Town of Bluff

Planning and Zoning Commission Regular Meeting

Agenda for Wednesday, September 16, 2020 6:30 pm - 7:30 pm

at the Bluff Community Center

190 3rd East, Bluff, Utah 84512

6:33 Roll Call Commission Members: Amanda Podmore (Acting Chair), Robin Cantrell, Malyssa Egge, Michael Haviken; Town Council: Ann Leppanen; Advisors: None

Podmore asked to move update to the town update to the first item.

Old Business

1. Town Council Update including update on work session about alleys

Leppanen: Town finalized lease on senior center, and now able to refocus on alleys. Hoping to solidify within the next two commission meetings. Leppanen sent inquiry and was told: "If they're in your mapping, they will belong to the town." Mack McDonald's response seems to be supportive of working with Town. Possible resistance from the county attorney. P&Z could be seeing something regarding the cemetery board. Current board has 2 expired members, and the 3rd is deceased. Currently no accounting, meeting minutes, etc. Recommended for the county to transfer this to the town. Expecting more information in the next 30-60 days.

Haviken, "Do current plot owners need to be concerned, are the cemetery plots legal"? Leppanen, "yes, legal, will only be looking at the board"

Leppanen left meeting at 6:39pm.

Approval of meeting minutes from September 2, 2020, August 25 2020, and August 19, 2020.

Podmore presented meeting minutes; August 19 – Haviken was not in attendance. Podmore motions to approve. Cantrell seconds. No discussion. Cantrell Aye, Egge Aye, Podmore Aye. Haviken Abstains. Motion passes.

August 25 – Work session, Haviken joined later in this meeting, as noted in minutes. Cantrell motions to approve, Haviken seconds. No discussion. Cantrell Aye, Egge Aye, Podmore Aye, Haviken Aye. Motion passes unanimously.

September 2 – Haviken sent email regarding setbacks on August 26 and asks for it to be included in the record for the meeting minutes of the September 2 session. Podmore motions to approve, with the attached email dated August 26. Haviken seconds. No discussion. Podmore Aye, Egge Aye, Cantrell Aye, Haviken Aye. Motion passes unanimously.

Public Citizens to Be Heard:

Haviken was asked previously to provide a timeline for the UDOT pedestrian/bicycle program. It is 6 months for the plan to be developed. October start, to be completed in March 2021 for the Town's review in April.

No further comments.

New Business

2. Review building permits, land use clearances, & site plan applications - no new applications.

3. Update on Commercial setback field visits
   Commissioners met in groups of 2 to measure current physical setbacks in town. Egge and Cantrell reported it was a good exercise to perform, feel 50 feet is too much. Used maps, measuring tape. Believe the exercise should be performed again in the future, as it's important to see these types of things in person. Cantrell states the right of way is not consistent through town. Egge states blanket statements are not applicable on every property. Exercise performed on existing buildings (San Juan River Kitchen, Recapture, K&C, Steakhouse).

   Haviken and Podmore looked at two properties: San Juan River Kitchen and 6th Street West (corner property). Podmore noted it was helpful to look all over town, commercial zones/corridor. Looked closely at parking and safely in backing up. Considered public safety as a priority. Many businesses would be non-conforming in present state. Commission currently has a draft for Public Parking, which could meld well with public safety and right of ways.

4. Vote on whether to change setbacks in draft zoning ordinance for future public review

   Egge states she is not yet ready to vote, but would like to discuss some of the numbers in the Excel Setbacks spreadsheet that was compiled by Podmore:
   https://docs.google.com/spreadsheets/d/1ulr6wM81jlRRaqQYMAoH-BoZUb384BDzXEasdqra65M/edit?ts=5f5eae7f#gid=0
   Egge continues to say a blanket statement would be great, but is probably not feasible. Haviken notes some of the towns on the spreadsheet do have serious parking problems including Moab, Springdale. Many have public parking lots with fees. Bluff has an opportunity to plan this for the future. Most residents in Bluff do not have commercial interests in mind, and would prefer that the commission wait until the UDOT plan is completed before making this decision. Want an attractive and functional Main Street, and states again that public safety is number 1 priority.

   Egge expressed that there is no need to rush this decision, but feels the setbacks should reduce from 50 feet. Egge's position is to reduce from 50 feet, but is comfortable waiting until April. Cantrell expresses concerns that UDOT and private property are completely different. The only thing a setback does is prevent a property owner from making changes. Haviken notes parking is already on commercial property. If you put it into the right of way, it will conflict with the pathways.

Podmore says it is critical to pair this with the parking ordinance. Proposes to change setbacks in updated draft zoning ordinance to 30 feet. Any new development need to comply with off street parking, and commission will need to consider the whole package, including public safety, aesthetics, recreation, commercial. A 50 foot setback could inhibit a business. 30 feet is standard for the towns in the spreadsheet. Podmore wants to keep moving forward.

Egge states there is already a lot on the Commission's plate and believes it would be in the best interests of the town to pause on zoning, finish the other ordinances, and then go back to zoning next year. Haviken mentions the Main Street Plan is going to have to go before the public anyway. Cantrell seconds what Egge says about the amount of work the commission is trying to accomplish in the fall. Also mentions town's financial position regarding mailings. Podmore thinks mailing is only required for zoning.

Current ordinances being worked on: Noise, Archeology, Animals, Short Term Rentals, Off Street Parking. Commission suggests to couple Off Street Parking and Setback ordinances together. Off Street Parking already has an approved draft. There is also an approved Animal Ordinance, but more things came back up.

Egge makes a motion to put Off Street with Setbacks and finish Noise, Archeology, and Animals ordinances. Subsequently work on Setbacks and Off Street Parking in Zoning. Haviken seconds. Discussion: None. Egge Aye, Podmore Aye, Cantrell Aye, Haviken Aye. None opposed. Motion passes unanimously.

5. Review of draft noise ordinance
   Egge had commented on excessive idling of "trucks" and would like to know if it should specify all vehicles or commercial? Haviken states anything over 12,000 lbs is considered a commercial vehicle. Podmore has seen 10,000 in other ordinances. Egge has seen 6K, 10K, 12K. Change to all vehicles.

   Comment on definitions on Nuisances. Egge states that in reading the draft, it seemed as though there are 2 definitions of Public Nuisance vs Noise Complaint. Podmore suggests detail for definition for Disturbance vs Public Nuisance. Commission discussion regarding noise violations vs nuisances. Agree that Nuisance is chronic, violation is something singular.

   Haviken defined passenger vehicle as not having more than 9 passengers including the driver, however no definition from DMV. Podmore notes that the phrase "Passenger Vehicle" is not used in the text, do we just remove this definition? Yes. All agreed to remove.
   The Commission decided to not address motorcycles, atvs and utvs for the time being. Podmore says that might be important for safety, but not for noise ordinance. \

   Public Comment from Erin Richards in virtual chat box: "If I could make a public comment, I would ask that we want to limit automobile noise (I don't want to hear the loud noises like in Moab) Does Moab have any wording on this?" Commission agrees to remove for now, and think about it, see if there are more public comments.

Egge discusses max decibels: Continuous, intermittent, or irregular sound? Is there a standard? Had raised it in draft from 100 DBA to 120 DBA. Had been based on ordinances from other towns. Move forward with continuous noise of 120 DBA. Want to be considerate of businesses that require noise during work hours.

Construction, half hour before sunrise, half hour after sunset. Suggestion to put verbiage as to "noise shall cease by 10pm" Haviken suggests 7am to 6pm. Podmore says town is getting a lot of complaints about early morning construction noise. Podmore suggests 7am-7pm. Cantrell states summertime is very hot and construction is difficult midday and therefore they like to start early. Haviken proposes Memorial Day to Labor Day hours, and Labor Day to Memorial Day. Podmore – 6am in the summer? 8pm end time? All agree. Memorial Day to Labor Day Summer Hours: 6am-8pm; Labor Day to Memorial Day Winter Hours: 7am-7pm. Move on, expect public comment on this.

Animals in noise ordinance, putting thoughts on time periods, etc.? Barking animals? Egge suggestion in section C to move violations into violations category further down. Clean up and standardize. Move 1, 2, 3 to violations. Cantrell notes that bark collars are considered inhumane by some, unsure if we can mandate that. Haviken agrees, do not want to include anything involved with cruelty.

"Noise" vs "Noise exceeding loud decibels". Prefer "Noise". Egge asks if it needs specify time of day in relation to animals? Podmore states quiet hours are 11pm-6am, might want to mirror that.

6. Review of proposed changes to zoning ordinance – Table for future discussion

7. Review of draft Archaeology ordinance – Table for future discussion
   Haviken: Marcia provided feedback in 2019, did it get to Westfall?
   Podmore: Yes, Debbie has reviewed.

8. Review of draft Animal ordinance – Table for future discussion

9. Other
   Podmore suggests an added work session to work on ordinances (Noise, Archeology, Animal). Week of September 28th? The Commission will decide next week over email about a date. Podmore relays that Utah League of Town and Cities Conference is next week: Town registered for 1 person, but if anyone from P&Z wants to attend, Leppanen needs to know asap. October 7: Agenda Items: Noise, Animals, and Archeology, Public Hearing Date Discussion

Haviken makes motion to adjourn. Egge seconds. No discussion. Podmore Aye, Haviken Aye, Egge Aye, Cantrell Aye. Motion passes unanimously. Meeting adjourned at 7:43PM