

Boulder Town

**Planning Commission**

**Meeting Minutes**

**January 13, 2022**

Commission quorum present: Colleen Thompson, Matt Cochran, Elena Hughes, John Veranth, and Tina Karlsson; and alternate Shelley Price Gipson. Also attending: Planning Commission Clerk Peg Smith, Zoning Administrator April O'Neal, Town Council Liaison Elizabeth Julian.

Members of the public: Ashley Coombs, Jeanne Zeigler and Kipp Greene, Korla Eaquinta, Donna Owen, Nancy Tosta, Dylan Rose Geerlings, Ward Coombs, Ray Gardner, Gladys Lefevre, Jim Catmull, Lars Gardner, Judy Drain, Michael Steadman and Britney Peterson, Randy Ripplinger, Caroline Hoyt, Jennifer Bach, Mark Nelson, Sarah Langwell, Katie Coleman, Phoenix Bunke, Brynn Brodie, Michael Lefevre.

Colleen opened the meeting at 6:05 p.m. and made a motion to approve the agenda. Matt seconded; all approved. Colleen moved to approve Dec. minutes, Matt seconded the motion; all approved.

***Elect chair and vice-chair for 2022***

Colleen nominated Matt as chair, John seconded the motion. No discussion. Matt, Elena, Tina, John, and Colleen voted 'aye'.

Matt nominated Colleen as vice-chair; Elena seconded the motion. No discussion. Matt, Elena, Tina, John, and Colleen voted 'aye'.

***Set 2022 regular meeting schedule***

Matt moved to retain the same regular meeting schedule: second Thursday of each month, 6pm MST and 7pm MDT, seconded by Elena; no discussion. Matt, Elena, Tina, Colleen, John voted 'aye.'

***Open and Public Meetings Act and Ethics training***

Peg led the yearly OPMA and Ethics training. OPMA covered meeting/hearing definitions and requirements, notification requirements, and minutes/recordings. Ethics covering disclosure of conflicts of interest. State mandated training for all elected and appointed officials, staff, employees: <https://training.auditor.utah.gov/>

***Discuss PC process and procedures***

John's process email summarized his recommendations (see text on website): some formality and rules can help rough discussions. He recommended adopting Roberts Rules of Order officially, using the less formal rules for smaller bodies. 1) After a motion is made and seconded, then it's up for discussion, and depending on the discussion the motion is either amended or it's voted on. The wording for the motion provides the clear record for the minutes. John moved to adopt Robert's Rules; Matt seconded the motion. Discussion: John said writing up a long or complicated motion ahead of time gives the secretary the correct wording and also supplies a base for specifying phrases of the motion they'd like discussed or amended. No other comments. Matt called for the vote: voice vote unanimously 'aye'.

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2) John moved to adopt a standing rule allowing the alternate member to participate fully in all discussions and voice votes. The alternate member will continue to vote in roll call votes only when at least one regular member is absent. Peg said the ordinance already stipulates the alternate's participation. There was discussion about voice votes versus roll call votes which Elena questioned. John said this procedure enhances the alternate's active involvement in discussions. Matt called for a vote: Matt, aye; John, aye; Tina, aye; Elena, aye; Colleen, aye.

3) John moved that the previous two motions be submitted to the Town Council for approval. Tina seconded the motion. No discussion. Matt called for the vote: Matt, John, Tina, Elena, Colleen, aye.

Matt requested all paperwork from the clerk and zoning administrator, as well as other Planning Commission members be distributed to the Commission for review at least 24 hours before the meeting. April and Peg said land use applications should be submitted 14 days prior to a Planning Commission meeting. Peg said the process between the Planning Commission and ZA should be determined: April said some procedures are outmoded, such as requiring 12 paper copies. John agreed that one copy can be scanned and sent electronically. April and Peg will continue reviewing the administrative processes. Shelley asked if applications are time-stamped. (Yes) Matt will work with April and Peg. April is updating applications and asked for input from the Planning Commission.

### ***Public Hearing: Steadman/Peterson, RSTR CUP***

April reported that all application paperwork has been distributed to the Planning Commission for the Michael Steadman/Britney Peterson short-term rental CUP at 4650 No. Moqui in Boulder King Estates, awaiting only state tax info though this doesn't preclude voting on it. Matt moved to go into public hearing, John seconded the motion. Voice vote unanimously approved.

Public hearing comments: no comments.

Matt moved to close the public hearing and return to regular session; John seconded. Matt, aye; Elena, aye; Tina, aye; Colleen, aye; John, aye.

### ***Discuss and vote on RSTR CUP***

Matt moved to approve the RSTR CUP for Steadman/Peterson. Elena seconded the motion. Matt called for comment: Colleen, no comment; Tina, no comment; To Elena's question re: proof of primary residency, April said they are here at least 50% of their time and are registered to vote here. A son lives onsite and can serve as property manager. Shelley: no comments. Matt called for a vote: Matt, aye; Colleen, aye; Tina, aye; Elena, aye, John, aye. Conditional use approved. Peg reminded applicants of need for yearly review on a RSTR CUP.

### ***Gardner RV Park CUP, Planning Commission Review***

April reviewed CUP application status and said all required elements were received for the Ray Gardner RV Park and Campground on his property in north Boulder, adjacent to Hwy 12. The topo map should be adequate for showing contours relative to this use. John said numerous renditions of documents have been received over several months and that it's important to understand exactly what is official and final.

Matt said the Commercial Standards allow the Planning Commission some discretion in weighting relative requirements. April said the RV ordinance itself must be applied as well as the Standards Worksheet. John asked if anything should be noted as problem area. April said there was nothing particular--- lighting, trees used as buffer, requirement for fire hydrants.

Matt said the Commercial Standards checklist, adopted last year, provides the Planning Commission a common tool to apply to all commercial CUP applications. Colleen recorded the Planning Commission scores. (see CUP 2022-2, Commercial Standards checklist).

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About 1:23 into the meeting, Matt called Lee Nellis to assist in working through the checklist, starting at item 9b, mitigation. (The item addresses community impact on traffic/roads and things a developer should mitigate.) It doesn't appear to pertain to this situation.

In a situation where another ordinance specifies additional, specific requirements (such as for RV Park/Campgrounds), then those standards apply in considering the checklist line items.

Sample, building axis: The intent was to discourage large, parallel axis buildings from fronting the road. Ray's pavilion is well set back from the road and at a slight angle; the 0 is a neutral score.

Re: solid waste: Lee said a separate requirement is spelled out in the RV ordinance that must be applied in considering this standard. A proposed method of hauling away trash is required as well as showing location of onsite dumpsters. Lee suggested setting a condition that a contract exist for hauling waste and scoring it as -1 now due to inadequate information. John said Ray should indicate that he has a contract with a solid waste disposer, and this would be a condition of the CUP. Matt suggested a motion to require a solid waste service contract, per section 22B7F, prior to receiving a Certificate of Occupancy. Lee said businesses, in general, are responsible for handling their solid waste. Regardless of requirements imposed or enforced previously, this is a new procedure and can be applied to this application. John reiterated concern about equity in requiring one business and not others to comply. Tina said the county plays a role in determining business's solid waste. Lee suggested finding out the county policy on accepting waste at transfer stations.

Lee suggested researching county policy on waste removal, but to require a waste management plan from Ray identifying how solid waste gets from the park to a transfer station. John made a motion for a condition that before final business licensing, a solid waste disposal plan must be provided. Matt seconded. Discussion: Elena asked about the scoring, and Lee said the RV Park standards prevail. Colleen, aye; Matt, aye; Tina, aye; Elena, aye, John, aye.

Scoring: make sure all absolute requirements are met and that relative scores are zero or positive. Each addition of a condition must be made as a motion and voted on.

### ***Public Hearing on RV Park CUP***

Matt moved to move into public hearing; Elena seconded. Matt, aye; Tina, aye; Elena, aye; Colleen, aye; John, aye.

Public Hearing: no comments.

Matt moved to close the public hearing. Elena seconded. Matt, Tina, Elena, Colleen, John.

### ***Discuss and Vote on RV Park CUP***

Elena noted Lee's comment to Ray suggesting an alternative tree species that would not be prone to a killing virus. John moved to approve the CUP with the condition of producing a solid waste management plan before the business can be opened. Matt seconded the motion. Discussion: no more. Matt called for the vote: Matt, aye; Elena, aye; Tina; Colleen; John, aye.

### ***Continue discussion on hydrology study***

Matt has been in contact with John Files but doesn't have a proposal yet. This will be bumped to Feb.

### ***Continue discussion on Subdivision Streets and Roads***

Matt said this is a preliminary discussion to Lee's assistance next month. John had prepared a document showing different ordinance markup options, depending on the decision for handling private streets. (See website.) Properties typically access a dedicated street in most towns, but this doesn't match Boulder's historic practices. He asked if any of the attending Town Council members

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had comments on the town requiring dedicated streets or if private streets could remain. The public safety issue regarding fire truck access seems primary, plus the new Wildland-Urban Interface Code sets certain standards related to streets and access. Do we want to allow private driveways on subdivisions of four or fewer lots (previous) or require dedicated roads to front all properties? We need to define what a private driveway access easement is, and maintenance agreement for private owners of the lots.

Judy Drain agreed with John that safety concerns are critical. This includes identifiable addressing as well as emergency access. Private roads do have problems. No one specifies maintenance or who's responsible. Gladys noted the expense of maintaining public streets and bringing them up to standards. "Boulder can't afford to maintain the public roads we have. All snow removal and equipment is done by the county. There would have to be restrictions on where you can build if you require dedicated roads. It's not something to be decided right away."

Tina had contacted county planner Kaden Figgins about communicating with the town on intersecting issues: road maintenance, solid waste, for example.

Matt asked about allowing private roads in small subdivisions but prohibiting them in larger SDs. John agreed and thought they are part of Boulder's ambience. The Planning Commission needs to look at larger subdivision requirements to avoid landlocked parcels and access problems, but he favored the SD Amendments wherein one parcel being split into 2-3 lots can allow a private drive.

Elena said the amendments were really focused on the small subdivisions. John thought current ordinances are sufficiently restrictive now but will ultimately need to review larger subdivisions. For now, allow private drives on smaller subdivisions.

Elizabeth said there is not one size fits all. Requiring public road access (on a small division) is an undue burden on the town and also on the landowners. A private drive is not a road, which accesses multiple properties. There should be distinction between these scenarios. Colleen said the original Subdivision Ordinance Amendments did only address that scenario, but then the scope expanded.

Jim Catmull said Boulder King Estates originally had two exits until Dan Gardner bought the land around one of them. "We need to add protection for town and subdivision to include a roundabout in and out of future subdivisions." He agreed with allowing private drives. The infrastructure required on larger subdivisions will necessitate wider, more developed streets.

John said the SD Amendments were passed to the town council in October, then returned for more work. We clarified the definition of streets and private streets. We are leaning to Option 1--- allowing private drives in minor subdivisions. He suggested editing Option 1 and also addressing the 3:1 depth-to-width lot ratio and clean that up. Matt asked John to work with Lee to prepare that language. The ratio was presumably enacted for some purpose, but it restricts creative solutions, eliminates flag lots, and encourages subdividing into rectangles, not working well with unique terrain. Matt suggested additional research on the origins of that requirement. Elena said Lee had already indicated ability to allow flag lots and retain the ratio language.

Colleen wanted to return to the initial SD Amendments.

Consensus of the Planning Commission was for Lee to work on the Option 1 wording. Elena also disclosed she's involved in a property that would be affected by this decision.

### ***Upcoming business for February 10***

- Continue Subdivision roads discussion on Option 1 language and the 3:1 ratio
- Followup on hydrology proposal; Jim Catmull's info on Boulder Farmstead 40-year draft
- Another possible RSTR application

Elena suggested recessing for a short break during long meetings.

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### ***Final Public Comments***

Donna Owen: regarding the 3:1 ratio, it's restrictive, but was put in when the long, skinny lots were created in Lower Boulder. It can become problematic given Boulder's irregular terrain. Why not allow Planning Commission to work around if there are mitigating circumstances.

Peg wanted to clarify use of public hearings as a tool to gather useful comments, and not just a pro-forma action. She also wanted commissioners and public to understand that all documents used in the meetings are available on the town website. Elena suggested a quick training session with Lee on using the development standards worksheet.

Tina moved to adjourn, Elena seconded the motion. All approved. Matt adjourned the meeting at 8:57 p.m.

Peg Smith \_\_\_\_\_ Date \_\_\_\_\_