

Town of Bluff

Planning and Zoning Commission Regular Meeting

Wednesday, November 16, 2022 at 6:00 pm

VIRTUAL - Bluff Community Center

190 North 3rd East, Bluff, Utah 84512

6:00 Roll Call: Amanda Podmore (Acting Chair), Marcia Hadenfeldt, Malyssa Egge, Ed Dobson, Town Council Representative: Luanne Hook, Erin Nelson (Malia Collins joined at 6:17)

Approval of minutes from 11/2/2022 regular meeting: Dobson motioned to approve the minutes as submitted, Hadenfeldt seconded: Amanda Podmore (abstained), Marcia Hadenfeldt (aye), Malyssa Egge (aye), Ed Dobson (aye): The motion passed and the minutes were approved with 3 ayes and 1 abstention.

Public Citizens to Be Heard: Jim Sayers requested a 'letter of support' from the Planning and Zoning Commission supporting the tiny house construction at the Mission. The letter will be included in a Rural Opportunities grant proposal. Since the Land Use Clearance has already been approved, and the P&Z could not officially vote on something not on the agenda, the commissioners agreed to just have the chair write a letter saying that P&Z had approved a Land Use Clearance for the project. Podmore will draft and sign the letter and forward it to Sayers. Hook inquired whether a Special Meeting of the Town Council was needed in order to approve the application. Nelson reported that previous procedures included a Town Council vote of approval, needing a quorum of 3. Sayers will discuss this with the mayor in hopes of meeting the imminent deadline.

Old Business:

1. Update from Town Council: Luanne Hook reported that the Town Council:

- * met with the water board and began discussion toward the long-term goal of the water board becoming a town department.

- *is working with Pathways on strategic planning. Community input is requested. Surveys are available on the town website or in hard-copy at the town offices. Surveys are due by the last day of November.

New Business:

2. Land Use Clearance:

a. Patrick McDermott: The commissioners discussed a resubmitted LUC application for the construction of a residence with an attached garage. Podmore noted that the proposed structure was over 2,000sq. ft. and that according to the ordinance, also required a site plan. Since the site-plan document application form has not yet been returned from the town attorney, nor finalized by the Town Council, Podmore suggested that the P&Z Commission recommend the LUC application be reviewed by the Town Council and consider approving it in lieu of a site plan application. Nelson reported that she had spoken with the mayor and the paperwork was

expected sometime in the upcoming week and that the next Town Council meeting is on December 6th and the next Planning and Zoning Meeting is on December 7th. Hadenfeldt clarified that the Town Council vote would not be completed until December 6th. Egge mentioned that it is not the applicant's fault that the P&Z paperwork is not available. Dobson asked to hear how this situation would impact McDermott's progress. McDermott replied that it would be a major set-back in terms of construction timelines and inquired whether it would be reasonable to break the project into smaller stages, each well under 2,000sq.ft. Podmore noted that the foundation, as proposed would remain at over 2,000sq.ft and noted that the requirements are in the site plan. McDermott indicated that he had kept those requirements in mind in his application, that many were met and inquired whether this could be considered an 'interim' document. Nelson referenced Hadenfeldt's mention of a similar situation previously encountered by P&Z, noting that this situation includes pending paperwork under legal review whereas the previous situation had triggered the need for the development of new paperwork. Hadenfeldt suggested that the current situation is somewhat relatable in that P&Z is asking for paperwork that they do not have finalized and wondered instead how approximate the current application is to a site plan. Podmore shared the site plan requirements visually. Egge asked whether the commission would be willing to review 6.50.20 B in reference to exemptions. Hadenfeldt mentioned that the 2,000sq.ft. requirement would still not be met. Podmore called attention to the ordinance which references that construction of a single family dwelling only requires a LUC for a building permit. Hadenfeldt and Podmore said that the Commission's original intent in the Land Use Clearance ordinance was to exempt a single residential dwelling from a site plan requirement. Egge questioned whether this interpretation would be applicable to future, much larger applications also. Nelson mentioned that under item Q, the Town has the discretion to waive or modify any submission if it is determined that the document or report is not necessary and asked whether McDermott's LUC would be considered under this item. Podmore said that P&Z could ask the Town to consider a waiver but that the question of whether a site plan is required for a single family dwelling is still unaddressed. Podmore referenced section B where it is stated in print that a 'single family dwelling', followed in print by a semi-colon, does not require a site plan and that is therefore separated from the 2,000sq.ft. requirement. Hadenfeldt concurred. Dobson motioned to approve the land use clearance request. Hadenfeldt seconded and mentioned that the application seemed to meet all of the requirements. Dobson added that P&Z could advise the Town Council that further clarified language and square footage requirements be addressed. Podmore concurred that the LUC does meet the ordinance requirements. Egge noted that this interpretation would be applicable to all future considerations and inquired whether P&Z was satisfied with this. Podmore agreed that the result of the discussion when developing the LUC ordinance was to remove a site plan requirement for single family dwellings. Hadenfeldt commented that home-site topography could be a possible factor in the requirement for additional information as outlined in a site plan. Podmore called the vote on the motion: Podmore (aye), Hadenfeldt (aye), Egge (aye), Dobson (aye): The motion passed unanimously. The LUC was approved. Podmore will forward the finalized document to McDermott. Podmore asked that Nelson recommend a legal review for future application and Nelson agreed to present the issues raised around the decision to the attention of the Town Council.

The P&Z commissioners expressed their thanks to the McDermotts for their patience. The McDermotts thanked the Commission for their diligence and thoughtfulness in asking the difficult questions.

3. Recognition of Malyssa Egge's Service on the Planning and Zoning Commission: The Commission expressed their appreciation for Egge's contributions as a founding member, specifically her emphasis on accessibility, transparency, equity and inclusivity. Podmore inquired

whether this was Egge's final meeting. Egge stated that she and Nelson had not yet discussed the possibility of an interim position until all vacancies were filled.

4. Plan for Onboarding Malia Collins: The Commission welcomed Collins and is planning that she will be officially sworn in as a commissioner at the 12/6/22 Town Council Regular Meeting.

5. Land Use Clearance Application Form vs Checklist Discussion (Nelson): It was noted that there are 2 different forms of the LUC on the website. The previous form will be removed and Nelson agreed to convert the current form to PDF so that people are able to fill out the document and sign it electronically. It was also agreed to allow hand-signed hard-copies.

6. Training for all Commissioners (Nelson): Nelson reminded commissioners of the annual requirement to complete the Open and Public Meetings Act training from the state auditor's website and to submit the final certificate by January.

7. Reminder of Public Hearing on Thursday, December 1, 2022 at 5:00PM - Judy F. Lyman:

Request to Disconnect: Nelson reported that the meeting will be both in-person and online and encourages the public to attend and comment. The property is a privately owned parcel of a complete section of 640 acres (1 square mile) on the NE side of town and bordered completely by BLM and SITLA lands. The letter of request from Lyman is on the Town Website. The Town Council will vote within 45 days after the public meeting.

8. Items for next agenda:

- * LUC; Josh Lamb
- * Site Plan Application Form
- * Active Transportation Advisory Committee- Molly Schmidt
 - * Update on P&Z emails
- * 2023 Meeting Schedule
- * Move the RV Discussion to January

9. Other: none

Dobson made a motion to adjourn the meeting, Hadenfeldt seconded, the vote was unanimous and the meeting was adjourned at 6:57 PM.