

BOULDER TOWN, UTAH PUBLIC NOTICE

Governing Body: PLANNING COMMISSION
Meeting 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 Ann. § 52-4-202, the minutes for the above-referenced meeting are provided below.

MINUTES

I. OPENING PROCEDURES

1.1. Call to Order

Acting Chair Elena Hughes called the [Planning Commission Regular] Meeting [and Public Hearing] to order at 7:03 PM at the Boulder Community Center, 351 North 100 East, Boulder, Utah.

1.2. Roll Call and Determination of Quorum

Planning Commission present:

Alternate Jen Bach (with voting ability to allow five voting members),
Commissioner Phoenix Bunke,
Commissioner Darrell Fuller (arrived at 7:05 PM),
Commissioner Nick Vincent,
Acting Chair Elena Hughes

Also Present:

Boulder Town Mayor, Cheryl Cox
Town Council Member Tina Karlsson (remotely via Zoom)
Elizabeth Julian, Town Clerk
Roger Carter, Five County AOG Advisor (remotely via Zoom)

A quorum was established.

1.3. Adoption of Agenda

Motion: *Commissioner Nick Vincent moved to adopt the agenda as presented. Commissioner Phoenix Bunke seconded.*

Vote: *Roll Call Vote – Commissioner Nick Vincent – Aye, Commissioner Phoenix Bunke– Aye, Commissioner Jen Bach – Aye, Acting Chair Elena Hughes – Aye.*

Result: *Approved unanimously (4-0).*

1.4. Declaration of Conflicts of Interest

Commissioner Phoenix Bunke disclosed that her partner's family operates an Airbnb and that she assists with cleaning, and that she is in the process of obtaining a business license for her own business, noting these interests touched on most agenda items. She indicated she did not believe abstention from discussion was required but invited the Commission to advise otherwise.

Commissioner Nick Vincent and Acting Chair Elena Hughes each disclosed that they hold business licenses for businesses operating in Boulder, Utah. Commissioner Vincent noted he operates a business in Boulder; Acting Chair Hughes disclosed a license for Five Forks Farm.

II. PRESENTATIONS AND REPORTS

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

Roger Carter, Five County Association of Governments representative, presented remotely regarding an upcoming regional conference scheduled for **Thursday, September 10, 2026, from 5:30 to 8:30 PM at Ruby's Inn**. The event is free of charge and is intended for planning commissioners, town council members, and elected officials throughout the five-county region. Dinner will be served from 5:30 to 6:30 PM, with no formal training during that period, followed by an approximately 90-minute Planning Commission 101 training session led by state land use ombudsman Rob Terry covering roles, responsibilities, and interaction with elected officials. The event is designed to fulfill up to three of the four annual training hours recommended for planning commissioners.

Mr. Carter also noted that the application deadline for the Utah League of Cities and Towns (ULCT) fall conference scholarship has been extended through the end of August. Two scholarships covering travel, accommodations, meals, and registration are available within the five-county region.

Town Clerk **Elizabeth Julian** confirmed she would distribute the invitation, agenda, and registration link to all Planning Commission and Town Council members. Acting Chair Hughes confirmed that members arriving at 6:30 PM due to work schedules would not miss any training content.

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**

2.3.

Town Clerk **Elizabeth Julian**, on behalf of Town Attorney Jayme Blakesley and the administrative team, provided an overview of the proposed amendments to the Residential Short-Term Rental (RSTR) regulations. She explained that following the Town Council's December 2025 code updates, Zoning Administrator Erin Smith identified inconsistencies during application form development, prompting a coordinated administrative cleanup across Chapters 110, 111, 112, and Section 153.204.

The proposed changes accomplish the following: Chapter 110 simplifies general business licensing by eliminating license classes, establishing a uniform annual renewal date of March 1st, and shifting fee amounts to the town fee schedule.

Chapter 111 streamlines local alcohol regulation by removing duplicative municipal licensing in deference to state authority, limiting the town's role to granting or denying local consent as required by state law.

Chapter 112 addresses the business licensing side of residential short-term rentals (RSTRs), preserving key operational requirements such as on-site owner residency, guest conduct standards, tax compliance, and display of town license numbers in online listings.

Section 153.204 addresses the land use and zoning standards for RSTRs, including the conditional use permit (CUP) process, neighborhood character protections, and the cap on active RSTRs. The public hearing later in the evening was noted as being

specifically focused on Chapters 112 and 153.204.

III. PUBLIC COMMENT ON AGENDA ITEMS

No members of the public present in the room or attending remotely offered comments on agenda items.

IV. DEPARTMENT REPORTS

4.1. Town Council

Town Council Liaison **Tina Karlsson** reported the following on behalf of the Town Council:

The resignation of **Nancy Tosta** from the Planning Commission, effective July 8, 2026, was formally noted. She expressed her gratitude for Nancy's leadership and service.

The vacancy has been posted and must be appointed by the Town Council. Interested parties were directed to submit a letter of interest to the Town Office at info@boulder.utah.gov by **August 24, 2026**. The Town Council will make its selection at the **September 1, 2026 Town Council meeting at 6:00 PM**. Vice Chair Elena Hughes is serving as Chair in the interim, and a new chair and vice chair will be selected at the September 15, 2026 Planning Commission meeting following the appointment of a new member.

Attendance at the Five County AOG Summit on September 10 was strongly encouraged, with the hope that both Planning Commission and Town Council members attend together to strengthen collaboration. Carpooling coordination was offered.

The Town Council will defer issuing assignments to the Planning Commission until after the September 10 summit, anticipating action at the October Town Council meeting.

The evening's public hearing was noted as the Town Council's intended vehicle to clarify the CUP and RSTR licensing processes, including annual renewal procedures.

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

Town Clerk **Elizabeth Julian** reported that the recruitment to replace former Deputy Clerk and Recording Secretary Henry Davis is underway, with the Town Council expected to finalize the hire at the September 1, 2026 meeting. She also requested that all Commission members reply to staff emails, including acknowledging read receipt requests, to support the administration team and onboarding process of the new deputy clerk.

V. APPROVAL OF PROPOSED MINUTES

5.1. June 23, 2026, Regular Meeting

Commissioner Jen Bach requested two corrections: on meeting materials packet page 20 (minutes page 5 of 8), a clarification that the word "scope" be added in parentheses to reflect the intended meaning of a remark attributed to her; and on packet page 21 (minutes page 6 of 8), a correction to the spelling of the name "Jepson," which appeared with two "p."

Motion: Commissioner Jen Bach moved to adopt the June 23, 2026 Regular Meeting with the noted corrections. Commissioner Nick Vincent seconded.

Vote: Roll Call Vote – Commissioner Darrell Fuller – Aye, Commissioner Jen Bach – Aye, Commissioner Nick Vincent – Aye, Commissioner Phoenix Bunke – Aye, Acting Chair Elena Hughes – Aye.

Result: Approved unanimously (5-0).

VI. PUBLIC HEARING

In compliance with Utah Code §10-9a-204, the Planning Commission held a public hearing to receive comments on proposed amendments to the Residential Short-Term Rental regulations.

Motion: Commissioner Jen Bach moved to close the regular meeting and open the public hearing. Commissioner Nick Vincent seconded.

Vote: Roll Call Vote – Commissioner Darrell Fuller – Aye, Commissioner Jen Bach – Aye, Commissioner Nick Vincent – Aye, Commissioner Phoenix Bunke – Aye, Acting Chair Elena Hughes – Aye.

Result: Approved unanimously (5-0).

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

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

6.3.

No members of the public in attendance or participating remotely offered comments during the public hearing period.

Motion: Commissioner Phoenix Bunke moved to close the public hearing and re-enter the regular meeting. Commissioner Darrell Fuller seconded.

Vote: Roll Call Vote – Commissioner Darrell Fuller – Aye, Commissioner Jen Bach – Aye, Commissioner Nick Vincent – Aye, Commissioner Phoenix Bunke – Aye, Acting Chair Elena Hughes – Aye.

Result: Approved unanimously (5-0).

VII. DISCUSSION AND POSSIBLE ACTION ITEMS

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)

The Commission reviewed all four draft ordinances. Acting Chair Hughes clarified that Chapters 110 and 111 fall outside the Planning Commission's formal purview, and that any opinions expressed would be advisory in nature with no formal motion required, while Chapters 112 and 153.204 would require formal recommendations to the Town Council.

Chapter 110 – Business Licensing: Commissioner Darrell Fuller raised questions regarding the scope of triggers requiring a business license and the severity of the

Class B misdemeanor penalty for non-compliance. Town Clerk Elizabeth Julian clarified that the exemptions are consistent with existing ordinance and state and county requirements, and that the elimination of license classes was intended to simplify administration. Boulder Town Mayor Cheryl Cox (present in the audience) explained that Town Attorney Blakesley had recommended retaining the criminal penalty as a tool, noting that civil penalties and warning letters would be the primary enforcement mechanisms, and that all current town ordinances carry equivalent misdemeanor penalties.

The Commission discussed the proportionality of a Class B misdemeanor for operating without a business license, with several members expressing discomfort with the provision while acknowledging its practical utility. Commissioner Nick Vincent expressed support for retaining it given the attorney's recommendation and the multi-step enforcement process preceding its use. Commissioner Phoenix Bunke suggested the language could mirror other sections referencing town code enforcement procedures. No formal recommendation was made, but general consensus indicated the Commission would monitor the matter as the Town Council continues its review of the fee schedule and enforcement framework. Commissioner Bunke observed that the draft business license application still references license classes that have been eliminated under the proposed ordinance and that this discrepancy would need to be corrected.

Action Item: Zoning Administrator Erin Smith shall update the preliminary business license application, removing all class-based distinctions to maintain consistency with the proposed code modifications.

Chapter 111 – Alcohol Consent: No substantive concerns were raised. The Commission found the simplified approach of limiting the town's role to granting or denying local consent to be appropriate.

Chapter 112 – Residential Short-Term Rentals (Draft Ordinance No. 2026-C): The Commission reviewed the redline version. The following specific issues were identified for correction and forwarding to the Town Council:

- Section 112.02 (Eligibility): The three eligibility conditions (holding a CUP, qualifying as a nonconforming use, or being an existing lawful use) should be joined by "or" rather than defaulting to "and," as no applicant could satisfy all three conditions simultaneously. A redundant sub-item "c" appearing after sub-item "d" at the end of the section should be removed.

- Section 112.03(a) (On-Site Presence): A sentence regarding the owner's required residency and on-site presence appeared grammatically incoherent and requires rewriting for clarity.
- Transferability: Commissioner Jen Bach raised the importance of clearly stating that neither the CUP nor the business license is transferable upon sale of the property.
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Section 153.204 – Land Use and Zoning Standards (Draft Ordinance No. 2026-D): The Commission reviewed the redline version and identified the following issues:

- **Waiting List vs. Lottery:** The draft contains inconsistent language, referencing both a lottery system and a first-come, first-served waiting list within the same section. The Commission discussed the matter and reached consensus that a waiting list is preferable to a lottery for ease of administration, consistent with the Planning Commission's original recommendation. The Commission recommended the Town Council adopt consistent waiting list language throughout.
- **Section 153.204(c)(4) – Discretionary CUP Conditions (subsections b and c):** Commissioner Nick Vincent raised concern that the language in these subsections grants the Planning Commission broad and undefined discretionary authority to impose conditions on CUP applicants based on vaguely worded criteria, including terms such as "reasonably anticipated detrimental effects" and open-ended lists of considerations including "etc." Multiple commissioners agreed the language was imprecise. Commissioner Jen Bach noted that discretion in CUP review is appropriate when grounded in objective, documented criteria but that the current language lacked sufficient backbone. The Commission agreed to forward its concerns and feedback to the Town Council, requesting that those subsections be reviewed and either strengthened with defined standards or revised to reduce ambiguity, with the direction left to the Town Council's discretion.
- **Table of Uses:** Commissioner Bunke noted that the Table of Uses referenced in Section 153.204 does not currently align with the proposed RSTR ordinance and flagged this as a broader code alignment issue that will require attention.

- **Transferability:** Commissioner Bach reiterated that clear language confirming that CUPs and RSTR business licenses are not transferable upon change of property ownership should be explicitly stated in both Chapter 112 and Section 153.204.

Town Clerk Elizabeth Julian noted that a version 3 of both documents would be produced incorporating the Commission's redline corrections and annotations, and would be circulated to members for review before submission to the Town Council. She advised that the Town Council intends to schedule a public hearing on these ordinances at their September 1, 2026 meeting, making the timeline for turnaround very tight.

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)

***Motion:** Commissioner Phoenix Bunke moved to recommend that the Town Council approve the second version of Draft Ordinance No. 2026-C, amending Chapter 112 regarding RSTR businesses, incorporating the Planning Commission's revisions and annotations. Commissioner Jen Bach seconded.*

***Vote:** Roll Call Vote – Commissioner Darrell Fuller – Aye, Commissioner Jen Bach – Aye, Commissioner Nick Vincent – Aye, Commissioner Phoenix Bunke – Aye, Acting Chair Elena Hughes – Aye.*

***Result:** Approved unanimously (5-0). The Planning Commission recommends Town Council approval of Draft Ordinance No. 2026-C, Chapter 112, incorporating the Commission's revisions and annotations.*

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)

The commission discussed the appropriate motion language. After an initial motion was withdrawn by consent of the mover (Commissioner Darrell) and the seconder (Commissioner Nick Vincent) to allow for revised wording, Commissioner Darrell offered a revised motion.

Motion: Commissioner Darrell moved to recommend that the Town Council approve the second version of Draft Ordinance No. 2026-D, amending Chapter 153.204 regarding RSTRs and land use and zoning, provided that the Town Council incorporates the Planning Commission's endorsed revisions, notes, feedback, and annotations. Commissioner Nick Vincent seconded.

Vote: Roll Call Vote – Commissioner Darrell Fuller – Aye, Commissioner Jen Bach – Aye, Commissioner Nick Vincent – Aye, Commissioner Phoenix Bunke – Aye, Acting Chair Elena Hughes – Aye.

Result: ***Approved unanimously (5-0).*** The Planning Commission recommends Town Council approval of Draft Ordinance No. 2026-D, Section 153.204, provided the Town Council incorporates the Commission's endorsed revisions, notes, feedback, and annotations.

VIII. GENERAL PUBLIC COMMENT

Ray Gardner noted his prior service on the Town Council, including his presence at the December 2025 meeting at which the RSTR amendments were adopted. He stated that he was outvoted at that time but continues to hold the view that the most equitable and enforceable approach to managing RSTRs is conditions-based rather than cap-based. He expressed the opinion that clear, enforceable, and reasonable conditions would address much of the ambiguity the commission had been discussing. He further stated that the imposition of a numerical cap on RSTRs, in his view, amounts to Boulder Town suppressing one industry — short-term rentals — in order to support another, referencing comments made by a motel owner at the December meeting who argued that RSTRs had harmed their business. Mr. Gardner suggested this constituted an inappropriate government selection of economic winners and losers, and that competition, rather than suppression, would be the more appropriate response.

Town Council Member and Planning Commission Liaison **Tina Karlsson** commented (remotely via Zoom), noting that she believed the current CUP process, including an RSTR-specific CUP criteria, already provides a framework that can address some of the ambiguity discussed during the evening's review, depending on the specific circumstances of a given application. She acknowledged agreement with aspects of Mr. Gardner's position and indicated the Town Council would continue discussing the cap and related issues.

IX. CLOSING BUSINESS

9.1. Review of Outcomes, Assignments, and Counsel Recommendations

- Draft Ordinances 2026-C and 2026-D were forwarded to the Town Council with revisions and feedback.
- No new assignments were issued to the Commission at this time, pending guidance from the Town Council following the September 10 AOG Summit.
- Continued Public Hearings and Recommendations will be assigned as they are available regarding the updated applications and correlating ordinances.

Action Item: Town Clerk Elizabeth Julian will compile the Commission's annotations into a version 3 of both draft ordinances and circulate to Commission members for timely review before submission to the Town Council ahead of the September 1, 2026 public hearing posting deadline.

9.2. Confirmation of Next Meeting

The next regular meeting of the Boulder Town Planning Commission was confirmed for **Tuesday, September 15, 2026, at 7:00 PM.**

X. ADJOURNMENT

Motion: *Commissioner Nick Vincent moved to adjourn the meeting. Commissioner Darrell Fuller seconded.*

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

Result: *Approved unanimously. The meeting was adjourned at 8:58 PM.*

CORRECTION TO MEETING RECORD

It is noted for the record that during the August 18, 2026, Planning Commission meeting, the drafts of Chapter 110, Chapter 112, and Section 153.204 were inadvertently referred to as 'Version 2,' with the subsequent version referred to as 'Version 3.' In fact, the drafts presented were Version 1, and the drafts incorporating the Planning Commission's recommendations constitute Version 2.

CERTIFICATE

BOULDER TOWN, STATE OF UTAH

/s/ Acting Chair Elena Hughes

ATTESTATION:

/s/ Elizabeth Julian, Town Clerk

Date Approved by the Town Council: **September 15, 2026**