

Meeting Minutes

Planning Commission, Boulder Town

August 12, 2010, 7:00 p.m.

Commissioners present included Tom Jerome, Brian Dick, BJ Orozco, and Bobbie Cleave. Also present was Commission Clerk, Peg Smith. Brian called the meeting to order at 7:02 and recognized the members of the public present: Sergio Femenias, Pete and Cookie Schaus, Anselm Spring, Bill Muse, and Dan Reeder.

First order of business was to approve July 8 minutes. Tom so moved, BJ seconded, and all approved.

Brian reviewed the agenda items:

- Old Business , which includes reviewing the status of the Town Survey draft and discussing some road-related matters regarding the proposed Pinon Butter subdivision.
- New Business, which includes Bevin McCabe's Conceptual Plan for Subdivision. Brian will recuse himself from chairing that segment, as he is the agent representing Bevin.
- Next agenda and other business

Review Status of the Town Survey

Peg had forwarded the latest corrections to the Commission. Other than finding out the official title of the Black Mesa development and correcting that, there were no other comments. Peg will prepare a final draft, with assistance from Tom and Bobbie, and will distribute the final draft, ready for pretest, at the next meeting. Pretesting should be able to begin in September.

Discuss Pinon Butter Subdivision Roads

Roads, lot access, and emergency vehicle access and turnaround were among the big questions arising from the 7/8 meeting discussing the Conceptual Plan application. Tom had volunteered to further research current code on subdivision roads, and he reported on what he'd discovered:

The first concern was the road grade to the main subdivision turnoff (Anselm's road). Tom asked Fire Marshall Pete Schaus to walk the road and subdivision lots with him, looking at the public safety issue and whether the roads would actually be serviceable. The walk occurred after a major rainstorm, and serious water erosion issues were evident on the roadways. They decided to check with the State fire and safety codes concerning access. Tom contacted the Chief Deputy State Fire Marshall, Brent Halladay. He responded by email, saying that on July 1 2010, the state legislature adopted the 2009 International Fire Code (IFC). In that code (as also included in the 2006 IFC), is the Fire Apparatus Access Roads coverage in Chapter 5, Section 503, and Appendix D. These state that access grade should not exceed 10% for emergency vehicle access. Grades steeper than 10% need to be approved by the Fire Chief. Also enacted is the stipulation that "if there is only one access road to the occupancy, the community has an ordinance, and the grade is steeper than 10% for more than 500 continual feet, the fire code official can require that an automatic fire sprinkler system be installed." (Fire Code Adoption Act, Part 2, Section 201(5)(a)(iii)). The web address of the State Fire Code is:

<http://publicsafety.utah.gov/firemarshal/index.html>

The section cited also discusses water supply in an area not serviced by fire hydrants, which applies in this case as well. Given that information, an ordinance would be required to cover the use of the road and all buildings on that road, not to mention any house in Boulder serviced by a well. Irrigation pipes are not a good answer as they are not a year-round source of water.

Bill said the fire hydrant requirement has been treated loosely in the building permits signoffs---mostly as a matter of pragmatism: hookups not being available within 500 feet. No town in southern Utah could comply with the code, so it's been overlooked.

Pete said sign off on the fire code issue was at discretion of the Fire Marshall. In Boulder's case, its big rig can 1000 gallons onboard; he has signed off on building permits on that basis, so long as the houses had good access for that vehicle. He doubted the ability of that large vehicle, loaded with 1000 gallons, of being able to maneuver on the access road.

Tom found one town in Utah--Layton--that allows more than a 10% grade allowable, and they have that written into their ordinances.

Van Lewis and Bill have discussed the subdivision topic. Bill said he told him that the way Springhill subdivision was being reapportioned was not acceptable to him.

Tom said one solution could be for the subdivisions to pave the problematic part of Anselm's road. That would provide the assurance that that portion of the road could be accessible. Anselm remarked that up until that last big rains, that road had been improved and was completely serviceable without paving. Bill asked to provide a little history on Springhill subdivision and the road blowout. He said when the county put in the TV tower, they graded the road and buried two of the four culverts. The culvert by the Arrowhead turnoff was one of those buried, the July rainstorm caused water to run down the road for the first time. He feels that the county caused that problem, so they should fix it, but didn't think it would be an issue once it's fixed.

Bill quoted a letter January 28, 2004, stating that Planning Commission recommended approval of the Springhill subdivision. In February, a town acknowledged the recommendation but added a stipulation that the 50 foot easement for a turnaround at the end of the subdivision be subtracted from the lot acreage. In March 2004, owner Martina Gephardt submitted a redrawn plat to provide for the turnaround and specify water hookup for Lot#4 from Boulder Farmstead; the remaining lots have wells. Springhill subdivision was formally approved by the town on 4/7/2004.

In Fall 2004 electricity was brought in, wells were hooked with electricity, proved up on in 2004, septic systems were installed in Lot 1, 2, and 3; the building lots have been graded; wells are tested. Then all the lots changed hands: Gephardt sold to Thatcher (2 lots) Bill bought an option on those two and has sold one. The current complication puts the town in jeopardy of lawsuits.

Brian asked Bill why the subdivision lines can't be changed. Bill said they could, but not without Springhill ownership approval. "We own two lots of the subdivision," and by considering a new subdivision (under new ordinances), it makes our subdivision illegal. We are legal on the sale based on the 1998 ordinances that were in effect at the time. (The Planning Commission spent several minutes at this point looking at subdivision plats.)

Bill said the Springhill lots have been recorded with county for half a decade. The Pinon Butter subdivision takes two of the previous lots of record and reconstitutes them into a new subdivision, and that's what Bill thinks they cannot do.

All of which fed back into Tom's point that the Springhill subdivision was never part of the original discussion other than how its roads and access tied into the Pinon Butter concept plan sent to the Planning Commission last month by Van Lewis and Rachel Thatcher.

Bill then discussed information received from Van Lewis on road grade. The starting elevation of the road is 6520 ft at Lower Boulder Road. Where Arrowhead splits off from Anselm's road is 7082 ft. The average slope is 7.41. (There was more discussion related to looking at the plats.) If the "Anselm" stretch of road from Lower Boulder to the turnoff could be resolved, slopewise and considering the Fire Code, it would be legal.

Pete said his concern is that the 1000 gallon pumper, especially in wintertime, couldn't access the development, and the other truck isn't sufficient to hold water for structure fires. Tom suggested that our ordinances may need to require an internal sprinkling system for structures that can't other be protected.

Bill said waiting for an ordinance change puts the sale of Lot 2 by December in jeopardy, and complicates the issue of building on Lot 1, and both these issues could cause the town difficulties He wondered if the Fire Marshall could sign off on a permit before the ordinance is changed, given the 1998 rules on which the subdivision had been approved. Pete said he'd investigate more and thinks the town attorney should be consulted.

Tom said the issues between the two subdivisions needs to be settled outside a Planning Commission meeting.

BJ has been in contact with Van, who is apparently unable to attend Thursday meetings in Boulder. Van had merely wanted the Pinon Butter lot lines OK'd, but BJ had told him there were many more questions that arose from the concept map and had tried to emphasize that if the Planning Commission just gets bits of information at a time, the process will continue to drag out.

Brian said he appreciated everyone's sense of urgency in resolving some of the complicated issues. To move things forward it's important to keep the meetings civil, get rid of personal issues, and stay on task.

Discuss Conceptual Plan for Bevin McCabe Subdivision

Brian recused himself from his Commission position in order to serve as Bevin's agent. Bobbie will run this portion of the meeting.

The concept is to subdivide a 20-acre lot into a 15-acre lot and a 5-acre lot. The original lots were part of Bill's subdivision in 1998. Bevin bought the northernmost parcel in 2004, from John Kortbawi, which is a 14.86-acre piece that is 178 wide by 2500 feet long---right away, that's a problem because the dimensions don't comply with our current ordinance's road frontage requirements.

In January 2005, she contracted with Troy Chatwin to buy a second parcel, also with the same problematic dimensions. She's had controlling interest in the lots since January 2005; the first portion has been paid off, and she wants to pay off the remainder, owned by Troy Chatwin. She has written permission from Chatwin to sell that piece he still owns. The access to the property will be "flagpoling" along the south side of the lots, which provides the 40 foot road easement as required. It is the existing driveway now. The five acre piece does not have drainage issues, is easily accessed off Lower Boulder Road for utilities. There is an issue with the adjacent neighbors, the Owens, regarding viewshed, as the likely building site will be in the middle of it. We want to divide this into 2 lots, one 5 one 15, each with a home. Tom asked about assurance on the 15-acres parcel to not be further subdivided, which Bevin agrees with. Brian acknowledged the gentlemen's agreement about clustering three homes toward the back of the property, but to his knowledge, there are no documents.

Bill brought up the possibility of sharing the “driveway” with the adjacent neighbor to the south. He referred to a previous agreement that there would be one and only one road accessing (all) these properties, with both sides giving up 15 (now 20) feet each toward the road easement.

Bobbie said that Robert and Donna wanted to make sure they would have a chance to comment, which they will at the next stage of the process.

Next Meeting

At the last meeting Matt Cochran had requested a discussion on a noise ordinance dealing with 24 hour usage of pivot lines. We, as a Planning Commission, understand that’s an agricultural use. Dan Reeder wanted to make sure is agriculture use and that it isn’t going to change. Brian asked about the current status of the pivot. Dan said the ranch is in the process of switching to an electric engine rather than diesel.

BJ would like to clarify that this was not brought in as a direct complaint against the ranch, but rather as an example of a 24-hour noise disturbance issue. Tom added that the Planning Commission consensus was for neighbors to work out problems themselves rather than relying on the Planning Commission as a mechanism.

Brian asked Bill about more pivots being suggested for other nearby properties. Bill said they will probably put in an electric mini-pivot without a light.

The Commission also needed to discuss changing meeting dates to better accommodate Ray Gardner’s scheduling conflicts. They decided to change to the second Tuesday of each month, the next meeting being September 14. The schedule will be revisited at the end of the year.

Bobbie moved to adjourn, and Tom seconded the motion. Brian adjourned the meeting at 8:36 p.m.

Peg Smith, Planning Commission Clerk

Date

Approved: _____ Date: _____