

TOWN OF BLUFF ORDINANCE NO. 2020-4-8
AN ORDINANCE AMENDING AND CLARIFYING PROVISIONS
APPLICABLE TO THE LAND USE CLEARANCE PROCESS

The following describes the intent and purpose of this ordinance.

- a. On September 5, 2019 the Town enacted Ordinance No. 2019-5a-9, an ordinance enacting various land use code provisions, including a site plan process for new commercial or residential development not involving a subdivision.
- b. The site plan process generally applies to new development involving construction or remodeling in excess of 2,000 square feet.
- c. Under the existing ordinance, the Town requires developers to obtain a Land Use Clearance (LUC) as a first step prior to obtaining a building permit from San Juan County. The LUC is a screening tool to assure that new development has completed necessary Town review processes prior to proceeding to construction.
- d. Members of the public and the Planning and Zoning Commission (P & Z) have asked for the Town to clarify the LUC process so that persons engaging in smaller scale development not subject to site plan or other review processes can have clarity as to Town requirements.
- e. It is in the best interests of the community that Town land use processes are clear and efficient, particularly for smaller projects that may not require more intensive review.

Therefore, the Town amends its existing ordinances and enacts the following new provisions:

Section 6.01.020(D) is amended as follows [existing text shown in black]:

D. Land Use Clearance Prior to Building Permit. Prior to issuance of a building permit for all new development, construction, or remodeling of existing structures the Planning & Zoning Commission will review the project for compliance with this Title and applicable Town ordinances. Upon approval the Planning and Zoning Commission will issue a Land Use Clearance (LUC), which the applicant shall present to San Juan County as a condition for obtaining a building permit.

1. **Review of Small Projects.** The following development activities shall comply with this subsection (D): i) remodeling, a new addition, or a change of use comprising less than two thousand (2,000) square feet of new or remodeled construction for an existing commercial or

residential structure; ii) construction of a single family dwelling; iii) construction of a duplex; or iv) construction of an accessory dwelling unit.

2. **Expedited Process for Approved Development Plans.** Additionally, where development has previously been reviewed through the Town site plan, subdivision, or other process, and provided that the applicant is in compliance with all approval requirements, the P & Z shall review and issue the LUC application without further requirements or conditions. If the applicant has not complied with applicable approval requirements the P & Z may act on the LUC as set forth in this subsection (D) or as provided under other applicable ordinances. Applications under this subsection (D)(2) require only that the applicant submit the LUC application form.

3. **Submittals.** Applicants for a LUC shall provide a completed application form provided by the Town. With the exception of applicants under subsection (D)(2), above, applicants shall additionally provide:

i) proof of ownership of the subject real property (a deed or current title report showing that the applicant owns the subject property);

ii) a narrative describing in detail the proposed development, construction, remodel, or uses intended for the subject property;

iii) a scale drawing showing property corners, lot dimensions, easements, points of access, building envelopes (including existing buildings if applicable), setbacks, parking, signage (if applicable), natural features (e.g. outcrops or the like) stormwater drainage, and other planned improvements;

iv) a scaled sketch plan or architectural rendering showing dimensions and design of all proposed buildings, structures, and additions;

v) proof of access to a public road;

vi) a utility plan for, electricity, telephone/data, culinary water, and an onsite wastewater disposal (septic) system; and

vii) the application fee as set by the Town.

Submittals may be condensed or separated as may fit the scope of the project, provided that the documents are sufficient for review of the application.

4. **Review for Completeness.** All LUC applications shall be promptly reviewed by the P & Z for completeness and accuracy. The P & Z has discretion to set submittal deadlines prior to any meeting date. Applications that are not submitted by the deadline may be postponed to a later meeting date. If an application is found to be incomplete or deficient the Town will notify the applicant in writing as to the deficiencies and allow the applicant to submit additional or supplemental materials as needed. Complete applications and applications under subsection

(D)(2) meeting the submission deadline shall be reviewed by the P & Z no later than the next regularly scheduled meeting.

5. **Review Criteria.** The P & Z will review the application and determine whether it demonstrates: i) compliance with applicable zoning uses and ordinances; ii) adequate land area for planned improvements; iii) adequate access and parking; iv) availability of necessary utilities, including culinary water, wastewater disposal, electricity, natural gas, and the like; and v) accuracy and truthfulness as to the submittals.

a. **Denial in Case of Ordinance Violations.** The P & Z may deny a LUC application if there are one or more uncured ordinance violations on the property that is the subject of the application.

b. **Discretion to Grant Conditional Approval.** The P & Z has discretion to impose conditions, in writing, during the review process that require the applicant to address: i) deficiencies in the application; ii) performance of the design in providing sufficient vehicle/pedestrian access or parking; iii) buffering of impacts on adjacent properties (e.g. fencing or the like); iv) storm water management; v) utility design; and/or vi) compliance with other applicable ordinances. Conditions attached to LUC approval are binding upon the applicant and must be carried out by the applicant in conjunction with authorized development.

c. **Statement of Reasons in the Event of Denial.** Where a LUC application is denied the P & Z shall provide a written statement of reasons explaining why the application was denied.

Passed and adopted upon a majority vote of the Bluff Town Council this 4th day of August, 2020. This ordinance shall take effect immediately upon publication.

SIGNED:

By: Pim Sajava - Pro Tem
Mayor Ann Leppanen

ATTEST:

By: Linda Sosa
Linda Sosa, Clerk/Recorder

8/6/20
Date