

Town of Bluff
Planning and Zoning Commission Regular Meeting Minutes
Wednesday, May 19, 2021 at 6:00 pm
VIRTUAL - Bluff Community Center
190th 3rd East, Bluff, Utah 84512

Approved

6:03 Roll Call: Sarah Burak, Marcia Hadenfeldt, Malyssa Egge, Ed Dobson. Amanda Podmore was excused from this meeting.

P&Z Advisors – Deborah Westfall; Town Council Representatives: Luanne Hook

Approval of minutes from 05/05/2021 regular meeting: Hadenfeldt questioned the wording of *exemptions* for BARC from the last meeting, regarding zoning for kennels. Dobson stated that he intended to say that BARC could request a *variance*. The commissioners noted that exemptions should not be granted and a variance could be difficult to obtain, as well. Dobson made the motion to accept the meeting minutes from the May 5 Regular Meeting, and Egge seconded the motion. Dobson – Aye, Burak – Aye, Egge – Aye, Hadenfeldt – Abstained. 3 in favor, 1 abstain. The motion passed.

Public Citizens to Be Heard: None at this time.

Old Business

1. **Update from Town Council:** Hook shared that the local fire meeting is to take place on May 20, the Town of Bluff budget hearing is to take place on May 25th, and Erin Richards is currently conducting the internal accounting audit. Updates were also provided regarding CIRD, the county transfer station, and Bluff Water Works noted that there was excessive water usage on some properties on the east side of town. Residents must declare intention of running for Town Council or Mayor positions between June 1 and June 7. The Short Term Rental ordinance has been reviewed by the town's lawyer.

Burak asked for clarification regarding whether residents were being contacted for high water usage and Hook confirmed that they are being contacted. Hook also noted that while the CIRD was not awarded a grant, they will be hosting monthly meetings, for 18 months with other small towns to provide guidance on projects, and a member of P&Z is invited to attend.

Burak asked whether Bluff adds fluoride to the town's water supply and Hook said no fluoride is added, however treatment does take place to take out arsenic.

Hadenfeldt made the motion to switch items one and two on the agenda to review Jim Turner's permit first, as it likely would take less time. Egge seconded the motion. Dobson – Aye, Burak – Aye, Hadenfeldt – Aye, Egge – Aye. 4 in favor, none opposed. The motion passed unanimously.

New Business

1. **Sign permit for James Turner:** Burak thanked Turner for submitting his application with all items. Hadenfeldt made the motion to sign the application as submitted and Egge seconded. Turner was asked to provide a brief description of the application for permit. The permit is for a "For Sale" sign, as required by ordinance. Turner noted the land in question was owned by his uncle and two partners for more than 50 years. A portion was sold and the 10.3 remaining acres run from Cemetery Hill down to the sub-station. The request for permit is for a "For Sale" sign.

Hadenfeldt made the motion again to approve and sign the permit submitted by Jim Turner and Dobson seconded the motion. Egge – Aye, Hadenfeldt – Aye, Burak – Aye, Dobson – Aye. 4 in favor, none

opposed. The motion passed unanimously. Burak will sign the permit and assign a number. A copy will be emailed on May 20th. Turner also requested to meet a representative from the P&Z Commission during his upcoming visit to Bluff.

2. **Review any Land Use Clearances and Building Permit Applications-Jim Nowak:** The commission asked Nowak to describe his application. Nowak's property is located between the Ewing's property and the Church of Latter-Day Saint's property on East Black Locust Avenue. Nowak noted there is an existing water hydrant that may need to be moved, and water and power can be obtained, as well as a septic system as approved by a health inspector. Nowak has built similar structures before, and he intends to place a 20' shipping container on the plot to begin building a house with a shop and carport for one vehicle. The shipping container will not have any lettering, and the build will be on a foam block foundation, totaling 1408 square feet, including the breezeway. The building will have 8' high walls, 6" in width, with a 12" roof. The two-story building will be 16' high in total, not exceeding current ordinances. Nowak intends to paint the structure in a stucco color, meet all Dark Sky Ordinance requirements, and plans to break ground on September 1, 2021.

The commission asked as to where the driveway is to be located. Nowak stated there is a culvert on the east side of the property, and therefore he intends to create the access point/driveway on the west side of the property. He noted the plot of land is one-half acre and is 110' wide and 200' long, north to south. He noted that a frost-free hydrant was installed and dirt was left which has created drainage issues. Hadenfeldt suggested contacting Marx Powell regarding clearing the excess.

EGGE noted on the proposal and drawings that Nowak had 15' setbacks from the front of the property, whereas the Zoning Ordinance, in section B requires a 25' setback from the front, and 15' on the side and rear. Nowak responded that he would adhere to the 25' setbacks, including his carport. Burak thanked Nowak for his application being fully in order, and noted that the only change required would be the front setbacks. Hadenfeldt made the motion to approve the Land Use Clearance Application with the revised front setbacks to 25 feet for Jim Nowak. Burak seconded the motion. EGGE – Aye, Dobson – Aye, Burak – Aye, Hadenfeldt – Aye. 4 in favor, none opposed. The motion passed unanimously.

Burak noted that if the square footage increased, the footprint size changed significantly, or if additional buildings were added to the plan, Nowak would need to contact the Planning and Zoning commission or resubmit an application. She also noted the setbacks and septic system requirements are also important.

Burak will sign the application and send the hard copy and emailed copy to Nowak. Burak addressed a written comment from Hook stating "Will you have access to pump septic?", however, Nowak had already left the virtual meeting.

3. **Final review of Animal Ordinance:** Hadenfeldt requested to add wording regarding protecting adjacent properties from bug infestations such as flies, and Dobson asked to include "noxious weeds", as well. Dobson clarified that noxious weeds, as defined and prohibited by state law, can be transported in feed or hay. The commission agreed to add both items to section regarding nuisance.

Westfall noted in the written comments that "if humans keep the animal quarters clean, there should not be an insect problem" and the commissioners agreed, and wanted to include the insects to help the town enforce this portion of the ordinance.

Hadenfeldt asked to review the section regarding providing animals shade and shelter. The commission noted that the intention of the ordinance item was not to tell people how to care for their animals, but to ensure the animals are not suffering. Therefore, a shade structure would not have to be built, but access to shade in the form of trees, for example, would meet the requirement.

Having being excused from the prior meeting, Hadenfeldt noted she was strongly opposed to keeping any cows or pigs in residential zones, although she stated she understood Westfall's comment regarding raising animals for 4-H.

The commission revised wording regarding keeping of bees, and also noted that while beehives are allowed in all zones, beehives are subject to nuisance limitations. The commission noted that while research had not been done on the number of hives per land plot size, they wanted to submit the ordinance to Town Council. The commission also reviewed the wording and animals included in the trespass section, and ultimately decided to remove “animals” and opt to use “livestock, poultry, and domestic dogs”, as they felt as though restricting the movement of cats would create undue burden on cat owners.

4. **Vote to recommend Animal ordinance to Town Council:** Egge made the motion to approve the Animal Ordinance to send to Town Council, and Dobson seconded the motion. Egge – Aye, Burak – Aye, Dobson – Aye. Hadenfeldt – Nay. 3 in favor, 1 opposed. The motion passed. The ordinance will be recommended to Bluff Town Council.
5. **Discussion and revision of Off-Street Parking ordinance** – Moved to Next Regular Meeting
6. **Items for the next agenda:**

Roll Call
Public Citizens to be Heard
Town Council Update
Land Use Clearance Applications
Off Street Parking Ordinance Review
2021 Plans

Hadenfeldt will email the commissioners with her suggestions for next meeting, as well.

7. **Other:** Hadenfeldt made the motion to adjourn the meeting, and Dobson seconded. Egge – Aye, Burak – Aye, Dobson – Aye, Hadenfeldt – Aye. 4 in favor, none opposed. The motion passed unanimously. Meeting adjourned at 7:02 p.m.

Request for additional or modifications to agenda items are due by 5pm each Monday to planningzoning@townofbluff.org or to Town of Bluff at 435-672-9990 to be discussed at the next Wednesday scheduled meeting. An Agenda Item Request form can be found online at <http://townofbluff.org/planning-zoning/>.

Closed captioning will be available on the videoconference.