

Town of Bluff

Planning and Zoning Commission Special Meeting

MINUTES for August 26, 2019 at 7:00 pm

at the Bluff Community Center

190 North 3rd East, Bluff, Utah 84512

APPROVED

7:01 Roll Call

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

Approval of meeting minutes from regular meeting 8/22 (Haviken motions, Egge seconds, motion passes with four votes, Cantrell abstains), transcript from Public Hearing 8/19 - (Egge motions to approve with a name change for index for audio recording from 8/19 public hearing, Haviken seconds, motion passes unanimously)

Rules for Public Comment - The public is limited to three minutes. Burak asks those who have already commented to minimize comments that have already been heard. Questions will be allowed in the meeting so long as they are recognized by a chair.

7:15 Public Citizens to Be Heard - Podmore read comments from Ann Leppanen about weighing the need to purchase the old elementary school against creating a commercial district on 7th East and Black Locust. Podmore read comments from Liza Doran about the feel of a place, concern for entryways into Bluff and her concern for the 1.7 acre parcel north of Cow Canyon Trading Post.

Susan Delorme said “pie in the sky” development has already happened and that a few individuals are being picked on. She has served as a victim advocate and believes in working together. She was concerned about the Navajo community and their economic well being and was concerned for the wellbeing of her grandchildren.

Burak clarified for Georgiana Simpson that the deadline for public comment is midnight on August 29th. Decisions will be made tonight and on the 29th, then comments and recommendations will be sent to the Town Council on the 30th. The list of changes recommended by the PZ will be posted on the Town website on 8/30.

Marx Powell commented on Ann Leppanen’s public comment letter and said supporting the Town’s purchase of the school over commercial development of 7th East and Black Locust was a one-sided view.

Ron Torgerson for SITLA - He is based out of Richfield and his duties are to handle renewable energy leases and governmental leases like water well sites. About 40% of the lands in the Town of Bluff are state lands. They will submit a formal position letter by the 29th. SITLA has 12 beneficiaries with public schools being the largest beneficiary. Their duty, by the state constitution, is to manage their lands to make money so the interest goes back to the schools.

In 2018 they donated \$80 million statewide to schools. Kane County has an agricultural/SITLA zone that allows for SITLA's mission as codified in the state constitution, allowing it to make money with commercial and agriculture. Torgerson does not believe the block of SITLA land in Bluff will be traded out in a future Bears Ears exchange because they are trying to get lands with economic value, like lands with substations. The land north of Bluff with a substation has already caused a solar farm to apply for a lease and he reports it is a prime location because of flatland and solar angle. SITLA is exempt from local planning & zoning but they prefer to mitigate if they can. Burak explained that the Commission understands this and that the Commission zoned it A-1 to indicate our desire that it remain unchanged. A future Bears Ears land transfer is dependent on the federal court case being resolved. Torgerson will include the Kane County zoning language in their letter. Haviken asked if the solar farm would affect the drainage and Torgerson responded that it would be professionally engineered. Torgerson clarified for Brant Murray that the proposed solar farm is west of Highway 191.

Kyle Hosler for San Juan County School District - Hosler brought up three concerns that were in the public comment letter they submitted. SJSD has made no final decision about the current elementary school and they are majorly concerned about not diminishing their ability to recuperate a value out of that land. The second property where the current school is being built is proposed as a C-3, which they feel is appropriate. The third property to the west is currently proposed as A-1 and they are concerned that the zoning distinction could affect their ability to recuperate value from the land. Burak clarified that the west property was originally zoned A-1 because of the high density of cultural resources. Burak clarified that their concerns will be addressed this evening.

Burak clarified the definitions of Agricultural zones for Craig Simpson. Kyle Hosler clarified that a private property would have the right to develop a property and that if there were cultural resources found, there would be appropriate ways to deal with it in compliance with the state. Burak says the Commission recognizes an error with the A-1 zoning for that SJSD property.

Vance Nielson - He represented K&C as the owner of the property. The west side of his parcel has been zoned R-1 but it has commercial buildings on that parcel and the neighboring parcel. Burak confirmed that the Commission was intending to fix this problem.

Business Owners of Bluff - Jen Davila spoke on behalf of BOB. She proposed developing the C-3 corridor to run from Twin Rocks, encompassing La Posada Pintada and Design Build Bluff to the corner of 7th east and Mulberry. They suggested zoning from Mulberry & 7th east down 7th East to Black Locust and 4th east as C-2, or a light commercial district. She said the traffic needs to be addressed no matter what. Davila suggested residential zoning would not be appropriate zoning for the school and that other interested parties, like Utah Dine Bikeyah, may want to hear of the proposed designations.

Steve Simpson - Simpson had questions about the indication that the Commission wants to move trading posts to C-1. Podmore explained that the town lawyer Chris McAnany felt retail businesses in C-1 would sufficiently allow for galleries and trading posts. Steve is concerned about the corridor of 191 that is zoned in a variety of designations, particularly with his properties on the east side of town including the 1.7 acre parcel north of Cow Canyon Trading Post. He asked that those areas be zoned C-3 to be consistent with other parcels on that side of town. On their personal residence, they do not have a problem with the zoning but are

interested in the ability to operate a bed and breakfast. Regarding their parcels in Copper Cliffs II, he appreciated that the Commission is addressing the issue of split parcels. They have been working on those parcels for several years and they are concerned about the zoning designation. He said it is consistent with the neighborhood to extend C-3 to the parcels and that the San Juan County P&Z has already approved the parcels as such.

New Business

1. Review and discuss zone definitions - Podmore provided an update on the change to one residential zone, which McAnany recommends. In residential, what a property owner can do depends on density, setback, acreage, and septic capacity. McAnany sent a latest draft zoning ordinance that is now available on the Town website. Egge clarified that the subdivision ordinance created a building height limit of 24', which needs to match the Commission's 26'. McAnany didn't recommend that nonprofits be addressed separately in zoning definitions. Podmore said McAnany recommended three commercial zones and one factory industrial zone, which are changes from the IZC recommendations. People that have a lot less than .5 acre have to comply with setbacks or obtain a variance and comply with state waste management regulations.

Amer Tumeh suggested many of the C-2 uses should be C-3.

Davila asked if she would have to subdivide her property to add a dwelling. Burak confirmed no.

Burak confirmed for Diana Davidson that uses run with the land and that existing septic will be grandfathered in. Burak clarified that the Commission will take a vote on a decision if they are not in consensus.

Burak clarified for Steve Simpson that the Commission is adding galleries and trading posts as retail shops in C-1 so smaller galleries and trading posts could be allowed on smaller lots.

The general consensus is that the Commission is comfortable with one residential zone, comfortable with moving galleries and trading posts to C-1. The Commission agrees to add back the color distinction in agricultural zones for BLM and SITLA versus private agricultural. The general consensus is to combine C4 and Factory/Industrial. For homework, the Commission will review the new definitions.

2. Discuss systematic changes to the proposed zoning map -

First the Commission discussed the 200' corridor. The idea of the 200' corridor was that commercial development would need to occur within that zone. Tumeh says the 200' is not enough for commercial development. Podmore suggested that north of the highway be zoned C-2 and south of the highway C-3. Podmore asked for a birds-eye, larger zoning perspective for zoning decisions. Generally, the Commission suggested zoning north of the highway in west Bluff C-3. Podmore suggested zoning the school districts parcels all commercial and said there is new language in the draft zoning code regarding archaeological survey. Egge said the Commission should take a more birds-eye view of the area west of Jackie Warren's. There has been a lot of concern expressed by residents. Egge questioned the existing zones and Haviken and Podmore said that the

commercial districts already offer a lot of flexibility. Podmore suggested creating an accompanying educational fact sheet with the zoning map to explain things to community members, like that residences can be built in commercial zones.

Diana Davidson said that in the Cottonwood Addition, a half-acre is the minimum lot size and it takes 6 parcels to make a half-acre. Marcia Hadenfeldt suggested the Commission follow street lines for zoning boundaries and said that the zoning document will be clear in the end.

Tumeh says both sides of the highway should be C-3.

There was a discussion about splitting commercial parcels in the Copper Cliffs II subdivision and no consensus was reached. Podmore recommended that no commercial properties be extended past as currently recommended on the draft maps.

The Holiday parcel was recommended for A-2. The Commission will ask Mary Gillam about the gravel pit there.

The Commission addressed Tumeh's concerns about parcels west of Desert Rose. The Commission discussed having a long, linear town. Egge, Burak and Podmore disagree with the long, linear concept.

3. Discussion and decision on converting Black Locust and 7th East to commercial - Kelly Davis sent a brochure of the historic district in her public comments last week. Haviken discussed the designation of the historic district. During the discussion Haviken presented map of the highway SR 47 & SR 163 showing abandonment of these roads by UDOT, 1965. They became streets. He presented a brochure showing "Walking and Bicycle Tour of Historic Bluff" dated 2002 put together by Bluff residents. Kelly Davis email shows the official Historic Preservation Certificate that was given to East Bluff by the State. His estimate is \$843,000 to repair the road; there is no traffic control; and no sidewalks. He doesn't believe in commercializing a historic district that tourists come to visit. Egge proposed making a new historic zone for that area and suggested involving Deborah Westfall. Burak suggested the area in east Bluff directly north of Highway 191 should be C-2 without splitting parcels, including the school and continuing up Black Locust. Burak suggested a compromise on 7th east to make La Posada Pintada and Design Build Bluff being C-3. Podmore supported the C-2 designation, suggested changing 7th East to C-1 with some concessions and creating a future historic overlay. Cantrell agreed that La Posada should be C-3. Haviken would agree to C-2 on Main Street to Black Locust to accommodate split parcels. The Commission agreed to La Posada Pintada and Sun Bonnet as C-3. The Commission did not decide on Design Build Bluff because Podmore had reservations about it being residential. The Commission proposed zoning Twin Rocks and Trading Post C-2. Egge asked how the Commission will be determining existing uses. Bluff Fort is proposed C-2 and the Bluff House is proposed residential. The Commission agrees to zone 7th East as it currently is.

Davila suggested there should be a historic business district.

The Commission will address drones at a later date.

4. Additional Items to be added to the next meeting's agenda - zone definitions, zone for SITLA/BLM based on Kane County language, vote to recommend ordinances, vote on final map recommendation. Craig Simpson, Steve Simpson, BOB, Amer Tumeh request to be on the agenda at the next meeting.

9:00 Adjourn Haviken motions to adjourn, Egge seconds, meeting adjourns at 9:23 pm.