

## **Tropic Town Planning Commission Meeting**

Minutes of the Tropic Town Planning Commission Meeting  
Held February 2, 2017 at 6:00 p.m. in the Tropic Town Heritage Center

**PRESENT:** Dan Cloud, Riley Roberts, LaMar Feltner, Alfred Foster and Dennis Pollock

**OTHERS:** Ron Harris, Doug & Vicki Ahlstrom, Karleen McInelly and Steve Hill

**CALL TO ORDER:** Riley Roberts

**MINUTES:** A motion was made by Alfred Foster to approve the planning commission minutes of May, July, August, September, & December 2016 & Public Hearing Minutes from October & December 2016 ~ Second by Dennis Pollock – Motion carried.

**AGENDA:** A motion was made by Dennis Pollock to approve the agenda – Second by Alfred Foster. Motion carried.

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Relay Tower – Fire Department: Fire Chief Ron Harris reported Verizon Wireless is interested in placing a 100ft tower on the Town Park/Fire Station property and paying a monthly rent to have access to serving Verizon customers; tower would then be owned by the fire department/town. Once installed there would space available for 3 more carriers: AT&T, T-Mobile, etc. each paying rent (\$1,200) plus power. Positive comments on the benefits were expressed; felt that an 80ft tower would be sufficient; use of revenue toward firehouse extension/improvements or possible a new building.

Concerns expressed maintenance or replacement of the tower; would the fire department/town be responsible for replacing the tower when in the future it requires upgrade for the carriers? Questioned whether or not a building permit would be required; no building permits are required for municipalities. A motion was made by Riley Roberts to move forward with the project. Second by Dennis Pollock – Motion carried.

Ahlstrom Subdivision - Rezone: In attendance were Doug & Vicki Ahlstrom, Karleen McInelly, and Steve Hill to obtain information to rezone their properties from Agriculture to Residential Recreation Commercial (RRC); the zone change would allow them to invest in a commercial venture of vacation rentals. Reviewing the zoning map, it was revealed their properties are Agriculture, not Residential; Doug has not yet contacted Sam Probert, who also as property in the subdivision, to discuss the zone change and the commercial venture being proposed.

Vicki asked what is taken away in an agricultural zone; Dan explained agricultural limits to the number of structures per acre; RRC one can have a greater density of structures and losing the agricultural feel, which is why there is an agricultural buffer. Unless they can tie in to property north of the subdivision which is RRC, the zone change is prohibited, because it would be spot zoning; creating an island in the middle of agricultural zone. Discussed possible solutions; neighboring property owners that may or may not agree to rezone their property.

Steve Hill inquired what other uses would be permitted in the RRC; possible uses included: RV Park, B&B, duplexes, mostly low impact commercial. Continuing with zoning discussion, he was not aware an ordinance had been adopted regarding STR's; and asked why they hadn't been notified. Responding, Town Clerk Marie Niemann reported notices of meetings and a draft of the ordinance was posted; the ordinance was passed in November 2016 addressing the issue; Mr. Hill's and those currently holding a business license for a vacation rental were grandfathered in. Commission member Riley Roberts was also unaware of the action.

Marie reported is accessible online. Following up on locating it Riley discovered it wasn't; Marie apologized and was certain she had and would be resolving this ASAP.

Continuing, the Commission explained to Steve that each zone has specific guidelines, as well as permitted uses and conditional uses; depending upon what venture is pursued. Rezoning is much easier when it connects up or meets up with an already established zone. Karleen asked what their options are; Commission stated it's best to connect to RRC on the north. Among adjoining property owners include Dwayne Harkleroad, Mike Reese, and Reed LeFevre.

The plan to readdress the towns' zoning was discussed; general commercial along Highway 12 to the park line. Dan Cloud explained the purpose of zoning is to control growth; adding to this, Alfred commented thoughts of the commission is to preserve the quaint little town for residents by keeping the general commercial along the main corridor.

Doug reported Mike & Lesa are preparing to build their home, currently they are living/renting his basement; once it becomes vacant could he use it for nightly rental? It was explained that no, he could not; there is nothing against long-term rental, but the recent STR ordinance does not allow nightly rental other than in GC or RRC. A discussion developed regarding long-term and short-term rentals; issues previously outlined in other meetings were reported; Dennis also explained the changes is water billing; if renting to a non-family member, one would be billed 2 residential base rates.

One other issue that needed to be addressed is the road off of Hwy 12 accessing the area would need to be upgraded to 66 feet; the responsibility falls on the developer. Both Doug & Vicki stated they got permission to widen the road from Cowan & Stewarts and asked if the town was going to force the issue? Dan explained the real issue isn't deeding the land it is upgrading the road; gravel, asphalt, etc.

Mr. Hill asked if there is something that would allow vacation rentals on larger portions of land that is not RRC; he expressed support for the zone change, depending upon what other development could it open up for. Responding Dennis stated no, it's all in the zoning; once it is zone RRC RV parks, campgrounds, etc. can be developed, one cannot just allow vacation rentals. Continuing, Steve asked how other towns addressing the issue? Riley replied stating they are treating them all different, some have banned them altogether in specific zones, and others have specific areas/zone to allow them. Dennis explained the state legislature will be addressing this issue; according to the ULCT the state doesn't want to tell municipalities how to regulate, but they may be laying some ground work addressing the issue. Riley expressed frustration stating that businesses should have received a copy of the conditions and/or requirements that has been adopted. Marie apologized, but in defense stated that emails, as well as public meeting notices and agendas have been sent and posted, anyone that has an interest has had access to the activities of the Planning Commission and the Town Council. The conditions recommended by the commission are outlined in the ordinance and was to be sent out with their business license renewal in June. Commission asked that a copy be mailed out to current vacation rental businesses prior to renewing.

In conclusion, Commission agreed that the best option for the rezone is to connect up with the RRC north of their property. Continuing, Dan reported that the zoning and layout of the town is being looked into; public meetings will be held to address future development and growth of the town.

Life Safety Inspection Requirement: Addressing issues with B&B, STR's, etc. Dennis proposed for a Life Safety inspection be implemented and asked Fire Chief Ron Harris if he would be willing to perform the inspections. Concerns were expressed regarding safety with older homes that have been converted into vacation rentals not having the proper electrical wiring, and other safety requirement for a commercial business; inspections are made with new construction, but have not been implemented with the STRs'. Responding, Ron stated at one point the Council did have him address fire safety issues with the businesses; but stopped, the businesses could not afford the changes, and the Town could not afford the attorney fees to enforce them.

Commission expressed it was not smart or right; peoples' lives are at stake. Comments and discussion continued on how to get businesses to conform; shut off water was mentioned, which cannot be done according to David Church –ULCT Attorney, if water bill is current.

Focusing on the vacation rentals, commission felt an inspection should be required, by ordinance, before a license is issued. Details of the guidelines were outlined; including penalties, loss of license, and the cost of the inspection placed on the business owner. Concerns of not enforcing an inspection were also expressed, the loss of one life would be terrible and the Town would be sued because they issued the business license.

Ron expressed concern with all motel/nightly rental lodging facilities; the newer cabins have been inspected, but older and established businesses may not be up-to-code. Commission agreed. All felt it would be in the best interest and safety of the Town, business owner and patrons to require a safety inspection prior to renewing their business license; and would support an ordinance to follow the fire and safety guidelines for all nightly rental accommodations and business ventures.

#### Other Items:

There was one other item that needed to be brought before the commission and council. Ron reported the plot plan for Bryce Valley Lodging cabins is not what he signed off on; and reported he was hesitant with the plot plan that was approved. As the construction was taking shape, Ron noticed the construction of 2 cabins on the north were not in the approved layout; there is no emergency access, parking, etc. In speaking with Levi, Ron discussed UDOT's access and right-of-way, who Levi hadn't contacted; and that the trees and rocks needed to be moved back to allow full access. The best option is to have the road go straight through and come out by the bank; and they should talk with Alfred Foster (Bryce Canyon Log Cabins) Dan recommended that the project be red tagged and put on notice of the violation of his permit; and needs to be resolved before the business license is renewed. Ron also reported Levi was told he had to have the plans drawn up by the architect; town should have never approved this project without a blue print; all commercial construction is required to have architect drawings.

#### Adjourn

A motion was made by LaMar Feltner to adjourn – Second by Riley Roberts. Motion carried.

Approved this 2<sup>nd</sup> day of March 2017  
Marie H Niemann – Town Clerk