

DRAFT MINUTES PENDING APPROVAL

BOULDER TOWN, UTAH PUBLIC NOTICE

Governing Body: PLANNING COMMISSION
Meeting Type: Special Meeting
Date and Time: Tuesday, May 12, 2026, at 7:00 p.m.
Location: Boulder Community Center, 351 North 100 East, Boulder, Utah

In accordance with the Utah Open and Public Meetings Act, [Utah Code Ann. § 52-4-202](#), the minutes for the above-referenced meeting are provided below.

MINUTES

I. OPENING PROCEDURES

1.1. Call to Order

Chair Nancy Tosta called the May 12, 2026, Special Planning Commission Meeting to order at 7:04 PM.

1.2. Determination of Quorum

The Chair conducted a roll call and established a quorum.

Planning Commission Present:

Chair Nancy Tosta
Member Phoenix Bunke
Member Darrell Fuller
Member Nick Vincent, arrived at 7:06
Member Elena Hughes, arrived at 7:10
Alternate Jen Bach

Staff Present:

Henry Davis, Deputy Clerk

1.3. Motion to Adopt the Agenda

***Motion:** Commissioner Phoenix Bunke moved to adopt the agenda.
Commissioner Jen Bach seconded.*

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Vote: Voice Vote – All present members voted in favor.

Result: Approved unanimously

1.4. Declaration of Conflicts of Interest

No conflicts of interest were declared by any Commissioner.

II. WORK SESSION (Discussion Only - No Action Taken)

2.1. Discuss General Plan Goals and Actions

Chair Nancy Tosta opened the work session with the stated goal of reviewing all commissioner-submitted comments on the draft General Plan goals and actions, reaching working consensus, and producing a cleaned-up document for review at the May 19th meeting. Chair Tosta volunteered to lead the editing effort, with Commissioner Phoenix Bunke also volunteering to assist. The intent is for the revised document, once approved at the next meeting, to be shared with the public as soon as possible.

General Procedural and Legal Notes

Commissioner Darrell Fuller raised concerns about potential Fifth Amendment takings issues and unconstitutional exactions present in several draft provisions, noting that some language had worsened since the prior meeting rather than improved. Chair Nancy Tosta acknowledged the concerns and noted that Kevin Smedley, the 5 County local planning representative, had agreed to review the document following this meeting. Chair Tosta also noted that the town has engaged a boutique municipal law firm — Jayme L. Blakeslee — consisting of five attorneys who specialize exclusively in municipal government, and that firm would also review the document.

Chair Nancy Tosta noted that the town's new attorney had recently issued a memo cautioning that collaborative online document editing among commissioners may implicate the Utah Open and Public Meetings Act. Because this process was already underway, it was allowed to proceed; however, the Commission acknowledged it would likely need to modify its collaborative drafting approach going forward.

Environment Chapter (Goals 1–8)

The Commission discussed restructuring the environment chapter. It was generally agreed that the existing Goal 2 — which combined clean air, water, natural beauty, and open space — should be broken into separate, standalone goals, each with its own corresponding actions.

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On the subject of air quality and water-related language, Commissioner Darrell Fuller cautioned against creating regulatory provisions that duplicate existing federal and state law or that lack clear enforcement mechanisms. Chair Nancy Tosta and Commissioner Elena Hughes acknowledged the concern, agreeing that language should be aspirational and management-oriented rather than regulatory. The Commission generally agreed to use language such as "manage development such that it does not result in the pollution of groundwater" rather than more prescriptive formulations.

Regarding wildfire (Goal 4), the Commission agreed that an action should be added calling for the adoption of a Wildfire Management Plan. Commissioner Jen Bach suggested referencing current state legislation and guidelines on fire mitigation. Commissioner Darrell Fuller emphasized the importance of framing any wildfire-related actions as positive encouragement and information-sharing rather than mandates, citing Fourth Amendment limitations on government entry onto private property.

On Goals 7 and 8 concerning wildlife habitat and connectivity, Commissioner Elena Hughes indicated she had substantially revised these goals in a subsequent draft and had sought legal input from Kasey Lindstrom, a Utah attorney who authored statewide wildlife and planning guidelines. Commissioner Darrell Fuller expressed strong concern that several provisions — particularly those making habitat connectivity a factor in permitting decisions and those involving overlay zones — could constitute unconstitutional exactions. He cited Utah Code 10-20, Part 9, Section 911. Commissioner Jen Bach argued that incentive-based approaches, rather than restrictive ones, were both legally sounder and more likely to achieve community goals. The Commission agreed that provisions using the word "require" in connection with habitat or wildlife corridor mapping should be removed or substantially softened, and that any remaining language should frame habitat connectivity as a consideration rather than a condition of approval.

Action Item Assigned: Commissioner Elena Hughes to send Chair Nancy Tosta a revised environment chapter draft, incorporating prior discussion, by Thursday.

Economy Chapter

The economy chapter was deferred at Commissioner Phoenix Bunke's suggestion in the interest of time. Chair Nancy Tosta noted that commercial land use is distinct from the economy chapter — commercial and residential are land use designations, while the economy chapter addresses the character of desired businesses. The Commission agreed to address the economy chapter through a direct conversation between Chair Tosta and Commissioner Bunke outside the meeting.

Action Item Assigned: Chair Nancy Tosta and Commissioner Phoenix Bunke to confer on the economy chapter prior to the next meeting.

Housing Chapter

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The Commission reviewed the housing chapter. Commissioner Nick Vincent suggested that an action be added to study housing trends from the prior five to ten years, using county or other available data, to better inform the plan's projections. This was agreed upon.

Goal 6.1.0.3, relating to non-discrimination in housing, was discussed and agreed to be removed as duplicative of existing law. Goal 6.1.0.4 was removed, with the corresponding Action 6 retained as a more succinct expression of the same intent. Action 3, which would have directed code enforcement to bring substandard housing into compliance, and Action 4, concerning residential security, were both struck as either unenforceable or unnecessary. Action 5, relating to non-discrimination, was similarly noted for removal given the deletion of the associated goal.

The Commission discussed the need to reframe the goal of housing affordability with more precise language, settling on a direction that acknowledges lower-income Boulder residents and first-time homebuyers rather than using legally undefined terms such as "attainable." Commissioner Elena Hughes suggested exploring language around creative housing approaches including land trusts. Commissioner Jen Bach raised the idea of encouraging long-term rentals over short-term rentals, though no specific action language was agreed upon.

The clustering/grouping provision was retained. The Commission agreed to add language connecting the clustering option to its potential for reducing housing costs and improving availability, in addition to its environmental benefits.

The housing chapter's reference to wildfire considerations was supported. The Commission agreed to add an action encouraging residents and developers to adopt fire-wise landscaping and home-hardening practices, and to reference the forthcoming Wildfire Management Plan.

Transportation Chapter

The Commission agreed that Goal 1 — "provide a transportation system" — was redundant given that such a system already exists, and that the first action item ("improve and sustain the operating efficiency and safety of the transportation system") was better suited as the goal itself. Specific safety improvements, such as road signage modifications and left-turn lane markers, were identified as appropriate actions under that goal.

The Commission agreed to retain a provision on identifying and preserving platted roadways and dedications, and to add language about pursuing rights-of-way where doing so would serve the town's transportation interests. The safe routes for children provision was agreed to be moved under Goal 2 rather than Goal 1. The parking standard provision was discussed, with the Commission agreeing to use "establish" rather than "require" and to retain "adequate" as a defined-in-ordinance standard.

Services and Capital Improvements Chapter

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Commissioner Jen Bach, who had substantially revised the services chapter text, noted the importance of clearly connecting capital improvement goals to the top five priorities identified in the community survey: road repairs, EMT/fire services, water studies, and related infrastructure. Commissioner Darrell Fuller suggested language around emergency warning systems, referencing recent town council discussion following a Wayne County emergency. Commissioner Jen Bach proposed including a provision for hazardous waste collection days as a town service, which was well-received. The Commission noted that certain provisions addressing environmental monitoring belonged more appropriately in the environment chapter.

Land Use Chapter

Chair Nancy Tosta noted that the land use chapter is significantly too long and repetitive and volunteered to redraft it. The Commission discussed whether to frame the primary goal around preservation of agricultural character or, more broadly, around preservation of open space — recognizing that agriculture is one use of open space but not the only one. It was generally agreed that agriculture and open space could be addressed within a shared goal that acknowledges their interdependence.

The Commission discussed the possibility of establishing a minimum lot size of six acres rather than five, noting that a six-acre minimum would qualify properties for Utah's agricultural green tax benefit, creating an economic incentive aligned with land preservation goals.

Commissioner Darrell Fuller raised continued concerns about provisions that introduce discretion into the permitting process — particularly those tied to environmental or habitat overlays — and about the use of overlay zones generally. He noted that Goal LU-3.1, Goal LU-3.7 (rezoning), and Goal LU-6 ("ensure new growth pays its own way") each contained potentially problematic language. The Commission agreed that the exactions-related language in Goal LU-6 should be softened, and that rezoning provisions should remain general pending further legal guidance.

Chair Nancy Tosta raised the matter of public lands (BLM and Forest Service) that fall within the town boundary and are currently designated as GMU in the zoning map. She noted ongoing coordination with state GIS staff to clarify acreage and mapping, and proposed establishing a special zoning category for such lands so that, in the event of any future privatization, a more protective minimum lot standard — such as 20 acres — would apply rather than the default GMU designation.

2.2 Discuss May 19th Planning Commission Meeting

Chair Nancy Tosta indicated that she would prepare a revised, consolidated draft of the General Plan goals and actions document for distribution no later than Monday morning prior to the May 19th meeting, with the goal of earlier distribution. Commissioner Phoenix confirmed availability to assist with

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formatting. The Commission agreed the May 19th meeting would include review and possible approval of the cleaned-up document.

2.3 Discuss Date and Logistics for Public Meeting on the General Plan

Chair Tosta expressed a strong preference for scheduling a public meeting on the General Plan as soon as possible and indicated she would prefer not to wait until June. Commissioners were asked to bring their calendars to the May 19th meeting so that a public meeting date could be selected.

Chair Tosta proposed a poster-based public engagement format in which the goals and actions would be printed on large-format posters, allowing community members to walk through, place stickers, and add written comments. Commissioner Hughes indicated she could assist with identifying a large-format printing vendor.

III. CLOSED SESSION

No closed session was held

IV. RETURN TO REGULAR MEETING

No items were taken up during this agenda item

V. ADJOURNMENT

Motion: *Commissioner Phoenix Bunke moved to adjourn the meeting. Commissioner Elena Hughes seconded.*

Vote: *Voice Vote — Unanimous ayes.*

Result: *Meeting adjourned at 9:10 PM.*

CERTIFICATE

BOULDER TOWN, STATE OF UTAH

[First and Last Name], Title

ATTESTATION:

[First and Last Name], Title

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Date Approved by the Town Council:

Draft