

Meeting Minutes, Boulder Town Planning Commission

November 11, 2016

Commissioners present: Loch Wade, Donna Jean Wilson, Carla Saccomano, Colleen Thompson, Tabor Dahl. Secretary, Peg Smith; Town Council Liaison, Pete Benson. Public present: Bryce Thompson, Derek Lewis, Walt Gove, Kate McCarty, Jeremy Strebber, Blake Spalding, Tim Ridges, Tony Jacobsen, Nina Brownell, Sergio Femenias, Michala Alldredge.

Loch called the meeting to order at 6:01 p.m. Loch welcomed Colleen Thompson as the new Planning Commissioner replacing Alyssa Thompson. Carla moved to accept the October 12 minutes as written, Donna Jean seconded, and all (except Colleen, who couldn't vote on them) approved.

Discuss Derek Lewis's Questions about TeePee Business

Derek presented his concept plan for a teepee "motel" business, similar to what his parents operate successfully in Kanab. There would be the teepee "bedrooms," teepee bathrooms, all on platforms, located on the property of Hills N Hollows. He said it is a small, low impact operation that addresses a niche market not being served in Boulder. It would be classified as a motel, with parking for each "room," or five-six spaces. Access would be from the western private drive entrance for HnH. He would personally handle management of the operation, some online, some through an office space onsite. Total area required is around 9300 square feet.

Loch said all that would be required would be pressurized flush toilets for both genders and septic system to be coordinated with SW Public Health. Derek's plan is to tie into the existing HnH septic system, pending investigation into its current state and approval of SWPH. Loch also mentioned Boulder Farmstead's requirement for a separate water hookup.

Tabor applauded Derek's initiative on starting a new business, but did warn him about some "bad feelings" in town regarding a recently suggested yurt enterprise. Several people at those meeting didn't want "cabins" for rental along the highway.

Derek said it would be pretty, quiet, and he feels it would add to the town's aesthetic, mainly visible to people entering town from the southwest.

Loch said what he was looking at would required a CUP on a commercially zoned property. He would also need to write a paragraph on how the enterprise fits with the General Plan. In filing the CUP application, Derek would need a notarized statement from the property owner and applicable documentation, such as the lease agreement they come up with. Signage should also be included with the CUP application.

Setbacks are 30 feet, front, back, and sides. His drawing would need to show that the edge of the platforms will maintain those setbacks.

Donna Jean asked about lighting, which would likely be solar panels for lighting (needing a light source in the bathroom) or electric battery candles on motion detectors.

Tabor asked if they were visible from the highway? Derek said as you drop down and see HnH, you'd see them as soon as you come into town. That's a big reason he likes that location. From other direction there isn't as much visibility. However, 60% of traffic through Boulder comes from the Escalante side, according to UDOT.

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Loch said the hurdles will be building inspector, SW Public Health and Boulder Farmstead. As a Planning Commission he didn't see any obstacles. He would propose a condition that the teepees are maintained in good condition. Derek said the teepees come down at the end of the season, with only the platforms remaining. Open in April, closed in October, there wouldn't be any visible impact. Even the bathroom facilities get capped off and removed for the season.

Colleen thanked Derek for coming in with a well thought-out plan, with documentation to show.

Derek said the bookings would be mostly online. He's already conducted a mockup online and saw lots of European interest; he could book his teepees right now if they existed.

Discuss Ordinance Infractions/Enforcement

Loch is resigning effective as of this meeting. Carla said there is no requirement to submit a letter.

Review from last month:

- Billy Raaen: needs building permit.
- Josh Ellis: Needs building permit; time limit expired on temporary dwelling?
- BOSS: several infractions. No active CUP for anything. It's a school, but includes living quarters. Any building permits? Septic systems? More than one dwelling per lot (2 lots?). Is it a campground? Donna Jean said they can combine all their uses into one CUP, if they'd just apply with all their plans and details
- Gibbs Smith: corner property is an illegal duplex
- County placing a TV tower on Thompson Ledge: contrary to mesa tops development, Chap 12, section 12.03, p 81. Sensitive lands. No silhouette against the skyline. No visual intrusion, visible over 6 feet high. The TV tower was put up in 2008, after the ordinances were in place. There was an old TV tower up there that was non-conforming. But if something is removed, it can't be put back, it has to conform with ordinances. The county put it up there and the town didn't catch it.
- Rachel Levinson Bernstein: illegal duplex in her house (use of upstairs and downstairs) One single dwelling per lot of record, so the yurt cannot be used as a rental. (It can be claimed as a temporary dwelling if cumulative use remains under the 90 day limit.)
- BJ Miller's barn: It was built as a barn, not a dwelling. No building permit. Contains two apartments now.
- The Ryans: Expired building permit for a house; No CUP for a temporary structure.
- Bevin McCabe: illegal duplex. Two separate apartments in one house.
- Lisa Varga: The Whynots were permitted to cluster their housing. They filed all the paperwork required at the time and it was permitted. However, the guesthouse can't be rented out; it was intended for temporary use during construction and as a guesthouse.
- Loch: illegal business in ZO

There is currently no provision in the ordinances for accessory buildings that contain living quarters. There are no provisions for guest houses that are detached. No living quarters in barns or sheds.

- Bill Muse: two dwellings on one lot.
- Johns Veranth, Lisa Varga, Steve Cox, Biglers, Wolfe Barsch: second dwelling/detached guest houses (illegal accessory dwelling units).
- Blake Spalding: the Farm has no CUP for employee housing, which would be 90 day max for RVs anyway.

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[This is a continuation from last month of the known ordinance infractions in town.]

- Mike Nelson's barn now turned into a house.
- Ripplinger: multiple houses on one lot; the house they're living in was supposed to be a meeting room, not the accessory building that was defined in the permit. Now four dwellings on property. Three dwellings were constructed prior to the ordinances. The accessory was built after the ordinance.
- Gibbs structure by Joe's (the trailer with a roof over it). If it is strictly an accessory building and not a dwelling, it's legal.
- RV park at Exchange? Has been in existence since 1985.

Peg will find the ordinance citations. The Commission will draft the letter to the town attorney in December.

Loch, reading from Chap 16 of Zoning Ordinance, Enforcement section. Briefly, it "shall be the duty" of the Zoning Administrator (Donna Jean), the Planning Commission, and the Town Council to enforce the ordinances. Any or all can bring an infraction to the attention of the town attorney." Carla reported at the previous Town meeting that the mayor had directed the clerk to write a letter to the Planning Commission instructing the Commission to inventory known infractions. Loch said there are definitely gray areas, but the Commission can get started with what is already known. The Commission needs to notify both the town attorney and the town council of the known infractions. Pete said the attorney decides the appropriate action. Loch fears that if there are commonly known infractions and nothing is done, that someone can come along and say the town doesn't enforce its ordinances, allowing them to do anything they want.

Loch notified the Commission that effective as of the end of this meeting, he's resigning from the Planning Commission.

Vote on resolution for Town to hire planning consultants

This involves information from a training session in August pointing toward the need for the town to move toward use of Zoning Overlays, as opposed to Conditional Uses.

Carla: If we are actually interested in doing zoning overlays and need to update ordinance definitions and the General Plan, we need to work with someone with experience. Donna Jean said we need to know more about the overlay before we do anything about it. If Meg Ryan can come down to talk to us about zoning overlays, we don't need a resolution. Tabor said it would be odd to ask about hiring someone when we don't know what we're after.

Peg will ask Meg Ryan if she can visit Boulder as early as January to conduct an info session.

Discuss Upcoming Business for December 8 meeting

Likely items on the next agenda include:

- Approve 2017 meeting schedule
- Elect new chairperson and co-chair.
- Draft letter of infractions.
- Highlight General Plan areas that need changing. (Just keep on the list)

Tabor moved to adjourn, Carla seconded, motion carried. Loch adjourned the meeting at 8:00 p.m.

Peg Smith, Planning Commission Clerk

Date