

Town of Bluff

Planning and Zoning Commission

Minutes for August 22, 2019 at 7:00 pm

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

7:00 Roll Call

Commission: Sarah Burak, Michael Haviken, Amanda Podmore, Malyssa Egge

Advisory: Deborah Westfall

Town Council: Luanne Hook, Jim Sayers, Brant Murray, Linda Sosa

Approval of meeting minutes from regular meeting 8/15 - Burak motions to approve, Egge seconds, minutes approved, transcript from Public Hearing 8/19 tabled to meeting on 8/26/19.

Rules for Public Comment - State your name, what parcel or property you are referring to. The Commission will start with 3 minutes a comment. People will be recognized by the Chair.

7:15 Public Citizens to Be Heard

Amer Tumeh - He sent a comment about several lots and thinks the Commission is are putting together a document to benefit the town. However, there is confusion about whether it is the beginning or end of the process. Tumeh feels main street should be commercial all the way through town, like how the County zoned it. Variances will be difficult to do down the line. Tumeh asked the crowd if any Commissioners had visited the members of the town at their home. He requests that all of his lots be C-3. He said property owners know more about their lots than the Commission does. He also asked for clarification about the setbacks. Haviken clarified that the Commission developed the idea of a 200' [corridor] based on the idea of having a say in what type of commercial development in town. Haviken is concerned about the ratio of tourists to residents in the town. Burak clarified that the public can ask questions but she does not want this to be a debate. Jennifer Davila appreciates Tumeh's comment. She reiterates that she needs longer than 10 days to review the documents and maps.

Steve Simpson felt there should be a commercial corridor throughout town. Right now, Twin Rocks is designated as C-2 but it is an art gallery. Burak added that the Commission is discussing changing the definition of zones, for example allowing art galleries in C-2 or C-1. Simpson believes Twin Rocks should be C-3. He is also concerned about property south of Twin Rocks north of the highway that is proposed as residential. Burak said the Commission is going to address the issue of consistency this evening. On the west side of town, the lots of have been split. Burak says this comment will also be addressed. He was concerned how the cemetery and

community center are designated. His biggest concerns are Twin Rocks, the property he has south of Twin Rocks, and lot 13 and lot 14 of the Copper Cliffs II. Simpson requests to be on the agenda for the next meeting.

Davila requested that public comments be moved to the end. The Commission agreed and allowed a few more public comments to be heard at the original scheduled time.

Brant Murray spoke as a public citizen. He lives on 7th east and he does not think that should be designated a commercial corridor. He said that area receives a lot of pedestrian traffic and does not mix well with vehicle traffic. The bed and breakfast next to him is no longer a commercial property. He reports several turn arounds in his driveway related to credit union traffic.

Anthony Lott owns a business that has been a bed and breakfast off and on and requested clarification on how that could be protected through zoning. Burak clarified that a bed and breakfast could be allowed in a residential zone as a home occupation. The Commission also plans to address accessory dwelling units in the zoning ordinance. The Commission will address bed and breakfasts and short term rentals in the future.

7:35 Business Owners of Bluff – tabled to the end

7:45 Vance Nielson - Vance had an emergency and was removed from the agenda. His written comment has been recorded in the record.

7:55 New Business

1. Process and Timeline for recommendations on proposed zoning maps and ordinances –

The Town Council is expecting the Commission to submit its recommendations on August 30th and the Commission is not considering an extended timeline. Burak reminded that this is a living document that can be amended and changed over time. Chris McAnany, the town's lawyer, is working on changing the ordinances to a more readable format. The Town Council is planning on having several work sessions in advance of their September 3rd vote. Egge does not agree with the rushed timeline and does not believe the Commission can agree on items in the interim. She said that time was the most common comment received from the public. Haviken said the Commission should not sacrifice quality for speed. Haviken encouraged the public to get their comments in during this time period, and recognized that the map needs refining. Podmore expressed appreciation for the views of all the Commissioners, shared that many comments have also been received to continue with the deadline, and she believes the Commission should move forward with the deadline and take a vote on it. Egge asked if a bare-bones version was possible and Podmore confirmed that McAnany was working on a bare-bones version without substantive changes.

Tumeh said it's a big problem if the Commission does not have buy-in from the community and that the biggest issues will be compliance and litigation. Haviken responded that he does not want the town to be drowned in tourists. Burak wrapped up the conversation in saying that the Commission is balancing the needs of residents, businesses, and tourists.

2. Review and discuss zone definitions – Egge proposed to scrap all the zones and put them in a new "Bluff zone" where the Commission could address setbacks and building

heights. Podmore disagreed and was concerned about that substantive of a change to the zoning code, asks that the Commission look at the existing proposed zones, and add art galleries, trading posts, and museums, and nonprofits to C-1, RVs to C-3, and cemeteries to a zone for clarity.

Burak agreed with Podmore, saying that is the point of planning and that there is a need to have zones. Burak added that the Commission mostly heard from businesses at the public hearing, not residences, which may indicate that people are comfortable with how they have been zoned. Zones are a good way to protect open space and viewsheds. Haviken agreed with some of Podmore's recommendations. Egge directed a comment at certain individuals saying that she is trying to change how people listen to one another and she hopes they will treat others the same way in the future. In the past, she has not been listened to in past public meetings. Burak insisted that the Commission is listening and responding to many of the individual requests of people.

One of the common questions has been the grandfather clause and the Commission reported it has confirmed that the land use runs with the property unless that use is abandoned. The Commission is allowing residences in commercial zones and is also allowing home businesses in residential. Burak suggests that the Commission move forward with the definitions it already has with changes based on public comments. Egge suggested a time limit be put on the zoning ordinance so a new one can be created with the input and work of people here.

Burak said there was very little negative feedback on the General Plan, which guides the ordinances. That must mean that the General Plan was accepted by the community. Burak suggested that subcommittees be formed to create ordinances and look into grants in the future.

The Commission agrees to Podmore's suggestions and putting cemeteries on C-3. Tow attendees clarified that State law says burials cannot be put on private property and state alcohol law prohibits sales of alcohol near school zones. Tyler Cook said that he walked the distance from properties near the new proposed school. The Commission clarified that alcohol sales were not a factor in C-2 decisions. Podmore and Burak said that C-2 were put in place for transitions and to protect residential zones.

The Commission agrees to put poultry farms and animal feedlots in a Factory-Industrial zone that is not currently not zoned on the maps. There will be a need for clear definitions so as not to prevent cattle grazing and corralling.

3. Discuss systematic changes to the proposed zoning map –

The Commission made a list of systematic map changes to address at the next meeting.

- Fix split parcels
- Consider one residential zone with a building height of 26 feet and allowing accessory dwelling units. Lot size, septic, and nuisance as later suggested by Podmore will determine how many dwellings can be on a lot.

- Parcels left out of original use
- Things that were unzoned
- Keeping businesses together
- Looking at zoning C-2 north of highway and C-3 south of highway
- Setbacks

Comb Ridge restaurant will not be a split parcel. Lynn Stevens says that the Hole in the Rock Foundation is currently split and is a nonprofit.

8:20 Public Comment

Mike Lacey apologies for making an incorrect comment about how his property was zoned.

David Lacey does not want his property split. Lacey brought the maps from Springdale, which has commercial all along the highway. This is his preference.

Adam Simpson is speaking on behalf of Craig Simpson. They are concerned about splitting the Copper Cliffs II property in half of. The electrical line restricts the area. The property was previously approved by the previous San Juan County Commission as commercial and they would like to see it C-3. There are other zones along the main highway west of town that they would also like to see C-3. Lastly, on the NW periphery of town they have about 18 acres that they would like it R-3 or C-3. There have been concerns by the residents of the area about dust. Simpson presented Springdale and Telluride's map as examples of block zoning as opposed to a checkerboard. Torrey does not have zones but permitted uses. Simpson also proposes a light and heavy commercial 2-system zone.

Steve Simpson commented about the 200' zone, that some businesses are unusable in the west part of town. General comments indicate there is a need to define in writing where the commercial corridor starts. Podmore suggests doing away with the 200' commercial demarcation line. Jim Sayers clarified that the 200' came from the halfway line through the Cottonwood Addition Blocks. Diana Davidson was also confused about the 200' line. She showed a map from 1957. She sees that the 200' corridor could come into residential areas. She did not have a suggested change.

Tom Hiserodt is a resident that hasn't been heard. He moved to Bluff because it's a quiet, peaceful town. He did not move here for the businesses. He feels some businesses in town are out of proportion with the town and would not want to see any further commercial development west or east of where it currently is. Hiserodt is also concerned about veiled and hostile threats of lawsuits before anything is resolved. He agrees with the pace of the process, understanding that this has been in the process for a year now.

Linda Sosa encourages the Commission to check with the lawyer before changing the residential zones. She said there could be concerns about parking and boarding houses. Podmore suggests they talk about nuisances in residential zones.

Stephanie DeGeorge is concerned about grandfathering in and it was confirmed that her business use would go with the property. Podmore clarified that the Commission has allowed home occupations in residential zones in the home or accessory dwelling. The home occupation

language protects neighbors against nuisances and says the occupation must be an obviously subordinate use of the property. She has single wide lots and is concerned about 15' wide setbacks. The Commission believes that could meet the criteria for a variance as long as a septic system was possible. The Commission is not writing septic laws, that is still up to the County health department. She likes the consideration of moving art galleries out of C-3.

Amer Tumeh suggests changing the 200' commercial line to 750 feet. The county currently has no setbacks so he suggests a compromise of 10'. He does not think the ordinances should be based on the Cottonwood subdivision. He disagreed with people who move in next to existing businesses and complain about them.

Tyler Cook is concerned for Bluff in general now that it's incorporated. It is a ridiculous town with a very small population and the money is spent out of town and there is a limited window of time for money to be spent in town. He would be reluctant to limit commerce in any way because the livelihood of 260 is too many to be put on the backs of a few businesses in town.

Jason Holliday spoke representing river ranch four miles west of town. He does not want that residential. He does not want the southern property factory/industrial. He wants them both agriculture. They don't mine on the gravel pit anymore either but on BLM land. Burak said the Commission would support that.

Lynn Stevens spoke on behalf of Mike Roaring who owns a house across from the Fort called Bluff House LLC. He thinks the residential zone proposed this evening could be good. The property has several hookups for trailers. Stevens said the method of notification of meetings is insufficient. Burak added that the mailing was a major undertaking and was very expensive so it won't be feasible to do this for every meeting so they will try to send more emails. Podmore clarified that postings are done at the post office, community center, and K&C, and online at the Town of Bluff website and the Utah Public Notice Website.

Georgiana Simpson said that everyone here is being genuine and cares deeply about the community. She said that important people didn't get the information. She reminded that many people came here as a tourist first and the town prides themselves on taking care of people who come here. Simpson did not come here as a tourist but to work and asks that the Commission respect the strong investment people have put into this community to stabilize it. She asked that the Commission help promote vibrancy to take care of our neighbors.

Jason Holliday said the other person on his parcel did not receive a letter and the Commission will remedy that.

Jennifer Davila said she cannot attend every meeting in town that affects her business. Speaking for the Business Owners of Bluff, she was concerned why the C1-3 were designated the way that they were. One question is why Twin Rocks was C-2 and Cow Canyon was a C-3, and Burak clarified that was because one was considered a restaurant and one a trading post. These will be changed with the definition changes. BOB is also concerned and would like to know why the commercial corridor along the highway is disrupted. There are concerns about abandonment. They request the abandonment language be changed to 12 months instead of 6 because of seasonality. BOB requested that the amended grandfather code Section 102.1 language be changed to "in accordance with state law." If revised maps cannot be posted

online, Davila asks the Commission to post the written changes publicly. BOB also requests that commercial corridors be widened.

Davila closed by asking that everyone respect one another in town and respect the smallness and quietness of town. Davila said it was not fun when the only amenity in town was a gas station. Davila does not want to see the town die or explode.

Steve Simpson said that Bluff will not likely explode. He encourages everyone to step back and think about this in the long term and think collectively so we do what is best for the community in the long term.

Marx Powell reminded the Commission that most of the business owners are residents. They have the most heart and money invested in the town. He said changing the historic district of 7th east away from commercial is changing the town.

4. Discussion and decision on converting Black Locust and 7th East to commercial - Tabled

5. Additional Items to be added to Next Week's Agenda – Business Owners of Bluff requests to be on the agenda for the next two meetings.

6. Schedule additional work session – There is a work meeting scheduled for 7/26/19 at 7 pm at the Community Center.

9:10 Adjourn Haviken motions to adjourn, Podmore seconds, 3 in favor, Egge votes nay. Motion passes.