

Boulder Town, Utah Minutes

Town Council Special Meeting

Tuesday, September 16, 2025

9:00 AM at Boulder Town Community Center

Boulder Community Center, 351 North 100 East, Boulder, UT 84716 Phone: 435-335-7300

Opening Ceremonies

Call to Order

Mayor Pro Tem (Mayor Pro Tempore) John Veranth called the meeting to order at 9:07 AM on September 16, 2025, noting that Mayor Conrad Jefferson was absent.

Roll Call and Determination of Quorum

Mayor Pro Tem Veranth conducted a roll call, confirming no town council or planning commission members were online. Present were Councilmember Gladys LeFevre, Councilmember Josh Ellis, and Mayor Pro Tempore John Veranth. Also present were Planning Commission members Colleen Thompson, Elena Hughes, Nancy Tosta, and Tina Karlsson; Board of Adjustment members Jen Bach, Jeanne Zeigler, and Susan Kelly; Zoning Administrator Erin Smith; and Town Clerk Elizabeth Julian.

Pledge of Allegiance

Mayor Pro Tem Veranth led the Pledge of Allegiance.

Adoption of Agenda

Councilmember Gladys LeFevre moved to adopt the agenda as presented. Councilmember Josh Ellis seconded the motion. The motion carried unanimously.

Conflict of Interest Disclosure

Mayor Pro Tem Veranth asked if anyone had conflicts of interest with the agenda. Hearing none, the meeting proceeded.

Presentation on Boulder-Specific Land Use Topics (Rob Terry, Statewide Land Use Training Director, Office of the Property Rights Ombudsman)

Mayor Pro Tem Veranth introduced Rob Terry from the state Property Rights Ombudsman office. Mr. Terry began his presentation by introducing himself as the only non-attorney in the ombudsman's office with 20 years of planning experience across local, regional, and state levels. He explained the ombudsman's office provides four main services: information and education, negotiation liaison services, mediation, and advisory opinions.

Mr. Terry discussed the Land Use Development Management Act (LUDMA) as the foundation for Utah's land use planning law. He emphasized three key purposes: providing for health, safety, and welfare statewide; promoting prosperity of the entire state; and improving the morale, peace, good order, comfort, convenience, and aesthetics of each municipality. He noted the importance of the act calling out individual municipalities twice, highlighting that planning happens at the local level.

The presentation covered general plans as mandated documents that guide future growth and development. Mr. Terry explained these are living documents typically covering 10-20 year horizons. Planning Commissioner Elena Hughes asked whether it's typical to explicitly state the year horizon in general plans. Mr. Terry responded that while not always explicit, communities often reference data points tied to specific future years.

Mr. Terry discussed land use ordinances as the written laws adopted by legislative bodies, including zoning, development, and subdivision ordinances. He warned about ambiguity in ordinances, explaining that courts interpret ambiguous language in favor of property owners' maximum use of their property.

Planning Commission Chair Nancy Tosta asked about discriminatory behavior, specifically whether favoring locally-owned businesses over chains would be considered discriminatory. Mr. Terry explained that while communities cannot prohibit businesses simply for being national franchises, they can create incentives to encourage local development through tax incentives, marketing assistance, or long-term leases.

The discussion turned to design standards. Mr. Terry explained that regulating building design elements of single-family and two-family residences is prohibited by state law. Judith Geil (from the public) asked about HOAs and design requirements. Mr. Terry clarified that HOAs operate after development and focus on operation and maintenance, while

development agreements can include design criteria if both parties voluntarily agree.

Mr. Terry then explained roles and responsibilities in local government. He distinguished between legislative decisions (making laws of general applicability) and administrative decisions (applying existing codes to specific proposals). For legislative decisions, public input, including opinions and preferences, matters. For administrative decisions, only facts and compliance with regulations matter - opinions and preferences cannot be considered.

The presentation shifted to conditional use permits (CUPs). Mayor Pro Tem Veranth defined a CUP as "essentially a use that is allowed but has unique impacts, and the conditional use permit is a tool to address specific impacts that are named in the ordinance." Mr. Terry confirmed this, emphasizing that CUPs address permitted uses with unique characteristics requiring mitigation, not prohibited uses seeking approval.

An extensive discussion followed about CUPs versus zoning. Councilmember Josh Ellis asked about scenarios where having commercial uses as CUPs in most of the town might work against the community's interests. Planning Commissioner Chair Nancy Tosta asked about using CUPs versus creating different commercial zones. Mr. Terry explained that while CUPs provide control, they also create administrative burden and consistency challenges.

Planning Commissioner Tina Karlsson asked when to use CUPs versus zoning. Mr. Terry explained to first determine if a use is permitted, then whether it has detrimental effects requiring a CUP. He noted many communities are moving away from CUPs by incorporating common conditions directly into zoning codes.

Councilmember Gladys LeFevre asked for specific examples of putting zoning codes in place to avoid conditional uses. The discussion evolved into whether Boulder, as a small community with minimal commercial activity, should continue using CUPs. Planning Commissioner Colleen Thompson noted they do only 1-3 CUPs annually and questioned how to change from CUPs to zoning in such a small community.

Mr. Terry acknowledged CUPs work well in rural communities concerned about development impacts. He suggested reviewing past CUPs to identify common conditions that could be moved into zoning codes. Planning Commission Chair Nancy Tosta raised the challenge of short-term rentals

being scattered throughout town. Mr. Terry suggested overlay zones as one solution.

Councilmember Josh Ellis summarized concerns about commercial development, suggesting that requiring rezoning before CUPs would provide more legislative control. Planning Commission Chair Nancy Tosta questioned why a CUP would follow rezoning since rezoning creates permitted uses. Discussion clarified that different commercial zones could address different types of commercial activities.

The conversation highlighted Boulder's challenge of having "commercial uses" as a CUP in the General Management Unit (GMU) zone without defining "commercial." Councilmember Ellis noted this makes landowners entitled to full commercial use, contradicting the general plan's vision.

Meeting Recess

*Mayor Pro Tem Veranth moved to take a 20-minute recess.
Councilmember Gladys LeFevre seconded. All voted in favor.*

The meeting reconvened at 12:00 PM.

Question and Answer Session with Rob Terry and Town Council, Planning Commission, Board of Adjustment, Administrative Staff, and Public

Mayor Pro Tem Veranth noted topics to cover included Board of Adjustment questions from Board of Adjustment member Jeanne Zeigler, ordinance writing support, annexation plans, and enforcement.

Planning Commissioner Colleen Thompson asked how to transition away from CUPs. Mr. Terry recommended reviewing common CUP language and incorporating it into standard zoning codes, suggesting working with Five County AOG community advisers for assistance.

The discussion on land use appeals followed. Mr. Terry explained that appeal authorities hear appeals from land use decisions, requests for variances, and need focused training. He noted many agencies are moving to individual appeal authorities rather than boards due to technical expertise requirements. Board of Adjustment member Susan Kelly asked about the town's role when appeals go to district court. Mr. Terry explained that the town typically provides records and may have varying levels of engagement depending on the case.

Mr. Terry emphasized the importance of communicating the impacts of zone changes to property owners. He discussed legal nonconforming uses and structures, explaining that uses established legally must be allowed to continue even if zoning changes, though they cannot expand.

Planning Commission Chair Nancy Tosta asked about enforcement challenges. Mr. Terry acknowledged code enforcement as one of the biggest challenges in land use planning, requiring proper resources and the right personnel. He recommended including enforcement language in codes and having clear standards.

Mayor Pro Tem Veranth raised Boulder's unique challenge of town roads without recorded easements. Mr. Terry briefly discussed easements by implication, necessity, and prescription, noting that each situation requires specific analysis.

The session covered annexation, with Mr. Terry explaining recent legislative changes and anticipating more changes in upcoming sessions. He noted that annexation policy plans identify areas for potential growth and require collaboration among affected agencies. Mark Nelson asked about annexing for tax revenue. Mr. Terry cautioned that annexation implies commitment to provide services.

Planning Commissioner Nancy Tosta returned to incentivizing local businesses versus prohibiting chains. Board of Adjustment member Susan Kelly asked about specific examples of tax and marketing incentives. Mr. Terry cited long-term leases at discounted rates and marketing assistance through regional development agencies as the most common in rural communities.

Mr. Terry provided resources for short-term rentals, including the Utah Land Use Institute's white paper and Utah State University's self-guided course focusing on gateway and natural amenity regions like Boulder.

The session concluded with appreciation from attendees for the comprehensive training.

Adjourn

With no objections, Mayor Pro Tem Veranth adjourned the meeting at 1:00 PM.

Minutes Approved: November 4, 2025

/s/ Elizabeth Julian
Boulder Town Clerk