Town of Bluff

Planning and Zoning Commission Regular Meeting

Minutes for Wednesday, Dec. 2, 2020 6:30 pm

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

6:31 Roll Call: Amanda Podmore (acting chair), Malyssa Egge, Sarah Burak; Commission Advisor: Deborah Westfall; Town Council Representative: Luanne Hook

Approval of minutes from 11/12 Work Session, 11/18 Regular Meeting, 11/18 Joint Meeting

November 12th Work Session: Changed the title to "Work Session". Burak made a motion to approve the meeting minutes from the Work Session on November 12, Egge seconded. Burak – Aye, Egge – Aye, Podmore -Aye. All in favor, none opposed. The motion passed unanimously.

November 18 Joint Meeting: Changed minor grammatical and spelling errors. Egge made a motion to approve the meeting minutes from the November 18 joint meeting, Burak seconded. Egge – Aye, Burak – Aye, Podmore – Aye. All in favor, none opposed. The motion passed unanimously.

November 18 Regular Meeting: Egge made a motion to approve the meeting minutes from the November 18 regular meeting, Burak seconded. The motion was put to a vote: Egge – 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 provided information from the Town Council Meeting on 12/1/2020: Bob Springmeyer is conducting a strategic plan and facilitated a joint meeting with members from the Town Councils of Boulder and Castle Valley. In addition, Linda Sosa and Ann Leppanen are currently conducting a full accounting audit, there are outdoor recreation grants available, and Emery Telecom will be contacting residents in the near future regarding fiber optic installation logistics.

2. **Update on request to Bluff Elementary School regarding electronic sign**

Burak emailed Principal Silversmith today (12/2/2020) regarding the sign.

Egge asked if the Planning and Zoning Commission needed to create an official process for handling resident concerns and complaints and enforcing ordinances. The Commission agreed it would be beneficial to track and record complaints as they are received, but debated on whether it would be more effective to send residents straight to Town Council, as Town Council will be the enforcing body. Burak suggested creating a specific form for residents to fill out. The Commission decided to move the discussion and decision to the next regular meeting.

New Business

3. Review any Land Use Clearances and Building Permit Applications

None at this point in time. Podmore would like to remind residents that if anyone plans to build, they must go through the full land use clearance process, which can be found on the Town of Bluff website under "Planning and Zoning".

4. Process for Planning & Zoning Commissioner interviews

The Commission has moved the interviews to the December 16th, 6:30PM Regular Meeting. There are currently three (3) candidates, however, the application will remain open until Friday, December, 11. Residents are encouraged to apply (details can be found on the Town of Bluff website). Podmore will update the notices and postings to reflect this extended application deadline.

Each of the applicants will be asked the same questions. There was lengthy discussion regarding the legality of holding a closed session interview process, including public comment from Marcia Hadenfeldt and Jackie Warren who both conveyed that the interviews must be held in the public forum. In addition, Warren (having served on the BSA), suggested reviewing the State's four (4) instances for a closed session meeting. The Commission discussed the benefits and negatives of holding a closed meeting, but will defer to Chris Mcanany (the Town's Lawyer), and to the State's requirements.

Egge asked if the interviews would be scored or ranked, and what the process would entail. Podmore stated that the interviews would be conducted, and then the current Commission Members would deliberate at the end of the meeting, put the recommendations to a vote, and then hopefully be able to provide Town Council with the recommendations prior to the end of the calendar year. Whether the deliberation would be part of the regular meeting, or whether it would be held in a closed session was discussed again, but the general agreement was that these discussions would be held during the regular meeting and would follow the Open & Public Meetings Act.

Burak asked whether Town Council had to select from the Commission recommended candidates, or if they would be able to select other residents. Podmore said that the bylaws state that the Commission will have the chance to review candidates before the Town Council can select them. If Town Council rejected all candidates, the application could be reopened.

Applicants will not be able to view the questions ahead of time. Interview time slots will be assigned to the candidates. Podmore stated the intention is to vote and select two (2) candidates for recommendation to the Council by the end of the December 16th meeting.

5. New edits to draft noise ordinance

Podmore expressed her concern around barking dogs and the practicality of enforcement. The Commission made edits to the draft including deleting references to idling vehicles (as a new, separate Idling Vehicle Ordinance is being drafted) and minor changes to the decibel chart for clarity and conciseness.

Discussion then moved into the definition of "nuisance" and whether the definition needed to include the term "unlawful" as this term is used throughout the document, and the wording of "actions found to be unlawful in this chapter are considered to be a nuisance". Egge mentioned that the term "unlawful" was not used significantly in other ordinances written thus far, and instead the phrase "is prohibited" was used more frequently. Podmore specifically referenced the General Noise Pollution section, and objective noise criteria, which currently uses the language of "actions found to be unlawful are a nuisance" and suggested streamlining the phrasing. The Commission agreed that "unlawful" portrays a more concrete and enforceable regulation, and they will ask Chris Mcanany to weigh in on the legality. Podmore did note that the term "unlawful" and other portions of the draft were complied from other towns' ordinances as examples.

Burak suggested in fairness to the former Commissioners, to leave the Construction Noise section as is until Public hearing.

Discussion was held around Animal Noise, for both consistent and intermediate noise. Podmore shared research she had found regarding a Los Angeles 10-minute continuous barking clause that was met with significant negative feedback, as residents thought it was a very short amount of time. Podmore found other ordinances that contained durations of 30 and 60-minute continuous barking. Egge and Burak both suggested increasing from 10 minutes to a 20-minute continuous barking/animal noise allotment. Podmore suggested increasing intermittent barking/animal noise from 30 to 60 minutes. Both suggestions were written into the draft.

The Commission then agreed to change "residential zone" to "all zones" for animal noise, and debated how the 24-hour designation would be interpreted. It was agreed upon that a single violation would be issued for a rolling 24-hour period.

Public Comment received through the chat box:
Marcia Hadenfeldt "did you mean to say: ...OR within a 24 hour period. 10 minutes should be 5 in my opinion"

Burak provided clarification on the 24-hours, which ensures a resident couldn't receive two infractions within a 24-hour period; they would be combined into a single violation. Egge will work on this wording, and the Commission will revisit this again in an upcoming meeting.

Egge provided feedback on the idea of quiet hours, and stated that if construction noise is to stop at a certain time, animal and other noise should also stop at a similar time. Burak countered, saying that it is harder to "turn-off" animals at a specific time, and during the summer, for example, "it's still daylight at 9PM, how would a dog know to be quiet?" She suggested a 10PM cutoff for animal noise.

Podmore asked if the animal morning hours could mirror the construction hours at 7AM. The Commission agreed to change the hours to prohibit animal noise and barking dogs between 10PM and 7AM. Podmore had also added that if an animal is barking at a trespasser or threat, that is not considered unlawful under this ordinance.

There were multiple public comments acknowledged by Burak, that were received via the chat box: Marcia Hadenfeldt "dogs barking "within town boundaries."" The Commission added the verbiage "all zones with town boundaries" to the animal noise enforcement zones.

Michael Haviken "One would not be telling a dog not to bark but the owner" Burak confirmed, "Yes, you are correct"

Podmore conveyed that she personally liked having the 11PM time listed for social gatherings. Burak also preferred this later time, but Egge would prefer an earlier cutoff time. Burak countered that while ongoing, habitual noise would be a nuisance, a wedding or family reunion would be a one-time event.

Public Comment received through the chat box: Marcia Hadenfeldt "history shows that the comm center lost a lot of business when the hours were shortened. Understand that you may be cutting of some income events" The Commission acknowledged the comment, and Burak noted that putting a noise limit on the time could be cumbersome to organizations, as well.

Jake Brakes will remain in the Noise Ordinance, as they do not fall under Idling Vehicles, however, wording was removed from the document regarding idling vehicle operators. Under "Enforcement Violations and Penalties", wording was changed from "neighbors" to "residents to convey formality, and phrasing was included to encompass "property owner or tenant".

The following comment was not addressed: Marcia Hadenfeldt "are you considering outdoor entertainment venues and did you want Community Center in the box that Malyssa had edited?"

Podmore asked to keep the notes at the bottom of the Noise Ordinance for reference, and asked the Commissioners to continue to review this draft.

6. Other

The upcoming meeting agenda for the December 12th Regular Meeting will include:

- Minutes from 12/2/2020
- Tracking system for complaints and streamlining the process to Town Council
- Interviews with Commissioner Candidates - up to 10 minutes per candidate
- Recommendations for candidates to move to Town Council approval

Public Comment received in the chat box: Luanne Hook "An idea for the interviews--It could be held like the recent debates where everyone takes a turn at answering since they will all be at the meeting" Burak acknowledged, and Podmore suggested keeping to a single time slot for each interviewee.

Public Comment received in the chat box: Marcia Hadenfeldt "be careful. we have problems with 18 wheelers idling overnight" The Commissioners responded that idling vehicles had been broken into a separate, new ordinance draft.

Podmore thanked everyone for their contributions. Burak made a motion to adjourn the meeting, Egge seconded. Podmore – Aye, Egge – Aye, Burak – Aye. All in favor, none opposed. The motion passed unanimously. The meeting adjourned at 7:29PM.