

BOULDER TOWN, UTAH PUBLIC NOTICE

Governing Body: PLANNING COMMISSION
Notice Type: Regular Meeting
Date and Time: Tuesday, August 18, 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 § 52-4-202](#), this Agenda and Notice is hereby provided.

Meeting materials are available for public review on the Utah Public Notice website, provided in PDF format, and may also be accessed via the following link:

 [BT-2026_MATERIALS_20260818_AgendaMeetingRegularAndPublicHearing_P...](#)

AGENDA

I. OPENING PROCEDURES

- 1.1. Call to Order
- 1.2. Roll Call and Determination of Quorum
- 1.3. Adoption of Agenda (Action Item - Motion Required)
- 1.4. Declaration of Conflicts of Interest (Information)

II. PRESENTATIONS AND REPORTS (Information/Discussion)

- 2.1. Roger Carter on Five County AOG Summit:
Thursday, September 10 from 5:30 - 8:30 at Ruby's Inn
Attendance is strongly encouraged for all Members
- 2.2. Amending Residential Short-Term Rental Ordinances
– Memorandum from Town Attorney Jayme Blakesley on
Proposed Amendments to Chapters 110, 111 and 112
– Report on Amending Residential Short-Term Rental Ordinances

III. PUBLIC COMMENT ON AGENDA ITEMS (Public Input) (≤ 20 minutes)

Speakers must state their name for the record and are limited to 3 minutes.

IV. DEPARTMENT REPORTS

- 4.1. Town Council
- 4.2. Staff

V. APPROVAL OF PROPOSED MINUTES (Action Item - Motion Required)

- 5.1. June 23, 2026 , Regular Meeting

VI. PUBLIC HEARING (Public Input Only, Motion to Enter/Exit)

The purpose of this hearing is to receive public input on proposed amendments to the Residential Short-Term Rental regulations. These revisions incorporate legal counsel recommendations to improve administrative clarity, enforceability, and conditional use and business licensing workflows, reflecting prior deliberations by the Planning Commission and Town Council throughout 2025.

In compliance with [Utah Code §10-9a-204](#), a public hearing will be held to receive public comments on the following:

- 6.1. Draft Ordinance No. 2026-C: Amendments to Boulder Town Code Chapter 112 (Residential Short-Term Rentals)
- 6.2. Draft Ordinance No. 2026-D: Amendments to Boulder Town Code Section 153.204 (Residential Short-Term Rentals)

VII. DISCUSSION AND POSSIBLE ACTION ITEMS (Motion Required)

- 7.1. Review the Draft Ordinances regarding Residential Short-Term Rentals (Chapters 112 and 153.204), Business Licensing (Chapter 110), and Alcohol Consent (Chapter 111)
- 7.2. Consider recommending to the Town Council the Draft Ordinance No. 2026-C: Amendments to Boulder Town Code Chapter 112 (Residential Short-Term Rentals)
- 7.3. Consider recommending to the Town Council the Draft Ordinance No. 2026-D: Amendments to Boulder Town Code Section 153.204 (Residential Short-Term Rentals)

VIII. GENERAL PUBLIC COMMENT (Public Input) (≤ 20 minutes)

Speakers must state their name for the record and are limited to 3 minutes.

IX. CLOSING BUSINESS

- 9.1. Review of Outcomes, Assignments, and Counsel Recommendations
- 9.2. Confirmation of Next Regular Meeting:
Tuesday, September 15, 2026 at 7:00 PM

X. ADJOURNMENT

NOTICE

SPECIAL ACCOMMODATIONS (ADA)

In compliance with the Americans with Disabilities Act (ADA), individuals needing reasonable accommodations should notify the Boulder Town Office at 435-335-7300 or townclerk@boulder.utah.gov at least one week before the meeting.

ELECTRONIC OR TELEPHONE PARTICIPATION

Zoom Link: <https://us06web.zoom.us/j/4353357300>

Meeting ID: 4353357300 Password: 84716 Phone: +1 346 248 7799

Policy: Ensure your Zoom name includes the first and last names of attendees

CERTIFICATE OF POSTING

This Agenda and Notice was publicly posted on the following locations:

- The Utah Public Notice website (<http://pmn.utah.gov>)
- Boulder Town's website (<http://www.boulder.utah.gov>)
- Boulder Town's Bulletin Board

Date Published: **August 14, 2026**

/s/ Elizabeth Julian, Town Clerk



Five County AOG and ULCT Presents

FIVE COUNTY AOG SUMMIT

Join elected and appointed leaders, staff, and planning commissioners for dinner and an evening of practical training, collaboration, and expert guidance to help your community meet today's challenges and prepare for tomorrow's opportunities.



DATE

10 SEPTEMBER 2026

5:30-8:30PM



LOCATION

RUBY'S INN,

BRYCE CANYON CITY

TOPICS INCLUDE:

COUNCIL TRAINING

PLANNING COMMISSION TRAINING

NETWORKING AND MORE



Questions? Reach out to rcarter@fivecounty.utah.gov



UTAH LEAGUE OF
CITIES AND TOWNS



Five County
Association of Governments



HAYES
GODFREY
BELL
LAWYERS

Hayes Godfrey Bell, P.C.
(Mazuran and Hayes 1992-2014)

2118 East 3900 South, Ste. 300
Holladay UT 84124
■ (801) 272-8998

MEMORANDUM

To: Town Planning Commission
Town Council
BOULDER, UTAH

From: Jayme Blakesley, Boulder Town Attorney 
HAYES GODFREY BELL, P.C.

Date: August 13, 2026

Subject: Proposed Amendments to Chapters 110, 111, and 112 of Boulder Town Code —
Business Licensing, Alcoholic Beverages, and Residential Short-Term Rentals

I. Introduction

Boulder Town (“Boulder” or “Town”) is considering related amendments to three chapters of Title XI of the Town Code:

Chapter 110 — General Business Provisions;
Chapter 111 — Alcoholic Beverages; and
Chapter 112 — Residential Short-Term Rentals.

The proposed ordinances are intended to work together. Chapter 110 would establish the Town’s general business-licensing rules. Chapter 111 would clarify the Town’s role in the State’s alcohol-licensing process. Chapter 112 would retain additional licensing and operating requirements that apply specifically to residential short-term rentals (“RSTRs”).

Taken together, the amendments are intended to simplify the Town’s licensing procedures, remove outdated provisions, clarify the relationship between different Town and State approvals, and provide a more consistent framework for administering and enforcing the Town’s business regulations.

The Planning Commission will consider the proposed ordinances and make a recommendation to the Town Council. The Town Council will then consider whether to adopt the ordinances.

II. Chapter 110 – General Business Licensing

Chapter 110 provides the foundation for the proposed regulatory framework. The revised chapter would continue to require businesses operating within the Town to obtain a business license unless an exemption applies, but would substantially simplify the existing licensing process.

Among the principal changes are:

- **Elimination of license classes.** The existing distinctions among general business, home occupation, and temporary business license classes would be eliminated. Businesses would generally receive a Town business license, with temporary businesses addressed separately as necessary.
- **Simplified applications.** Rather than prescribing detailed application procedures in the Code, the Mayor or designee would establish application forms and request information reasonably necessary to determine whether the business complies with applicable requirements.
- **Mayor or designee administration.** The chapter would generally assign administrative licensing responsibilities to the “Mayor or designee,” rather than assigning individual functions to particular Town positions. This provides administrative flexibility without changing the substantive requirements for obtaining a license.
- **Uniform renewal schedule.** Annual business licenses would expire on the last day of February and be renewed on or before March 1. The adopting ordinance includes a transition provision for existing licenses that currently operate on a different renewal schedule.
- **Fees established by the Town Fee Schedule.** License fees and applicable late fees would be established through the Town Fee Schedule rather than fixed in the Code.
- **Administrative appeal.** An applicant or license holder may appeal a final administrative licensing decision to the Town Council. The appeal is based on the administrative record rather than being a new hearing of the application. The Council may reverse or modify the decision only under the standards stated in the ordinance.

- **Enforcement.** Operating a business without a required license would continue to constitute a Class B misdemeanor.¹

Importantly, a Town business license is only one required approval. The revised chapter expressly provides that a business license does not replace zoning approval, a conditional use permit, building or fire requirements, alcohol approval, a required state license, or other applicable authorization. Conversely, receiving one of those approvals does not eliminate the requirement for a Town business license when one is required.

III. Chapter 111 – Alcoholic Beverages

Chapter 111 addresses a different type of approval. The proposed amendment would replace the Town’s existing municipal alcohol-licensing system with a framework that better reflects the division of responsibility between the State and the Town under Utah law.

Under the proposed chapter, the State of Utah, through the Utah Department of Alcoholic Beverage Services and the Alcoholic Beverage Services Commission, would remain responsible for issuing, renewing, suspending, and revoking state alcohol licenses. The Town would not issue a separate municipal alcohol license. Instead, when state law requires local consent, the Town Council would consider whether to grant that consent.

This change removes outdated local alcohol-license classifications and avoids duplicating the State’s licensing process. It does not, however, remove the Town from the regulation of alcohol-related businesses.

An alcohol-related business would remain subject to applicable Town zoning, land-use, business-licensing, building, fire, nuisance, health and safety, and other regulations. Local consent from the Town Council does not constitute a business license or land-use approval, and a state alcohol license does not authorize a business to operate in violation of Town requirements.

The proposed chapter therefore separates two questions that are currently combined in the Code: whether the Town will provide any local consent required for a state alcohol license, and whether the business otherwise complies with Boulder Town Code.

¹ **Enforcement discretion.** The enforcement provisions in Chapter 110 identify the remedies available to the Town; they do not require the Town to pursue enforcement in every instance in which a violation may exist. The provisions in this section and other sections of Town Code are better understood as a “menu” of enforcement tools that allows the Town to select an appropriate response based on the circumstances. Depending on the nature and seriousness of a violation, the Town may pursue informal compliance, administrative licensing remedies, civil enforcement, criminal enforcement, or another remedy authorized by the Code. This enforcement discretion must, however, be exercised lawfully and may not be applied on a discriminatory or otherwise impermissible basis.

IV. Chapter 112 – Residential Short-Term Rentals

Chapter 112 serves another distinct purpose. Chapter 153 of the Town Code regulates RSTRs as a land use, including whether an RSTR is permitted at a particular location and whether a conditional use permit is required. Chapter 112 regulates an RSTR as a business once the applicable land-use requirements have been satisfied.

The proposed Chapter 112 therefore continues to require an annual business license for regulated short-term lodging. Eligibility remains tied to the RSTR's land-use status, including existing lawful RSTRs, RSTRs with an approved conditional use permit, and qualifying nonconforming uses.

Chapter 112 also retains requirements that are specific to operating an RSTR and therefore would not appropriately be included in the general business-licensing chapter. These include residency and on-site requirements where applicable, proof of residency, compliance certifications, tax obligations, building and health requirements, compliance with conditions imposed through a conditional use permit, guest conduct and nuisance requirements, and inclusion of the Town business-license number in online short-term-rental listings.

Chapter 112 is therefore intended to supplement, rather than duplicate, Chapter 110. Chapter 110 establishes the general licensing framework applicable to Town businesses; Chapter 112 adds requirements that apply because of the particular characteristics of residential short-term lodging.

V. How the Chapters Work Together

The three ordinances are designed to separate regulatory functions that have previously overlapped.

Chapter 110 answers the general question: What does a business need to do to obtain and maintain a Boulder Town business license?

Chapter 111 answers a narrower question for alcohol-related businesses: When state law requires Boulder's local consent for a state alcohol license, how does the Town consider that request?

Chapter 112 answers the additional question for RSTRs: What additional requirements apply to obtaining and operating under an RSTR business license?

Land-use questions remain governed by the applicable provisions of the Town's zoning ordinance, including Chapter 153. Building, fire, nuisance, code-enforcement, and other applicable requirements likewise remain independently enforceable.

This structure is intentional. Obtaining one Town or State approval does not automatically establish compliance with all others. A business must obtain and maintain each approval applicable to its particular use and operation.

VI. Recommendation

The proposed amendments should be considered together as a modernization of the Town's business-regulation framework. They simplify general business licensing, clarify the Town's more limited role in state alcohol licensing, retain appropriate RSTR-specific business regulations, and more clearly distinguish business licensing from land-use and other regulatory approvals.

I recommend that the Planning Commission review the proposed ordinances and make a recommendation to the Town Council. Following the Planning Commission's recommendation and required public process, the Town Council may consider the ordinances for adoption.

TOWN OF BOULDER, STATE OF UTAH

Report: Amending Residential Short-Term Rental Ordinances

Governing Body: Planning Commission

Meeting Date: Tuesday, August 18, 2026

Agenda Item: Presentations and Reports
Item Type: Information

Contributors: Administrative Department & TC Liaison to PC
Prepared by: Elizabeth Julian

Date Submitted: August 13, 2026

RECOMMENDED ACTION

The Planning Commission will conduct a public hearing and deliberation to consider recommending Draft Ordinances 2026-C and 2026-D to the Town Council. These amendments update Boulder Town Code Chapter 112 and Section 153.204 regarding Residential Short-Term Rentals.

Recommended Motions

"I move to recommend that the Town Council approve the second version of Draft Ordinance No. 2026-C, incorporating the Planning Commission's endorsed revisions and annotations."

"I move to recommend that the Town Council approve the second version of Draft Ordinance No. 2026-D, incorporating the Planning Commission's endorsed revisions and annotations."

BACKGROUND

In December 2025, the Town Council amended the code following community input and Planning Commission recommendations. The Town Council determined these updates were necessary to simplify administrative processes and ensure codes are easy to follow and enforce.

Subsequently, Zoning Administrator Erin Smith drafted an updated accompanying application for review by the Town Council as well as legal. It was at that time determined that the codes could be cleaned up to carry out the intentions of the Town Council and to ensure the codes are clear and able to be carried out administratively.

Town Attorney Jayme Blakesley reviewed the current code and drafted amendments to the Town's business-regulation framework. By updating Chapters 110, 111, and 112 together, the Town aims to simplify licensing procedures, remove outdated provisions, and provide a consistent framework for enforcement.

To achieve this, the following chapters are being updated:

- Chapter 110 (General Business): Simplifies licensing by removing outdated classes and establishing a uniform renewal schedule.
- Chapter 111 (Alcoholic Beverages): Clarifies that the Town provides 'local consent' for state-level licenses, rather than issuing separate municipal alcohol licenses.
- Chapter 112 (Residential Short-Term Rentals): Retains key requirements for RSTRs, such as residency rules and guest conduct standards, that remain separate from general business licensing.
- Section 153.203 (Residential Short-Term Rentals): Establishes standards to align with state law while clarifying the process for obtaining conditional use permits for short-term rentals.

While the Planning Commission is not mandated to conduct public hearings or issue recommendations regarding revisions to Boulder Town Code Chapter 110 (General Business Provisions) and Chapter 111 (Alcoholic Beverages), the Town Council plans to hold concurrent hearings for these items. Consequently, these drafts are being presented to the Commission for review.

In a related effort, the Zoning Administrator is presenting the drafts of the updated accompanying applications for evaluation.

PURPOSE AND OBJECTIVE

The purpose of the hearing is to receive public input on proposed amendments to Residential Short-Term Rental (RSTR) regulations. These revisions incorporate legal counsel recommendations to improve administrative clarity, enforceability, and conditional use and business licensing workflows, reflecting prior deliberations by the Planning Commission and Town Council throughout 2025. The goal is to create a clear, streamlined application process for all new business and RSTR applicants.

ATTACHMENTS

- A. Jayme Blakesley Memo Regarding Amending Ordinances  BT-2026_M...
- B. Draft Ordinance No. 2026-C: Amendments to Boulder Town Code Chapter 112 (Residential Short-Term Rentals)  BT-2026_O...
- C. Draft Ordinance No. 2026-D: Amendments to Boulder Town Code Section 153.204 (Residential Short-Term Rentals)  BT-2026_O...
- D. Draft Ordinance No. 2026-E: Amendments to Boulder Town Code Chapter 111 (Alcoholic Beverages)  BT-2026_O...
- E. Draft Ordinance No. 2026-A: Amendments to Boulder Town Code Chapter 110 (General Business Provisions)  BT-2026_O...
- F. Draft Residential Short-Term Rental Application  BT-2026_A...
- G. Draft Business License Application  BT-2026_A...



Elizabeth Julian <elizabeth.julian@boulder.utah.gov>

Fwd: Resignation

Cheryl Cox <cheryl.cox@boulder.utah.gov>
To: Elizabeth Julian <elizabeth.julian@boulder.utah.gov>

Fri, Jul 10, 2026 at 11:31 AM

Sent from my iPhone

Begin forwarded message:

From: Nancy Tosta <nancy.tosta@gmail.com>
Date: July 7, 2026 at 9:33:55 PM MDT
To: cheryl.cox@boulder.utah.gov, Tina Karlsson <tina.karlsson@boulder.utah.gov>, John Veranth <john.veranth@boulder.utah.gov>, Josh Ellis <josh.ellis@boulder.utah.gov>, lacy.allen@boulder.utah.gov
Cc: elena.hughes@boulder.utah.gov, jen.bach@boulder.utah.gov, phoenix.bunke@boulder.utah.gov, darrell.fuller@boulder.utah.gov, nick.vincent@boulder.utah.gov
Subject: Resignation

Mayor and Town Council -

I am submitting my resignation from the Boulder Town Planning Commission effective July 8, 2026.

I suspect you don't need any explanation, given the discussion you held this evening and the lack of confidence shown in the work I've done with the Planning Commission.

Respectfully,
Nancy Tosta

TOWN OF BOULDER, STATE OF UTAH

Report: Staff Report

Governing Body: Planning Commission

Meeting Date: Tuesday, August 18, 2026

Agenda Item: Department Reports, Staff
Item Type: Information

Contributors: Administrative Department & TC Liaison to PC
Prepared by: Elizabeth Julian

Date Submitted: August 13, 2026

FIVE COUNTY AOG SUMMIT

Thursday, September 10 from 5:30 - 8:30 at Ruby's Inn

Mayor Cheryl Cox strongly encourages all Town Council and Planning Commission members to attend an upcoming training session on September 10. This session is a great opportunity for the governing bodies to work more effectively together and strengthen their collaboration across departments. While Roger Carter will share more details soon, please save the date—the hope is to see everyone there!

Transportation logistics, specifically carpooling, will be coordinated. Notably, this workshop satisfies three of the four annual training credits required for planning commissioners.

PLANNING COMMISSION LEADERSHIP

Elena Hughes is currently acting as Chair, following her appointment as Vice Chair (Chair Pro Tem) on February 17. The Town Council plans to appoint a new member to Nancy's seat on September 1. Once that seat is filled, the Planning Commission will select a new Chair and possibly Vice Chair (Chair Pro Tem) at the September 15 meeting.

UPCOMING BUSINESS

The Town Council plans to review several pending items but will hold off on final decisions until after the September 10 Five County AOG Summit. Meanwhile, the Planning Commission is asked to continue with scheduled public hearings and recommendations on ordinance amendments. This work remains a priority and is key to improve application processes, keep compliant with state and county rules, and align with the Town's goals.

COMMUNICATION

To help the administrative team (the mayor, the chair, PC liaison, and staff) stay organized and ensure members are getting important updates, please reply to staff emails, it can be a quick 'got it' reply. If a read receipt is requested, please utilize the feature, it helps us know that the information has reached you.

ADMINISTRATIVE STAFF

Following Henry Davis's departure as Deputy Clerk and Recording Secretary, the Town Council is actively hiring his replacement. They hope to finalize the process during the Town Council regular meeting on September 1. Updates will be shared as they become available.

DRAFT MINUTES PENDING APPROVAL

BOULDER TOWN, UTAH PUBLIC NOTICE

Governing Body: PLANNING COMMISSION
Meeting Type: Regular Meeting
Date and Time: Tuesday, June 23, 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 regular meeting of the Boulder Town Planning Commission to order at 7:00 PM.

1.2. Roll Call and Determination of Quorum

The chair conducted a roll call.

The chair confirmed the presence of a quorum. In the absence of Commissioner Nick Vincent, Alternate Jen Bach was seated as a voting member for the proceedings.

Staff noted that the microphone at the end of the dais had been experiencing technical difficulties at recent meetings, and Chair Tosta was advised that she might need to use an alternate mic if audio issues persisted.

Planning Commission present:

Alternate Jen Bach,
Commissioner Darrell Fuller,
Commissioner Phoenix Bunke,
Commissioner Elena Hughes,
Chair Nancy Tosta

Staff Present:

Elizabeth Julian, Town Clerk

DRAFT MINUTES PENDING APPROVAL

1.3. Adoption of Agenda

Motion: *Commissioner Elena Hughes moved to adopt the agenda. Commissioner Darrell Fuller seconded.*

Vote: *Voice Vote – All members present voted aye.*

Result: *Approved unanimously.*

1.4. Declaration of Conflicts of Interest

Chair Nancy Tosta asked for any declarations of conflict of interest. None were declared.

II. PRESENTATIONS AND REPORTS

None scheduled. No presentations or reports were delivered.

III. PUBLIC COMMENT ON AGENDA ITEMS

Chair Nancy Tosta opened public comment on agenda items. The following members of the public addressed the Commission:

Alyssa Thompson spoke regarding the draft General Plan revision (Version 5). She provided historical context on Boulder's founding and early agricultural economy to frame her concern that the current draft does not direct the community toward a viable agricultural future. She argued that the town's resort tax revenues (approximately \$174,000 in 2025) should be redirected to support agritourism and agricultural preservation rather than capital improvements. She also raised procedural objections to the recent poster board public engagement sessions, characterizing the format as unscientific and lacking basic due process for dissenting voices. She requested that all data collected from those sessions be disregarded and that the town commission an independent mail survey sent to verified registered voters and all landowners within the 84716 zip code.

Ray Gardner echoed concerns about the poster board sessions, noting the absence of a formal "disagree" option alongside the support checkboxes. He also raised concern that individuals who do not live in, own property in, or pay property taxes in Boulder Town may have participated in the sessions and shaped the direction of the General Plan. He asked the Commission to clarify how it intends to differentiate and weight input from residents and property owners versus non-residents. Chair

DRAFT MINUTES PENDING APPROVAL

Nancy Tosta noted she had sent Ray Gardner a written response to his prior email raising similar questions.

Breck Crystal identified himself as a Salt Gulch resident who operates a business, rents property, and produces agriculture within Boulder. He expressed concern that the poster board presentation created an adversarial atmosphere and stated his view that the format made it easy to skew results. He called for any future community study to be conducted by an independent organization.

Daniel Kennedy identified himself as a property owner in Lower Boulder for approximately eight years. He stated that the overall impression he received from the process was that the Commission was advancing a single preferred vision and using regulation to restrict property owners from pursuing their own visions. He contrasted this with a more facilitative approach he had observed in other Utah municipalities. He acknowledged that Boulder can remain rural without prohibiting new residents, and concluded that property owners should retain the right to make decisions about their own land.

John Veranth addressed the Commission in his capacity as a private citizen, explicitly noting he would reserve policy comments for the Town Council. He thanked the Commission for its efforts while stating that the General Plan process had become unnecessarily contentious due to a lack of initial consensus on the specific problems to be solved. He characterized the approach as top-down, presenting a single recommended action rather than a range of alternatives. He recommended that future work involve community workgroups focused on specific issues, evaluating multiple alternatives including no-action, and giving explicit consideration to individual property rights and the town's legal authority and financial capacity to carry out any proposed actions.

Chair Nancy Tosta closed public comment on agenda items.

IV. DEPARTMENT REPORTS

4.1. Town Council

Town Council Liaison Tina Karlsson was not in attendance. No report was provided.

4.2. Staff

Town Clerk Elizabeth Julian reported she had nothing to present and that no materials had been left by Deputy Clerk Henry Davis for reporting purposes.

4.3. Chair

Chair Nancy Tosta reported nothing beyond the items to be addressed under the regular agenda.

V. APPROVAL OF PROPOSED MINUTES

5.1. May 12, 2026, Special Meeting

Chair Nancy Tosta noted two corrections to the May 12 minutes: (1) on page 2 of 6, the word "implicate" in reference to the Utah Open and Public Meetings Act should be replaced with "violate"; and (2) on page 6 of 6, the attribution of a suggestion regarding a large-format printing vendor was incorrectly assigned to Commissioner Elena Hughes and should be corrected to Commissioner Phoenix Bunke.

***Motion:** Commissioner Elena Hughes moved to adopt the May 12, 2026 Special Meeting minutes as amended. Acting Commissioner Jen Bach seconded.*

***Vote:** Voice Vote – All members present voted aye.*

***Result:** Approved unanimously.*

5.2. May 19, 2026, Regular Meeting

Chair Nancy Tosta noted one correction to the May 19 minutes: on page 6 of 9, a reference to "Jim Campbell" should be corrected to "Jim Catmull."

***Motion:** Commissioner Elena Hughes moved to adopt the May 19, 2026 Regular Meeting minutes as amended. Commissioner Darrell Fuller seconded.*

***Vote:** Voice Vote – All members present voted aye.*

***Result:** Approved unanimously.*

VI. PUBLIC HEARING

None scheduled.

VII. DISCUSSION AND POSSIBLE ACTION ITEMS

7.1. Review Comments on the General Plan Goals and Actions

Chair Nancy Tosta provided context, noting that over the prior ten days she had compiled and typed all public comments received during the poster board engagement sessions into the working General Plan document, with all sticky note content entered in italics. She noted that submitted written comments from two members of the public had also been incorporated or filed separately as appropriate. Chair Tosta acknowledged that several Commissioners had experienced personal difficulties in the preceding period that limited their ability to fully review the document.

DRAFT MINUTES PENDING APPROVAL

Upon checking with the Commission, it was apparent that while most members had read the full document, few felt fully prepared to make substantive revisions at this meeting. Commissioner Elena Hughes stated she would benefit from more time. Commissioner Darrell Fuller indicated he had read the materials but was not prepared with solutions and found the volume of content overwhelming. Commissioner Phoenix Bunke noted that while she was willing to work on revisions, she believed the Commission should first consider whether adjustments to the overall process—not just the document—were warranted. Commissioner Bunke observed that many of the new goals and actions could each warrant a dedicated public hearing, and that the process had developed a top-down character that was generating community resistance.

Commissioner Darrell Fuller expressed strong concern about the direction of the process, questioning whether the data collected during the poster sessions was statistically valid or representative and voicing skepticism about the scope of additions to the draft plan. He raised the departure of a long-serving Commissioner as an indicator of serious disagreement with the process. He argued that options including doing nothing and leaving the 2021 General Plan in place, or starting over, should be formally considered as alternatives. Chair Tosta disagreed with Commissioner Fuller's characterization of certain historical events and noted that the 2021 General Plan has not been substantially updated since its adoption.

Acting Commissioner Jen Bach expressed concern that attempting to revise the vision statement simultaneously with the goals and actions risked further scope expansion. She noted that professional advisors had previously assessed the existing General Plan as generally sound and that the Commission's original charge had been more limited. She acknowledged the document had grown considerably and indicated the public reaction suggested the Commission may be working in the wrong direction, while also affirming that some planning framework is necessary and that an entirely unregulated approach presents its own risks.

Chair Nancy Tosta noted that the majority of the goals and actions in the current draft were either taken directly from the existing General Plan or derived from the community survey conducted the prior year, and that the primary effort had been to clarify and consolidate provisions that were already in place. She acknowledged that the environment section was substantively new. She also noted that the Commission has no budget to retain an external consultant. She referenced Kevin Smedley, the Five Counties Association of Governments local government advisor assigned to Boulder, who had reviewed the draft and commented that the current vision statement reads as a list of objectives rather than a true vision, and who had offered to facilitate a vision-setting process.

The Commission reached a consensus not to undertake a full revision of the vision statement at this time. Commissioner Bunke and Commissioner Fuller concurred, and Commissioner Hughes agreed that at minimum the vision statement should be checked for consistency with any changes made to the goals and actions.

7.2. Discuss Next Steps on General Plan

The Commission discussed the path forward. The consensus direction was for each Commissioner to individually and thoroughly review the goals and actions document alongside all collected public comments, and to come to the next meeting prepared to discuss specific revisions—including deletions, modifications, and items to retain—on a goal-by-goal and action-by-action basis.

Commissioner Darrell Fuller suggested that Commissioners consider rating each goal and action as high, medium, or low priority in terms of necessity for supporting future zoning work. Chair Nancy Tosta agreed this approach was reasonable.

On the question of whether to upload individual notes to the shared drive prior to the meeting or to present comments live, Commissioners agreed on a flexible approach: those who wished to summarize their positions in writing and upload them in advance of the meeting were encouraged to do so no later than approximately July 11; those who preferred to arrive with notes and discuss in person could do so. Chair Tosta reminded the Commission that online commenting among Commissioners on each other's notes would violate the Utah Open and Public Meetings Act and must be avoided.

Commissioner Darrell Fuller and **Commissioner Phoenix Bunke** emphasized the importance of clear, transparent communication of each Commissioner's positions to the public, including explicit statements about which items they believe should be removed, amended, or retained, and why. Chair Tosta reiterated that the General Plan is aspirational and advisory in character, as required by state law, and is intended to provide direction for future ordinance development rather than to impose binding mandates.

Action Item Assigned: All Commissioners will individually review the General Plan goals and actions document alongside all submitted public comments prior to the next meeting. Each Commissioner is encouraged to prepare and, where possible, provide a written summary of recommended revisions—organized by section—to the shared drive by approximately July 11, 2026. The Commission will convene at its next regular meeting to work through the document in detail.

The confirmed next regular meeting is Tuesday, July 21, 2026.

VIII. GENERAL PUBLIC COMMENT

Chair Nancy Tosta opened the general public comment. The following members of the public addressed the Commission:

Conrad Jeppsen identified himself as a former city council member. He expressed strong criticism of the General Plan revision effort, stating it had generated more community contention than any process he could recall. He asserted that advisors

DRAFT MINUTES PENDING APPROVAL

from Five Counties and the town's legal counsel had indicated no revision was necessary, and that the Town Council had not formally directed the Commission to undertake a comprehensive overhaul of the General Plan. He called on the Commission to stay within the scope of its advisory role as directed by the Mayor and Town Council.

Breck Crystal offered a second comment, framing his concern in terms of the distinction between the "letter of the law" and the "intent of the law." He stated that the draft had moved away from the General Plan's appropriate role as a statement of intent and toward overly specific regulatory language. He expressed confidence that a plan focused on intent could accommodate diverse views and individual circumstances.

Daniel Kennedy reiterated the point made by Mr. Crystal, noting that broadly shared values such as dark skies or quiet become contentious only when the plan attempts to precisely define them. He stated that problems should be addressed when a demonstrated and recurring need arises, rather than through preemptive blanket definitions.

John Veranth offered closing remarks, thanking the Commission for a productive discussion and for demonstrating attentiveness to public input. He reiterated his recommendation to limit scope, focus on specific problem statements consistent with the original Town Council charge, and establish non-quorum stakeholder workgroups to vet alternatives on contested issues before the Commission takes positions. He cited the town's pedestrian path planning process as a successful prior model.

Ray Gardner addressed the Commission a second time on behalf of several Boulder property owners in attendance. He stated that property owners were present not by choice but out of concern about impacts to their property rights, and characterized the process as one that should have engaged property owners at the outset rather than requiring them to come in and push back after the fact. He also sought clarification on Chair Tosta's earlier remark that "everybody gets a vote," asking whether seasonal employees with no long-term stake in Boulder would be given equal weight to multi-generational landowners.

Alyssa Thompson spoke again, identifying herself as a former Planning Commissioner of seven years who had participated in two prior General Plan revisions. She recommended a slower, more deliberate process, stating that less is more in a document of this nature. She urged direct, personal outreach to major landowners, including visiting them at their properties for individual conversations. She noted that many community members do not know what a General Plan is and will never read the document, and that patience and personal engagement are necessary before moving toward final decisions. She advised the Commission that it does not need to complete this process within any particular year.

DRAFT MINUTES PENDING APPROVAL

Cheryl Cox offered brief remarks thanking all Commission members for their commitment and acknowledging the difficulty of the work they are undertaking.

Chair Nancy Tosta closed general public comment.

IX. CLOSING BUSINESS

9.1. Review of Outcomes, Assignments, and Counsel Recommendations

The key outcome of the meeting was the Commission's decision to defer detailed revision work to the next meeting, with each Commissioner tasked with individually reviewing the goals and actions document and all public comments in advance.

9.2. Future Agenda Items

The General Plan goals and actions revision discussion will be the primary agenda item at the next meeting.

9.3. Confirmation of Next Meeting

The next regular meeting of the Boulder Town Planning Commission is confirmed for Tuesday, July 21, 2026, at 7:00 PM.

X. ADJOURNMENT

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

Vote: *Voice Vote – All members present voted aye.*

Result: *Approved unanimously. The meeting was adjourned at 8:52 PM.*

CERTIFICATE

BOULDER TOWN, STATE OF UTAH

[First and Last Name], Title

ATTESTATION:

[First and Last Name], Title

Date Approved by the Town Council:

ORDINANCE NO. 2026-C

BOULDER TOWN, STATE OF UTAH

AN ORDINANCE OF THE TOWN OF BOULDER AMENDING CHAPTER 112 OF TOWN CODE RELATING TO RESIDENTIAL SHORT-TERM RENTALS

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 112 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

1. **Amendment.** Chapter 112 of the Boulder Town Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.
3. **Effective Date.** This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this [date] day of [Month], 2026.

Boulder Town Council

[seal]

By: Cheryl Cox, Mayor

Voting:

Lacy Allen	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Josh Ellis	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
John Veranth	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Tina Karlsson	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Cheryl Cox	Yea ☐	Nay ☐	Abstain ☐	Absent ☐

Attest: Elizabeth Julian, Town Clerk

DEPOSITED in the office of the Town Clerk this [date] day of [Month], 2026.

RECORDED this [date] day of [Month], 2026.

EXHIBIT A

CHAPTER 112: RESIDENTIAL SHORT-TERM RENTALS

Section

- 112.01 General requirements
- 112.02 Eligibility for obtaining a lodging business license
- 112.03 Business license administration
- 112.04 Operation of a licensed RSTR
- 112.05 Enforcement

§ 112.01 GENERAL REQUIREMENTS.

(A) These business regulation requirements apply to residential short-term rentals in non-commercial zones, bed and breakfast inns, and guest ranches as defined in Chapter 153 of Boulder Town Code.

(1) Rentals for periods longer than 30 consecutive days are exempt from this section.

(2) Businesses in the Commercial zone § 153.116 or that were approved under the commercial standards § 153.415 are exempt from this section.

(3) Non-commercial use of a residence, including visits by friends and family, charitable donations, and home sharing, are exempt, provided no money is paid to the owner in compensation for lodging.

(B) All short-term lodging businesses are required to have an annual, renewable business license.

(Ord. 2025-8, passed 12-2-2025)

§ 112.02 ELIGIBILITY FOR OBTAINING A LODGING BUSINESS LICENSE.

The following are eligible to be issued an annual, renewable business license for short-term lodging:

(A) The existing RSTRs (as defined in § 153.204 (D)(1)), bed and breakfast inns, and guest ranches that were licensed by Boulder in 2025.

(B) RSTRs that have been reviewed by the Planning Commission for compliance with the zoning requirements for short term rentals in § 153.204, and have received an approved Conditional Use Permit.

(C) RSTRs that have been determined by the Board of Adjustment to be non-conforming uses per § 153.255 et seq.

(Ord. 2025-8, passed 12-2-2025)

§ 112.03 BUSINESS LICENSE ADMINISTRATION.

Businesses previously licensed as, or holding an approved CUP as, a Guest Ranch per § 153.415 are not subject to the requirements of this section § 112.03. In addition to the General Requirements of § 112.01, the following shall apply to RSTR business licenses:

(A) The RSTR business license holder must be a natural person who is a permanent resident of Boulder, and the license holder shall reside on the same property as the RSTR and shall be present on-site with their guests during guest stays. RSTRs licensed prior to the enactment of this ordinance (2025) are exempt from the requirement that the license holder must be present on-site during guest stays.

(B) The following shall be acceptable proof of residency:

(1) Garfield County tax statement showing that applicant's physical address qualifies for the primary residential exemption under Utah Code § 59-2-103; or,

(2) At least two (2) of the following: a Utah driver's license or state ID showing the license holder's current physical address; current Utah voter registration showing the license holder's current physical address; or other state or federal document showing residence physical address.

(C) Issuance or renewal of an RSTR business license shall require self-certification by the license holder that they are in compliance with the residence and, as applicable, presence requirements in § 112.03 (A), applicable building code and health regulations, have paid required sales, resort, and transient room taxes, and are implementing/maintaining any specific mitigation measures required by the Conditional Use Permit. Self-certifications are subject to audit or verification at the Town's discretion.

(D) A license holder is entitled to only one (1) RSTR business license.

(E) Some or all of the above may not be applicable to non-conforming uses, as determined by the Board of Adjustment per § 153.255 et seq.

(Ord. 2025-8, passed 12-2-2025)

§ 112.04 OPERATION OF A LICENSED RSTR.

(A) All applicable taxes shall be collected and remitted to the appropriate agency. This includes sales, resort, and transient room tax, and property tax.

(B) The premises shall be kept in compliance with all building codes, public health, nuisance, and safety regulations that apply to single family dwellings.

(C) The license holder shall require guests to comply with all applicable federal and state laws and Boulder Town ordinances. This requirement includes necessary measures to insure that guests do not trespass on others property, do not create noise out of character with the noises customarily heard in the surrounding areas by shouting, fighting, playing loud music, racing cars, or engaging in other outside recreational activities after 10 PM and before 10 AM; violate fire restrictions; or allow pets or animals to create incessant noise, roam the neighborhood, or create any type of mess that is not cleaned up by the owner of the pet or animal.

(D) The license holder is required to include the Boulder business license number on any listing on a short-term rental website in accordance with Utah Code § 10-8-85.4.

(Ord. 2025-8, passed 12-2-2025)

§ 112.05 ENFORCEMENT.

(A) Operating a regulated lodging without a valid business license or providing false information on a business license application shall be a civil infraction and shall be enforced in accordance with the Boulder Town Code.

(B) The on-site licensee is responsible for the conduct of guests and shall use reasonably prudent business practices to ensure that the occupants of the short-term rental do not violate any applicable law, rule, or regulation pertaining to the use and occupancy of the short-term rental.

(C) If a violation of the RSTR regulations is suspected, the Town Attorney shall send a certified letter to the owner of the real property or to the license holder describing the alleged violation with a formal request to come into compliance.

(D) In accordance with Utah Code 10-8-85.4, the town may request removal of a non-licensed RSTR from an online website and may notify the county auditor of possible tax non-compliance.

(E) Appeals of RSTR business application decisions and enforcement actions shall be in accordance with Boulder Town Code.

(Ord. 2025-8, passed 12-2-2025)

ORDINANCE NO. 2026-D

TOWN OF BOULDER, STATE OF UTAH

AN ORDINANCE OF THE TOWN OF BOULDER, UTAH, AMENDING THE BOULDER TOWN CODE CHAPTER 153.204: RESIDENTIAL SHORT-TERM RENTALS

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 153.204 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

1. **Amendment.** Chapter 153.204 of the Boulder Town Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.
3. **Effective Date.** This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this [date] day of [Month], 2026.

Boulder Town Council

[seal]

By: Cheryl Cox, Mayor

Voting:

Lacy Allen	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Josh Ellis	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
John Veranth	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Tina Karlsson	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Cheryl Cox	Yea ☐	Nay ☐	Abstain ☐	Absent ☐

Attest: Elizabeth Julian, Town Clerk

DEPOSITED in the office of the Town Clerk this [date] day of [Month], 2026.

RECORDED this [date] day of [Month], 2026.

EXHIBIT A

§ 153.204 RESIDENTIAL SHORT-TERM RENTALS.

(A) Purpose. The purpose of this section is to establish land use regulations for the use of privately-owned, owner- or tenant-occupied dwelling units as short-term rentals in a manner to preserve residential and neighborhood character, protect public safety and residents' and guests' health, and promote goals of the general plan.

(B) Definitions.

LICENSE HOLDER is the person who resides on the property and is legally responsible for compliance with all Town ordinances pertaining to the rental.

MANAGER is the designated agent or representative of the licensee who is responsible for compliance with this Code and available to respond to guests via phone within three hours.

RESIDENTIAL SHORT-TERM RENTAL (RSTR) is a dwelling unit or portion thereof that is not zoned or licensed as commercial lodging and that is rented for monetary compensation for a period of less than 30 consecutive days. This term includes bed and breakfast inns that may or may not serve hot meals to guests.

GUEST RANCH is lodging that is permitted under the guest ranch provisions in § 153.415. Guest Ranches are exempt from this section §153.204.

(C) General provisions.

(1) Allowed zones: RSTRs are allowed as indicated in § 153.117 Table of Uses.

(2) No more than one of the approved dwellings on a lot (the primary dwelling, an internal auxiliary dwelling unit, an external dwelling unit, or a camping unit) shall be occupied by RSTR guests at any given time.

(3) Non-commercial use of a residence, including visits by friends and family, charitable donations, and home sharing, are exempt from zoning regulation as RSTRs provided no money is paid to the owner in compensation for lodging.

(4) The maximum number of RSTR CUPs issued at one time shall not exceed 12 without legislative amendment to this subsection. If at any time the number of pending applications for a new RSTR CUP exceeds the number of allowed CUPs, the assignment of the available license shall be by lottery. The maximum number of Residential Short-Term Rental Conditional Use Permits ("RSTR CUPs") issued and active at any one time shall not exceed twelve (12).

For purposes of this subsection, all RSTRs shall count toward the limitation, including: (a) RSTRs recognized under subsection (D)(1); (b) RSTRs determined to

be lawful nonconforming uses pursuant to subsection (D)(2) and § 153.255 et seq.; and (c) RSTRs operating pursuant to an approved Conditional Use Permit.

Complete applications shall be processed in the order received. Once the maximum number of authorized Residential Short-Term Rentals has been reached, additional complete applications shall be placed on a waiting list and considered in the order received as permits become available through expiration, revocation, abandonment, discontinuance, or voluntary surrender of an existing authorization.

The numerical limitation is intended to preserve neighborhood character, maintain the predominantly residential nature of residential zoning districts, prevent excessive concentration of transient lodging uses, and balance tourism-related lodging opportunities with the preservation of long-term residential occupancy.

No natural person, corporation, limited liability company, partnership, trust, or other legal entity, nor any affiliated entity under common ownership or control, shall hold more than one (1) Residential Short-Term Rental authorization at any time.

Nothing in this subsection guarantees approval of an application. Each application shall independently satisfy all requirements of this chapter and applicable law. (D) Residential short-term rentals existing before 2025.

(1) The four RSTRs with valid business licenses and previously approved CUPs as of 2025, the one RSTR holding a valid CUP (2022) but no business license in 2025, and the 2025 licensed Bed and Breakfast Inn are acknowledged as legal uses and are eligible for continued business license renewal according to Chapter 112.

(2) For RSTRs in use prior to 2020 and in regular use since, establishment of payment of the required taxes in 2020 and onward shall be considered an adequate condition for determination as a nonconforming use by the Board of Adjustment per § 153.255 et seq. These RSTRs are not required to obtain a CUP.

(3) Existing RSTRs that lack an onsite licensee must identify a local manager to be available when guests are present.

(4) The RSTRs recognized under this subsection shall count toward the maximum number of RSTRs authorized under § 153.204(C)(4).

(E) RSTR conditional use permit process.

(1) A Residential Short-Term Rental (RSTR) requires a Conditional Use Permit (CUP) that complies with the requirements outlined in § 153.204 of the Boulder Town Code and is submitted on the RSTR CUP Application Form available on the Town website. An RSTR is exempt from the requirements outlined in § 153.152 Site Development Plan Requirements, § 153.155 (B), allowing a CUP without 6 months of continuous use to be revoked, and the commercial standards in § 153.415.

(2) A CUP application shall be submitted on the form provided on the Boulder Town website. The fee for filing an application is set by the Boulder Town Council and found in the Boulder Town Fee Schedule and may be changed at any time by resolution.

(3) The documentation required for an application for an RSTR CUP is as follows:

(a) A completed RSTR Business License Application and documentation demonstrating eligibility for issuance of a business license under Chapter 112, including Business license application and proof of primary residence at the address of the proposed RSTR as described inrequired by § 112.03. Approval of a CUP does not authorize operation of an RSTR. Operation shall not commence until the applicant obtains a valid business license under Chapter 112.

(b) A signed affidavit indicating that the applicant shall be on-site with guests during their stay and will enforce/comply with all terms of the business license and CUP.

(c) Address and parcel number for the RSTR location.

(d) A map that shows all dwellings, RSTR location, property lines, adjacent private property boundaries and owners, fire/disaster escape route, and parking spaces for guests.

(e) Documentation that the site plan and dwelling unit configuration is consistent with the license holder living on site while guests are present.

(f) A Garfield County building department STR Inspection Report.

(4) The process for submitting and considering an application for an RSTR CUP is as follows:

(a) The applicant submits an RSTR CUP application with accompanying documentation to the Town Zoning Administrator. The Zoning Administrator forwards the application to the Planning Commission after the application is determined to be complete.

(b) The CUP review process shall be limited to identifying any site-specific conditions that would result in reasonably anticipated detrimental impacts from the RSTR under consideration. The CUP review may consider whether conditions are proposed or shall be imposed to mitigate issues related to impacts to neighbors, building/use setbacks, the County STR inspection, dwelling unit count/configuration and relation to contiguous lot boundaries, time of year/duration of use, maximum number of guests, health and sanitation, parking amount/location, driveway access, outdoor lighting and lighting trespass, noise, and neighborhood visibility of activities/guests. Required mitigation may include limitations on number of guests

and vehicles, limitations on outdoor activities after dusk, requiring fencing or vegetative barriers, etc.

(c) The Planning Commission shall approve the CUP application if reasonable conditions are proposed, or are imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use can be substantially mitigated through the imposition of reasonable conditions. Conditions imposed shall be reasonably related to the anticipated impacts of the proposed land use and consistent with applicable law, including in accordance with this section and Boulder Town Code.

(d) Prior to approving an RSTR CUP, the Planning Commission shall find that the applicant has demonstrated eligibility to obtain and maintain a Residential Short-Term Rental business license under Chapter 112. Approval of a CUP does not authorize operation of a Residential Short-Term Rental. Operation shall not commence until the applicant obtains and maintains a valid business license under Chapter 112.

(F) Violations and enforcement.

(1) Operating an RSTR without a valid CUP, providing false information on a CUP application, or failure to comply with the applicable town regulations for RSTRs shall be a civil infraction and shall be enforced in accordance with the Boulder Town Code.

(2) If a violation of the RSTR zoning regulations is suspected, the Town Attorney shall send a certified letter to the owner of the real property or to the license holder describing the alleged violation with a formal request to come into compliance.

(Ord. 2019-2, passed 5-2-2019; Ord. 2025-8, passed 12-2-2025)

ORDINANCE NO. 2026-E

TOWN OF BOULDER, STATE OF UTAH

AN ORDINANCE OF THE TOWN OF BOULDER AMENDING CHAPTER 110 OF TOWN CODE RELATING TO GENERAL BUSINESS PROVISIONS

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 110 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

1. **Amendment.** Chapter 110 of the Boulder Town Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. **Transition of Existing Business Licenses.** Notwithstanding any provision of the Boulder Town Code to the contrary, any annual business license that is valid on the effective date of this ordinance shall remain valid until the last day of February immediately following its otherwise scheduled expiration date. No additional license fee shall be required for the extension of the license term created by this section. Beginning March 1 immediately following that extended expiration date, the license shall be subject to the annual renewal requirements of Chapter 110 of the Boulder Town Code.
3. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.
4. **Effective Date.** This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this [date] day of [Month], 2026.

Boulder Town Council

[seal]

By: Cheryl Cox, Mayor

Voting:

Lacy Allen	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Josh Ellis	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
John Veranth	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Tina Karlsson	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Cheryl Cox	Yea ☐	Nay ☐	Abstain ☐	Absent ☐

Attest: Elizabeth Julian, Town Clerk

DEPOSITED in the office of the Town Clerk this [date] day of [Month], 2026.

RECORDED this [date] day of [Month], 2026.

EXHIBIT A

CHAPTER 110: GENERAL BUSINESS PROVISIONS

§ 110.01 PURPOSE; APPLICABILITY; BUSINESS LICENSE REQUIRED.

- (A) **Purpose.** The purpose of this chapter is to regulate businesses operating within the Town in order to protect the public health, safety, and welfare, promote compliance with applicable laws, and provide for the orderly administration of business licensing.
- (B) **Applicability.** Except as otherwise provided by this Code or state law, every person engaging in business within the Town shall obtain and maintain a valid business license issued under this chapter.
- (C) **Separate approvals required.** A business license issued under this chapter does not constitute or replace any zoning approval, conditional use permit, building permit, alcohol approval, state license, or other authorization required by law. Likewise, obtaining any other governmental approval does not eliminate the requirement to obtain a Town business license when otherwise required.
- (D) **Responsibility.** Every person conducting business within the Town is responsible for obtaining and maintaining any required business license.
- (E) **Separate locations.** A separate business license is required for each business location unless otherwise approved by the Mayor or designee.
- (F) **Multiple business activities.** A person conducting multiple business activities at a single location may be required to obtain separate business licenses or may, in the discretion of the Mayor or designee, be issued a single license identifying all approved business activities.
- (G) **Exemptions.** Unless otherwise required by law, the following are exempt from the licensing requirements of this chapter:
- a. businesses engaged solely in wholesale or resale activities without a place of business within the Town;
 - b. agricultural production;

- c. incidental business activities producing less than the amount established by Town Council resolution;
- d. nonprofit organizations exempt from taxation under federal law;
- e. businesses expressly exempted by state or federal law; and
- f. businesses exempt under a valid reciprocity agreement authorized by law.

(H)**Criminal penalty.** It is unlawful to engage in business without a required license. Unless another penalty is specifically provided, a violation of this chapter constitutes a Class B misdemeanor.

§ 110.02 LICENSE ADMINISTRATION.

(A)**Administration.** The Mayor or designee shall administer this chapter.

(B)**Duties.** The Mayor or designee may:

- a. prescribe application forms;
- b. receive and review applications;
- c. investigate applications as reasonably necessary;
- d. inspect business premises for compliance with applicable laws;
- e. issue business licenses;
- f. deny applications that do not satisfy applicable requirements;
- g. renew, suspend, or revoke licenses as authorized by this chapter; and
- h. perform all other administrative duties necessary to implement this chapter.

(C)**Assistance.** The Mayor or designee may consult with or request assistance from the Town Attorney, Building Official, Fire Official, Code Enforcement Officer, Planning and Zoning Administrator, Garfield County, or other governmental agencies as reasonably necessary.

§ 110.03 APPLICATIONS.

- (A) **Application required.** An application shall be submitted on forms approved by the Mayor or designee.
- (B) **Required information.** The application shall contain information reasonably necessary to determine compliance with this Code and applicable law, including:
- a. applicant name;
 - b. business name;
 - c. business address;
 - d. mailing address;
 - e. description of the proposed business;
 - f. ownership information;
 - g. contact information;
 - h. any state or federal license required for the proposed business; and
 - i. any other information reasonably necessary to administer this chapter.
- (C) **Certification.** Applications shall be signed by the applicant certifying that the information provided is true and complete.
- (D) **Fees.** The application shall be accompanied by the applicable license fees as established in the Town Fee Schedule, as amended from time to time.

§ 110.04 REVIEW; ISSUANCE; DENIAL; RENEWAL.

- (A) **Review.** The Mayor or designee shall review each application for compliance with this Code and applicable law.
- (B) **Grounds for denial.** A license may be denied if:
- a. the application is incomplete;
 - b. the application contains materially false information;
 - c. the proposed business lacks required zoning approval or other Town approval;
 - d. the applicant lacks a required state or federal license;
 - e. issuance would violate this Code or applicable law; or
 - f. the applicant has failed to satisfy outstanding requirements that lawfully preclude issuance.

(C) **Written notice.** If an application is denied, the Mayor or designee shall provide written notice stating the reasons for denial.

(D) **Renewal.** Business licenses shall be renewed annually.

(E) **Renewal date.** Unless otherwise provided by this Code, every annual business license expires on the last day of February and shall be renewed on or before March 1.

(F) **Temporary businesses.** Temporary businesses may be issued licenses for a period established by the Mayor or designee consistent with applicable zoning regulations.

§ 110.05 APPEALS.

(A) **Appeal.** An applicant or license holder aggrieved by a final decision of the Mayor or designee under this chapter may appeal the decision to the Town Council by filing a written notice of appeal with the Town within ten (10) business days after the decision is issued.

(B) **Record on appeal.** The Mayor or designee shall transmit to the Town Council the application, supporting materials, written decision, and any other materials considered in making the decision.

(C) **Standard of review.** The Town Council shall review the decision based upon the administrative record and shall uphold the decision unless the appellant demonstrates that the decision:

- a. exceeded the authority granted by this Code or applicable law;
- b. was based upon an erroneous interpretation or application of this Code or applicable law;
- c. was arbitrary, capricious, or an abuse of discretion; or
- d. was not supported by substantial evidence contained in the administrative record.

(D) **Additional evidence.** The Town Council may receive additional evidence only upon a determination that the evidence is material and that there was good cause for failing to present it to the Mayor or designee during the

administrative review. If additional evidence is received, the Town Council may remand the matter to the Mayor or designee for further consideration.

- (E) **Decision.** The Town Council may affirm, reverse, modify, or remand the decision. The Town Council's decision shall be in writing and shall constitute the Town's final administrative action.

§ 110.06 LICENSE CERTIFICATE.

- (A) Each license shall identify:
- a. the license holder;
 - b. the business name;
 - c. the business location;
 - d. the authorized business activity;
 - e. the effective date;
 - f. the expiration date; and
 - g. any conditions placed upon the license.
- (B) The license shall be displayed at the licensed premises whenever reasonably practicable.

§ 110.07 LICENSE FEES.

- (A) License fees shall be established by resolution in the Town Fee Schedule.
- (B) Fees shall be paid before issuance or renewal of a license.
- (C) Applications submitted after September 1 may be assessed a prorated fee as established by resolution.
- (D) License fees are nonrefundable after issuance unless otherwise authorized by the Town Council.
- (E) Any renewal fee not paid by March 1 shall be delinquent.
- (F) Renewal fees paid after March 1 shall be subject to late fees established by the Town Fee Schedule.

(G)A business operating after February 28 without a valid business license shall be considered to be operating without a license and shall be subject to the penalties provided by this chapter and other applicable laws.

DRAFT

ORDINANCE NO. 2026-A

TOWN OF BOULDER, STATE OF UTAH

AN ORDINANCE OF THE TOWN OF BOULDER AMENDING CHAPTER 111 OF TOWN CODE RELATING TO ALCOHOL

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 111 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

1. **Amendment.** Chapter 111 of the Boulder Town Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.
3. **Effective Date.** This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this [date] day of [Month], 2026.

Boulder Town Council

[seal]

By: Cheryl Cox, Mayor

Voting:

Lacy Allen	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Josh Ellis	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
John Veranth	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Tina Karlsson	Yea ☐	Nay ☐	Abstain ☐	Absent ☐
Cheryl Cox	Yea ☐	Nay ☐	Abstain ☐	Absent ☐

Attest: Elizabeth Julian, Town Clerk

DEPOSITED in the office of the Town Clerk this [date] day of [Month], 2026.

RECORDED this [date] day of [Month], 2026.

EXHIBIT A

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

§ 111.01 Purpose and Authority.

§ 111.02 Definitions.

§ 111.03 License Required; Role of the Town.

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§ 111.01 Purpose and Authority.

(A) The purpose of this ordinance is to acknowledge that the licensing, sale, storage, service, furnishing, and consumption of alcoholic products within the Town are regulated primarily by the State of Utah under Title 32B of Utah Code (the “Alcoholic Beverage Control Act”), and to establish the Town’s procedures for providing local consent where required by state law.

The Town's role under this ordinance is limited to acting as the local authority for purposes of Title 32B by granting or denying local consent when required as part of the State's alcohol licensing process. Final authority to issue, deny, suspend, revoke, or renew state alcohol licenses remains with the Utah Department of Alcoholic Beverage Services and the Alcoholic Beverage Services Commission.

Nothing in this ordinance shall be construed to limit or impair the Town's authority to regulate the location, construction, occupancy, operation, or use of property or businesses through zoning, land use regulation, business licensing, building and fire codes, nuisance abatement, public safety regulations, or any other authority granted by federal, state, or local law.

The granting of local consent under this ordinance does not constitute, replace, or satisfy any separate approval, permit, license, land use authorization, or regulatory requirement otherwise required by the Town. Likewise, the issuance of a state alcohol license does not exempt any person or business from compliance with applicable municipal ordinances or authorize any use prohibited by local law.

§ 111.02 Definitions.

Unless otherwise expressly provided in this chapter, words and phrases used in this chapter shall have the meanings assigned to them in Title 32B, Utah Code, as amended.

As used in this chapter:

“Act” means Title 32B, Utah Code Annotated, the “Alcoholic Beverage Control Act,” as amended.

“Alcoholic product” and “alcoholic beverage” have the meanings assigned in the Act and include products containing at least 0.5% alcohol by volume.

“Commission” means the Alcoholic Beverage Services Commission created in Section 32B-2-201 of Utah Code.

“Department” means the Utah Department of Alcoholic Beverage Services.

“Local authority” means, for premises located within the incorporated town, the governing body of the Town.

"Local consent" means the written consent of the Town, acting as the local authority, that is required under Title 32B of Utah State Code as part of the State's alcohol licensing process

§ 111.03 License Required; Role of the Town.

(A) State license required. State License Required. No person may manufacture, store, sell, offer for sale, furnish, or permit the consumption of an alcoholic product except as authorized by Title 32B and pursuant to a retail license or other authorization issued by the Utah Alcoholic Beverage Services Commission, when required by law.

(B) When Title 32B requires local consent as part of an application for a state retail license, an applicant shall obtain the Town's written local consent before the application may be considered by the Commission. The Town's approval constitutes local consent only and does not authorize the sale, service, manufacture, storage, or distribution of alcoholic products unless and until the Commission issues the applicable state license.

(C) No separate Town alcohol license. The Town does not issue a standalone Town alcohol license and does not guarantee state licensure. With respect to alcohol licensing, the Town's role is limited to granting or denying local consent under this ordinance.

(D) Other Municipal Approvals. Nothing in this chapter relieves any person from complying with any other applicable provision of the Boulder Town Code or other law, including requirements relating to zoning, land use, business licensing, building and fire codes, health and safety regulations, nuisance enforcement, or

other lawful municipal authority. The issuance of local consent does not constitute approval under, or satisfy the requirements of, any other municipal ordinance, permit, or approval process.

§ 111.04 Local Consent Procedure.

(A) Application for Local Consent. An applicant requesting local consent shall submit a written request to the Town Clerk or Recorder together with the information reasonably necessary for the Town Council to determine whether local consent should be granted. The Town may rely upon materials submitted as part of the applicant's state alcohol license application and shall not require duplicate submissions unless additional information is reasonably necessary to evaluate the request.

The application should identify:

- (1) the applicant and the proposed licensed premises;
- (2) the type of state alcohol license sought;
- (3) the proposed use of the premises;
- (4) the status of any applicable zoning, land use, business licensing, or other municipal approvals; and
- (5) any additional information reasonably requested by the Town that is relevant to the Town's local consent determination.

(B) Public meeting requirement.

- (1) The Town Council is the “local authority” for premises located within the Town.
- (2) The Town Council shall consider any request for local consent in an open and public meeting held in compliance with the Utah Open and Public Meetings Act (“OPMA”).

(C) Agenda item.

- (1) An applicant seeking local consent shall ask to be placed on a regular or special Town Council meeting agenda.

- (2) The Town Clerk or Recorder shall place the request on the next regular or special Town Council agenda that is reasonably practicable and complies with applicable notice.

(D) Council review.

- (1) During the public meeting, the applicant (or the applicant's representative) may present the nature of the proposed business and the type of state alcohol license sought.
- (2) The Town Council may ask questions and request additional information reasonably necessary to determine whether local consent should be granted. In making its determination, the Town Council may consider whether the proposed use complies with applicable zoning, land use, business licensing, and other municipal requirements, together with any other factors that Title 32B authorizes the local authority to consider. The Town Council need not independently evaluate licensing qualifications or other matters committed by law to the Department or the Commission.
- (3) The Town Council shall then vote in the open meeting to either grant or deny local consent.

(E) Form of local consent.

- (1) If the Town Council grants local consent, the Council's approval shall be recorded in the meeting minutes.
- (2) The Mayor, or another official designated by majority vote of the Town Council at that same meeting, is authorized to sign the written local consent form or letter for submission to the Department.
- (3) The Town's written local consent constitutes only the Town's approval for purposes of Title 32B. It does not authorize the sale, service, manufacture, storage, or distribution of alcoholic products unless and until the applicable state license has been issued.

(F) Denial.

If the Town Council votes to deny local consent, the denial and the principal reasons supporting the decision shall be stated on the record during the public meeting and reflected in the meeting minutes. The reasons should be based upon applicable municipal regulations or other considerations authorized by Title 32B.

§ 111.05 Finality of Decision.

The Town Council's decision to grant or deny local consent shall constitute the Town's final action for purposes of this chapter. Nothing in this chapter limits the Town Council's authority to reconsider a prior action in accordance with its rules of procedure and applicable law.

§ 111.06 Penalties and Enforcement.

Nothing in this chapter limits the Town's authority to enforce the Boulder Town Code or other applicable law. Violations of applicable zoning, land use, business licensing, building, fire, nuisance, or other municipal regulations may be enforced through any remedy authorized by the Boulder Town Code or other applicable law.

Nothing in this chapter creates a separate municipal offense for violations of Title 32B or limits the authority of the Utah Department of Alcoholic Beverage Services, the Utah Alcoholic Beverage Services Commission, or any other governmental entity to enforce state law.