Town of Bluff

Planning and Zoning Commission

MINUTES for August 29, 2019 at 7:00 pm
at the Bluff Community Center
190 North 3rd East, Bluff, Utah 84512
Call in: (605) 313-5624 **Access Code:** 887498
Approved

7:00 Roll Call

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

Approval of meeting minutes from special meeting 8/26 - (Burak motions to approve with time and Haviken amendments, Egge seconds, minutes passed unanimously)

Rules for Public Comment - Three minutes. If it is a comment already submitted verbally or in writing, there is no reason to present it as it has been recorded and considered.

Amer Tumeh asked about whether questions will be responded to.

Craig Simpson asked for clarification about the definition of A-1 in the revised ordinance.

7:12 Public Citizens to Be Heard

Josh Ewing - spoke as the Executive Director of Friends of Cedar Mesa about the SITLA visit at which a representative requested the zoning be changed. He said that if SITLA were to sell land, the citizens would like to see that land zoned as A-1 as open space. Zoning it differently could open it up to industrial development. Ewing was recently made aware of a water quality document that shows that an oil and gas company is planning to frack in Bluff's water supply. He considers SITLA lands to be the biggest threat to Bluff's future and if they were developed, it could mean the "end of our town as we know it."

Georgiana Simpson - Addressed the zoning gyrations she has seen regarding Twin Rocks Trading Post. She said it should have been zoned C-3 from the beginning because it is a wholesale operation. Simpson came to town doing wholesale business with Twin Rocks. Twin Rocks has helped keep the Navajo basketry alive in the region. She presented two books about Navajo baskets that reference Twin Rocks. She said the Simpson family has supported hundreds of artists over a 30 year period at that location. It is a business that is a community center and anchor to the town. She said decisions cannot be arbitrary and she suggested that the International Zoning Code had a reason for putting galleries in C-3.

Diana Davidson- Davidson discussed Section 6.05.050 and asked if this applied to the entire town. Burak said existing uses with be grandfathered and said that Airbnbs will be addressed in a future ordinance. It was confirmed that building heights are grandfathered. Regarding 6.01.0140 on Signs, the Commission will grandfather in existing nonconforming signs.

Ed Dobson - Dobson said this week's paper had a good piece on noxious weeds. The County weed agent is thinking about ways to help towns deal with noxious weeds. He offered to pass that information along to us and the Commission suggested he help draft a future weed ordinance.

Galen Headley - The 15' setback is a problem to him in two of his parcels. His next option would be to ask for a variance. He was looking to add something to his property that wouldn't work with the 15' offset on three sides. Podmore said that the variance language is forthcoming this fall and that if he disagreed with a variance decision, there will be a mechanism for appealing the decision to a third party or a district court. Egge asked what would it would take to carry out his plan. Burak said the Commission will not consider changing setbacks at this point in time. He said this setback will affect him and he has provided services for this community for many years. Burak said that the Commission understands his concern and hopes to address it in the future.

Adam Simpson - He appreciates the work done by the Commission. He encouraged the Commission to listen to everyone that has invested in the community and encouraged them to avoid politics. The public has repeatedly asked for a Commercial Corridor. He encouraged the Commission to allow everyone to help.

7:28 Amer Tumeh - Tumeh visited with the City Council and the lawyer said that variances will be discouraged. Issues like building height and distance from the center line need to be decided here, not in the court of law. Last week, the Commission said they did not want a commercial strip all through town, which he agreed with. He also said that business owners support planning & zoning. The area he talked about is not even a ⅓ of the width of town. During the last meeting, the Commission discussed having C2 north of the highway and C-3 south of the highway. Tumed said what will "kill you in a court of law" is inconsistency. He said Burak shut him down at a previous meeting when he suggested the Guymon property west of Desert Rose be C-3. Burak clarified that the Guymon property is A-2. He said Block 19 is not up to date because he owns half of the alley way. He provided maps. Burak confirmed that commercial building heights are proposed at 35 feet. Regarding archaeological survey, Tumeh said archaeology is everywhere in Bluff. He supported archaeological study for large scale development but does not believe that should be required for everything. Burak clarified that the Commission intends to fix this. Podmore explained the trigger for an archaeological survey in Level II subdivisions and Level II developments.

Regarding the Commission's proposed language to require archaeological survey if there are human remains or a significant structure, Steve Simpson asked what is a "significant structure."

7:40 Steve Simpson - Simpson asked about split lots and said that last meeting, the Commission decided not to split lots except for West Bluff. Burak said the Commission will vote on his property in the mapping portion of the meeting. Simpson asked about the zoning of Twin Rocks. Podmore explained the decision to move galleries and trading posts to allow for trading posts and art galleries in smaller lots and to not let the wholesale C-3 category prevent galleries and trading posts from being located on smaller lots. Burak explained that Twin Rocks has always been proposed as C-2. Burak explained that decisions were made with planning in mind and the Commission is trying to think about what things could look like in the future. He believed it should have been C-3. His concern is that he has an arts and crafts business that

after 2008 has been somewhat marginal and he may want to renovate that into 8-10 rooms for lodging. There are geological constraints so there is no room on that property for a motel. The 1.7 acre corner that Barry Simpson and Steve Simpson own was originally designated as C-3. His said this is vacant land that is not an art gallery so it should not be C-2. Burak said the Commission systematically rezoned that area to C-2. Simpson said he had the opportunity in the past to sell it to a Family Dollar but he declined. Simpson asked why the parcel along the highway south of Twin Rocks was zoned originally zoned residential. Burak clarified that this was now zoned C-2 and it was not done arbitrarily but was done as planning, with consideration of the entire town and residents of east Bluff. Burak said that the Commission's plan was for smaller development north of the highway in east Bluff. Last meeting, the Commission zoned everything north of the highway east of the bridge C-2 and west of the bridge C-3.

7:55 Craig Simpson - Simpson provided a visual of three parcels in west Bluff. Simpson understands the push and pull of planning & zoning. He sees a lot of polarization in the county. He is disturbed that businesses are being made the adversaries since they have been a tremendous advantage to a community like Bluff. The CC&Rs in Copper Cliffs I are similar to what the Commission is trying to do through ordinances. It shows an overlap of concerns. He says the 5.9 acres of highway frontage that the Commission wants to make residential is outrageous. The 18 acre property in west Bluff was a derelict gravel pit and he has been working toward a commercial vision to put hogans and a rustic place to take international visitors. It is surrounded by public lands on two sides. He would like us to consider C-3 for that parcel.

8:02 Business Owners of Bluff - Jennifer Davila spoke for BOB and presented visuals. She proposed a C-3 corridor near Twin Rocks and along US 191. She proposed Design Build Bluff as a C-3 property and reported parking issues there. She proposed that the east side of 7th east be designated C-2 and leave residences on the west side of the road. She said the San Juan River Kitchen would like to remain C3. For the west side of Bluff, she was unclear from the last meeting but she proposed C3 north and south of the highway. Egge asked for clarification as to why her visual aid didn't zone Amer Tumeh's properties C-3. Haviken asked BOB several questions including how many members are in BOB. Davila reported 23 and said there are a few businesses not in BOB. BOB does not know how many employees it represents. Davila clarified that the season is from March to the end of October but there was disagreement between the business members. Davila said some employees are kept on year-round. Haviken said the USU study said there is a 70% drop seasonally. Simpson said that several businesses do everything they can to keep employees all year.

8:12 New Business

1. Review and discuss zone definitions, including specific zone for SITLA or BLM - Podmore lead the discussion. Podmore outlined the written SITLA comments which stated that the Commission should add conditional use to ordinance and that it should not zone SITLA at all at this time until there is further discussion. SITLA representatives clarified in email that Kane County planning and zoning zoned SITLA as commercial. Haviken proposes no change at this time. Egge agrees that it is important to keep a seat at the table but leaving the zoning in place. Haviken and Cantrell agree. Amanda motions to

keep zoning as is. Seconded by Haviken. All vote in favor of leaving current zoning in place. Motion passed.

Podmore led a review of the zoning ordinances. The Commission agreed to changing maximum square footage of an accessory dwelling unit to 1000 sq feet.

Buffers are an area to reduce conflict between two different land uses. The Commission agreed with Egge's suggestion, as originally suggested from Craig Simpson at the end of Monday's meeting, off the record, that buffer be required on all future commercial developments with adjacent residential zones. This language was added as section D to 6.01.050 and the definition of buffers was updated.

Based on written and oral comments, the archaeological resource survey requirements was changed to human remains and archaeological structures. Egge asked if structures is legally enforceable. The Commission will flag this for the Town Council and lawyer.

The Commission added state-administered lands to the public lands section to clarify and address SITLA property.

Section 6.01.030 Noncomforming uses paragraph B Abandonment was extended to one year to allow for seasonal use. Cantrell asked if the Commission can make regulations more lax than the state. This will be flagged for the lawyer.

The Commission addressed the question of how to note or record nonconforming uses and will give this question to the Town Council. Haviken suggested building permits will help.

Haviken felt that home occupations allowed for too much flexibility and allowed risks to residential areas. Burak would like to keep it where an accessory structure can be used for a home occupation. Podmore Motion to approve language of home occupations. Seconded by Cantrell. Egge, Podmore, Cantrell, Burak for. Haviken opposed. Motion passes.

The Commission added that the maximum ornamental height for chimneys, etc is not to exceed 5 feet.

The Commission added public restrooms as a use in A-1. Maximum square footage was set at 100 square feet. Set backs are 15ft for adjacent properties. The Commission agreed to zone definition changes based on its original draft. The Commission added trading posts and galleries to C-1 uses, allowing wholesale within trading posts and galleries. Museums or public cultural centers were added to C-2. For C-3, the Commission changed to a minimum lot size of .75 acre. Petroleum storage and asphalt plants were removed as uses in Factory-Industrial.

Residential zones will allow government buildings like post offices. The Commission limited accessory build at 18 feet high. The minimum lot size is .5 acre for one dwelling unit and one accessory building.

The Commission reviewed the Signs section and allowed for signs on vintage vehicles, and prohibited floodlighting. The total combined signs maximum square feet was increased to 120.

Sight plan review is triggered with addition of 2,000 square feet on commercial structures.

The Site PLan Review Landscaping plan requirements were softened to allow more flexibility for developers.

Haviken would like to see water tap permit included in ordinances. The Commission generally agreed and decided to research and address this concern this fall.

2. Discussion and vote on proposed ordinances - Haviken motions to recommend proposed zoning ordinances to TC. Seconded by Podmore. Motion passed unanimously by all members.

3. Discussion and vote on proposed subdivision ordinances- Podmore motions to recommend subdivision ordinance to town council for approval. Haviken seconds, all in favor. Motion passed unanimously by all members.

4. Discuss additional changes, including unzoned parcels, and vote on the proposed zoning map -

   The Commission agrees that the only private A-1 will be town property (West Bluff) and Southwest Heritage Foundation parcels. All other agricultural on private land is A-2. Cantrell is concerned that private land be deprived of uses. There was concern about Jenepher Stowell's property.

   The Holiday parcels were zoned A-2.

   The Commission agreed to a textured A-1 for public/SITLA lands.

   Next, the Commission discussed having split parcels in west Bluff. Haviken says that to have a seat at the table in the development as a Town, it should be kept split. Haviken said the businesses have made an incredible impact on the town. Podmore does not support splitting the parcels because of consistency. Burak agrees with the concern of how to have a seat at the table and said the Commission will have a seat at the table at the site plan review. Podmore motions to not split five parcels, Robin seconds, Three in favor, Egge abstains, Haviken objects. Motion passes. It was clarified that they would zoned as C-3. The Commission clarified additional zoning in West Bluff, which Burak indicated on the map.

   On East Central Bluff, Cantrell said she did not mind if her property was zoned C-3 for consistency. They were zoned C-3. Parcels south of the Highway 191 were unsplit. The farm was zoned A-2.

   The Commission confirmed the zoning of 8 unzoned parcels.

   Podmore proposed zoning Design Build Bluff C-2 as an educational institution. Haviken objects because it is a historic district. Egge would like to talk about creating a historic

district at a future meeting. Podmore agrees. Egge said it's contentious and suggested passing it off to Town Council. The Commission decided to leave it Residential.

The Commission addressed several parcels in west Bluff south of Coral Sands RV Park. Podmore, Haviken, and Egge prefer to leave them residential based on the zoning around them. Cantrell said some of the ideas were reasonable but wasn't sure if the neighborhood would appreciate it. The Commission agreed to leave them for the Town Council to address.

The Commission addressed commercial along the highway west of the Desert Rose. Egge said it should be commercial where there is a turning lane and the speed limit was lower. Cantrell said the public had strong arguments tonight for having it commercial along the highway. Podmore said she would like to see it stay residential in alignment with their vision to not have a linear commercial highway. Haviken said there is enough commercial. The parcels were left residential.

The 18 acre parcel northwest of Copper Cliffs was discussed. Podmore and Haviken believe it should stay residential. Burak agreed it was a consistency issue. Cantrell suggested A-3 as a good fit but Podmore said that could limit its residential potential. Egge said there was already a concession made with the Copper Cliffs II/San Juan School District zoning. The Commission agrees to submit the map as is to the town council and will submit visual comments with it.

Podmore motions to recommend the proposed changes to the zoning map to the Town Council. Burak seconds. Four yes, Haviken opposed. Motion passes.

5. Send recommendations and public comments to Town Council - Podmore will send spreadsheet and electronic ordinances to the Mayor and deliver paper copies of all comments and the marked up map to the Mayor at the Community Center.

   Nancy Sumner asked how her property was zoned.

6. Additional Items to be added to the next meeting's agenda - next steps, priorities ordinances, subcommittees, discuss changes in meeting times and frequency, expansion of the advisory board, and public comment.

   Egge said the process has favored letting people zone themselves instead of planning. Haviken said that's why the USU study was so important for understanding the context of the community.

10:09 Adjourn, Burak motions to adjourn, Podmore seconds, motion passes unanimously.