

Town of Bluff

Planning and Zoning Commission Regular Meeting

Agenda for Wednesday, July 19 at 6:00 pm

VIRTUAL - Bluff Community Center

190 North 3rd East, Bluff, Utah 84512

approved

6:02 Roll Call: Amanda Podmore (Chair), Marcia Hadenfeldt, Malia Collins, Ed Dobson
Excused Absence: Brian Whitney

Approval of meeting minutes for 6/28/2023 Regular Meeting and 7/11/2023 Work Session.

The regular meeting minutes from June 28th were reviewed. There were no comments or suggested changes. Hadenfeldt made the motion to approve the minutes from the June 28th work session as presented, Dobson seconded. Four in favor, none opposed. Motion passed. Minutes approved.

The work session minutes from July 11th were reviewed. Podmore suggested adding information about the process taken during the work session, as well as adding “benefit of referencing an existing aviation ordinance *from another town* was mentioned.” Hadenfeldt suggested adding information to the minutes regarding the commission wanting the town lawyer to present a draft ordinance based on P&Z recommendations, for the commission to then review.

Hadenfeldt made the motion to approve the meeting minutes from July 11th as amended. Collins seconded the motion. Four in favor, none opposed. Motion passed. Minutes approved.

Public Citizens to Be Heard: No public comments at this time.

Podmore made the motion to move item 7 regarding a LUC application to the next item because the applicants are unable to attend the full meeting. Hadenfeldt seconded the motion. All in favor, none opposed. The motion passed.

7. Land Use Clearance Review: Aitchison/Kramer ADU at Bluff Township Survey Plat A, Block 5, Lot 3

Stewart Aitchison and Ann Kramer briefly presented their LUC application. The LUC is for a ADU and will have a bedroom, bathroom, washer, dryer, and a closet. It will be 320 square feet. Setbacks are noted on the sketch and are over forty feet from the property line. There will not be a new entrance/driveway to the property, the dwelling will be accessed by a footpath. This dwelling does not have a kitchen. Hadenfeldt asked whether P&Z would consider this an ADU (Accessory Dwelling Unit), as the definition for an ADU includes a kitchen.

Podmore suggested that the dwelling should be considered a “Residential Dwelling,” as it fits the definition under the code. Kramer said that this building will not have any permanent residents, it will be just for guests. Bluff’s definition in the zoning code for residential does not

specify the amount of time people spend in a residence nor that it has to have a kitchen. The commissioners agreed that the application could be approved for a “residential dwelling,” not as an ADU.

Hadenfeldt made the motion to approve the LUC presented, with the additional note on the LUC paperwork that this is a residential dwelling. Dobson seconded. Four in favor, none opposed. Motion passed. Podmore will sign and provide the copy to Aitchison and Kramer.

Old Business

- 1. Update from Town Council (Hook):** Hook provided information from Town Council including updates regarding the planned Master Fee Schedule Hearing on August 8th, current Stage I fire restrictions, the sale of Cottonwood Canyon/Wash, and the completion of the strategic plan.
- 2. Site Plan Application Update (Nelson):** Nelson stated that the only item outstanding for the application was associated fee. The fee schedule will be discussed during the public hearing on August 8, and then the Town Council can vote. Nelson suggested P&Z may want to consider the application draft during their second meeting in August, since the fees should be approved by then.
- 3. LUDMA (Land Use Development and Management Act) requirements update (Nelson):** Nelson shared that the town’s legal counsel’s firm is working on a memo regarding the necessary land use legislative changes that will be required by the town. Nelson will continue to follow up on when this might be available for distribution.
- 4. Update on Town of Bluff request for lighting ordinance follow-up during issuance of Certificate of Occupancy for new builds:** Ben Tomco with San Juan County’s building inspection department said if the question is on the town’s Land Use Clearance form, he can check for compliance prior to issuing the certificate of occupancy.
- 5. Discussion and vote on action to be taken regarding Twin Rocks sign that was installed without a sign permit:** The commissioners discussed two issues: one, the sign was put up without the sign permit, and two, Simpson asked for a letter from P&Z clarifying what a “device” would be (as noted in the zoning code). Simpson believed his sign would be considered a “device,” but clarification was needed to understand the difference between a “device” and a “structure.”

Hadenfeldt noted the sign in question is not located on the Twin Rocks’ property, and the zoning code does not allow off-premises signs. It was also suggested that Podmore, as chair, write a letter to Simpson requesting he fill out the sign permit application, as well as that P&Z responds to the question about devices.

The commissioners reviewed the zoning code and agreed the intention when writing the code was “devices” were something like an electronic sign, whereas “structures” include

signs such as those constructed on wood, steel, etc. The wooden sign in question would be a structure.

Hadenfeldt made the motion that Planning and Zoning write a letter to Steve Simpson regarding him needing to submit a sign permit and provide clarification regarding device vs sign. Dobson seconded the motion. Four in favor, none opposed. Motion passed. Podmore will write the letter.

New Business

6. Sign Application Review: Desert Rose Resorts Sign:

Amer Tumeh said he owns the property on which the sign exists, and the sign was grandfathered in. Tumeh said the property is contiguous, and therefore the sign is located on the property. Collins asked for clarification regarding whether P&Z can dictate what is allowed on signs. Podmore said it would be inappropriate to approve a sign, as the wording includes reference to air travel, and the town currently has a moratorium on aviation facilities. Hadenfeldt stated that it was up to the business to determine what is conveyed on a sign. Podmore stated that P&Z is a land use commission and aviation is a land use that is not currently allowed.

Hadenfeldt said the wording on the sign is not P&Z's business and that P&Z's role is to solely approve whether the sign meets the code. Hadenfeldt commented that it would be to the business owners' detriment to advertise a business that was not taking place. If this sign goes up before final judgment on the ordinance, then it would be up to the business owner to correct the sign. Collins asked to see the sign ordinance.

The commissioners determined the measurements of the sign were not needed, as the sign (structure) was grandfathered in, and the physical sign was not abandoned for more than a year.

Hadenfeldt made the motion to approve the sign application request from Desert Rose Inn. Dobson seconded the motion. Hadenfeldt – Aye, Collins – Aye, Dobson – Aye, Podmore – Nay. Podmore will get the signed permit to Mr. Tumeh electronically.

0. Land Use Clearance Review: Aitchison/Kramer ADU at Bluff Township Survey Plat A, Block 5, Lot 3: (Moved to first agenda item)

0. Discussion and vote on aviation ordinance recommendation to Town Council. The commissioners talked about what needed to be decided including whether to recommend whether an ordinance was needed, what would the recommendations include, and what a map would look like. The commissioners went through the written, drafted recommendations including each type (commercial, residential, recreational aviation use). They agreed that aircraft types not listed would be prohibited. If a new aircraft type arose in the future, P&Z would need to evaluate if or where it would fit into the code.

The potential ordinance would only be able to designate take-off and landing areas, as municipalities do not have the ability to regulate flight paths. There was discussion regarding minimum lot size necessary for some of the aviation types, and potentially stipulating usage with minimum lot size and setback to help alleviate concerns of dust and noise disturbance for neighbors. The commissioners talked about the difference between aviation use and disturbance on a regular basis vs neighbor disturbance infrequently.

The A-1 zone was excluded from the areas of potential use because A-1 does not allow any development. Recreational uses were discussed, including the appropriate zoning, as some aviation uses may include individuals wanting to use the cliffs as a take-off location (skydiving, jumpsuits, etc.)

There was a consensus that the town should have exemption clauses in place for town-approved special events such as the balloon festival. There are frequently “no fly”/“no landing” zones requested by citizens, and coordination could continue to take place for special events regarding takeoff locations outside of the ordinance-approved zoning.

The commission stated they were not comfortable drafting an aviation ordinance but would agree to send suggested considerations and recommendations to Town Council. The council could then coordinate with legal counsel to obtain a drafted ordinance, and then P&Z would follow the review process and send to town council for a final vote.

Hadenfeldt made the motion that the Planning and Zoning commission advise the Town Council search for an aviation ordinance for the Town of Bluff. Collins seconded. Four in favor, none opposed. Motion passed.

Collins made the motion to approve the chart of aviation types, as written, to send to Town Council for their opinion, then on to the town lawyer. Hadenfeldt seconded the motion. Hadenfeldt said it may not be the town attorney who should receive it but whoever is assigned to draft an ordinance for review. Collins amended her motion to reflect just sending the chart of aviation types to town council. Hadenfeldt amended her second. Four in favor, none opposed. Motion passed.

Hadenfeldt made the motion to approve the commercial zoning suggestions as listed and to pass along to Town Council. The motion died for lack of second.

Collins made the motion to accept the commercial aviation zones as listed, excluding South of 191/West of 7th Ave West on commercial land up to SITLA, to recommend to Town Council. Motion failed for lack of a second.

Podmore motions to approve commercial use including minimum lot size, setbacks, and the Bluff Airstrip. Collins seconded. Hadenfeldt said we do cannot have any say over what happens at the Bluff Airstrip for commercial use and that people are already using the airstrip. Collins – Aye. Podmore – Aye. Hadenfeldt – Nay, Dobson – Nay. Motion fails.

The commission was unable to agree on the commercial aviation zoning. Hadenfeldt asked to include a note for Town Council to work on commercial aviation zoning.

Hadenfeldt made the motion to recommend the residential aviation zoning list as listed, to the Bluff Town Council. Collins seconded. Four in favor, none opposed.

Collins made the motion to recommend recreational aviation usage in zones as listed, Hadenfeldt seconded. Four in favor, none opposed.

The commissioners also have general recommendations including creating a commercial aviation overlay map, creating a recreation overlay zone map, creating a residential aviation overlay map, allow for types of aviation by zone, general regulations (like public safety and medical), allowing special events, allow for P&Z to approve new aircraft.

Planning and Zoning does not recommend regulating flight paths, altitude, or a complete ban on aviation. Additionally, P&Z does not recommend any mandates of safety or equipment, as those are regulated by state or federal laws.

Collins made the motion to send the general recommendations, as they are listed, to town council. Hadenfeldt seconded the motion. Four in favor, none opposed. Motion passed unanimously.

Podmore will remove the commercial block of aviation zoning, since it could not be agreed upon, and will include a note indicating this area requires additional review. Podmore will coordinate with Nelson to present the agreed up on recommendations to Town Council.

8. Items for the next agenda

August 2nd Meeting

Land Partition Application

Update on Twin Rocks Sign

RV Ordinance

Aviation ordinance for discussion

9. Other:

Podmore was asked whether P&Z received an LUC from Galen Headley. P&Z has not and reminded the group that LUCs are not required for earth moving. There was brief discussion regarding enforcement, but as it stands, earth moving or digging does not require a Land Use Clearance.

Collins made the motion to adjourn. Dobson seconded. Four in favor, none opposed. The meeting adjourned at 7:30pm.