

Town of Bluff
Planning and Zoning Commission Regular Meeting
Minutes for Wednesday, Oct. 7, 2020 6:30 pm - 7:30 pm

VIRTUAL - Bluff Community Center
190th 3rd East, Bluff, Utah 84512
DRAFT

6:32 Roll Call - Commission Members: Amanda Podmore (Acting Chair), Maylssa Egge, Michael Haviken, Robin Cantrell, Sarah Burak; Town Council: Not Present; Advisors: Deborah Westfall

Approval of meeting minutes from [September 16, 2020](#).

Egge made edits to the meeting minutes document within the first paragraph to correct the format of the document. Moving forward, the Commission would prefer full sentences to document the meeting minutes.

The Commission approved the changes noted in the meeting minutes including the following: Updated the name in the meeting minutes of the "Parking ordinance" to the "Off Street Parking Ordinance", proposed grammatical and structural changes to improve the readability of the document, and added Marcia Hadenfeldt's full name.

Podmore motioned to approve the minutes, Cantrell seconded. Egge-Aye, Podmore-Aye, Cantrell-Aye, Haviken-Aye, Burak-Aye. Motion passed unanimously.

Public Citizens to Be Heard –

Sarah Burak on behalf of the Burak Family would like to thank the Commission for the flowers of condolence, and for the support while she was away.

Malysa Egge wanted to know in relation to the ordinances, if it would not be in the best interest for the Commission to independently read through ordinances, but instead to read through as a group. This would ensure a more thorough process in reviewing the Commission's own work.

Old Business

1. Town Council Update – No town council members were present. Podmore will connect with the Town Clerk and asked the Commission members to independently read the Town Council Meeting Minutes from October 6th.

New Business

2. Review building permits, land use clearances, & site plan applications include Emery Telcom LUC as submitted by Mike Behling

Commission members had reviewed the permit prior to the beginning of the meeting. Egge inquired about the missing zone and parcel number and wanted to confirm it was the same as what Podmore had emailed out to the Commission. This was confirmed by Podmore. The reason for the delay, according to

Behling, was because they needed the surveyors to send the parcel number and zone. The Commission confirmed that the parcel in question was located in a C3 Zone.

Egge questioned the minimum lot size in a C3 zone, versus the parcel being reviewed. A C3 zone requires a minimum lot size of 0.75 acres, whereas the lot in question is only 0.5 acres.

Behling confirms the parcel is a half-acre (0.5). He stated in during prior discussions he was told that as long as the building met the required setbacks, they were to be approved for the smaller parcel size.

Burak confirmed these previous discussions regarding the smaller lot size.

Behling noted that the lot was increased from 0.3 acres to 0.5 acres in order to meet the setback requirements. The structure is now set back 56 feet, which is documented on the site map.

Cantrell stated the intention for the size was to ensure an unobtrusive utility building, minimal traffic, and a reduced number of people coming onto the property. She did not see a concern with the parcel in question. She noted there is no septic, no parking and it will be used as a public utility building. Cantrell also noted that there is a state statute regarding public utilities and exemptions from ordinances at a local level.

Haviken confirmed with Behling the intention for the building, which is for the fiber optic internet service. The Commission commented and agreed that fiber optic/internet services are a public utility and are necessary for the town and the school. Behling confirmed that the service would not be limited to just the school, and would be rolled out throughout the community.

Burak understood Egge's concern about the parcel size, but interpreted the size of the parcel would be adequate as long as the structure can meet setback and septic requirements. She also noted the same rules should apply for residential and commercial. Burak went on to state that she felt an exception should be made for the application from Emery Telcom LUC due to the public utility classification.

Egge stated she did not have an objection to usage, however, wanted to ensure the Commission adheres to their own ordinances, and to uphold the integrity of the existing documents. She stated that she wanted to make sure the Commission sets the correct precedents with the documents that are already in place. Haviken inquired if a public utility could be considered an exception.

Podmore stated it was not an exception to the code, but an exception per the state, and reiterated that it seemed as though the problem was with the creation of lot smaller than 0.75, however, that has now been resolved. She stated that even as it's a non-conforming lot, the builders are able to meet the setback requirements.

Egge asked that either Commission revise the ordinance, or put defining structure around the exceptions to the lot size requirements.

The Commission confirmed the structure in question does not have septic, and is a prefabricated building. Podmore confirmed all other items for the application are within guidelines.

Burak made the motion to approve the Land Use Clearance for Emery Telcom LUC as submitted by Mike Behling. Cantrell seconded the motion. Podmore-Aye, Burak-Aye, Cantrell-Aye, Egge-Opposed, Haviken-Abstained. The motion passed with 3 Ayes, 1 Opposed, and 1 Abstain.

Podmore told Behling the next steps in the process: The Planning and Zoning Commission's Acting Chair will sign and send the approved paperwork via a paper copy and email copy.

Behling expressed his appreciation for the Commission's time and questions.

3. Discuss the requirement of Land Use Clearance for modular homes in Bluff

Podmore presented this item, as it came up in an email between the Planning and Zoning Commissioners. Podmore asked that the Commission define if anyone is intending to move a prefabricated or modular home, that they would be required to have the proper land use clearances.

Cantrell asked if the Commission needed to specify if this should be for any type of structure intended for living. She stated that any structures intended for habitation be required to obtain the Land Use Clearance permits. Haviken noted that this was discussed last year, and modular homes are treated just like regular houses, and the Commission should approach this in the same way. He asked that the Commission review RVs and Trailers, however, as he had done research as to the Town of Torrey's ordinances on RVs and Trailers.

Podmore confirmed there was no loophole for prefabricated or modular homes, but possibly for RVs. Podmore requested the link to Torrey's ordinance document.

Podmore noted that in the last meeting, the Commission agreed to prioritize Archeology, Noise, and Animal Ordinances. She asked to table this discussion for when the Commission revisits Land Use. The rest of the Commission members approved.

Podmore asked to move item number 6, Review draft archeology ordinance, to the next item on the agenda, as Deborah Westfall was in attendance. Commission agreed to the agenda change.

4. Review draft noise ordinance - Tabled
5. Review draft animal ordinance - Tabled
6. Review draft archaeology ordinance

Westfall asked to pick up where she had highlighted the other types of land disturbance in the working document. As it's written it's within the parameters of number 1 and 2, she noted that the Commission should think about this in terms of public utility, for example water lines and bike paths, and other types of public works projects.

Egge agreed and noted for public works projects, a higher level of statutes would apply for Archeology specifically. Haviken wanted to know at what depth would a disturbance be considered? Would 8 inches for a bike path qualify? He noted that the Town of Bluff already has bike paths and sidewalks in the works. Westfall confirmed that, yes, a bike path can impact a site. The Bluff River trail, for example, with some property as private land vs public land, different statutes apply in regards to the Archeology and that sites are found on private land. She added that most public works projects often involve grant funds for federal estate agencies, at a large scale. Archeology compliance is part of that package, and funds are intended for archeological pursuit.

Podmore asked to add definitions to the ordinance for “public utilities” and “public use projects”. Westfall will research the definitions of Public Utilities and Public Use Projects.

Westfall confirmed that 50 years is the current cut off for objects/artifacts to be considered archeologically significant.

The Commission proceeded to define and review the Level 1, and Level 2 site plan cut offs. The discussion focused on Level 2, major disturbances, 5,000 sq feet or more, and added a change to capture “Public Works” and “Public Utilities.”

Discussion then moved to the timing at which an archeological report should be submitted. The Commission agreed that it should be presented with the site plan. The Commission also discussed which projects are exempt from survey and report, but clarified the section pertaining to the exemption not applying to disturbances over 1000 feet in length or 2 feet in width and depth. Westfall advised a standard of 2 feet, and has found this in other archeological ordinances. She also stated that it is common to find significant artifacts about 12 inches below the modern ground surface.

Haviken noted that 12 inches is more restrictive. Egge requested to default to Westfall’s recommendations. The Commission agreed to 2 feet. Discussion was had regarding the term “Above ground Utility.” Ultimately the Commission agreed to remove the clause around Above Ground Utility.

The Commission discussed which body in the Town of Bluff government shall be responsible for the specific sections of the ordinance. Egge agreed to what was written in section F.

Haviken stated Planning and Zoning shouldn’t take on any additional work, and that ultimately it was up to the Town. Podmore stated that in the zoning ordinance when there is a level 2 site plan that it goes automatically to the Town Council. She continued that it makes sense for these to go to the Town of Bluff instead of Planning and Zoning. The Commission agreed that the Town of Bluff shall be responsible.

Discussion was had around the timing for an Archeological Survey and Report submission to the Town. Ultimately, it was decided that the verbiage the Town uses “at 5pm the Friday prior to the scheduled meeting” be used to ensure council members have adequate time to review submissions.

The Certificate of Economic Hardship clause was questioned by Egge, Burak, and Cantrell. They supported Westfall’s suggestion to delete this clause to avoid loopholes. The Commission agreed to delete.

The Commission agreed that Town of Bluff is responsible for section D. Regarding the section on discovery of human remains, language was copied from zoning ordinance. This was approved by the Commission. Podmore commented regarding the Fee Schedule, there are no fees required. Appeals (section G) may be made to the Town of Bluff or to the arbitrator approved by the Town of Bluff.

The Commission agreed to pass the Archeology Ordinance to Westfall for collaboration with Chris Merritt. Burak thanked Westfall for her time and effort. Westfall appreciated the commissions comments.

Podmore suggested tabling the Noise and Animal Ordinance reviews for a future meeting, as the time was already past 7:30, and also asked to table the agenda item “Future public hearings,” as the

Commission is not ready to put dates on the calendar. The Commission agreed to table agenda items 4, 5, and 7 for a future meeting, and moved ahead to "Other."

7. Potential future public hearing date(s) - Tabled

8. Other

The Commission suggested a separate work session to review the Animal and Noise Ordinances, and agreed on a Work Session be scheduled at 5pm on Wednesday the 14th of October.

The Planning and Zoning Meeting on October 21st will include the following agenda items: Review of Animal Ordinance, Noise Ordinance, Archeology Ordinance (as Westfall expects to hear back from Chris Merritt within 10 business days), and Potential Public Hearing Dates. The Commission asked that any additional agenda items be sent to Burak or Podmore.

Haviken motioned to adjourn the meeting. Cantrell seconded the motion. Podmore-Aye, Burak-Aye, Egge-Aye, Cantrell-Aye. Haviken-Aye. 5-Ayes, none opposed. The motion passed unanimously. Meeting Adjourned at 7:41 PM.