's current situation. She stated that she had asked the Town prior to occupying a garage as a hosted Airbnb. Indicated they have a lease to own agreement.

J. Chris Gepner

- i. Questioned the occupancy limit. Pearce said that the maximum limit of 10 guests per booking is for fire safety and is based on a fire code.
- ii. Asked if several units are allowed. Commissioner Boyce replied that the Town wants to prevent monopolizing or becoming an enterprise. Commissioner Wanfalt added that the Town wants a balance / compromise between business owners and local STRs. Commissioner Best emphasized that their goal is to keep residential as residential; adding that Ultra housing does not fall under this. Pearce remarked that two (2) lots with two (2) Airbnbs is different from two (2) units in one (1) lot. Town Attorney Wood acknowledged the need to address this.

K. Sage Price (Pinedale)

- i. Stated that she owns a lot of properties with her boyfriend.
- ii. Questioned the Town's right to define who can own a property, how many can one own and what owners can do with their properties.

- iii. Asked to make a clear definition of units vs. properties, permit, etc.
- iv. Suggested that the Town should differentiate government overreach and what makes sense.

Commissioner Boyce said that the discussion of the boards has been to allow one permit per person not per household. She added not having regulations with regards to buying properties for business will limit affordable housing in the area.

L. Melanie Peterson (Daniel)

- i. Owns a lodge in Daniel.
- ii. Fears that county will follow Town's ordinance.
- iii. Stated that there are 39 STRs currently operating illegally in town. Concerned about the damage this has cause her business and afraid she will not be competitive due to her business' extra operating cost e.g., insurance.
- iv. Inquired who will enforce the new ordinance.
- v. Alarmed that this is a fast track to Jackson.
- vi. Emphasized that if you are renting a room for money, you are in business. Added that home insurance will not cover claims related to this kind of operation.
- vii. Worried that the Town will be liable for not requiring STRs to have insurance.
- viii. Believes that it is the person's responsibility to know and understand rules and regulations pertaining to their situation.
- ix. Feels that allowing business use of residential property devalues commercial property.

Commissioner Wanfalt indicated that it will be the town's responsibility to enforce this new ordinance.

M. Forest Wakefield

- i. Owns a commercial property.
- ii. Wants to protect his property rights.
- iii. Pointed out that residents should be aware of the current ordinance before operating an STR in a residential zone.
- iv. Indicated that STRs have lower overhead cost than commercial properties.
- v. Stated that there is no proof that STRs increase tourism.
- vi. Received threats and is afraid that his business will be affected.
- vii. Prefers a greater restriction but is thankful to the Town for making the existing ordinance clearer and hopes for enforcement.
- viii. Asked for a clarification on the difference of hosted and non-hosted.

N. Oscar Friesen (Pinedale)

- i. Owns Sundance.
- ii. Agrees with Melanie Peterson and Forest Wakefield.

O. Conor Raney

- i. Asked if lodging tax will be applicable to STRs.

P. Sara Ross (Daniel)

- i. Emphasized that STRs do not force travelers to choose them over hotels, but offers a choice and promotes tourism.
- ii. Stressed out that she does not operate irresponsibly. They strive to have a nice property and want to offer what a commercial property offers but more personal.

Chair Wells pointed out that county will make their own decisions and encouraged the public to be involved in P&Z.

Commissioner Best highlighted the need to focus on current zoning regulations and fix existing problems rather than rezoning.

Commissioner Boyce explained that the Board makes recommendations to the governing body, the Town Council.

Q. Margaret Gillette

- i. Inquired about permit limit.
Commissioner Boyce replied one (1) permit per person in residential and no limit in commercial zone.

R. Unknown (Online)

- i. Stomping on Airbnbs is not what is best interest for the Town.

Chairman Wells closed the public comment period when no other concerns came forward.

Commission discussed in detail many concerns as heard during public comment time.

Motion

Motion to recommend for approval of an Ordinance of the Town of Pinedale, Wyoming, creating Article XLI of Chapter 475 concerning requirements for Short Term Rental Properties with the following recommended changes:

- Remove last statement from §475-341.A.1, "The designated inspector is authorized to create forms and apply additional requirements as necessary to protect life and safety of STR users."
- Remove from §475-342.J, written notice to neighbors adjacent to the STR property in commercial zone.
- Remove from §475-342.J, neighbor notification upon renewal.
- Confirmation that §475-342.A does not apply to non-STR outdoor camping.
- Include provisions within the §475-342.M allowing for non-hosted STRs within A, R-S, R-1, R-2, R-2a zoning. Defining non-hosted STR as: "A non-hosted STR is allowed if an owner of the property being rented is available to be onsite during the time the STR is being rented." With an additional definition to be included in §475-340, defining available as "An owner is considered available if the owner resides within 30 miles, by street distance, of the STR and is physically available for onsite response during the time the STR is being rented."
- Addition of "One (1) permit is allowed per person or entity for zoned districts allowed per §475-342.M".

- **Additional requirements of application to include proof of proper insurance to cover STR use of the dwelling unit.**

Commissioner Best moved to approve the revisions. Second by Commissioner Wanfalt. Motion passed, 4-0.

3. Public Comments

None

4. New Business

- a. None

5. Old Business

- a. Update to Town Master Plan

Pearce requested to wait until he hires a new P&Z Administrator.

6. Planning and Zoning Administrator's Report

- a. Forthcoming in Future Agenda's (Position Remains Open)

Position is still open. Currently, there are 4 applicants, and Pearce is hoping to start interviewing mid-February. Once position is filled, monthly report will be submitted to the Board.

7. Chairman's Comments

Chair Wells inquired about changing the meeting's schedule.

8. Board Member Comments

Commissioner Wanfalt expressed disappointment with the Staff for the improper revision of the draft of the ordinance creating Article XLI of Chapter 475. In addition, she requested for Board review before publishing.

Commissioner Best requested the Staff to further pursue the language for local ownership. He also inquired about the water rate.

Commissioner Boyce asked if they need to extend the allotted time for their meetings and to consider evening meetings.

9. Schedule of next Regular P&Z Meeting

Time: March 1, 2021 at 12:00 p.m.;

Location: Pinedale Library, Conference Room, Pinedale, Wyoming

10. Adjourn meeting.

Meeting Adjourned at 3:36 P.M. by Chairman Wells



Planning and Zoning Report – March 1, 2021

The Planning and Zoning Department remains in a transition from our former P&Z Administrator. The position has been officially filled. The new PZA is scheduled to have his first day on March 1, 2021. I am personally excited to work with the new PZA and believe he will do an excellent job in aiding the Town in this role.

Primary efforts in the past month have been focused on the following items:

1. Receive and answer several inquiries regarding building permits, development, fence permits, etc.
2. Complete revisions to the proposed Ordinance creating Article XLI of Chapter 475 regard STR's
 - a. Receive and answer several inquiries from the public with regards to the proposed ordinance
 - b. Compile information for Town Council Review and 1st Read of the Ordinance
 - i. 1st Read was tabled as Council mulls through the data and information. Staff has been asked to provide clarification on the following items.
 1. Lease to Own and lessee rights for holder of an STR Permit
 2. Further clarification of On-site vs. Offsite Hosting and Non-hosted STR's. Keep language of 30 miles for availability at this time.
 3. Investigate the different options with ADU's including where they are allowed, conditions of them, etc. and what are the different options the code could reflect with ADU's.
 - ii. 1st Read of §475-23 passed on 1st read
3. Complete Draft Permits for STR's to keep progressing pending Ordinance progress through Town Council.
 - a. Contact State Fire Marshal regarding STR's and begin legwork on inspection process and means of completion.
4. Complete 2nd and 3rd read of amendments to Chapter 400 of the Town Code regarding subdivisions.
 - a. Assemble Fee resolution to reflect workshop completed at 2/8/2021 Council Meeting
5. Develop Tower Permit Drafts to reflect the changes made to Chapter 475 with regards to Towers. Currently in review of Attorney.
6. Organize/congregate old parcel files in the Town Records.

Anticipated Workload for coming month:

- Develop RFP for aid in the Master Plan Development
- Put further energy into inspection requirements for STR's and how the Town will address inspections.
- Get new PZA up-to-speed
- Begin work on Permit revisions/updates/cleanup and SOP's for position.

Respectfully,

Abram Pearce