

January 8, 2015

Meeting began at 7:05 p.m.

Present: Bill Muse, Mayor, Gladys LeFevre, Cindy Wilson, Tom Jerome, Steve Cox, Councilmembers; Judi Davis, Clerk; Mark McIff, Attorney (who arrived at the beginning of the Boulder Farmstead Water presentation).

Public Present: Ashley Coombs, Peg Smith and Sergio Femenias, Jack Pollock, Tom and Caroline Hoyt, Dennis Bertucci, Caroline Gaudy, Alyssa Thompson, Mark Nelson, Katie Austin, Randy Catmull, Ryan Jolley, and one other representative of Jones & DeMille Engineering.

Pledge of allegiance

Tom made a motion to accept the minutes of the December 4 meeting. Cindy seconded the motion and the vote was unanimous.

Peg gave her last **BCA report** as Executive Secretary. On February 1, Amelia LeFevre will be the new Executive Director and there will be new board members. Existing members who will remain are Tom Hoyt, Mike Putiak and Scott Brodie. They have been joined by Cindy Wilson, Josh Ellis, Ron Johnson, and Blake Spalding. With new personnel, a new year, young blood, and a change in dynamics, there will be changes with what happens in BCA. BCA involvement in the Russian Olive removal program will be ending on January 31. Landowners are then responsible for the maintenance of the trees on their own property. The trees are now manageable. The project will continue under the sponsorship of the Grand Staircase/Escalante Partners, but most of the activity will be in Escalante. Sue Fearon will be employed by GSEP, and Steve Cox will be working with them as a private contractor.

That big project has taken most of the time and energy of BCA for the last five years, and now that they are through with their involvement, they will now focus on their role in the community. They hope that they and the Town can complement each others' efforts. The Russian Olive project was good for the economy, with many townspeople having been hired to work in the trees. In addition they hosted meetings and events which brought money to local caterers, filled motel rooms, used web designers, and had other spin off benefits. BCA has also sponsored education projects, communications, information forums, pegboard, and other community projects. Peg has enjoyed being involved but is excited about the new blood and enthusiasm in the program. Bill thanked Peg for her services and offered his congratulations to Amelia in her new position.

Tom Hoyt has submitted to the Town a conceptual plan for the **subdivision** of property

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he owns north of the BOSS property. They would like to create three 2-1/2 acre lots and one 5 acre lot. The first step is to request a **change in the zoning** from GMU to MDR, which he has done. The Planning Commission has concerns that it would establish a precedent by creating spot zoning. The Hoyts' response is that it is okay to approve such an application as long as they attach their reasons and conditions for approving it. Some of the things specific to this property that make their proposal an attractive use of the parcel are that it has compatible density, it's in the p-j, it's not disturbing or removing any existing agricultural operation, and it's near the town center. The Planning Commission didn't feel they have authority to consider a project with those kinds of conditions. Tom feels that, if you can attach the reasons for requesting the change, making the change can be justified.

The PC has asked for direction. It's not just a matter of zoning, but also of infrastructure. They feel that going through the envisioning process could help and would give them the tools they need to make such a decision. What he's asking for is twofold: 1) allow the PC to consider their kind of application with conditions and 2) give Council support for the PC's envisioning process.

A discussion took place among the Council, with Cindy voicing that she is opposed to spot zoning and the precedent it would set. Her concern is that if we allow it here and not somewhere else, we could be sued. We established zoning for a purpose and should abide by what we have. Bill asked if she is opposed to the Council asking the PC to look at it. Her answer is "yes." Tom Jerome disagrees. Bruce Parker and the ULCT representative both told us that, as long as the approval supports the General Plan and the reasons for doing certain things are specified, spot zoning is not an issue and the PC has the right to consider a plan based on its own merits. (Keith Watts came.) Under those circumstances, when a proposal is made, we are to give it a fair hearing and make a decision after hearing the reasons. We need to be able to change, and we need to have a discussion. Steve agrees with Tom and probably with Tom Hoyt. The PC needs to look at things and make their recommendation to us. Let's allow the discussions and let the PC do its job. Gladys believes the PC needs to look at the issues. Over time things change and we need to change with it. She recognizes Cindy's concern that, if you allow one, you have to allow anyone else who comes with the same type of proposal to present their case. When the PC makes their decision, they need to be careful to note the specific reasons for making whatever decision they make. Bill agrees with Tom, Steve, and Gladys. Ordinances are not set in stone and are subject to change. The Zoning Ordinance itself has the mechanism built into it outlining the process to make changes. Ordinances are living organisms. Decisions should be well thought out.

Mark Nelson stated that the public bodies are talking about this in the general sense, but

the Hoyts are making a specific request which we can't answer without looking at the General Plan. After some discussion and misunderstanding, it was clarified that the

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Hoyts are not here tonight to ask the Council to approve their applications but are simply asking the Council to direct the Commission to go through the process that is outlined in the ordinance. The members of the PC weren't comfortable addressing the issue without first receiving the Council's direction. Alyssa clarified that the PC had asked Tom Hoyt to come to this meeting to get Council approval for the PC to continue with the process.

The process is that the PC would first consider the application for a change in the zoning of the parcel. If approved by both the Commission and the Council, then the application for the subdivision itself would be considered. All of this would be done according to the process outlined in the Zoning Ordinance. This process could even be tempered by the fact that the PC may decide to go through the envisioning process before considering the applications. Tom Jerome emphasized that we are directing the PC to consider the application for an ordinance change. It can't be changed until someone asks for it to be changed. This will be a long process. Gladys made a motion that, in light of the Hoyts' request, we would like the Planning Commission to review the request and look at the ordinances with the possibility of changing lot sizes. Steve seconded the motion. The vote was unanimous.

Randy introduced Ryan Jolley from Jones & DeMille who is working with **Boulder Farmstead Water Company to upgrade their system** in the lower part of town by installing a 10" line to the end of Lower Boulder. They want to avoid tearing up the asphalt. There are some described easements at Rachel's subdivision, but beyond that there are some places where fences are at the edge of the asphalt. Platted easements are 60', but elsewhere there are no easements. They want to install their lines at the edge of the road and will replace fence lines. This is a good time to plat easements, as they don't want to be installing pipeline on someone's property without their knowing exactly what is happening. There is a great need to get the Lower Boulder road platted using the existing road to define it. On his place, Bill would like the fence line to be on the east of the power pole, which would give them five feet to work in. He thinks it would be good to do that all the way down. The pipeline is expected to be on the west side of the road from the Burr Trail down to the canal (double ponds road), then cross to the east. They will at all costs avoid the fiber optics lines.

After spending some time looking at the maps of the project, it was decided that Jones & DeMille will create a road dedication plat showing the existing roads and owners and new boundary lines. At the top where it's already platted, it will show that, but where there are fence lines that are only 20-30 feet apart, the roadway easement will actually be wider than that. The roadway dedication plat takes the property out of each owner's hands and transfers it to the town. The owners will no longer pay property tax on it. Nothing will

be changing except what's shown on paper. They will repair the asphalt any place they damage the road, but they won't be repaving the entire road. It is less expensive to replace the fences than the road. Fences will be replaced at their expense with standard fences (4 feet, steel post, wire mesh.) If someone wants a rail fence, the owner would pay the difference between the cost of the standard fence and the more expensive one. Keith, who doesn't own land along the road, stated that the existing road is 20-30 feet wide and wondered if they are going to make the easement 50-60 feet wide. Randy explained that they don't want to increase the easement; they just want to put the water on the shoulders and be able to maintain it. If the owners want to give a bigger easement, they will get a free fence in the deal. Mark McIff said this is the best way to do it. Jones & DeMille will do the plat. They will prepare it 30' on each side of the center line and will try to figure out how to work around existing trees. They will talk to each property owner. They need and have our support and would like us to spread the word that property owners will be asked to dedicate road easements.

There was discussion on enforcement of **landfill regulations**. The landfill is located outside the Town limits and is under county jurisdiction, so we can't prepare an ordinance to enforce compliance. Tom asked if there is a violation, can we ban a person from further use? (Mark: probably, since we own the property) Or charge a fee? Or would a fee have to be levied to everyone? There has to be some penalty for not following the guidelines. The Town can't impose a fine outside the town limits. We could charge a reinstatement fee if a person were banned from use. Cindy will order signs as follows: 1) each user must check in with the landfill attendant prior to disposing of waste, and 2) failure to comply will result in (words to be supplied later). Mark recommended that we check with other places to see how they enforce the rules. It needs to be clear where each type of refuse can be deposited, and Gladys, working with Cindy, will prepare a written handout for each person who uses the landfill. We need to hire someone to move the things that are out of place to the proper location. A big problem is people who come with dump trucks of mixed loads and dump it all in the same place. When the handout is prepared, we'll send a copy to Mark and he'll prepare a resolution to support it. If we decide to get identifying signs for each area, they should be mobile so they can be moved during cleanup.

There was discussion on the Planning Commission's recommendation for changes to the **Temporary Use** section of the Zoning Ordinance. It was decided that one person on the Council (the enforcement officer) will be designated to approve uses not specifically itemized in the definition but falling into the category of "not limited to." Mark will revise the proposed ordinance with that language.

The County has an **Economic Development program**, and we need to appoint someone to represent us. The mayors are the default representatives, but Bill is not currently able to take on any more assignments, so Gladys will be our representative for now.

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A list of checks issued in December was reviewed. Gladys made a motion we approve the list. Steve seconded the motion. The vote was unanimous. There is still one big pothole in the Lower Boulder road. Tom will get some gravel/road base from the tract park and fill it.

The Planning Commission met tonight and discussed a CUP application for a food cart. They also discussed the process of surveys and envisioning as related to lot sizes and economic development. Envisioning is a different process than the survey process.

Seven members of the Fire Department went to Winter Fire School and will train those who weren't able to go.

Cindy made a motion to adjourn. Tom seconded the motion. The vote was unanimous.

The meeting adjourned at 9:00.

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Minutes prepared by Judith Davis, Town Clerk