

Town of Bluff
Planning and Zoning Commission Regular Meeting

Agenda for Wednesday, Nov. 18, 2020 6:30 pm

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

6:30 Roll Call: Amanda Podmore (acting chair), Robin Cantrell, Michael Haviken, Malyssa Egge, Sarah Burak; Planning and Zoning Advisor: Deborah Westfall; Town Council Representative: Luanne Hook

Approval of minutes from 10/21 Regular Meeting:

Podmore noted the meeting minutes from October 21 contained a URL link, and suggested it not be included in the minutes. The Commission members agreed to remove it from the document. Egge made a motion to approve the minutes from the October 21 Regular Meeting. Haviken seconded the motion. The motion was put to a vote. Cantrell – Aye, Egge – Aye, Haviken – Aye, Burak – Aye, Podmore – Aye. All in favor, none opposed. The motion passed unanimously.

Public Citizens to Be Heard- None

Old Business

1. Update from Town Council

Hook shared:

- The Town has been coordinating with NetForce PC from Cortez to install a program to enable secure Town Council meetings and more.
- Bob Springmeyer with Bonneville Research is sending out a survey to Town residents and “friends of Bluff” to get feedback on what are most important elements for the strategic planning exercise the Town is conducting.
- Emery Telcom is bringing fiber optic internet to the Town of Bluff. Everyone will have the option to connect, and it will bring significantly faster service speeds. This is a donation from the Emery Telcom company, as originally the plan was for only the school and clinics to have access. In addition, Emery will be connecting to the cell tower on the South side of the river, enabling cell phone providers to increase their service, as well. Bluff Elementary School was scheduled for the fiber optic installation today or tomorrow. 911 services and the schools have contacted Emery directly.
- The Bluff Service Area was dissolved and was approved at the county level. The Division of Water Quality (DWQ) Loan was forgiven.
- The Town approved the Community Center to be used for EMS training, starting in January. If anyone is interested in signing up for EMS training, they should consider applying.

- There is an additional broadband possibility in conjunction with Emery and USU.
- The Community Development Block Grant (CDBG) hearing last night allowed for public comment on projects within the community. There are many options and the Town will continue to work on them.

Egge asked how the strategic planning survey was being administered, and at what point would the results be available. Hook responded that the survey will be sent out via email to anyone who is currently on the meeting invite/email list. The survey can also be found on the Town of Bluff website.

New Business

2. Review any Land Use Clearances and Building Permit Applications

Podmore noted there were no active applications, however, there have been a few inquiries, suggesting that these might be included in upcoming meetings.

3. Planning & Zoning Commissioner term expirations

As discussed in the work session, Haviken and Cantrell's seats are expiring at the end of the month and this is their last meeting. Podmore expressed thanks to both of them for their service, and acknowledged that it's been an honor working with them, as they have brought a great deal of knowledge to the Commission. Podmore noted the Planning and Zoning Commission is opening up applications to fill these two spots. Please email planningzoning@townofbluff.org with your interest in order to apply. Postings are around Town, in the San Juan Record, and on the Town of Bluff website. Interviews will be held during the December 2nd meeting. If there are not enough applicants, these interviews may be move to a future date. The Commission will hold interviews and then make a suggestion to the Town Council, who will make the official appointments. New members will be sworn in during the first meeting in January 2021.

Burak thanked Cantrell and Haviken and asked how the bylaws impact the interview questions. Podmore noted all candidates must be asked the same questions, and she had prepared a draft that she will email to the Commission Members, as well as run it by the lawyer.

Egge noted this was the last meeting with 5 Commission Members, and asked if the next meeting(s) would have enough attendance for a quorum. Podmore noted 3 members met the quorum requirements, but if 1 member of the Commission was unable to meet, they would need to reschedule, as 2 would not constitute the quorum.

4. 5-year Strategic Planning for Town Council and Planning & Zoning

As noted earlier in the meeting by Hook, Bob Springmeyer is conducting the strategic planning survey that will go out to the entire meeting/email invite list. Burak asked if Town Council had requested any assistance from P&Z in regard to the survey. Hook responded that nothing had come up yet, but there is a webinar tomorrow that it could be beneficial for a P&Z Commission Member to attend. Hook will find the invite and send it over. She also noted that Springmeyer

is comparing other towns, such as Torrey and Boulder to see what they do, if they have clerk positions, etc. This research will complement the feedback from the survey.

Egge asked if the survey results will be available for P&Z or citizens to review, and asked for clarification regarding the 1-4 scale. Hook noted that yes, the results will be available, and a “1” is the highest priority. Podmore will email Leppanen or Springmeyer to see if clarification can be added to the survey around the scale.

5. Vote to approve Draft Animal Ordinance for Public Hearing

Podmore reminded the audience that Planning and Zoning has been working on the Animal Ordinance for a great deal of time in order to regulate domestic and agricultural animal ownership throughout Town. The members of the Commission read the draft in its entirety prior to the start of the meeting.

Haviken remarked that he thought the draft looked good, and Cantrell agreed. Cantrell also noted the minor revisions and “cleaning up” of the document was appreciated.

Egge noted the reference to the State of Utah Animal Cruelty Code 76-9-301, and asked if the examples listed in the Animal Ordinance were all-inclusive of the code, or in congruence with the code. Cantrell stated the examples were samples from other ordinances she researched. Podmore noted that since enforcement mechanisms were built into the Animal Ordinance specifically, perhaps it would be best to remove the reference to the Utah State Code. The Commission agreed and removed the reference.

Podmore added inclusive language to the document (he, she, them), specified what constitutes as a “nursing pair,” and included “nursing pair” under the farm animal regulations section.

Egge brought up that 3 warnings were discussed as too many warnings for other ordinances, and questioned whether this ordinance would benefit from fewer warnings, as well. Haviken and Podmore thought that 3 warnings were appropriate for this ordinance.

Haviken made the motion to approve the draft of the Animal Ordinance and move it to Public Hearing. Cantrell seconded the motion. Haviken – Aye, Egge – Aye, Podmore – Aye, Cantrell – Aye, Burak – Aye. All in favor, None opposed. The motion passed unanimously.

Podmore recognized Cantrell for her significant help in the creation of the ordinance. Cantrell thanked the team for a job well done.

The final draft will be posted on the Planning and Zoning website page, and the public hearing will be scheduled for a later date.

6. Letter to San Juan School District requesting Bluff Elementary School electronic flashing sign be put on a timer

Podmore introduced this agenda item, as the Planning and Zoning Commission had received a request from a citizen regarding the Bluff Elementary School electronic flashing sign. Haviken noted this would fall under enforcement, which Town Council now owns.

Podmore and Burak confirmed San Juan County School District is exempt from the Town of Bluff Planning and Zoning Dark Sky Ordinance, as they are a state-run entity. However, discussion was held with the district prior to the installation of the sign, and they seemed amiable about the request to have a timer installed.

Hook noted the black background on the sign was part of the discussion, and yes, the San Juan School District and UDOT are exempt from Bluff ordinances. She also noted the architectural team was involved from the beginning to down-light the sign.

Egge suggested the Commission first try to work with local school employees, perhaps the custodian or school principal, prior to escalating the complaint to the School District with a letter. Burak agreed and volunteered to reach out to the principal to discuss on friendly terms. The Commission reached a consensus to have Burak reach out as the first measure of action.

7. Discussion on construction hours for draft noise ordinance

Podmore opened the discussion and noted that this agenda item was in relation to construction noise only, not construction itself. She asked that the topic of hours be put to a vote during the meeting.

Haviken had emailed the Commission Members earlier in the day with his request and specification for the hours of construction noise. Burak noted she read the email and liked the proposal. (Burak had to step away from the meeting for a few minutes, but returned shortly thereafter.)

Cantrell shared that she thought the hours and stipulations in Haviken's proposal were too complicated and it had too many parts. She wanted to ensure people would be able to comprehend the ordinance easily. She also stated people might interpret the limits on Sundays as a restriction on their ability to make a living.

Haviken stated that while he appreciated the Commission was looking out for the workers trying to get their jobs done, he takes the stance that the Planning and Zoning Commission has the responsibility to protect the Town of Bluff. He reminded the Commission that noise is a trespass, just as light is a trespass. He went on to say that 70 hours of working time per week was more than adequate for builders, and reiterated his passion for the importance of serenity, which comes with peace and quiet.

Podmore shared that she strongly agreed with Cantrell, and there should be ways to protect the morning and evening hours from sound. She suggested allowing construction noise from 8am-7pm Monday – Friday, and 9am-6pm on the weekends, stressing that less time on the weekends is preferable.

Haviken countered with his request for no work on Sundays, except in sweat equity building projects and by permit only. Podmore responded that providing work permits would be time consuming a lot of work, and asked how the Commission would even be able to define what would fall into sweat equity. Haviken responded that it would be simple to define sweat equity.

Egge shared that she wanted to ensure a 7-day work week, but asked the Commission to consider additional compromises. Burak suggested limiting noise hours to 9AM-5PM on weekends, and Cantrell said she would support that, but asked that weekdays have a 7am start time.

Podmore reminded the Commission that the hours and ordinance draft would still go to Public Hearing and Town Council, and that while consensus would be preferred, it was not necessary as the other steps could still change the outcome; she then opened the floor for motions.

A number of motions were made regarding the hours for construction noise. They are listed below in consecutive order:

Burak made a motion to limit earth shaking to 8AM-5PM, 7 days per week. Egge seconded the motion. Egge specified that this motion was related to noise only, not all construction. Burak confirmed the intent behind the motion was for noise construction and heavy equipment noise. Discussion was held around changing the hours on the weekends, with Burak and Cantrell agreeing that there should be different times on the weekends. Podmore called the motion to a vote. Egge – Aye, Burak – Aye. Cantrell – Nay, Podmore – Nay, Haviken – Nay. 2 in favor, 3 opposed. The motion failed.

Podmore made a motion to allow noise from construction Monday-Friday 8AM-7PM, and Saturdays and Sundays from 9AM-5PM. Haviken seconded the motion. Cantrell asked that the hours be extended to 7AM to allow for an earlier start time. Podmore disagreed and stated she did not want to have loud beeping from construction at 7AM. Cantrell asked if a hammer would be considered construction noise. The motion was brought to a vote. Podmore – Aye, Egge – Nay, Burak – Nay, Cantrell – Nay, Haviken – Nay. 1 in favor, 4 opposed. The motion failed.

Burak asked if the Commission could just send the ordinance on to Public Comment with just a blank/open hours section listed and leave the discussion to the citizens. The Commission agreed Hook then asked if you have a lot in town, and you want to just come camp on it in your RV, would that be allowed?
it would be better to have hours and days to start the discussion.

Haviken made a motion to allow construction noise from 7AM-5PM, 6 days per week, with an additional 2 hours of noise allowed for handheld and electric driven tools, prohibiting construction on Sundays with the exception of sweat equity projects and builders who apply for a permit for weekend building from Town Council. Burak seconded the motion. The motion was

brought to a vote. Haviken – Aye, Egge – Nay, Cantrell – Nay, Burak – Nay, Podmore – Nay. 1 in favor, 4 opposed. The motion failed.

Haviken suggested removing construction noise from the ordinance completely, but the Commission agreed that it needed to be part of the ordinance.

Podmore made a motion to prohibit noise from construction from 9PM-7AM, 7 days a week. Egge seconded the motion. Burak commented that she would be in favor, assuming this is the bare minimum, and acknowledged the times and days of the week would be moved into public hearing. The motion was put to a vote. Podmore – Aye, Egge – Aye, Cantrell – Aye, Burak – Aye, Haviken – Nay. 4 in favor, 1 opposed. The motion passed.

The motion's stipulations of prohibiting noise from construction from 9PM-7AM, 7 days a week were written into the Noise Ordinance draft.

OTHER

The next scheduled Planning and Zoning regular meeting will have just 3 Commission Members: Podmore, Burak, Egge.

The Agenda will include:

- Minutes from the work session (11/12), joint meeting (11/18), and regular meeting (11/18)
- An update from Sarah regarding the Bluff Elementary School electronic sign
- Interviews for potential commission members
- Work on the Noise Ordinance

A Public Comment was entered into the chat feature of the virtual meeting: My house is close to the UDOT barn and the backup beeps from the equipment is very annoying. So an 8:00 start is better than 7:00

Burak thanked the audience member for their comment, and thanked Haviken and Cantrell again for their services. Haviken said "Thank you, this has been a great experience and an interesting experience working though the generational gap." He expressed gratitude to the entire team. Jim Hook made a public comment "When you took all of this on, you had no idea what you were getting yourselves into. You all are so serious, all of you, you are doing such a great job. And the sad part is you don't get to finish it, it belongs to Town, I really appreciate what you've done."

Egge thanked everyone for the positive and good exercise in democracy, with civility and respect for everyone's neighbors.

Burak made the motion to adjourn the meeting. Haviken seconded the motion. Cantrell – Aye, Egge – Aye, Podmore – Aye, Haviken – Aye, Burak – Aye. All in favor, none opposed. The motion passed unanimously. Meeting adjourned at 7:31PM.