

Boulder Town
Planning Commission
Meeting Minutes
October 14, 2021

Zoom meeting, Commission quorum present: Chair Colleen Thompson, Vice chair; Matt Cochran, Haylee Apperson, Elena Hughes, and John Veranth. Alternate Marian Johnson was excused. Also attending: Secretary Peg Smith, Deputy Zoning Administrator Michala Alldredge, Town Council Liaison Judy Drain, Planning Commission consultant Lee Nellis.

Public attendees: Steve Cox, Nancy Tosta, Korla Eaquina, Lars Gardner, Tina Karlsson, Ray Nelson, Ray Gardner, Jeanne Zeigler, Cookie Schaus, Elizabeth and Troy Julian, Ashley Coombs, Jim Catmull, Dave Conine, Gladys LeFevre, Tessa Barkan, Jennifer Geerlings, Michelle Lebaron, Andria and Andy Rice, Ward Coombs.

Colleen opened the meeting at 7:02 p.m. Colleen moved to approve the agenda, John seconded; all “aye.” Colleen moved to approve the minutes; Matt seconded. Colleen, Matt, and Haylee voted “aye.”

Colleen described the meeting process: Initial public comments may address any topic but the public hearing is specifically dedicated to the agenda item. Before she opens the public hearing, attendees may ask questions about the topic. Then she’ll close that and open the public hearing, which is a formal proceeding intended for statements only, not a dialog with the commission. She welcomed incoming commissioners Elena Hughes and John Veranth.

Initial public comments:

Cookie read a written statement on Planning Commission efforts: See *Letters and Comments* page under Town Government tab on Boulder Town website, <https://boulder.utah.gov/planning-commission-public-comments-10-13-2021-submitted-by-cookie-schaus/>

Jim Catmull, on behalf of Boulder Farmstead, provided a breakdown of culinary water allotment and volume used last year: Residential 23.5M gallons, 190 active meters; Commercial 1.3M, 9 meters; Industrial use: 29.4K, 2 connections phone and power; Institutional use: 4.5M gal (park, school, church, town). We use 29M gal for 208 active connections and are allotted 69M gallons/year so from all water sources (named), so from four water sources have 46.9M gal brought into town of which 29M gals are used. \$17M is unused overflow. When BFWC asked residents last May to stop yard watering for a period, it was because of required maintenance/construction, not a shortage.

Jim said Boulder residents are allotted 50K/gal/person for \$48. “We have the most water at the lowest fee in the whole state of Utah.” He said another 205-215 connections without needing to adjust that allotment. Any hydrology study should include the private wells. He said the state is starting to look at metering private wells as there is currently no limit on use, other than the cost of pumping it.

Tina Karlsson brought up the smaller sizes of most Escalante City lots..

Recognition of Incoming/Outgoing Commissioners

Colleen thanked Cookie Schaus and Josey Muse for their service and welcomed new commissioners Elena Hughes and John Veranth.

Lee Nellis: Commission Decision on Handling Build-out Options; IADU (Necessary Amendments) Ordinance

Lee said the water information was helpful, but even if there is no serious limitation on Farmstead water, anyone who wants to can put in a domestic well. Potential for proliferation of individual wells is there and we need to understand that impact, which itself could affect Farmstead wells. Plus, we'd learn about onsite wastewater systems and the potential of contamination to the water supply. Looking at the build-out numbers of roughly 475 new homes, that's also 475 new onsite septic systems. Residents may not be looking at running out of water near-term, but the other issues would need to be addressed. No problem, will accept impact of the new potential; let's fund a hydrology study and see what the outcomes are; or third, what would be the zoning response to these issues? Could downzone LDR and GMU across community or downzone the irrigated lands and leave the 5-acre zoning in place on non-irrigated parcels (with development trade-out options). Water is fundamental but we're also talking about the character of Boulder and its future. Four hundred more dwellings would affect the character of Boulder, its traffic, its services and facilities, emergency services, etc. The issue of density as related to public services has to come before talking about workforce housing if don't have services for it. What type of place do you want to live in?

John: State engineer has jurisdiction over water; the health department has jurisdiction over septic. We don't need to get into business of other agencies. Any talk of downzoning ranch land would probably a nonstarter even if we came up with a recommendation for the town council. We should work on higher priorities and consider the build out not an immediate problem.

Matt: The hydro study seems crucial to me. Along with 450 houses, it also opens up 450 ADUs. Sticking to the vision of the General Plan is really crucial and this could change the character of Boulder. How do we steer growth and keep people's property rights and be fair? Matt asked about peer review on a Jones and DeMille water study. Lee said Utah GS would probably be more logical; look at their comments before finalizing action on any conclusions. Beyond that it's a matter of finding funding.

Matt: So I think the study needs to be done. It's the Planning Commission's duty to consider Boulder's future. A moratorium is too extreme and doing nothing is a mistake as well. I propose get funding for the hydro study and that we explore downzoning to come up with something that works for Boulder.

Elena: It's important to think long-term now too. The 450 new homes are maybe in our future but right now there are younger people are having to look at the five acre or smaller lots to try to get started with new ag. It would be dangerous to downzone the large ranches to the point the new ag people could never afford them.

Haylee asked the status of hydro study information or funding.

Steve Cox said the Planning Commission would have to tailor what you want out of the study—talk to Daniel Hawley there. If you want the study, you'd need to do the groundwork with Jones and DeMille, Southwest Public Health, Boulder Farmstead, etc. and present a proposal to the Town Council. Money would have to be budgeted.

Colleen summarized the Commission agrees that a hydro study should be pursued, and the concept of downzoning should be explored. No one wants to consider a development moratorium at present.

John said he didn't oppose the hydro study, but any data from it would be at least two years away. We shouldn't make necessary ordinance amendments contingent of getting the study results. He was concerned about the likely response of downzoning discussion when other important matters still need discussion.

Haylee said we need to keep talking about the study. Maybe it's not a priority but we need to keep moving if it's going to start at all.

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Lee said you need to make a decision one way or the other whether the Planning Commission will recommend that. I think it would be hard to come up with a higher priority for the information you need to talk about the future of Boulder. State health does have jurisdiction over construction of wastewater systems, but the standards they apply are political, not scientific. There are examples all over the Mountain West where perfectly legal onsite wastewater systems have wreaked havoc on aquifers. You can't rely on state health department to protect the aquifer. The only control you have is over the density of development so that you don't get groundwater contamination. The state would approve all 450 septic systems, but Boulder would have to deal with the consequences. If your aquifer gets contaminated, you'd have to install central sewage. To afford that, you'd need to increase density, way beyond 450 homes because no one here would want to pay what it would cost to deal with these issues. The history of this type of development in rural areas everywhere should point toward dealing with our aquifers. If Farmstead wells were contaminated, then you'd have to pay to treat it in a way it's not treated now. If you take a 20-year view of this, you need to know about the water. Failing to do so will be very costly in the long run. He said downzoning will play itself out in local politics. Getting good information on which to base decisions is key. Lee advised getting a hydro study underway as soon as possible, based on watching this play out repeatedly elsewhere. Discussing downzoning will be unpleasant, but you need to ask if you're ok with decisions that lead to Boulder being a very different place.

Colleen summarized: Let's move forward with finding out about doing the study. Start the downzoning discussion after the start of the year.

John moved to move onto the next agenda item and continue discussion of hydro study later. Colleen seconded the motion. John, aye; Colleen, aye; Elena: aye, Haylee, no; Matt no, to look at steps moving the study forward and adding future growth discussion to GP. Colleen said we'll continue to gather research on the hydro study. Haylee volunteered to work with Steve to contact Jones and DeMille, as will Matt. John will do background research and make a list of specific questions to pass on to Lee, and Colleen will talk to Boulder Farmstead on added info.

Lee suggested inviting an engineering person to the next meeting to see how a hydro study might cover the Boulder area. Also extend invitation to groundwater division of state geological survey and Division of Drinking Water.

Getting to Lee's Subdivision Amendments and the IADU: The IADU ordinance picks up changes in state law that you have to comply with but consistency required other changes throughout. You have to permit internal Accessory Dwelling Units, period, with limited conditions that can be set. The memo was written against the old ordinance on June 30.

John noted the time to stay on schedule. He made a motion to move to the Subdivision Amendment public hearing. Elena first had a question about ADUs for commercial entities. Lee said an employer can buy or rent a property that provides this, but it pertains only to residential zones. Peg said there was a requirement to act on IADU legislation by Oct 1. We're beyond the legislature's extension now. John rescinded his motion.

Colleen reviewed the IADU changes. Lee said detail had to be added regarding the internal ADUs but those changes affected some of the existing language and definitions. He suggested scheduling a public hearing for November, refresh your memories, and deal with any questions after the hearing.

John: Lee has done excellent job on this. He made a motion to schedule a public hearing in Nov. Matt seconded, all commissioners voted aye.

Public Hearing: Subdivision Amendments

Colleen asked first for questions about the ordinance. Elena asked about easements being included in acreage and right-of-way excluded. Lee said it's fundamental real estate law. A right-of-way is owned by someone else, not the landowner. A street dedicated to the public is the property of the

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town, effectively. That tends to apply to highways, streets, and major utilities. Easements cover any modification of an owner's rights. You give them an easement, opportunity for maintenance, but you retain ownership. It's a modification of your property right in favor of a public entity. There are all sorts of easements. You pay taxes on the land under an easement. You do not pay taxes and have no formal rights on a right of way.

John submitted a memo to Lee to clarify a couple points which Lee integrated.

Lee said the hearing has to be on the draft as it stood. After the hearing, the Planning Commission can move to accept the memo revision and then move to submit the revised ordinance to TC.

Colleen moved to open the public hearing; Matt seconded. Matt, John, Elena, Haylee, Colleen: "aye."

Tina Karlsson: Confirming the road easement is not part of the land description.

Hearing no other public comments, Colleen moved to close the public hearing, Matt seconded. Matt, Haylee, John, Elena, Colleen: "aye."

Discuss and vote on Subdivision Amendments

Lee responded to Tina's comment saying roads do not normally run in an easement, they run in a right-of-way. Boulder has blurred that distinction, and you need to stop doing that. These amendments are a start-- not the whole story but responding to some immediate needs. Roads will not be included within the lot area; they will be rights of way, owned by town. There are existing roads that are in easements and this can't change by fiat, only in handling future subdivisions or parcel adjustments. Boulder did something most places don't do in excluding easements from lot areas. This has resulted in lots that now under minimum lot size. This amendment's intent is that roads will never be included within a lot; that where there's currently an easement for a road, and that parcel will be subdivided, the road will be converted to a right of way. A driveway is not a road.

John read Lee's revision. He made a motion to amend the draft ordinance to reflect the Oct 13 memo from Lee. Colleen seconded. Colleen, aye; Haylee, aye; Elena, aye; John, aye; Matt, aye. John moved to send the amended draft ordinance to the town council; Colleen seconded. Colleen, aye; Haylee, aye; Elena, aye; John, aye; Matt, aye.

Colleen reminded everyone to get their Conflict of Interest statements signed and submitted.

Upcoming business for November 11 (starting at 6pm)

- IADU (Necessary Amendments) scheduled for public hearing
- Discuss results of hydro study action steps and explore concept of downzoning
- Gardner CUP?

Final public comments

Ray Gardner requested the Planning Commission let him know of other documents required to evaluate his RV Park for a CUP. There was discussion about numbers of sites, to which Peg said no site/acre numbers can be changed now, as a CUP submittal today falls within the rules of the existing ordinance, not 2021-5. Ray said other neighboring campground are under 5 acres, total 44 sites. Cannonville KOA is under 8 acres, 70 RV spots, plus cabins for a total 93 spots. Our current limit of 20 slots isn't a viable business plan. John suggested sharing this with the town council.

Colleen moved to adjourn the meeting; Matt seconded the motion, and all commissioners voted "aye." Colleen adjourned the meeting at 9:06 p.m.

Peg Smith _____ Date _____