

Meeting Minutes, Boulder Town Planning Commission

September 8, 2016

Commissioners present: Loch Wade, Alyssa Thompson, Carla Saccomano, Tabor Dahl. Secretary, Peg Smith; Town Council Liaison, Pete Benson. Public present: Judith and Bill Geil, Daniel and Angela Kennedy, Mark Nelson, Colleen Thompson, Mark Austin, Scott Bigler.

Loch called the meeting to order at 7: 07 p.m. Carla moved to accept the August 11 minutes as written, Alyssa seconded and Loch, Alyssa, and Carla approved.

Discuss Exploratory Plans for Development (Daniel Kennedy)

Daniel Kennedy was specifically addressing two properties: the GMU property immediately south of the school and the property immediately north of the dumpsters adjacent to Anasazi Museum.

First plan: 10-15 higher end, extended stay yurts (1-1.5 weeks). As it's currently zoned GMU, it would not have to be rezoned to be classified as a resort, under conditional use.

Second plan: Something commercial, so it would have to be rezoned to commercial. Maybe a medical building or something to bring in some type of commercial use there.

He requested comments and guidance.

Alyssa asked if Daniel has read the General Plan? It suggests not allowing commercial development along Hwy 12 and favoring cottage industry-scale development throughout town. Daniel said when the General Plan comes up for revision, the town may want to consider different areas for commercial development.

Loch read from the General Plan, page 10. He said when zoning was initially established, it merely named as commercial those uses already in existence. In other words, there was no future planning considered. Loch described the process Daniel would need to go through with rezoning; he would need to come with a meaningful business plan and application could be considered as long as general tenor is observed.

Alyssa agreed. It's really up to the process of public hearings, and could likely extend up to a year out. She also suggested his looking at the "Village Center" wording in the plan now. The concept behind a village center doesn't include the concept of a resort for visitors. She said Daniel doesn't even have a conceptual application now, so the Planning Commission can't render any official opinion at this. He'd need to submit an official conceptual plan with more detail to look at.

Carla: The 10-15 units on 6.9 acres parcel would put pressure on traffic and parking. Loch asked Mark Austen about Boulder Mountain Lodge as comparison. It is approx 19 acres and 22 rooms.

Alyssa said the specific concerns will be addressed in detail at the point he submits an actual conceptual plan. Then, the Commission looks at the water, septic, traffic, things off the checklist. etc. We can't give an opinion.

Mark Austin: In order to rezone to a Commercial property, I think you need to submit a specific plan for the use of that property. This is to prevent simply upgrading a piece of property to commercial without designating specific purpose; that's not acceptable.

Boulder Town Planning Commission, Meeting Minutes

Daniel: On Anthony's property---looking at the 2011 survey--- it seemed a medical facility was one thing mentioned as a town need. Alyssa said the General Plan actually supports the idea of town which is more cottage industry and agriculture and that is supported through how we've developed what people can do on their own property, and not commercial strip development. We have a new clinic 30 miles away.

Loch: Whatever business you decide, you'd submit a business plan along with zoning amendment application. The Planning Commission would look at it and discuss it, then schedule a public hearing, then vote to recommend or not to the Town Council, then they'd review it, schedule their own public hearing, then they vote whether to rezone the property. Then you'd come back to the Planning Commission with a conditional use application. (Could be done concurrently).

Alyssa: We also have to consider what happens if you didn't continue to own it as your business in the future. What does that leave the town with?

Alyssa: We're really going for the cottage industry more than some big development.

Review Town Council recommendations on proposed ADU ordinance; schedule further discussion

Mayor Muse had approached Loch saying the Planning Commission cannot approach any outside consultant without going through town first. Loch asked the mayor for the town to write a letter to the Planning Commission outlining the protocol for accessing a planner.

Pete: Bill's objection was asking Bruce Parker to write an ordinance for us.

Loch: That leaves us in a bind because we don't know how to proceed if we do need to use a consultant. According to Bill now, if we need, we ask [Peter Benson] to ask the Town Council, then you get back to us to tell if ok. We're asking now that we can consult Bruce Parker. Pete said he'll put it on the agenda for next meeting.

Loch: In the meantime, we know the town returned the ADU ordinance we'd recommended. Peter said there was mainly Donna Jean's objections regarding the multifamily use with two residences on a lot. Also it lacked a defined purpose that it was attempting to address, such as providing more affordable housing, etc.

Pete said he'd found model ordinances online to cut and paste. Loch said the Planning Commission did look at lots of model ordinances. There were three models on the table for 6 months, we did a lot of work on the ordinance based on public opinion, and that was our best effort that we submitted. The feedback we got back from the town council was they wanted Bruce Parker's input on the whole thing. So I (Loch) thought it would be a good idea for Bruce to write up an ordinance based on his considerations; then we'd have something to look at and we could amend certain things to apply for Boulder. So yes, my idea was to have him write an ordinance. Sometimes you have to spend money to get something worthwhile. I want to help the town, I'm not trying to spend money or build an empire.

Loch asked the Planning Commission how they'd like to proceed. Alyssa said she would absolutely like to ask permission for Bruce Parker to write a model ADU ordinance for us that we can fine-tune.

Carla: It sounds like we're throwing darts in the dark. We have looked at ADUs across the country, and if the town council and mayor have an idea of what they want, then tell us. So yes, it makes sense to go to Bruce Parker to provide what they want.

Pete: Also, we needed the purpose stated clearly of why we're approaching this.

Boulder Town Planning Commission, Meeting Minutes

Alyssa: There were things in our original draft that got pulled out after the two public hearings. Some of those could go back in, such as the owner of the property also residing there.

Mark Nelson: Let's say the owner dies. [The survivors] rent that unit. You're obviously upping the density. If it's for providing affordable housing, how do you define that, and how do you enforce that? We keep adding on to our problems. For 30 years we haven't done this right. Do we want a resort in the middle of town? More light problems, more traffic. It makes no sense. I don't think that's what we really want. How about we don't need anything?

Loch: We have a motivation for ADUs because we have illegal ADUs now and we need to address them. It's not our job on the Planning Commission to enforce the ordinances. That's the Town Council's job. We have illegal ADUs in operation right now. We can do one of two things, we can enforce the ordinance or we can try to amend our ordinance to allow these things to exist in a controlled manner. These aren't ADUs, these are duplexes. The town can enforce, or we can try to amend our ordinance to make things work as they currently exist. We're trying to help out.

Mark: We were told by planners 30 years ago "do not have ordinance you can't enforce."

Judith asked what avenues of enforcement are open to the Town Council. Alyssa said 4-5 years ago, the town attorney would write a letter notifying the party they were violating an ordinance which was a class B misdemeanor, given 30 days to cease and desist, or a fine would be issued.

Mark Austin: Mark has valid points. If you don't enforce ordinances, they're going to take you to court.

Tabor: There were a lot of people here calling for more housing options. Maybe this isn't the best way to do it, but it looked like an option. What if Town Council goes through the process again-- would they work on an ordinance themselves? Pete said anything involving land use needs to go through Planning Commission.

Mark Austin: The only way to really avoid having things tossed out in court, is to set up an amnesty program. If they apply they get approved. You don't have to adopt a blanket new ordinance. It sort of cleans the slate. You have a properly adopted set of ordinances, and accepted nonconforming uses. The heritage of Utah is all about strong zoning. Brigham Young's idea of zoning is unique. Have a joint meeting with the Town Council and clean this mess up or you're just going to get it handed to you.

Colleen: I went to meetings last winter when you were talking about ADUs. Everyone had their own idea of what affordable housing should look like. If you go back to that, it's really hard to try to define it. I'm grateful to you for acknowledging our General Plan and the points that are there, and I don't think as a community we should be afraid to move forward. I think Mark has a good point of trying to figure out how to give amnesty. Loch said that really is the motivation in writing the ADU ordinance to give amnesty for what already exists.

Tabor: Seems that's what we do here. We're always trying to get back out ahead of it.

Mark Nelson: Don't punish the people who did the right thing and obeyed the laws.

Discuss Land Use training (Alyssa)

August 27, there were nine people from Boulder, and one from Torrey attending a Land Use seminar in Bicknell.

CUP presentation. Our town has 32 conditional uses. You can't say no to conditional uses, you can only apply conditions. Most towns only operate with a couple CUs. The most dangerous thing is that we don't have any standards within our ordinances. We have a checklist on the application, but it's not in our ordinance. Even if person no longer owns the land, the condition stays there. We might want to look at overlay zones. Add a paragraph

Boulder Town Planning Commission, Meeting Minutes

about CUPs adhering to these standards. Overlay zones would be preferable. We should look at CUPs in the future and implement overlay zones instead.

Bill: Overlay zones were discussed in previous meetings. People were apprehensive about the concept, but my takeaway from the training was that your hands are tied with CUPs. You “shall” grant them. State law requires town figures out way to mitigate so the person can do what they want to. With the overlay zone concept, it’s a floating overlay zone. It doesn’t show up on a map, but gives the town zoning enforcement. Alyssa said overlay zones could be applied for watershed areas, ag areas, or well locations. (A well overlay zone to protect against contamination).

Mark Austin: 15-16 years ago, the town adamantly opposed any zoning. It wasn’t an oversight, it was a conscious decision to do this. People didn’t want zoning.

Alyssa: our General Plan does refer to overlays several times, they just haven’t been addressed in ordinance. We need to update our Zoning Ordinance to reflect what’s in the General Plan. Mark: People didn’t want their land zoned ag because it was their retirement plan.

Alyssa: We need understand the difference between legislative action and administrative action. If you need to read through the policies and procedures in our planning book, that refers to all those differences and we need to know that. We are the land use authority because we do land use permits.

General Plan revision: The General Plan map is very important. We don’t have one. I’d really like the Town Council to direct the Planning Commission to create one. If we don’t have anything on the map to refer to, it’s hard to discuss. We could have used it tonight. We talked about revising the General Plan in general, setting some strategic action. Any type of policy needs associated actions to achieve it. So, we need to address the Planning Map and identify the action steps. Maybe we don’t need a whole survey. The General Plan sets the tone for our Zoning Ordinances, and we’re yet to reflect that. We have work to do implementing what the General Plan says as vision.

She said Meg Ryan: offered to do some free work sessions and could come down in October to address issues directly. Let her know.

Discuss onsite training from Meg Ryan or other

Loch: It would be great to have her come in October. Loch said he’d email her.

Announce Planning Commission vacancy

Alyssa submitted her letter of resignation to the Town, effective after this meeting. Loch said “We’re really, really sorry to see you go. Probably about 8 years total. Alyssa has put in more homework, more research, more time on this body than anyone else. “You’ll be sorely missed. I do look forward to you on the other side of the table bringing things up.” If anyone’s interested, Town Council will make some official notice of that.

Discuss upcoming business for October 13 meeting

Likely items on the next agenda include:

- ADU plan
- Carla: in the context of updating the General Plan and protecting water, has talked to Southwest Health about getting an Excel spreadsheet of addresses where permitted septic systems are, and we can map them and list all the wells too. When someone comes before us with some plan, we can make decisions based on real info. The process is to file

Boulder Town Planning Commission, Meeting Minutes

a GRAMA request asking for information. There are 220 septic, but can't tell where they are. (All approved her doing this.) Will follow up in the next meeting.

- Meg Ryan?

Tabor moved to adjourn, Alyssa seconded, motion carried. Loch adjourned the meeting at 8:35 p.m.

Peg Smith, Planning Commission Clerk

Date