

Boulder Town

**Planning Commission**

**Meeting Minutes**

**June 9, 2022**

Commission quorum present: Matt Cochran, Colleen Thompson, Elena Hughes, John Veranth, and Tina Karlsson; and alternate Shelley Price-Gipson. Also attending: Planning Commission Clerk Peg Smith, Town Council Liaison Elizabeth Julian, and Planning Consultant Lee Nellis.

Members of the public: Kelly Cochran, Tessa Barkan, Ashley Coombs, Jeanne Zeigler, Korla Eaquina, Randy Ripplinger, Jim Catmull, Judy Drain, Shawn Owen, Donna Owen, Gladys LeFevre, Pete Benson, Nancy Tosta, Susan Kelly, Jen Bach, Mark Nelson.

Matt called the meeting to order at 7:00 p.m. He moved to approve the June agenda; Colleen seconded; all approved. Matt moved to approve the May minutes; Colleen seconded. All approved after a question was resolved.

As context, with the year is half finished, Matt said the Planning Commission has been tasked with revising the subdivision ordinance. This, in addition to its have already addressed new commercial development standards, ADUs, RSTRs, and inclusion of revised state code land use changes. The discussion today is related to subdivision revisions, as information about housing goals is paramount to making rational ordinance changes that promote those goals. This is the main focus of the Planning Commission now, in addition to any regular business items.

***Nellis discussion: Memo on lot layout and related standards***

Lee had provided Commissioners with a memo explaining how availability of flaglots could be of benefit. Matt asked about Planning Commission's discretion if the depth/width ratio is removed.

Unlike a dense, urban subdivision, Lee said Boulder's much larger parcels include many with unique configurations and topography, and landowners need flexibility. Similar to the commercial development checklist of requirements, he said subdivision development could include performance standards that look at lot layout and shape, not just yardage, and can be applied to each application.

Moreover, Lee said the current subdivision ordinance doesn't helpfully address fundamental issues. It gives the landowner a complicated process to get through, a long list of application requirements, but doesn't provide any useful standards. Worse, the few standards available are found in the Zoning ordinance and not with Subdivisions. He proposed replacing the Subdivision Ordinance in its entirety, rather than try to pick through and edit words, trying to ensure continuity with the Zoning ordinance as well. He said the Planning Commission can go through the issues and develop the standards list. However, before trying to change the ordinance, the Planning Commission needs clarify on the town's goals and expectations, which is why it's so important to address the housing issue as soon as reasonably possible and see where the public comes down. Zoning and density are also fundamental issues and the fact that the current low density residential and GMU are essentially identical. Will Boulder permit any different development standards beyond the five-acre minimum? Whether that answer is 'yes' or 'no' affects how the subdivision ordinance and zoning will be revised. Don't worry about the specifics of the ordinances before we can have the community discussion. But, Lee said, even sticking to the status quo will require replacing the entire Subdivision ordinance.

The Commission all basically agreed. John emphasized reviewing the goals identified in the General Plan to see how well our work is actually helping to implement them. His questions would address

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what the town priorities actually are; what are we trying to do? Avoid incremental changes? Prevent monster subdivisions? Allow landowners maximum profit in configuring their land? Make it easier to create lots for their children? Preserve open space and farmland? Provide opportunities for small-scale businesses and ag? Include opportunities for housing affordable for younger families? Make it easier to chop land into five-acre rectangles? He said there are still some immediate things to be addressed (under the existing ordinance), to which Elena agreed. Matt would want to prioritize the items requiring immediate attention, while at the same time collecting the community's ideas.

Lee noted Colleen's difficulty in finding fire code info in the ordinance. "It's not well organized or well-done now". He said items such as a lot shape standard could be done fairly quickly, but asked if that's to be popped into the mess of other requirements or first get direction from the public to understand the larger framework for changes. Once that's understood, incremental fixes can be plugged into (a coherent document). He'd like to avoid having to change the changes. "We're at a cusp here and need clear direction. Density, access, other types of requirement improvements—all of those need some general, underlying direction or this will be a town with large lots and only the people who can afford them.

Matt proposed spending the July and August meetings discussing information gleaned from review or research. At the end of August hold a community forum to start getting feedback, and then use the fall to start making priority lists of elements that need to be changed. By end of year he'd like a trail to follow, one step at a time. John suggested taking on specific assignments so prep work can be done before the meetings. He also noted the pending subdivisions applications currently in process and thought those applicants might be in a good position to identify specific problem areas with that process.

Lee's idea with the forum is to provide useful information, as well as just collect opinions. Part of the value of holding a housing forum is to actually bring in speakers who have real world experience with these projects. Informed opinions are much more helpful than abstractions based on supposition or bad information. The die is cast, he said, with the existing ordinances, which means chopping up good land in 5 acre parcels and not doing anything about affordability or the underpinnings of a diverse community. Alternatives that could be explored include a land bank? The USDA self-help program? But none of these things could be approached within the confines of current zoning, saying the Subdivision ordinance adds confusion, but the Zoning ordinance makes diverse forms of housing impossible. Is that what the town wants?

### ***Discuss Housing Forum: desired outcomes, outline, logistics***

Discussion boiled down to specific assignments: Colleen and Elena will work on ideas for conducting a community forum; John will summarize email discussions he's been carrying on with Lee, identifying issues and alternatives. Matt will review the GP housing goals. Tina will locate the previous community discussions on housing (from five years ago).

### ***Discuss Town Council's fire code requirements***

Lee said the Planning Commission needs to keep in mind the Wildland Fire Code recently adopted and how it applies to any project proposed. The Uniform Fire Code generally doesn't affect subdivision, it's more about building and site development, falling into the jurisdiction of the county building inspector, not the town. He recommended considering fire protection in context with land use issues, not as a separate thing.

John reported on the Town Council meeting at which he'd suggested they consider the fire code requirements as a land use issue falling under Planning Commission review. John said Jim Catmull had talked about fire hydrant placement and thought he was correctly distinguishing between new subdivision requirements and building permits on an existing lot. Current ordinance language references fire hydrant distance from structures but includes the wording "where feasible". Catmull had wanted to drop "feasible" saying maybe a subdivision shouldn't be created where there aren't

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going to be water and hydrants. John said there are systems in other communities for dealing with housing that isn't close to hydrants, such as Eastern Summit County that stipulates requirements for private water supplies as fire protections. This may be one of the "immediate" priorities given the current, pending subdivision projects. But also, what are the implications? These requirements add on to the cost of land, yet should lots be developable without any protection? Also, the person/position having jurisdiction over these decisions needs to be clarified. Perhaps adopt the term "Authority Having Jurisdiction" (AHJ) in the ordinance as done elsewhere, and then defining who that is in the town's emergency plan? Shelley asked about requirements of Fire Marshal vs building inspector and said she would research for a better definition to use.

Tina said Wildland Urban Interface code (adopted in 2021 in our ordinances) includes information specific to rural issues. Prevention, including home siting and building materials, is given priority along with water availability, and that water sources aren't necessarily always hydrants. Also, the closer in proximity houses are to each other, the greater the danger of spreadable fires.

### ***Provide feedback to Deer Ranch Subdivision (May 12 concept plan)***

The concept presented for discussion at this meeting was a new drawing showing the original plat divided into 13, 2.5+acre lots plus the field that would be retained as a conservation easement. Shawn Owens asked for feedback on the idea, and whether this might help address a more affordable housing option.

Commission comments were generally positive, upon first impression. (They'd just received the document that day.) John said the new concept meets cluster requirements for lot size, preserves the agricultural land while siting housing lots elsewhere. He mentioned a few issues to attend to, such as the increased number of lots on the road and need for a secondary, emergency exit road. What is the relationship with the main access (1600 South)? Who maintains it, who owns it. Is that main access an easement? John suggested going to county records.

The Commissioners said that everything required in a preliminary plat would obviously need to be addressed and signed off by the ZA before this coming before the Planning Commission for a public hearing. John added that he hadn't looked at the Sensitive Lands ordinance, but that Shawn check on how it applies to the building areas he's identified. He needs to ensure there's enough land on each lot that is buildable.

John also cited the Cluster ordinance requirement that 50 percent of the parcel has to be designated as open space under an appropriate conservation easement that meets Utah Conservation Act.

Elena asked about hydrants. Shawn said they were still conceptualizing water delivery. Given these added costs, does it make sense to try to develop under the Cluster ordinance if it ends up still not being "affordable" land?

### ***Review Action Items and Upcoming Business for July 14***

John said possibly an affordable housing option could be facilitated working with Shawn as he evolves his concept. Deed restriction seems to be the key to ensuring continuity of affordable properties, where there are permanent restrictions on selling of property. There has to be a guarantee. Perhaps the Planning Commission can investigate financial incentives for the developer that offset limits placed by deed restrictions?

For the July meeting:

John: a white paper summarizing zoning and density considerations he and Lee had discussed. Matt will identify current housing goals laid out in the General Plan. Tina will compile the results of the past community housing groups. Colleen and Elena will brainstorm structures for accommodating a community forum.

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John said the National Fire Protection code and our ordinance and jurisdictional matters needs to be discussed.

The Commission restated the application deadlines: 12 days prior to a meeting to be submitted to the Zoning Administrator. The ZA has to submit an approved application at least 10 days in advance of a meeting to the Planning Commission Clerk. (10 days being minimum for public hearing notifications.

Elena asked Peg about the availability of the newly approved Ordinances 2022-1 and 2022-2. They are (now) both listed separately on the town website, but not yet compiled into the codified ordinances. (The town's agreement with American Legal stipulates codification schedule, and Peg wasn't sure what that was.)

John asked that Planning Commissioners *not* be copied on attachments of parts of applications until it's complete and the staff-vetted version is available. Ideally, the ZA gets it even earlier than the 12-day minimum.

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

Donna Owen asked about the hydrant requirement. John repeated what he'd said.

Pete Benson: As Fire Marshal, I mainly look at emergency vehicle access to and ability to maneuver on a property. The county building inspector looks at the building itself. For subdivisions, I make recommendations to Planning Commission based on what's required in the ordinance. In the Deer Ranch location, I need to look at water availability to all the lots. John asked Pete about how the Wildland Fire Code applies, to which Pete said most of those provisions apply to the Building Inspector's checks and how fire resistant a building needs to be given its location. He said, in general, it's better for our ordinances to refer to other standards than to put specific numbers into our ordinances.

Matt moved to adjourn, Colleen seconded. All voted 'aye.' Matt adjourned the meeting at 8:45 p.m.

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