December 7, 2017

Minutes

Present: Pete Benson, Farlan Behunin, Steve Cox, Bill Muse, Acting Clerk Peg Smith. Gladys LeFevre was excused.

Public present: Mary Jane Coombs, Ashley Coombs, Carla Saccomano, Lisa Varga, Curtis Oberhansly, Conrad Jepsen, Daniel Kennedy, Tabor Dahl, Julian Hatch, BJ Orozco.

Bill started the meeting at 7:03

Pledge of Allegiance

Approval of Minutes: Pete moved to approve November 2 minutes, Steve seconded, and all approved. Pete moved to approve November 13 minutes, Steve seconded, and Steve, Pete, and Farlan approved.

Meeting Schedule for 2018: Bill asked if anyone wanted to discuss. No comments. Bill asked for a motion to re-establish the same meeting schedule, first Thursday of each month, 7 p.m. Steve so moved, Pete seconded, all approved.

Moving of Dumpsters: Rachel Levinson had contacted the town and asked to move the dumpsters off her property. Pete suggested splitting them between the (across from) Hall’s Store and the ones north of the Anasazi Park. Steve asked about notifying the county. Bill said the county will move them for the town. Steve will call the county. Rachel gave the town until March 30, 2018. Steve said they may want to move them in the spring, so that’ll work.

Proposed resolution on suspending action on considering conditional use permits until the Planning Commission can consider the wording changes it needs to make. Steve explained the reason for the resolution had to do with the town following Rural Planning Group’s suggestion to review and tighten up some of its definitions and ordinances. Section 106 of the Zoning Ordinance provides the basis for this review. Bill read Gladys’s concerns about enacting such a resolution without more information. Is there currently an urgent situation that requires this action? Bill emphasized his own concern about an immediate need, particularly that it could impede progress on Josie wanting to apply for a conditional use for an RV to live in while she is building her home.

Steve said there’s a procedure you can take that allows you to go into a review period. If an application conflicts with the reviewed items, the Planning Commission can table that application temporarily (a maximum of 180 days). Right now there are no applications for CUPs that have been submitted, so this shouldn’t affect anyone right now. Our attorney said the review has to be formally initiated. So Steve had him draft a resolution. It’s been revised a couple times: The current version will allow applications to be submitted, but if they’re in conflict with current review items, the Planning Commission doesn’t have to consider until the review is complete. Steve read the resolution. Gladys had responded to the initial version, not the second or third iterations.

Steve said the PC isn’t looking at trailers being used while homes are being built, so it’s not likely to apply. What he’s heard discussed on Planning meetings is more about short term rentals or the wording in the definition of “guest ranch.” He said the resolution just allows them to do the reviews and revisions without the pressure of an application before them. Pete concurred. Steve said we’re just following our own statutes in formally initiating that. Bill asked if the Planning Commission would be passing any CUPs during this period? Pete said if it’s a CUP outside the purview of what’s being reviewed, it shouldn’t be affected.

Bill requested comments from the public: Tabor said the resolution makes sense for some things the PC is looking at, but he didn’t think the Planning Commission had clearly specified them yet, so this is a pretty blanket approach… We had a meeting recently to talk about roads. We had more questions come up than solutions. I think that will continue to be what’ll happen. Steve asked him, “So when another application comes in for a guest ranch, you’re comfortable with the current wording? He said, “I think there’s a lot of vague language in several of the short-term rental uses. We’ve been told to get rid of CUPs because you really have to allow any of them. You know we’ve been told by Bruce Parker, Meg Ryan, that CUPs can easily be abused if they’re not written very carefully, and you guys (Planning Commission) wanted to tighten up some of that language. Pete said if something comes up about an item you’re actively talking about, you have no power whatsoever to do anything but approve it. If this resolution exists, then you have a way to put off the application, review, take your action. Discussion continued between Tabor, Pete, and Steve. Tabor said the Planning Commission isn’t actively working on guest ranch wording. Pete asked him, “So you’re not revising your ordinances? Steve said, You’re forming work groups to review ordinances, aren’t you?

Bill recognized Carla: We have had a work meeting on roads because we know we’ve had confusion with how the ordinance currently reads. We’re picking a thing we know is a problem and having a special work meeting to address it. We have talked about looking at the definitions of hotel, motel, air bnb, lodge, guest ranch, short term rentals. It’s a matter of having the time to look at the major categories and be able to delve into them and be covered within that time period...It gives us time to figure out the issues without someone coming in with an application before us. Tabor: My point is as a volunteer planning group, this is a lot to take on in a short time. We don’t want to hurry anything through. Bill asked Tabor if he favored passing the resolution tonight. Tabor said no. Bill asked Carla. Carla said yes.

Curtis: Tabor has a good point, it’s a lot to bite off for a citizen planning group. But this is just saying if you have a couple ordinances of particular concern, it gives you leeway to do the work. If you want them to study those ordinances, this is the way you do it. The 180 day limit is just to keep you from dragging your feet. The PC works for the town council.

Lisa: I don’t understand the big deal. CUPs that aren’t involved in the discussion will still go through like normal. So only the things that are in the process of being looked, which you want to look at anyway, will be delayed for a bit. The majority of things won’t be affected at all. The other thing is, it’s winter. This is the best time to do this because people aren’t doing a lot right now, before people are getting ready to build. It gives the PC the space to do what they need to. It’s in the ordinance. Why is this becoming a big issue.

Tabor: My concern is we have not identified the things that of concern. Steve: Are you not to the point, as a Planning Commission, to start your review procedure? This was written to Tabor: if we were to submit a list to you of the specific CUs. BJ: I think it’s a good idea all and all, but I agree with Tabor to narrow down and focus on a few specifics. Carla: I think we’d be in trouble if we did an ad hoc and something comes before us. She’d sent an email to Peg to put a class of permits for various short term rental definitions on the agenda so we can start working on that class of definitions. We’ve started taking a more detailed look at the ordinances in a deeper way. That’s what this process is about.

Daniel: clarification question on the 180 day period? After more discussion, this was clarified as being a 180 day period to review a specific ordinance or set of definitions. If a different ordinance needs to be reviewed, a new resolution could be enacted to allow for that. Daniel said that makes more sense. Bill said he didn’t like Planning Commission to have the power to enforce [sic] CUPs? We were going to take that power away. I’m anti power of planning. You serve as our advisors. That’s the way I feel government in town should be done. We don’t get paid, no big grant money, town of volunteers. It’s the elected officials who do the enforcement. You want to do something with CUPs? Look at it, study it out. When you get into discussing specific issues. Lot sizes, rentals, etc. you’ll see this room fill. You’ll hear many opinions that’ll go back to some of the first meetings we had. You can see the ones we’ve changed. It’s not a whole rewriting. You see the demographics changing. We had a good election here…. You’re going to see you’re jumping the gun on this. When we make a change as big as this one, it requires the definite knowledge of the majority of the community—that’s us. I see the split in the community of 70/50 (from the votes in the last election). You can’t convince me that this tonight represents the will of the community.

Carla: PC does have the obligation to plan and to pose changes to ordinances, and that Land Use Academy of Utah strongly recommends the town council does not approve CUPs, that it stay within Planning. We’re looking at the definitions contained within the CUPs and whether they actually support the General Plan that the majority of the town supports. Lisa: At your next meeting, why don’t you guys come up with your list and give it to the TC? Tabor: I don’t feel like there are sides. Everyone wants to work together. We know we have issues to clean up with our ordinances. One thing in the training we had here is Meg Ryan saw almost all our uses are conditional uses. That’s why we need to be focused, and if possible have the ordinance so clear it doesn’t require a CUP. We can do that, but it’ll take time. My proposal to the TC is that you assign us a couple or leave it up to us and we go forward with this resolution on those one or two ordinances so we can get it right

Bill: We don’t need to pass it tonight. Get a little clarity from the Planning Commission and go from there. And I didn’t mean to make it sound like factions. Farlan: I see both sides of it. I’d like to see it a little more focused, then I’d understand it better. I’d like to look at it a little bit more. Steve asked the Planning Commission to give the town council a short list by next meeting.

Bill: No need for a vote. We can agree that it’ll be an agenda item next month. Steve: We’re way early in the actual change process. There’ll be recommendations, then public hearings before anything changes.

Board of Adjustment resignation

Bill: We’ve had one resignation, Larry Davis. Here’s a big thank you to Larry for his 17 years + of service. I was going to give him a little thank you speech. Bill asked for a motion to post a vacancy notice for the position. Pete moved, Farlan seconded to post a notice for the Board of Adjustment. All approved.

Study Terms of current Planning Commission

Steve: Planning Commissioners are initially appointed to a five-year term. However, over the years, many commissioners haven’t fulfilled their full, terms, so others have replaced them at odd intervals. In addition serving out the replacement terms, those individuals are eligible for re-appointment to two full terms of their own. There hasn’t been an organized way of replacing people on a regular, yearly basis, so what we have now is a possibility three commissioners’ terms expiring and they leave the commission at once, rather than just lose one person each year, as should normally happen. We’re trying to get a schedule now, every year one person’s term ends, and either they can be reappointed (if they’re still eligible for another term), or we appoint a new person. We will want to put the BoA on the same type of schedule.

Pete suggested calling Larry’s term over this January, and declare the replacement as starting their own term. Dennis and Ray Gardner are both eligible to start their second terms. Mark Nelson replaced Ada Lee a year ago. Bill: let’s put that on next month’s agenda: Jeff is the only one of the committee who has the training. When something happens we need the knowledgeable person. Steve: We can put it off. Jeff would be at the end of his fill-in, plus two full terms so we’re going to have to look at getting someone in who knows enough.

Steve: And for Planning, we’d like to get a January appt for 5 years, so there’s one a year, starting in January. Donna Jean has one year left on her five year term. She can go one more year and then another full term if she wants. Tabor and Carla: their fill in terms expire this month (appointed to fill in 12/6/12). Carla is finishing her fill in term too, so she’s eligible for two full terms. Colleen Thompson, is one year into her first fill in term. Perry is a new appointment with four year term. 1/17. So some will have less than a five year term to accomplish what we want to do. If Tabor goes 2015-2019, he would have two more years on his five years, so we could sentence him to seven more years. Colleen: 2016 to 2021. Perry 2017 to 2022. Carla: 2018 to 2023. Donna Jean: 2019 to 2024, or one more year if she wants off. Tabor: having the staggered rotation makes sense. We need the continuation. They’re both ok with the terms Steve defined. Do we appoint them now? Bill: We only need to talk to the ones taking up the new obligation. (Carla and Tabor). Bill asked for a motion to appoint Carla to start her own new term of five years on the Planning Commission January 2018.; Tabor Dahl to a two year term on the Planning Commission starting January 2018, ending December 2019. Steve moved to approve, Pete seconded, all approved. Steve moved to accept the five year rotation as described. Pete seconded. All approved.

Department reports:

Fire: no news

Planning: There was a work meeting on roads. The working groups all have names. Bill: has the PC appointed the groups yet? Pete: people have volunteered. They’re public. Bill: please send updated list.

Track Park: Tree City volunteers have finished mulching project around trees on west edge of park. This will help the trees and shrubs planted in the last two years do better as they’ve been outcompeted by grass. Over 100 hours of volunteer time at $22/hour.

Enforcement: Gladys did take down her sign last month; resolved by the two private parties working together.

Roads: Farlan hasn’t been out to the landfill. Jay would take care of it, but he’s also busy with his two shops. When he comes, he’ll dig us another construction pit. We still have an issue with roads with Dave Brems. Farlan thinks they should have gone farther; they also need a culvert. It’s all loose dirt now and if it floods, it will run into Camille’s motel. Steve said they were going to send a letter saying they’d help with the expenses. Farlan hasn’t seen the letter. They stopped the road shorter than he thought they’d talked about. Bill: when it flooded before, Camille threatened to sue the water company, so I cleaned it then. We’ve cleaned it twice when she requested. I was acting as president of the water company, not the town. Farlan: they could put a three-foot pipe across the canal, that would handle it. Bill: I suggest Steve take a look at that area and talk to the attorney about our liability. It could cause major damage all the way down to the museum. Farlan: Licensed people did previous work. Water line needs to go in first, then culvert. He said it would be at least 10 days, and it’s been 10 days. It is a town road. Still a lot of the fill will go into the canal. Pete: put the road in over that wash to avoid the liability to the town. Steve: will talk to Randy to see about water line and ask Farlan about cost of a culvert and how much to put it in. They hauled all that dirt in there at their expense. I don’t know how much the town would pay of that. We’ll discuss later.

Mayor: I prepared a few words: of course, I’m not done until you’re sworn in next month. I just wanted to say it’s been a pleasure the last 16 years. And I can’t say enough about Judi Davis and her husband. (Crowd claps.).

Lisa asked if public comments were allowed: There’s been a lot of political activity lately and it now looks like we could be adjacent to a national park. Has anyone on the town council been queried? Bill: no one has come to me. Steve: not me, and not Jerry Taylor either as a Commissioner. Lisa: We actually called Rep. Stewart’s office, and they said they talked to someone here. I haven’t found anyone. Tabor: They talked to me because of the grazing permit. I haven’t seen a map, if it was in the park. I told them I wanted to think about it and run through unintended consequences. Lisa wondered about other people with permits. “I think it’s an issue we’ll need to talk about pretty quickly.” People in town would be affected. Town council should have been contacted. No one knows much, yet it’s being fast-tracked.

Steve moved to adjourn, Pete seconded. All approved. Bill adjourned the meeting at 9:10 p.m.