

# Meeting Minutes, Boulder Town Planning Commission

## May 14, 2015

Commissioners present: Loch Wade, Tabor Dahl, Donna Jean Wilson, and Alyssa Thompson. Caroline Gaudy was absent. Peg Smith, Secretary; Peter Benson, Town Liaison. Members of the public present: Carla Saccomano, Bill and Judith Geil, Donna Owen.

Loch called the meeting to order at 7:05. Donna Jean moved to approve the March 2015 minutes, Tabor seconded the motion, and all approved.

### ***Inventorying Town Needs and Resources***

Loch said his personal opinion is that nothing needs to be done regarding updating the General Plan at the present time. Donna Jean agreed because “we don’t need to do anything for three more years. If we do a survey now and things change, we’d just have to do another one.” Alyssa asked about the next needed update--- it’s 2018 (five years between updates). She said she’d like to keep the idea of the survey in the loop; maybe revisit possible contents in October? Tabor said that generally he doesn’t see the survey as being that effective. Looking at the last one, the questions have to be so well worded and so much prep is required for it to do any good. He didn’t think the last survey accomplished much. Loch said maybe there are other ways of getting peoples’ ideas and opinions. Tabor questioned the value of something like a survey. He said, “It seems like when people come to us with something --- like a distillery, as an example--- then this drives the decision based on the discussion of people who like it or don’t. That seems to work pretty well.”

Peg reminded the commissioners that the previous planning commission that created the 2013 General Plan began discussion of updates and opinion-gathering in fall of 2009. Donna Jean said if you start too soon with the survey, you may not be reflecting real public opinion on the General Plan. “People come and go. Wait until closer to when we need the update.” Alyssa said to leave it open and not shut ourselves off right now.

All agreed nothing needs to be decided right now. Loch said the Planning Commission can revisit the conversation in October and monitor needs from there.

### ***Town Request to Revise Zoning Ordinance: Replace Board of Adjustment with Land Use Hearing Officer***

Loch said he added this item to the agenda at the request of Judi Davis. Judi had been asked by town planning consultant Bruce Parker about the status of ordinance revisions he had previously suggested, including this one---- to replace the Board of Adjustment with a single-person Land Use Hearing Officer. *(From a previous phone meeting with Parker: His justification was that many smaller towns in Utah were doing this because: 1) variance requests occur very sporadically, but when they do arise, they require detailed understanding of town ordinances to apply to the situation, and 2) it is difficult to maintain that level of proficiency in a board that meets infrequently. )*

Peter Benson said the Town Council, at its last meeting, had requested Planning Commission input on the idea and that the council was somewhat divided in opinion.

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Alyssa said the Board of Adjustment should stay the same. “Five people definitely sounds better than one person. I feel more comfortable with how it is right now. It’s not a state-mandated change.” Tabor said five people bring something different to the table. One person may not solve the problem that exists with training. Donna Jean said one person can forget things that another person remembers. Loch said he thinks having five members on the board is a good way to keep more people in town involved in town business. It’s something of a training. It doesn’t meet that often. It’s pretty much set in stone what they need to do. They get very familiar with Town Ordinances. It’s a pool of people who can become further involved in town work. I’d suggest if there is a problem, maybe once a quarter the board meets with the Planning Commission during a training session to stay in the loop.

Alyssa: Looking at the BoA duties as listed in Section 304 of the Zoning ordinance, they actually do have a lot of duties that they haven’t actually been doing. For example, besides just hearing applications for variances, they are the body that is supposed to deal with nonconforming uses and structures or any other legal nonconformity. They can recommend amendments to the General Plan, amendments to any land use ordinance, recommend amendments to official maps.

The town had submitted an application for the change. The Planning Commission will schedule a public hearing before taking a vote on their recommendation.

### ***Applications for Temporary Use Permits***

Loch has the draft application of the approved temporary use permits, including the new Special Events permit. Judi had wanted to know how to track the number of events (applied for per person, maximum six per year). Alyssa liked the version that Judi had recently forwarded on email; it asks about zoning, parking, sanitation, etc. Alyssa suggested leaving it to the property owner to be honest themselves, just circle the number, 1-6, if that works for Judi.

### ***Land Use Training Seminar***

June 9, SLC, training by Utah Land Use Institute on Nonconforming Uses and Structures and Conditional Uses. Alyssa and Caroline will sign up; Peg will let Judi know.

### ***Training Session: Sunset Provisions***

Alyssa: We’re supposed to review Conditional Use permits that are out. They’re supposed to be reviewed yearly. The Town Council also should review ordinances that included “sunset provisions.” Let’s start with the very first and work forward. We’re just supposed to review each CUP each year to make sure the conditions are being met.

Alyssa: Sunset provisions: In public policy, it’s a measure within a statute that provides that the law shall cease after a given date. We do have a couple “sunset provisions” currently expired. It depends on who set the provision, the Town Council or the Planning Commission, as to who is responsible for reviewing. Since the Town Council actually passes the ordinances, we would have to recommend to them that they review their sunset provisions. Tabor said he was unfamiliar with sunset provisions in Boulder. An example would be approval of a CUP for a sign that was passed with a stipulation of review after x years.

A discussion followed as to responsibility for tracking such provisions in CUPs or ordinances. How do you track them? Who tracks them? Tabor suggested they could be tracked as an agenda item looking forward, so as not to lose track of the action.

Donna Owen: asked about the town’s need to track types of permits required to get a business license. Loch said the town doesn’t have anything to do with other agency’s permits; the town is

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not responsible for enforcing those. Peter said the town can only ask the applicant to comply with the laws.

### ***Upcoming Meeting and Agenda***

- Next meeting is June 11, 7 p.m.
- Public hearing on LUHO.
- Start reviewing CUPs that are out.
- Other business for June 11

Alyssa moved to adjourn the meeting, Donna Jean seconded, and Loch adjourned the meeting at 8:01 p.m.

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Peg Smith, Planning Commission Clerk

Date