

Town of Bluff

Planning and Zoning Commission Work Session

AMinutes for Thursday, Nov. 12, 2020 9:00 am

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

9:01 am Roll Call: Amanda Podmore (Acting Chair), Michael Haviken, Robin Cantrell, Malyssa Egge, Sarah Burak; Advisory Council: Deborah Westfall; Town Council Representative: Luanne Hook

Public Citizens to Be Heard

Amanda Podmore shared that two of the Planning and Zoning Commission Members, Michael Haviken and Robin Cantrell, have decided to not renew their terms. Podmore thanked both for their service.

Haviken thanked everyone for their support, and thanked Podmore, Burak, and Egge for their work. Cantrell echoed the sentiment.

Luanne Hook stated that everyone appreciated the work that Haviken and Cantrell put in and said that there is still time for them to change their minds.

Old Business

The Commission determined that they would address the Animal Ordinance first, as Cantrell had played a large part in the creation, and they wanted to ensure that the ordinance was nearing completion prior to the end of her term.

1. Review Draft Animal Ordinance

The Commission reviewed and resolved previously made notes in the document.

In the “Applicability” section, it was written that larger parcels of agricultural land could support more animals than what was outlined further down in the document. The Commission removed this wording, and instead specified “residential and commercial zones”, further down in the document, where applicable.

Under “Dangerous Dogs”, the Commission agreed that Town Council and law enforcement officials would determine if a dog is considered dangerous.

The “Definitions” section was edited, and the Commission agreed to move “free range fowl are prohibited” from the “Definitions” section to the “General” section. The Commission specified that free range fowl refers only to animals that are trespassing, and animals are allowed to be free range on their owner’s property.

Discussion was held around the maximum number of animals allowed on residential and commercial zone parcels. The Commission agreed to keep the example, however modified it for clarity.

Under Trespass and Nuisance Animals, there is wording regarding revoking the ownership of the animal(s). The Commission agreed that the Town will be responsible for the revoking of animal ownership privileges.

Since the Town will be working with Blanding, the Town can put specific fine amounts in effect. The Commission will not place specified amounts in the Animal Ordinance.

The Commission discussed the merits of “may” and “shall” charge a fine, and agreed to use “may”. The wording regarding impounding was also changed to “may”.

Podmore suggested using three warnings of a violation before a written warning is issued, as this has been the standard number of warnings in other ordinances.

The Commission then discussed section “G. Housing by Property Owner” regarding if an animal trespasses onto another property. The Commission took out the specific fine amount, and changed it to read “reimbursement for all documented expenses for animal care”.

Under “Dangerous Animals” there was reference to San Juan County code 6.04.320 Dangerous Dogs. This was deleted, as the Commission believed this is no longer applicable to the Town of Bluff.

The Commission added “Farm Animals” to the free roaming domestic animals already addressed.

The Commission members will individually read the entire Animal Ordinance prior to the Wednesday, November 18th meeting. During the regularly scheduled meeting on the 18th, the Commission will quickly resolve any additional comments or changes, and then make a vote to move the ordinance to Public Comment.

2. Review Draft Noise Ordinance

Podmore added a reference to the Town of Bluff General Plan to the preamble, and found specific sentences in the General Plan regarding noise. The Commission added sections “d” and “e” to support the creation of the Noise Ordinance by referencing specific language within the General Plan.

The Commission then reviewed and condensed the decibel comparison table from cdc.gov.

The Commission spent time discussing the construction noise portion of the ordinance. Haviken suggested heavy construction equipment such as backhoes and bulldozers be restricted to end noise by 6PM, and suggested that from 6PM-8PM, hand-powered tools such as drills and skill saws could be allowed. Haviken requested that there be no construction on Sundays. Haviken reminded the Commission that backup alarms, pneumatic tools, and more are very intrusive and create disturbance, and it would be beneficial for the small-town atmosphere to have a day of the week free from the nuisance.

Cantrell shared that she thought these suggestions would still be too restrictive. Egge stated that in her personal experience, construction workers do not want to waste daylight, but understood why Haviken

wants to promote the small-town atmosphere. Burak was on the fence, but weighed in that heavy equipment noise could be limited, but also understands that daylight plays a large role in when construction needs to take place. She also understood not wanting to have construction 7 days per week.

Haviken said there is still a very large stretch of time that construction can happen under the current draft ordinance. Podmore reminded the Commission that there will still be time for public comment, and it is very probable that these specifics could change during that process. Podmore did not agree that there should not be work on Sundays. Haviken shared that he had selected Sunday as a day off, as it is a day that many people already have off. Podmore suggested that they change to a later start time on the weekends.

Egge referenced the Moab Noise Ordinance and timeframes. She shared that the times vary based on the day of the week. Haviken rejected the Moab comparison and stated that Bluff is not a municipality. He stated that Torrey or Boulder would be a closer comparison, and did not think Moab should ever be used by the Commission to compare or reference ordinances.

There was a public comment from Luanne Hook entered into the chat box of the virtual meeting, but it was not addressed by the Commission during the meeting:

Luanne Hook

9:52 AM

Is construction noise one of the things they are looking at with the Make Moab Quiet Again project?

Burak talked about using daylight hours for seasonality considerations, thus allowing shorter work hours in the winter, longer work hours in the summer (perhaps a half hour after sunrise, and a half hour before sunset). Podmore expressed concern about using daylight, as that could create too early of start times in the summer. Burak countered that they could use a set start time and use daylight to end the day. Egge noted the lack of consensus on this and suggested coming to a compromise in a different way, perhaps by eliminating construction noise in regards to specific timeframes, or maybe to go off of decibels instead.

Podmore reminded the Commission that the Town (Mayor Ann Leppanen specifically) has been receiving construction-specific complaints. Two complaints were in regard to early morning construction on the West side of Town. Haviken also noted that the Bluff Fort has volunteers who start working at 5:30AM on the East side of Town.

The Commission then discussed whether Torrey, Boulder, or Springdale had any comparable wording regarding construction in their ordinances. Cantrell was unable to find a Noise Ordinance for the Town of Torrey. Egge mentioned that “noise” is only noted under “Public Events” for Torrey. The Commission agreed to continue researching comparable towns’ noise ordinances in regards to construction noise. Haviken will put his suggestion regarding dates and times for construction noise in writing, in the draft.

The Commission discussed “Jake Brake” versus “Jacobs Brake”. Podmore noted that this was addressed in the “Definitions” section, and the Commission agreed to keep “Jake Brake” as it is a more common, colloquial term for the mechanism.

Egge noticed that times are different throughout the document for each type of noise. She stated it would be beneficial to standardize times to ensure set quiet hours. Podmore countered that public gatherings and construction are different, and therefore should have different requirements.

3. Review Draft Idling Ordinance

The Commission quickly reviewed the draft, as the hour was coming to an end. Haviken noted that 3 warnings would be too lenient, and Burak agreed. Podmore agreed that it would not be enough of a deterrent, and put a note in the draft for the Commission to discuss changing it to 1 warning.

New Business

4. Other

Haviken asked if during the joint meeting with the Town (on Wednesday, November 18) they could discuss whether the Town is in a position to hire a third party to judicate issues citizens have with ordinances and extenuating circumstances. Podmore noted this was not yet on the agenda, and suggested that it would be a rather lengthy discussion. She suggested it might be best to plan to have an additional joint meeting with the Town to address this in more detail. Burak agreed that there will need to be another joint meeting. Podmore will email Ann Leppanen to discuss this topic.

Burak made the motion to adjourn the meeting, Cantrell seconded. Amanda – Aye, Haviken – Aye, Burak – Aye, Cantrell – Aye, Egge – Aye. 5 Ayes, none opposed; the meeting adjourned at 10:05am.