

Town of Bluff

Planning and Zoning Commission Work Session

Minutes for June 28, 2019 at 9:00am

at the Bluff Community Center
190 North 3rd East, Bluff, Utah 84512

APPROVED

9:06 Roll Call

Commission: Sarah Burak, Amanda Podmore, Malysa Egge, Robin Cantrell, Michael Haviken (phone)

Advisors: Deborah Westfall

Town Council: Luanne Hook

9:06 Citizens to be heard

Eric Cook asked what the proposed zoning of the Design Build Bluff property is and what that would allow them to do. The Commission showed him a zoning map of Central Bluff from June 6th which show drafts that will serve as recommendations to the Town Council. The Design Build Bluff is currently proposed as R-3. The sandstone house on the property is a historic property that would be subject to a proposed historic overlay. Cook said that the campus houses visiting students groups, which may involve the exchange of funds between institutions, and wants to be transparent as that model evolves. The Commission will look at this when developing short term rental regulations and wants to support organizations that are working in the town. The Commission said that short term rental regulations should look at whether money is exchanged and whether a rental is private between institutions or open to the public at large. Cook is also interested in future materials storage and auxiliary housing.

Haviken asked Cook about the average height of a two-story building. Cook said it depends on the pitch of the roof and that 35' or 30' would be more appropriate than 25'.

Haviken is going to ask the Town Council and its attorney whether air rights are owned by the property owner.

Haviken asked Cantrell to clarify her concern about damages regarding nonconforming uses in Chapter 11.02.2 of the IZC. State code says a nonconforming use can be rebuilt if more than 50% has been accidentally destroyed but the IZC says it must be rebuilt to conform. The Commission will read the ordinance in full and come back to this question.

Hook gave a public comment about light safety with cyclists, pedestrians, tourists and vehicles and suggested the Commission consider light requirements. Some cities require lights on the front and back of a bike. Burak suggested the Business Owners of Bluff look at this as an educational/PSA action. Westfall shares similar concerns about Highway 162 and redirecting tourists and cyclists on this alternate, safer, and flatter route. The Commission sees several

options: one, a map of town that promotes alternative routes; two, promoting handheld lighting; and three, dark sky compliant street lighting.

9:37 Old Business

1. Work on ordinances

Burak shared guidance based on the International Dark-Sky Association used by Torrey to become a dark sky community. To become a dark sky community, the town must show a long-term commitment and write ordinances. A 60 watt bulb is equivalent to 1,000 lumens. Dark sky ordinances are not a “grandfathering in” situation; instead town members are encouraged to come into compliance and town may offer help in this regard. If the town is seeking a dark sky designation, the town should encourage compliance instead of grandfathering in. General conditions of the ordinances would allow minimum necessary light and control light trespass that spills over property lines. Other recommendations include motion sensor lights and light curfews. The ordinances would also limit landscape lighting.

Egge suggests the Commission approach the Council to see if the Town wants to become a dark sky community, and then create ordinances based on that direction. Podmore and Egge suggested the Commission develop educational handouts/assessment tools for the Community and research ways to identify and reward compliant businesses. A lot of information for the public has already been made and ultimately it will be up to the Commission to make this information available to the Town. Dark sky resources are available in the Google Drive. Podmore shared the Dark Sky Dashboard that shows where towns stand with dark sky ordinances across the state. The dark sky designation timeline is five years and can be removed at anytime by noncompliance. The Commission will take a future vote on recommending the Town Council draft and pass a resolution supporting dark skies.

The Commission revisited a previous conversation about building heights. For industrial zones in the IZC, the maximum building height is 50'. Haviken suggests the Commission change this to 35'. Haviken will research existing building heights in Bluff for reference after June 17th.

The Commission discussed next steps on ordinances and Burak asked Commissioners and Advisory Board to begin thinking about how they will draft the ordinances they have researched. The Commission wants to move forward efficiently given that the Town Council may go a different direction with the guidance of the General Plan and resulting ordinances. Burak will email the Council about the possibility of receiving the General Plan in advance of the joint meeting on July 3rd.

Westfall requested further direction on how to write an ordinance and shared her experience with needing a legal basis on which to build an ordinance. Burak will help connect Westfall with a Council member who can then connect her to the County regarding geological hazards and Westfall will pursue adapting Ouray, Colorado's geologic hazard ordinances to Bluff.

The Commission revisited the issue of damage of nonconforming uses in IZC Chapter 11-02. The question is whether a residence in a commercial zone could be rebuilt if it were destroyed. The Commission does not want to make an unnecessary hardship on our community. The Commission clarified that a residential property can be constructed in a commercial property.

The State code (10-9a-511) says a municipality may not prohibit the reconstruction of a nonconforming structure that was accidentally damaged. The Commission would like a lawyer to look at this issue and Cantrell will ask Michael Bryant.

The Commission agreed to keep new ordinances as simple as possible. Podmore will prepare a list of the IZC ordinance changes and new ordinances the Commission is working on for the July 3rd joint work session.

2. Zoning maps questions & follow up

The Commission answered outstanding map questions from Mary Gillam. The Commission discussed the authority of the Town to rezone areas that were previously zoned by the County.

Cantrell has concerns about the aesthetic consistency and risk of losing rural property from zoning eastern Bluff south of the highway as commercial. The 200' commercial zone proposed would landlock property owners so the Commission suggested adapting the zoning in this area on a parcel by parcel basis instead of doing a 200' commercial corridor. Cantrell suggested changing it from commercial to a combination of residential and agricultural, which does not currently exist in the IZC. This would help protect the wildlife corridor. Westfall reminded the Commission that the Bluff River Trail is examining the very question of wildlife corridor and said that wildlife is a number one priority for the BLM. Burak asks the Commission to think on this section for future discussion with Mary Gillam.

The Commission thanks Sam Cantrell for the map. Sam Cantrell can make maps for the future Town hearing.

10:45 New Business - no new business.

11:00 Discuss agenda items for next meeting

11:03 Egge motions to adjourn work session, Haviken seconds, all in favor. Meeting adjourned.