

October 7, 2021

Meeting began at 7:00 p. m.

Present: On-site: Steve Cox, Mayor; Gladys Lefevre, Conrad Jepsen; via Zoom: Judy Drain, Elizabeth Julian, Council Members; on-site: Judi Davis, Town Clerk; Michala Alldredge, Deputy Town Clerk. Public present, either in person or via Zoom: Peg Smith, Debra Oldham, Ray Nelson, Jennifer Geerlings, Dan Pence, Lars Gardner, Rod Peterson, Bill Muse, Elena Hughes, Nancy Tosta, Abby C, Tessa Barkan, Dan and Angela Kennedy, Don (Dan?), Dale Wilson, Emily Johnson, Ken Jacobs. Also participating were John Veranth, Bill and Judith Geil, Jim Catmull, Colleen Thompson, Ray Gardner, Kevin Gardner, and Scott Bigler. Also joining others via Zoom were Michelle Peterson Sparks, Cphone, Corey Oldham, Brandie Hardman, Cookie Schaus and 801-671-2784, Dylan Geerlings, Dawn Awe.

Pledge of allegiance. The minutes of the August 5, 2021, meeting were presented. Gladys made a motion they be approved, Judy seconded the motion, and Steve, Gladys, Conrad, Elizabeth, and Judy voted yes. The minutes of the September 1, 2021, meeting were presented. Gladys made a motion they be approved as presented. Steve seconded the motion, and Conrad, Gladys, Steve, Elizabeth and Judy voted yes.

Gladys asked if we could postpone interviews until after the November election in case anyone running for an elected position but not chosen would like to be considered for the positions. Steve would prefer to fill the positions tonight so the Planning Commission can move forward with a complete membership. Elizabeth also would like to move forward, and Judy agreed. After some discussion, Gladys made a motion we postpone making **appointments to fill PC vacancies** until after the November election. She also recused herself from voting because of conflict of interest. Conrad seconded the motion. Conrad voted yes, Gladys recused herself, and Steve, Judy, and Elizabeth voted no, so the interviews (in alphabetical order) will be held tonight with those who are present tonight.

Elena Hughes has lived here about five years. She owns land and has a small farm business and substitutes at the school. She would like to participate and continue to participate in agriculture. Tina Karlsson was involved in creation of the first General Plan, is aware of the importance of planning, and would like to be part of the process. Donna has been here a long time, has a farm, has worked on a ranch, has a business and has been an EMT working with the County. She feels we should keep the good and fix what isn't working. John began visiting Boulder in the 1970's, has had a home here since 1997 and has been here full time for a few years. He is currently on the Board of Adjustment and is a candidate for election to a Town Council position. If appointed, he would resign from the BoA. He has also worked on the State Air Quality Board. He likes to work with people and is reasonable and fair. He wants to preserve the character of the town and recognizes the need for housing for families and employees. He wants to deal with issues in the least restrictive manner. Steve stated that he would make appointments in a closed session at the end of this meeting and notify them of the decision. He appreciates those who have been interested in serving, as it isn't always easy to find people who want to.

The mayor gave an update on the **shredder proposal**. He contacted Bryan Woolf at the Department of Environmental Quality. We will need a detailed ten-year Plan of Operation that is separate from that of the landfill. He asked if the Town or an individual/group would run the process. There are some legal questions that need to be answered before the Town can permit it to move forward. Ray Nelson stated

that Josh had tested it off Ray's power. He asked if there is three-phase power near the landfill. They tested it on sheet metal, cardboard, and small limbs and pieces of wood. Conrad stated that it is more a hammer than a chipper. Judith, representing the Boulder Wildfire Council, said that it would help reduce the natural waste and help solve the wildfire mitigation problem. She also reported that the Forest Service chipper is not available for Town use. She is concerned about the condition of the burn pit at the landfill as more and more people are using it. Steve stated that our fire restrictions are set to go until October 31. The State and County have rescinded their restrictions and asked the Council for their opinion about the Town doing the same. Conrad and Gladys are in favor of rescinding it, as are Elizabeth and Judy. Steve made a motion that we rescind the fire restrictions immediately. Gladys seconded the motion, and the vote in favor was unanimous.

There has been a request to initiate the **Annexation Policy Plan**. To introduce the project, Steve stated that, when we reviewed the General Plan in 2018, the Planning Commission took the recommendations of the working groups and incorporated their ideas. Steve asked them to generate some action items, and one of the items they determined they wanted was an Annexation Policy Plan which would create inventory of adjacent areas of interest. Peg explained that there were a number of other action items which were generated at that time, such as dark sky things, a Welcome to Boulder sign, and a shuttle for senior citizens. The Annexation Policy Plan was not the only thing that was suggested. The Annexation Plan is only a policy. A petition to annex is different. Once approved, the Policy Plan can sit on a shelf until the issue is revived. State Code outlines plans and time frames; we are only talking now about the plan, which is a fact-gathering operation to be presented by the Planning Commission to the Town Council. The Plan can sit on the shelf for years until it is needed. A petition to annex is generally submitted by a land owner who is wanting to be annexed. The Policy Plan contains the processes and requirements that need to be observed. She showed maps of the area which shows which contiguous parcels of land could possibly be annexed, including parts of Deer Creek, The Draw, and the Mesa. On the other hand, land in Salt Gulch is not contiguous to Town boundaries and would not be able to be annexed. To answer the question of why we would want to create an annexation plan, it was explained that, in the General Plan, we are instructed to identify "areas of interest," such as a water study, septic system possibilities, and future development that may be needed/wanted. It would also ensure our seat at the table if the County proposes developments and provides an opportunity to know the facts, not just hearsay. Gladys is not interested in pursuing it. Conrad stated that he doesn't feel it is a priority and that we don't need it. Judy doesn't see that the policy gives someone the right to do it, but that is a plan explaining what to do if someone wants to do it. It gives rules to follow if someone wants to be annexed.

Peg reiterated that the Plan has nothing to do with the act of annexing but how the Town would conduct business if it were requested. If someone wants to be annexed, a plan has to be in place—this would just be a policy plan which could identify areas of interest. The Plan is a fact-finding operation, so that when/if the subject comes up, there will be facts in place to guide the process. Elizabeth expressed thanks for the explanation. It allows us to protect the greater community. She just wants to be a voice and is not pushing for it. Judy stated that the League of Cities and Towns recommends having a plan. Steve explained that, in the event people in the County want to do developments on our boundaries, our annexing them could prevent unwanted things. Annexation would give us a seat at the table in conversations of that type. The next step is the Council directing the Planning Commission to begin the process and to work with the County. Conrad would like to have those people involved. We should ask people if they want a policy in place. Judy understands that the policy needs to be in place in case there are people who want to be

annexed. The policy explains what would happen and what we would require. It isn't giving anyone the right to do it but creates a policy stating what needs to happen if annexation is wanted and is just a plan in case there is a need or desire for it. It doesn't say it will happen but puts forth what has to take place if there is a need. It puts forth the costs involved in providing services along with other impacts. It doesn't say it has to happen. If someone wants to be annexed into the Town, or if the Town wants to annex a property into the Town, a policy has to be in place before either can take place. Annexation is a very long, complicated process that can't be rushed. The policy doesn't push for or against annexation but explains the steps that have to be taken if the issue comes up. Elizabeth agrees and stated that the Town should have a plan in place in case there is a request for annexation and to be sure that we have a voice in whatever might come to us. Judy said that the State Legislature recommends that Towns have a plan in place. She suggested that we table the issue until we find out what the County is doing. Elizabeth suggested that we go forward gathering information.

The Planning Commission will gather facts and information. Conrad would like to receive input from everyone in town. Steve suggested having working groups, as we did in the revision of the General Plan, so that everyone who might have a stake in the annexation process could give input. Conrad would like to know from the townspeople if they want to have a policy in place. Elizabeth wondered if that wasn't what the work groups would be doing, but Conrad didn't see them as the same. Steve stated that the Planning Commission and Town Council are the voice of the Town, so they would gather the data and putting a plan together. It has nothing to do with annexing anyone. There would be public meetings and public hearings so the people would have a say in what they want. Comments would be accepted and responses would be made—it is a public process. When the Planning Commission finalizes the process, it is sent to the Town Council who will go through the public hearing process before voting on approval. There will be opportunities for everyone to be heard before anything is finalized. Gladys asked if the policy could be something as simple as stating that, "Boulder is not interested in annexing anything." Peg said that the study has to weight the benefits against the negatives, and decisions will be made based on the findings. Gladys is concerned about the expense of additional roads to maintain and other services in relation to the additional property taxes, etc., that would help pay for it. Would the cost of annexation make it prohibitive? A response was that areas that would be considered would be only areas that are already developed. After conversation about costs/benefits, Steve stated that it would all be based on facts. This will be a fact gathering exercise. He doesn't have a problem with starting the process. It isn't a process of deciding whether the community wants it or not; it is a process of gathering facts. Planning cannot be done without facts. The process is part of our General Plan and is something the working groups agreed needs to be done. He isn't afraid of gathering facts, which is what this process is, so he is in favor of it. It is a decision that will be made by the Council. Deciding whether to start the process now is the only thing to be decided tonight. Donna stated that fact finding is good, but wonders if the timing is right with the changes taking place in the Planning Commission. Maybe it should be postponed until the new members are more experienced. Steve agreed and wondered if they'd want to delay it. Jennifer Geerlings appreciated the presentation and would like to see it be a long-term planning matter. She appreciates the Town starting the research, knowing that it will be a slow process and needs to start now.

Kevin Gardner felt that the Town should talk to the people outside of Town to see what they want and that the process we're discussing is backwards. Shouldn't they (speaking of the residents of the Draw where he lives) be asked what they want? This should be a starting point. The process is backwards—we should talk to the people who live there and see if they want to be annexed. He feels this is the first step

in a bad policy. As an example, he mentioned a wall tent that was put up in the Draw area. Residents called the County, who came quickly and had the tent taken down. He feels the County does a much better job of policing themselves than the Town does. He, personally, would rather live in the County than in Town. Steve agreed that one of the first steps of annexation should be to find out what the County residents would prefer.

Steve made a motion that we direct the Planning Commission to initiate the study for the Annexation Policy Plan. Elizabeth seconded the motion and the vote was as follows: Steve and Elizabeth, Yes; Conrad, Gladys, Judy, No. The motion failed and we will not ask the Planning Commission to move forward.

A discussion on **Ordinance 2021-5** began with Steve giving background. We have been working with American Legal to codify our ordinances and have asked the Planning Commission to begin that process. They told him a few weeks ago that they would have the ordinances that we have already submitted codified into the document. Peg gave a presentation on how the codification process works. There is a section in the codified where, whenever we pass an ordinance, it goes into a pending category. The ordinances are there, but some are waiting to be incorporated into the codified version, which they do twice a year, so sometimes it gets backed up a bit, but all the information is there. This one piggy-backs on Ordinance 2021-2, the revised Zoning Ordinance, in which the Planning Commission clarifies what a home business vs. what a commercial business is, and what the standards are for each. It contains a new Table of Uses. It was quite a long document, and RV Parks, Campgrounds, and Guest Ranches will be included in the new Table. There are new ways of designating uses. Some things will be in completely different places in 2021-5. She continued to explain other changes which were made and gave instructions on using the American Legal product from the website. Most of the amendments have been addressed. We will need to review and approve them. She explained some specific changes that were made to clarify definitions that weren't explicit. Others were unchanged. Chapter 22 is a new commercial standards worksheet. Appendices were added containing certain use standards. To summarize, Steve explained that Section 2021-2 has been inserted into the new document. We need to look at what is being added and see if we agree with these standards for RV Parks and Campgrounds and Guest Ranches. We passed part earlier in the year, and now they've come back and addressed these three things only, and it will fit into the body of the ordinance. The Planning Commission is satisfied with it and have sent it on to the Council for approval. There are some definitions that weren't originally there, and they are underlined. Going through it, Steve stated that there wasn't much on the first page, so he started with definitions and went page by page, inviting anyone with questions to bring them forward.

The first thing considered was Campgrounds. Gladys didn't like "detached cabins that do not have their own sanitation and cooking facilities" and wants it changed to Campgrounds "may also include detached cabins that may have their own sanitary and cooking facilities or rely on the campground facilities." p. 2. She doesn't have a problem with detached cabins. Steve stated that we need someone from the Planning Commission to explain their rationale. After some discussion, it was decided that it should read "... that may have their own sanitary or cooking facilities or rely on the campground facilities." Another comment on Guest Ranches suggested that a change should be made on the statement that says they "may provide food services." The Planning Commission recommends it be changed to say, "may provide food services for guests only, so as not to appear to be a restaurant. On Waterwise Landscaping, Gladys hoped the Planning Commission would use some of their own judgment. Steve stated that there would be a checklist where a person would be scored, which would allow a lot of flexibility to determine whether the person was in compliance and to allow for some flexibility. It is encouraged but not required. Other

parts of the recommendations were read. At some point a determination needs to be made whether a ranch with a guest ranch side business becomes a guest ranch business with the ranch as the side business. A distinction needs to be made between numbers of “beds” and numbers of “rooms”, to determine how many people are being accommodated. Gladys disagreed with them and thought it may need to be determined by the amount of acreage involved because, when infrastructure is put in you have to have more than ten overnight guest rooms for it to be feasible. We seem to be making it prohibitive for someone to make a living on agriculture land. Don't make the restrictions such that the expense of the operation is greater than the expected income. Conrad suggested that it should be flexible, depending on the acreage involved—the more acres one has, the more tourism-related development should be allowed. Gladys thinks that, in the cabins and guest ranch rooms part, specifically cabins, cooking facilities and, cooking and bathroom facilities should be. It won't go back to the Planning Commission. The Council can make whatever changes they feel are needed. The PC was working with numbers and facts they thought were feasible. From their study and research, what they have proposed is what they felt would work here. Steve acknowledged that none of us has figures that we know will work. At some point, it could become out of control, and asked where the happy medium is. Gladys suggested we move ahead with the meeting and come back later and see if there is new insight. It was suggested that we could use a formula, such as one room allowed for every 5 ½ acres owned. The conversation continued, with Ray Gardner suggesting that there needs to be some flexibility in order to make it economically feasible. Elizabeth suggested that we need to make it feasible for people who are already here to make a living. Steve stated that we need to have public participation from the beginning of the process to bring up all the issues at the process moves forward. Numbers can be changed as we go along and find out what works and what doesn't. We need to be reasonable willing to change, recognizing that ordinances can be changed as needed. Comments from Zoom participants were read. John Veranth stated that we need to consider what problems we're trying to solve, and are we doing it in the least restrictive manner? Other issues were proposed and discussed.

Gladys suggested we send it back to the Planning Commission and give them flexibility in their considerations. It can be reviewed yearly to consider suggested changes. We need to be flexible and try other possibilities. They should look at existing RV parks to see what works. We could hire an engineer to work with us. Judy Drain suggested that a place may not need a full time host but could have someone on call. The Planning Commission has done a good job and will make changes as suggested and amend what doesn't work. Steve is concerned with the numbers that we don't have experience with. There was discussion on whether there should be a garbage receptacle at each site or one central one. Do there need to be restrooms for an RV Park? We should check Utah law. Each RV site could/should provide a dump station. Gladys suggested that it might be possible to not have an office but to have a telephone number available with someone to respond in a reasonable response time. There should be a person to check in with who would not be needed in the off season when the facility is closed. Off- and on-season needs would have different requirements. The PC should review the suggestions and come back with specific changes. Colleen emphasized that the planners are just people and would like to have suggestions on what changes might be made when it is sent back. There needs to be input from others. There should be some flexibility. Steve asked if there were engineers who specialize in these sorts of developments who can be used to look at our ordinances and suggest what would and might not work.

Next month we will come back with targeted things and wording changes. We (TC and PC) will do more research and create a shared vision. We will now just target the areas discussed. Steve made a motion

to table the discussion, Judy seconded the motion, and the vote was unanimous. Thanks to Ray for his input.

Steve reported that the Safe Routes to School project has been completed. David Dodds said they will place some delineators at the corner and that they will see about the possibility of mowing the Lower Boulder Road sides. The Tree Board will do a tree planting soon, and they are revising the Tree Management Plan. Michelle Peterson Sparks spoke on behalf of the Peterson family (Debra, Rod and Michelle) ranch which is adjacent to much of the 30-acre mesa where the communications towers are. She reported on the happenings on the mesa. They have been told by Anselm that they will no longer be able to use the existing road and would have to build their own road on the north side of the mesa even though they have always used the existing road. They countered with the fact that the court had ruled the road to be public, and they plan to continue using it, as they have always done. The majority of the road is on their property. In the adoption of Ordinance 26, the Town vacated any fee interest they may have in the road and is not responsible for maintaining it. The TV towers are accessed by way of the road, and DW Towers has permits to replace the towers. There is a lawsuit in process. Daniel Kennedy asked if it is G-f. DW Towers could house a wireless carrier.

Steve made a motion to close the open meeting so the Council could go to a closed session. Gladys seconded the motion. Steve, Gladys, Elizabeth, and Judy voted Yes. After the closed session concluded, the Council returned to the regular meeting. Steve made a motion to open the regular meeting and Gladys seconded it. The vote was unanimous in favor, and the public meeting opened. The Planning Commission Slot 1 which expires 12/31/23 is vacant. John Veranth was appointed to fill that slot. Slot 3 which expires in 2025 is vacant, and Elena Hughes was appointed to fill the vacancy.

Community members are invited to participate in a Halloween activity. Ana, Betsy and Jill have invited people to participate in a trunk or treat. The plan is to block the 200 West road to the Community Center. They will ride and walk. People can set up tables, use their auto trunks, and kids will be encouraged to be kids. They want to get the word out early so people can plan to participate.

Department reports were given. Karen and Syllas are the only EMT's. Andy's status is not known. Judith is working with the fire personnel. The library is open, and the Arts Council is active. The GFSD is experiencing more Covid and has staffing shortages. Judy hopes to get a grant to analyze Boulder's water situation. Hills & Hollows is submitting a CUP application. The Lower Boulder road is rough, but we will have to wait until next year for help. Road signs are here and will be placed soon. On Monday the SORTS signs will be erected.

The Tree City group will have an Arbor Day planting. They are rewriting their Tree Management Plan. The Zoning Administrator reported that a building permit has been issued to Michael Steadman. The Checks issued list was reviewed and Steve made a motion which Gladys seconded that the checks issued be approved.

Steve made a motion the meeting adjourn. Gladys seconded the motion. The vote was unanimous. The meeting was closed at 11:30 p.m.