

Bluff Town Council and Planning & Zoning Joint Work Session  
Agenda July 13, 2022  
Bluff Community Center at 6:00 p.m.  
190 N 3<sup>rd</sup> East P.O. Box 324  
435-672-9990

Regular meetings are held the first three Tuesdays of every month at 6:00 p.m. at the Bluff Community Center. Requests to be on the agenda may be submitted in writing to Ann Leppanen (ann@townofbluff.org) at least 4 days before the meeting. Agendas and minutes are posted at:

townofbluff.org and audio, in addition, at the Utah Public Notice Website. This meeting will be held electronically.

**6:03 PM**

**Roll Call:**

**Town Council:** Luanne Hook, Jim Sayers, Linda Sosa, Brant Murray  
Erin Richards, Town Manager; (Mayor Ann K. Leppanen - excused absence)

**Planning and Zoning:** Sarah Burak, Amanda Podmore, Marcia Hadenfeldt, Malysa Egge, Ed Dobson

**1. Review and Discussion of Dr. John Barentine's Recommendations to the Exterior Lighting Ordinance**

There is a current ordinance in place now. This work session was to address the proposed changes to the ordinance which would enable the town to apply for International Dark Sky Association Certification (IDA Certification). It is a parallel document to the current ordinance. This meeting was to gather feedback from Planning and Zoning who originally helped create the document and to gain consensus on specific recommendations.

Leppanen was excused from the meeting but asked that an email from the public be read into the record: Email from Wes Shook received on Wednesday, July 13

"Since the Town and the Planning Commission are discussing a change to the Ordinance concerning Dark Skies I have the following comments.

6.60.120 VIOLATIONS. D. An adversely affected property owner may bring action to enforce this chapter to the same extent as the Town. If the Town decides to remove this portion of the ordinance, then how does the Town plan to enforce this section. If it is removed from the ordinance, then residents will only be able to serve the Town with a lawsuit to enforce the regulations. It would seem to be better if we allowed residents affected by light pollution to take on the folks who are violating the rules. I hope that the Town and Planning Commission determines it is better to leave this section in place to help enforce the rules. Has any action been taken by the Town to enforce this regulation which went into effect July 1, 2022."

Hadenfeldt commented that the town paid an expert for his recommendations and she supports using his knowledge and recommendations.

The group first went through the document page by page and **agreed with the following recommendations:**

- Luminaries should be identified as either "fully shielded" or "unshielded"; the group supported removing "partial shielded" from the ordinance
- Removing the word "security" as it is a subjective term; can keep the word "safety"
- Changing the definition for "developed acre" for clarity
- Changing all light fixtures/other terms to "luminaire" throughout the document
- Adding a definition for "external sign lighting" and ensuring the definition aligns with the Sign Ordinance
- Changing the "light trespass" definition to only reflect the definition, but adding a light trespass clause in the body of the ordinance
  - Additional discussion was held regarding how to define trespass. It was determined that just being able to see a light does not mean its trespassing. However, if light is streaming in your window (for example) from a neighboring property, that would constitute trespass. Overall, the group supported including a section prohibiting light trespass.
- Accepting the more technical definition of "lumen", as it is the industry standard. Nelson noted that outside the ordinance, in public education brochures and documents we can help explain lumens in more simple terms.
- Removing the definition for "Security lights"
- Podmore noted the "substantial modifications" portion would need to align with the Zoning Code
- Adding a definition for "string lights", as there have been many public questions and comments
- Removing the "interior lighting" nuisance wording, as it is the "outdoor lighting ordinance". It still could be considered a "light nuisance", however, in the body of the ordinance.
- Removing of "e. The architectural lighting is directed such that all light falls on the front of the building, and not on the adjacent ground or into the night sky."
- Removing "f. The architectural lighting uses low wattage light sources."
- Delete instances of the word "necessary" as it's too arbitrary.
- Use of Nelson's suggestion regarding gas station canopies to simplify the wording.
- Addition of recreational lighting requirements to meet IDA.
- Addition of curfew to meet IDA requirements.
- Addition of motion sensors
- Addition of lighting for flag poles

Lengthy discussion was held regarding the option to extend the date of compliance for ten (10) years. Dr. Barentine's noted that in order to meet IDA Certification, compliance needed to take place within 10 years, however, the town could suggest any timeframe up until then. Leppanen commented in the document that 10 years was too long. Sayers, Murray, and Podmore would like to see 2 years.

Hook commented in the document, which was read into public record: "To prevent community struggles, to keep cooperation and prevent unraveling existing support, and to keep our focus on getting the designation, let's go with the IDA's recommendation to phase-out all existing non-conforming lamps--(i.e. "existing" does not apply to new or selling properties but only grandfathered-in pre-ordinance lighting) over ten years. In the meantime, with the designation in place, we can recognize the voluntary compilers in a variety of ways, work on education, and work on changing out our own town lamps as a good example of how it can be done. If we can qualify for the designation as we are, what can be gained by forcing a fast timeline without subsidizing these demands?"

Egge's initial reaction was 10 years was too long and stated concerns regarding monitoring the compliance 10 years later. However, she noted that if IDA compliance only requires 10 years, the town could accept the timeframe, however, it seems like a long time.

Burak confirmed a town would not need to be fully compliant in order to apply for the certification, but that the town could lose momentum and focus on the issue over the course of 10 years. Hadenfeldt agreed and said that if the town wants to focus on writing ordinances, it would be in their best interest to ensure property owners come into compliance sooner rather than later. The group acknowledged this was an area the Town Council would need to ultimately make a decision on.

The group noted the Town Council should ensure the modifications to the building section aligns with Land Use Clearance regulations and ordinances. It was also noted there should be a final inspection done after building to ensure compliance. Murray will bring this up in a future Planning and Zoning meeting.

There was a question about whether the County checks for Bluff ordinance adherence. Sayers stated the Mayor follows up the County, but acknowledges this will be an on-going area of focus.

The group recommended the town's lawyer be the one who would help write variances for the ordinance and suggested to the town to coordinate with him.

The group recommended keeping examples of luminaires (including the figures) in the body of the ordinance and not moving them to the definitions section.

Discussion was held regarding the Lighting Zones. Ultimately, it was decided that the council needed to agree whether the table would benefit the public from a clarity standpoint, or if it made the system too complicated. The number of lumens did not change from what was in the original ordinance, but there were changes to where they would be allowed. There was confusion regarding the Lighting Zones because there is significant difference in the LZ1 zone – from 1,000 unshielded in residential to 45,000 lumens in C-3.

Podmore noted the A-2 and A-3 zones allow recreation including campgrounds and restrooms, which could require some light and should be increased from zero to a lumen amount comparable with a residential zone.

Unshielded light is allowed in small amounts, which would be a change from the current ordinance. Burak shared 1000 lumens would be the equivalent of one very bright light or two moderately bright lights. It was noted the unshielded portion is required for the certification.

Sosa asked whether residential homes in a C-3 zone could have quite a lot of light, and Burak confirmed, based on the zone.

There was discussion regarding the length of time vs date ranges for holiday lights. Overall, the group suggested perhaps increases the 60 days to 90 days. The original dates were picked in order to accommodate Halloween, as well as the Balloon Festival.

It was noted the town could not enforce lighting on federal or state property, but acknowledged the school district was working with the town on lighting. Overall, the group liked the suggestions about flag poles.

The group discussed the section regarding lawsuits. Hadenfeldt firmly stated that the town should not support or encourage neighbors suing each other in an ordinance. Hook responded that she agreed, but the statement was added to the ordinance by the town's lawyer.

## **2. Discuss the Recent Edit to the Zoning Ordinance that Relates to "Duplexes" and Develop a Plan for Communication Between the Bluff Town Council and the Planning and Zoning Commissioners when Reviewing Proposed Edits.**

The group discussed the best way to share information in the future. They agreed it would help to have the Town Manager attend both Town Council and P&Z meetings. Hook was thanked for her report outs. The group would like to see additional joint work sessions in which information can be shared directly, as opposed through writing when extensive and important changes are recommended.

The group reviewed the Zoning Ordinance posted on the town's website. It was determined it may be an older version of the document which contained

recommendations that were not accepted on the May 3, 2022 meeting. Nelson will look into where the updated document is and will post it to the town's website as soon as possible.

### **3. Other Adjourn**

Hadenfeldt received an email from an engineering company surveying the Desert Rose property asking for planning documents. Sosa will look into the inquiry as it would be considered a GRAMA request.

Hadenfeldt made the motion to adjourn the meeting. Murray seconded the motion. Podmore – Aye, Egge – Aye, Dobson – Aye, Burak – Aye, Sosa – Aye, Hook – Aye, Murray – Aye, Sayers – Aye. All in favor, none opposed. Meeting adjourned at 7:34pm.

This meeting will follow the social distancing guidelines given by state and local authorities. This meeting will be held virtually. The public can participate by telephone at 1 904-900-0507 (PIN: 364208783) or through [meet.google.com/ytf-sjdx-csv](https://meet.google.com/ytf-sjdx-csv). To view the livestream, or watch past recordings, please visit our YouTube channel: <https://www.youtube.com/channel/UCTqBxSP-Erhxq6muVMX6vdw>

**For requests to receive emails/meeting invitations email [linda@townofbluff.org](mailto:linda@townofbluff.org)**