Town of Bluff

Planning and Zoning Commission

Minutes for November 14, 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, Malyssa Egge, Michael Haviken, Robin Cantrell, Amanda Podmore
Advisory Council: Deborah Westfall, Wendy Smith
Town Council: Luanne Hook, Jim Sayers

Approval of meeting minutes from 11/7 -Egge motions to approve, Haviken seconds, motion passes unanimously.

Public comment process and expectations - Burak asks that the public wait to be recognized by the Chair before speaking.

Public Citizens to Be Heard - Michael Haviken commented on the draft Animal Ordinance. He questioned whether it is a nuisance if a cat comes onto your property to hunt birds. Cantrell said that this problem in town is often caused by feral cats. Podmore felt it's a nuisance and suggested that the Commission could address this if it were brought before us but the Commission could encourage neighbors to work it out amongst themselves. Hook suggested that the Commission consider an ordinance that the Audubon Society wrote recommending that cats coming onto neighboring properties should not be fed. Robin will look into the Audubon ordinance. Egge motions to put the issue on the agenda for next week. Cantrell seconds. Motion passes unanimously. Hook said that a cat ordinance would fall into a separate ordinance for protecting birds, and not in an agricultural ordinance. Jen Davila strongly recommends the Commission think about how this would be enforced.

Podmore is in discussion with the University of Utah Stegner Law Center to get help from law students in researching and drafting ordinances for the Commission. It is still up in the air and would require a financial contribution from the Town. The University is considering options for the upcoming spring and fall semesters.

Old Business

1. Update from Town Council- Sayers reported that the council did work on roads and had a kick off meeting with Sunrise Engineering on the 12th for the water study that has been financed by the CDBG. The Council is still working on the interlocal agreement with the County, which will include building inspections. The Council is doing all it can to move it the process forward. The Utah Office of Tourism meeting at the Desert Rose and Bluff Dwellings went well. The Bluff rip map, a Business Owners of Bluff initiative, is

moving forward. The Council is negotiating with the school board and is having a feasibility study done. The Council made a non-binding offer to the school board this week that will be contingent on CIB money. The Council participated in a meeting on the community mapping for the Hovenweep landscape. Council members went to Price for the anniversary of the SEULAG. They participated in a workshop on Utah Outdoor Grants. The Council is now getting a tax from utilities. They are trying to have a joint meeting with the BSA. There was a request by Kyna Mallery for a sign on her street. The Council will vote next week on the draft outdoor lighting ordinance. Their latest financial report shows the town is in the black. Haviken added that the growth rate for the town according to the Bonneville feasibility study is 5.6%, which differs from the projection used by the Sunrise Engineers. Hook said that Sunrise Engineering congratulated the town on the General Plan. Podmore will help get the General Plan appendices on the website for Sunrise Engineering.

2. Update sign application to include submission date - Completed by Podmore.

New Business

3. Barry Simpson- Discuss use of personal property near San Juan Credit Union - Simpson is discussing a nonconforming residential metal building that is being used as a shop and storage for Twin Rocks. The property now belongs to Barry and Laurie Simpson. He has been approached by Primera Investments Inc. They would like to switch the use from storage for Twin Rocks to storage for processing CBD. They would like to grow the hemp from Colorado and store and distribute it from Bluff. Simpson confirmed that this activity is legal in Utah. The company is looking to rent the space. John Gregory selected Bluff because he likes the town. Simpson approached the Commission because he is interested in switching the use of the building. The facility would create 1-3 jobs. This is a separate parcel from the credit union. Simpson said there would be minimal traffic and no modifications. Smith asked if it was legal for the product to cross lines; Simpson said yes. Simpson said it is not a change in use it but it is a commercial operation in a residential zone. Burak requested that Simpson allow the Commission some time to do research on this issue so the Commission does it the legal way. Simpson is unavailable next Thursday but the Commission will address it at the next meeting. Smith suggested that the insurance issue be considered. The Commission requested a map with all three adjacent parcels, parcel numbers, square footage, height, and the current nonconforming use. Simpson said they would like the use to be in place by the first of the year. Egge asked about future plans for the business.
4. Review building permits and site plan applications - None.
5. Review and approve building permit application - Not many substantive changes on the first page. There were question about requirement for architect for straw bale buildings; Davila said it was considered a nonconforming building material of the County. Podmore said that she supported it as a sustainable and common building material and didn't want to make it harder to use that material than others. Davila said that some states don't require an architect and engineering sign-off and they can be built problematically. Cantrell agreed with the fear of people doing-it-themselves. The

Commission agreed to keep the language in. The commission added language from the zoning ordinance as to when a site plan is required.

Haviken explained the Utah Trades Licensing Act. Some towns require builders to submit a certificate of insurance as well. Bluff will issue building permits but the county will do the inspection. Interlocal agreement hasn't quite solidified the building inspector process and how and when to contact the inspector. The Commission added Site Plan Requirements to the building permit application. Some types of building are exempt from providing a site plan, like single family resident. However there are some items that the commission would need to see like to see on the application, setbacks and building height. If builder is required to do a site plan, builder will have already shared that level of information. A builder without a site plan would need to complete, filled out form items 2-8. The site plan requirements includes a landscaping plan, per the ordinance. For clarity, Podmorewill separate the site plan from building the permit for those not required to provide a site plan. Egge will begin drafting the building permit application checklist. Podmore will talk to the town lawyer.

Haviken shared page 202 of the Utah League of Cities and Towns on the Building and Fire Code. It said the State of Utah has adopted the international building code as the state building code. The Commission decided this did not need to be made explicit on the application. The Town is allowed to make more restrictive requirements on building codes, like hours of operation.

6. Discussion on filing and storage of applications - The Commission will store documents in a locked file drawer in the Town Council office. Podmore will scan documents so the Commission keeps electronic copies of all.
7. Off Street Parking Ordinance review and discussion-Tabled. Burak moved the draft into the Ordinance folder in google drive.
8. Air Rights and Drones review and discussion - tabled.
9. Review compiled information for Short Term Rental ordinance - Please review materials in advance. Podmore will compile a short presentation of materials. Podmore sent out an email on the Town Council listserv and Burak reminded the Commission to invite neighbors to upcoming meetings on Nov. 21st about short term nightly rentals. Burak will ask Linda Sosa for contact information and the Commission well help reach out to short term nightly rental owners.
10. Assignments for next meeting - Discussed above.
11. Additional Items to be added to the next meeting's agenda - Next week's meeting will go until 9 pm. Next week's agenda will revisit Barry Simpson's request. Cantrell said there are processes for considering conditional uses and all agreed it would take time. Podmore said that the current zoning ordinance prohibits nonconforming uses from expanding and suggested that going from storage to storage and shipment might be an expanded use so this should be discussed with Simpson.

8:46 Adjourn - Haviken motions to adjourn, Egge seconds, motion passes unanimously.