

Meeting Minutes, Boulder Town Planning Commission

September 9, 2014

Commissioners present: Tabor Dahl, Donna Jean Wilson, Loch Wade, and Caroline Gaudy. Alyssa Thompson was absent. Also present, Secretary Peg Smith, Cindy Wilson, Lisa Varga, Bob and Naomi Brems, Ashley Coombs, Conrad Jepsen, Mary Jane Coombs, Dennis Bertucci, Vard Coombs, Bill Geils.

Loch called the meeting to order at 7:01 p.m. Minutes will be approved next month after all commissioners have a chance to read them.

Dark Skies Discussion

With additional comments continuing to come in beyond last month's official public hearing, Loch opened the floor to more commentary. The commission can listen to more input but will not be voting on the proposal at this meeting

[Official copy of minutes posted on website will include copies of letters and emails received.]

Loch read Vard Coomb's letter against the proposal. Loch read Tina Karlsson's letter in favor of the proposal.

Following are comments from the public:

Conrad Jepsen: "I've heard a lot of different scenarios, some about wanting to make the whole town go black, and that doesn't seem to be the truth. The town apparently already has an ordinance that gives us guidelines to go by. So where is the necessity to make new rules about lighting? I'm of the firm belief that we don't need more regulations. If Bryce Canyon is the model, then show us how Boulder would profit by doing the same thing Bryce would do. And how would Boulder accommodate the influx of people that would come in? Get more information on why we need more certifications, rules. We don't need outside forces to say we qualify for this [dark skies].

Naomi Brems: I'm of the same opinion. We already have the ordinances in place and in my opinion, we need some lights. Unless you already know the town, you'd have trouble. I'll speak for Steve Van Quill, who lives in the back and doesn't have any street lights. He can't see anything. Also the Winoviches are not in favor of changing that. Their letters went to Bill Muse. They all say we need to keep lights.

Bob Brems: When I put my telescope out on my porch, I can see millions of stars. We don't need more dark skies.

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Loch read the current ordinance, section 10-12. Donna Jean added that page 73 addresses the sign lighting. Page 76 prohibits backlighted or neon signs.

Cindy Wilson: I believe the proposed change is unnecessary because the existing ordinance protects things already. I've found that at age 51, I can break. I need extra lighting. The protection of the citizens of Boulder is very important so they can move about in the dark if they have to. This stuff about the commercial businesses is just more restrictive. I don't think we need to keep getting more restrictive. It infringes on my rights.

Mary Jane Coombs: Any more ordinances imposes on our private, personal lives. The lights people have should be determined by themselves and their needs. We're out at 6 a.m. to inspect the school bus. I walk at 5:30 in the morning; there have been cougars down in my neighborhood. If I see something in the pasture I can hurry into the house. We have animals. I think we need more street lights on the Lower Boulder road. I've almost been hit by cars and bicycles that didn't have lights. It's so dark, you can hear water in the ditches, but you can't see it. If people like their yards to be dark, they can choose that. If they want lights, it's just safety. A lot of older people say they need the security light. We can't live in the dark. I don't think that dark is natural.

Vard Coombs: I now know how the Indians felt being pushed off the land.

Lisa Varga: It seems there's a common misconception that lights will be taken away from people and that people wouldn't be allowed to continue using the lights they have. That's not the case. That you couldn't put up any new lights around your house, and that's not the case. The only thing the new ordinance is clarifying is more specificity about the down lighting. Of course you can put new lights in at your house or business to light the things you do. The light just has to light what you're doing, not everything.

Naomi Brems: If you pass the ordinance, and I want a new light, do I have to come before the town board for permission? Answer: No.

Loch reread the proposed ordinance.

Naomi asked: I have lights that cross the creek so we can cross the creek. Does this mean we'd have to take them down? Answer: No

Bill Geil: There's been a lot of comment and I'd like this proposal to be tabled because there hasn't been any work on modifying the wording.

Dennis Bertucci: I know the whole idea is to make it mandatory. What would solve a lot of problems would be to make it voluntary. I realize that won't get us the dark sky rating, but it would solve a lot too. People who have lights should be aware that no one is going to change anything. Don't know what the rating of being a dark sky city will do [in attracting people]. We should hear what those people have to say.

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Mary Jane: We're talking about having a person come to explain the value of people. Also need expert with opposing information to be fair.

Loch: Just to clarify, the Planning Commission isn't sponsoring this. Loch read Mike Nelson's email about the Dark Skies rep visiting Capitol Reef, and maybe Boulder.

Bill Geil: There is an existing ordinance about shielding lights. We have it. It's not a question of getting a new ordinance, we have one. I've talked to Camille, Farlan, I know you guys are extremely concerned. I don't believe it has to be a deal when someone wins and someone loses. We're trying to take an existing ordinance and clarify it and make it better. For those concerned about your current lighting, it's easy, if we talk to each other and work on making this work better for you specifically who have concerns. Then we can clarify it to make sure you can keep your existing lights. It needs to be worked on, not rammed down someone's throat nor rejected automatically. People want to protect specific uses related to farming, security, whatever their concern is.

Lisa Varga: I'll pass around a piece of paper for anyone who'd like to talk about this. Sign up and we can get together and discuss this. This isn't part of the Planning Commission, just neighbors getting together to work out what affects us all. [no one signed it]

Tabor Dahl: My concern is more restriction. I'm against that. For me that's bigger than dark sky. Leave it up to individuals. If people want to do things on their own property that's in line with that, fine, but not an ordinance telling them to do it. We have a lot of restriction and we don't need any more.

Cindy: Since we already have existing ordinance, why more? What's the problem now? It's telling people how to dot I's and cross t's. What's the problem we think we're fixing?

Donna Jean: If you own 20-40 acres, where does your property end up in the sky? If you have a big area, where does your property extend to?

Caroline Gaudy: I'm not taking sides at all. But my interpretation is that it wasn't meant to correct a problem. It was looking to do two things: one was to make sure commercial development would be clear about what they could do (future development). The second thing was to make us eligible for the certification which could result in grants for necessary (compliant) lighting. Mary Jane said she didn't understand the bit about light exceeding property boundaries. Caroline tried to explain that it's the light source, not the visibility of the resulting lighting. It's directing the source of the lighting downward or shielded. A gas station pump can be lit by downward lighting so that the light source isn't directly visible, yet it clearly lights the pump.

Vard Coombs: I don't understand why people want to put so many restrictions on themselves. It sounds like communism.

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Conrad: If getting the town certified for dark skies brings us more restrictions, then we don't want that. If someone has actually called Bryce Canyon and talked to their planner and what it's done for them [that would be good information to have].

Loch thanked everyone for their comments. The proposal will be voted on at the October meeting.

Caroline's APA Training

Using the American Planning Association website was the training topic. Each of the commissioners now has their own sign on to the site. This gives them access to professional planners from the website itself, from other Utah towns and other locations. We then don't need to charge billable hours to the town's attorney to get answers to basic questions. She said members of the public can also use portions of the site and for the member-restricted info, they can get a commission person to look things up for them.

Getting started: www.planning.org, enter your APA ID and password. (You hit "ask for login help" to initially sign on with a password.) Once you have your password and your ID, that will open up all the membership options.

Top bar tabs. Resources tab talks about library, blog, more. The educational offerings and webinars is probably the most interesting and applicable for us, with training workshops, e-learning, info for citizen planners. Many of the workshops still cost money, so if we decide to do any of the training, we ought to get together for that. What's relevant to us is joining a division. "Small Towns and Rural Planners" which costs \$25/person. They publish a newsletter. There's also a track at the annual conference for small towns.

There's much more related info at the Utah-apa.org site, including more information for citizen planners. However, it's going to shut down after Jan 1. The Western Regional Conference in SLC this year, Oct 1-3, which would be a good networking opportunity. Caroline also mentioned the Utah League of Cities and Towns site (ulct.org)

Finally, there's www.plannersweb.org (for citizen planners)---- with good documents to download. It does take some time to go through what's there.

Temporary Use Permits

Loch passed out his attempts to add info to the ordinance. Peg will make this available electronically. Family gatherings, farmstands are exempt.

Caroline asked about the 7 days for a special event? Loch replied that if it's a 5 day event, you generally need a day to set up and a day to take down, so 7 days makes sense. Something like the Heritage Festival would fall under this.

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Caroline asked if it's intended to be six events per property or applicant per year? If it's a couple, then is it 12 events per year? Loch didn't intend that. Tabor said it seems the application itself takes care of that

Caroline asked if we need a way to monitor how many permits have been applied for, but Loch thought that wasn't an actual problem.

With no further questions, the commissioners agreed to move Loch's proposed language change and application modifications to public hearing next month.

Agenda Items

The following items were listed for discussion at the October 14 meeting:

- Stephanie Love's question on CUP or other option to be able to live in a trailer on her parent's property. (The Zoning Ordinance does not allow two residences on a single recorded lot.) Does this fall under employee housing if she's working for her father? Donna Jean said the accessory dwelling allowance was on GMU or ag property, intended for a ranch hand or foreman. Having 5-6 acres and putting in something for my children or a friend is not properly an employee house. Page 31 (Table of Uses). Accessory unit allowed on 6 acres or more in GMU. Caroline found a statement, page 40, regarding maximum dwelling unit for 5 acres and additional unit can be conditional in a GMU. It's possible for the ordinance to be clarified.
- Temporary use permit public hearing and vote on recommendation to town council.
- Training--- Peg, open meetings
- Dark skies proposal. Vote, up or down. No more discussion.

Caroline moved to adjourn, Donna Jean seconded. Loch adjourned the meeting at 8:30 p.m.

Peg Smith, Planning Commission Clerk

Date