

# **Town of Bluff**

## **Planning and Zoning Commission Regular Meeting**

### **Minutes for Wednesday, Oct. 21, 2020 6:30 pm**

VIRTUAL - Bluff Community Center  
190th 3<sup>rd</sup> East, Bluff, Utah 84512

6:33 Roll Call: Amanda Podmore (acting chair), Malysa Egge, Robin Cantrell, Michael Haviken, Sarah Burak; Town Council Representative: Luanne Hook; Advisor: Deborah Westfall

**Approval of minutes from 10/7:** The Commission corrected language around the lot size discussion and approved grammatical changes that were suggested by Egge. Haviken made the motion to accept the minutes, Cantrell seconded. Egge - Aye, Haviken – Aye, Burak – Aye, Podmore – Aye, Cantrell – Aye. None opposed. The Motion passed unanimously.

**10/14 Work Session:** No significant changes to the document were made. Egge made the motion to approve the minutes and Haviken seconded. Haviken – Aye, Egge - Aye, Cantrell - Aye, Burak – Aye, Podmore – Aye. None opposed. The Motion passed unanimously.

#### **Public Citizens to Be Heard**

Luanne Hook provided an update from the Town Council. The Town is working with NetForce PC in Cortez to install video conferencing technology to enable a distanced and virtual meeting environment for when The Town is able to return to in-person meetings. The conferencing will go out on YouTube and have a large screen in the meeting hall to enable people to sit further apart. The CARES Act money will be used to fund this project, as well as \$2,400 donated by Rocky Mountain Power.

UDOT is using a federal grant to work on roads in San Juan County starting in the next year, including work on highways 162 and 262. Work will start at the Cow Canyon intersection and continue over to White Horse. There will not be a roundabout in Bluff, but one is planned for the intersection in Montezuma Creek. There will be major reconstruction outside of Aneth, and from the new roundabout to White Mesa Hill. They will begin to look for, and receive proposals from contractors at the end of this year, until early Spring 2021. The physical construction is not projected to begin until later in 2021.

The County and The Town are reviewing the feasibility of a new cemetery district, and new board members will be appointed. The Town agreed to a joint meeting with The Planning and Zoning Commission on November 18, 2020. Bob Springmeyer of Bonneville Research suggested The Town complete a strategic plan to evaluate The Town's position, especially in regard to Covid-19. Erin Richards completed an internal accounting audit of the town. The USU Campus is clear of Covid-19, as determined via water samples, however, the Town of Blanding has a noted uptick in the amount of Covid-19 detected in their water. Everyone should remain vigilant in regard to the virus.

Public Comment received through Google Chat Messenger:

Debbie Westfall for Luanne Hook: when will the UDOT 162 project begin?

Luanne replied that there is not a specific, set date at this point, but Summer 2021 would be the earliest start date for construction, and Horrocks Engineers is involved.

Burak asked when the technology for the virtual meetings would be set up, and whether it would have closed captioning. Hook replied that it should be completed within the month. She also noted that there will still need to be a person physically at the community center to host the meetings. The technology will enable the audience to sit further apart, but still have the virtual component. Hook also said that there should be closed captioning, but Jim Sayers would have more details. Hook also relayed that Utah attempted to mandate this technology be used, but Utah League of Cities and Towns fought it due to the high costs in the past.

### **Old Business**

#### **1. Review draft noise ordinance**

Podmore noted there were four ordinances on the agenda and asked for The Commission to review all four during the meeting. She further asked that detailed discussions of the ordinances take place in upcoming meetings and work sessions, after each member reviews the documents.

Podmore thanked Egge for separating the Noise Ordinance from the Idling Ordinance. Egge agreed to physically accept the changes in the working document as The Commission moved through them. The Commission reviewed the Definitions Section and added the decibel table, which was also reviewed for clarity. General changes to formatting were made for consistency.

Cantrell had reviewed the Moab Noise Ordinance and relayed that it was much more high level, and that “noise was noise”. Moab’s ordinance was not broken out into individual noise causations, but instead focused on specific hours. Haviken noted that Moab is much different than Bluff, and Moab is overdeveloped, but that other towns did seem to have more simple language in regard to noise.

The Commission discussed whether the Bluff Noise Ordinance needed to be revised for simplicity. Podmore said she received an email from a citizen pertaining to a petition in Moab called “Make Moab Quiet Again”, which is requesting Moab strengthen their Noise Ordinance.

Haviken shared that there is a USU study showing forty (40) percent of the population of Bluff is currently over the age of 60. Haviken continued that The Commission should keep this in mind as they create the Noise Ordinance. Cantrell agreed with Haviken, but also said all demographics should be considered.

Podmore asked the members to review the Noise Ordinance individually, and note changes where the ordinance could be made more simple and less specific. In addition, she noted it would be beneficial to continue to compare the Noise Ordinance with other comparable towns' noise ordinances.

Public Comment/Town Council Comment:

Luanne Hook: "Keep in mind our Town attorney is also working for Moab and he will be reviewing the ordinance. The more they match up the easier it will be to review."

## 2. Review draft animal ordinance

Egge had edited the Animal Ordinance for grammatical and formatting inconsistencies and Cantrell had also made changes and reviewed prior to the meeting. The Commission discussed and made minor changes to the Purpose and Intent language regarding "animal use for personal enjoyment." Clarity was also reviewed for "zones."

Cantrell asked that The Commission return to the Noise Ordinance to strike the portion on anti-bark dog collars.

Further editing and minor changes were made to the Animal Ordinance. Egge asked that the Commission recall that there were particular requests made to the Town Council regarding complaints received in regard to noise. Members of the Commission should keep these in mind as further review and edits of the Noise Ordinance are made, and ensure all ordinances are congruent.

The Commission held a brief discussion regarding fees and penalties. Burak suggested using language such as "a housing fee will be assessed" as opposed to defining the specific fee or leaving it blank. The Commission agreed with this, and will keep this in mind for future ordinance edits.

At the end of this agenda item, The Commission returned to the Noise Ordinance and removed the portion regarding anti-bark collars (section B under infractions). Members supported this removal, citing humane society associations, rescue groups, and also that Petco had stopped selling such devices, as there is a great deal of public concern regarding animal cruelty. The members of The Commission stated again that they, nor The Town, would be associated with promoting animal cruelty.

## 3. Review archaeology ordinance

Podmore began by thanking Westfall for her hard work. Westfall had added two "whereas" clauses. The Commission agreed to delete the fifth whereas clause, as it appeared to be too strong on private property. Westfall had also suggested definitions for "Public Utilities" and "Public Works" and these were agreed upon by The Commission and were placed in the document.

Verbiage was also added around drainage, ground water control, and storm drains. (The Commission noted the specific instance in which remains were found when drainage was placed under 6<sup>th</sup> West.) Haviken noted these drains needed to be quite deep.

Podmore made a motion to send the Archaeology Ordinance to the State Historical Preservation Office for review. Egge seconded the motion. Haviken – Aye, Egge – Aye, Burak – Aye, Cantrell – Aye, Podmore – Aye. 5 Ayes, none opposed. The Motion passed unanimously. Westfall will send it to Chris Merritt for review.

At the end of the agenda item, Haviken noted that he liked the way Westfall referenced the General Plan in the Archaeology Ordinance. Haviken had reviewed the General Plan for noise specifically, but noted while noise was mentioned in conjunction with the other small-town attributes that Bluff has, there was not much language in the General Plan that pointedly states that noise is to be kept at a minimum to enhance the town's atmosphere.

The Commission agreed that it is beneficial to reference the General Plan when possible while writing ordinances.

#### **New Business**

##### **4. Review Idling ordinance**

Egge had separated idling from the Noise Ordinance to create this new ordinance. Podmore will review the General Plan to find specific language referencing Jacob Brakes and Idling to add to the preamble of the Idling Ordinance. The Commission agreed to leave the definitions for Noise Disturbance, Nuisance, Recreational Vehicles definitions in the document until the infractions section was completed. Timing and the number of allowed infractions will also be reviewed in future. The Commission agreed to review and compare these sections to other towns' ordinances.

The notes that had been copied from the Noise Ordinance were left at the bottom of the draft (many examples of idling and more). Podmore, and the members will review the notes.

##### **5. Other**

Egge brought up that the next meeting falls on November 4<sup>th</sup>, immediately following election day, and asked whether The Commission might want to cancel the meeting. Burak said it would be okay to cancel, but requested a work session for the following week. The follow Wednesday is Veteran's Day, so The Commission agreed to hold the work session on Thursday, November 12 at 9:00 AM. On the agenda will be all four ordinances reviewed this evening, although the Archaeology Ordinance will be under review by Chris Merritt. Podmore noted that a short meeting might be necessary on November 4th if any applications, such as a land use application, were submitted for review.

For homework, the individual commission members will review the Animal, Noise, and Idling Ordinances. The members were also asked to focus on the solutions to the violations and enforcement sections.

Podmore also commented that the joint Town Council – Planning and Zoning Meeting will take place on November 18, 2020 at 5:30 PM. Egge will create an opening for the Economic Diversification Council portion, and Cantrell will work on the Recreational Vehicles opening.

Haviken made the motion to adjourn the meeting, and Cantrell seconded. No discussion. Cantrell – Aye, Haviken – Aye, Egge – Aye, Burak – Aye, Podmore – Aye. 5 Ayes, none opposed. The Motion passed unanimously. The meeting adjourned at 7:34 PM