

**Meeting Minutes**  
**Boulder Town**  
***Planning Commission***

**February 8, 2017**

Commissioners present: Donna Jean Wilson, Carla Saccomano, Colleen Thompson, Perry Tancredi (calling in). Tabor Dahl was excused Secretary, Peg Smith. Members of the public: Mark Nelson, Steve Cox, Dave Conine, Ward Coombs, Curtis Oberhansly, Tom and Caroline Hoyt, Ray Nelson, Denise Pennington, Donna Owen, Sean Babbington, Jeff Sanders, Mary Jane Coombs.

Carla called the meeting to order at meeting at 6:05. Perry moved to approve the minutes, Colleen seconded, and all approved.

***New Zoning Administrator***

Carla introduced Curtis Oberhansly as the Town's new Zoning Administrator. Due to conflict of interest in Donna Jean holding both the ZA position and a seat on Planning, she had to choose, and will stay on Planning. Curtis has been involved in zoning issues, wearing many hats over the past 35 years. Curtis said a few words about the ZA position; that most cities have big, paid, professional staff to handle land use issues, and it's a particular challenge to a small town like Boulder with citizen volunteers trying to understand all the issues that come before them. His goal is to do some of the research necessary for the Commission, and will also try to make the process more comprehensible to applicants as well.

***Open Meetings Training***

Peg conducted the training, which focused primarily on public meetings, public hearings, and notifications. All general meetings of the Boulder Town Council, as well as any appointed bodies are considered public meetings and subject to state open meetings law. This simply means they conduct their business before the public. Public *hearings* differ in that they are usually conducted within a public meeting, but held for the express purpose of hearing public comment.

For anyone wanting a thorough primer on Open and Public meetings, the [luau.utah.gov](http://luau.utah.gov) site has a good video:

<https://luau.utah.gov/2017/09/13/utah-state-open-and-public-meetings-act-opma-training-dave-church-2017-part-i/>

***Discuss Commission's Work Meeting scheduling.***

Commissioners agreed they need more meetings to discuss short term rentals. If everyone comes prepared for the next one, the Planning Commission should be able to make a proposal. The next work meeting is Friday, Feb 23, 6:30pm.

***Ward Coombs Preliminary Application for Subdivision***

Curtis introduced the application by Ward Coombs to subdivide his 6+-acre property just south and east of the school into two lots. Ward had considered a couple options because of the odd shape of the lot and the fact that another person's property (where Eddie lives) was in the midst

## Boulder Town Planning Commission, Meeting Minutes

of the frontage of his parcel. Curtis said there is a specific provision in Section 4, Streets Table, of the Subdivision Ordinance that gives the town a lot of latitude to allow driveway access to a parcel of this nature. Jeff asked if that eliminates the problem with the width/depth ratio, and Curtis said a literal reading of the ordinance would indicate so, with the driveway option. Ward said he actually prefers this option.

### ***Public Hearing on Ward Coombs' Preliminary Application for Subdivision***

Colleen moved to close the meeting and go into public hearing. Donna Jean seconded the motion, and all approved.

Donna Owen: My concern has been the depth/width ratios, but that seems to be addressed. My only question is whether procedures are being followed and doing everything right from now on.

Jeff Sanders asked Curtis to read the pertinent section of the ordinance (Page 16, SD ordinance) Curtis is suggesting this as a practical solution with the ordinance giving latitude, particularly in the old part of town; it's consistent with the town's rezoning to medium density. A private driveway accesses only one lot. Perry said that did come up in one of our previous hearings, in the Muse subdivision discussion. Curtis said this section could use some clarification. Jeff thought the private right-of-way is where the latitude was and wants to make sure "hardship" isn't misused. Perry: we are defining a road and right of way differently and considering them as two different entities. We should have one definition for any road. It doesn't serve us to define them separately. We define a road as accessing more than one lot. It should be a question of public or private. We should call it a private road. Curtis said we're bound by the literal language of the ordinance as it exists. Donna Jean moved to close public hearing, Colleen seconded, all approved. Carla closed the public hearing for the Commission to discuss it.

### ***Public Meeting to Discuss Preliminary Application and Comments***

Discussion on whether it's a driveway or road; sounds like a driveway. The road requirements wouldn't exist. Fire protection access isn't a problem as 50 feet for a driveway would be plenty. Curtis wanted to research to determine whether best to recommend as a right of way or a deeded driveway over lot 1, 12 feet or whatever required. You own both lots, so you're in total control. It can be stipulated on the plat that it's a driveway. Perry thought the simpler thing would be to make it a deeded driveway, not to be used for other access.

Carla: We'd be voting to recommend approval to Town Council with access as drawn with conditions that it only be a driveway, with the Zoning Administrator working out the wording. Carla moved to approve with conditions as stated, to be reflected on the plat and in the plat notes. Colleen seconded the motion. All approved.

### ***Road Language in Ordinances***

Perry led the discussion. We left off with confusion about what the town wants to do with private roads. There's also the issue of parallel roads, but the language suggested is primarily about private roads. The General Plan states that Boulder wants to minimize roads in the town, while the ordinance actually encourages more roads. It's less expensive than the town building its own roads to let developers build private roads. There's a limit on the number of houses that can be accessed on a private road, but it also has the effect of creating many more roads, and chopping up Boulder's open space into many private neighborhoods.

The ordinance states that any private road can be extended. Perry's language clarifies that ordinance: maintain private road access to 4 or fewer lots, but can also that it can be extended by another developer and at that point, the private road becomes a public road. It doesn't have

## Boulder Town Planning Commission, Meeting Minutes

to be adopted by the town. The benefit to the town is it will have fewer roads, it'll be less expensive to develop, and it'll preserve green space. For people who have private roads now this'll probably be unpopular because the idea of buying a house and controlling traffic is appealing. But the reality of the town is wanting to minimize roads. There's a disconnect between the General Plan and the ordinance itself. Perry was referring to Section 400-2-8a. Perry's words include that language, then references the General Plan, then adds the proposal to allow extension by another developer. (If you're a landowner with a landlocked piece, and your neighbor has a private road and it can be extended to access your lot, that would be allowable.) Fourth paragraph what can't be extended and when it becomes a public street. [see Perry's email attached]. If you're on a private road, you don't have control that it can't be extended where reasonable. A recent example was the Muse subdivision. Those landowners have an agreement that allows only four lots to access lots using their private road. Perry's proposal for future developments would allow building a private road, but would stipulate that the road could be extended by future adjacent developments. At the point that a 5<sup>th</sup> lot wants to access that road, the road would become public.

Donna Jean: What happens when the developer puts \$50K to gravel a road. You're saying he loses the land, loses the money he put in when some other development wants to add on. Yes. The road still exists and they can access it, but that's the reality of development. You may build the road, but you don't get to keep the road.

Curtis: There are a lot of problems in Boulder with roads. It should be clarified. Town Council has the right to provide for road extension if it's not into Forest or BLM land. There are different classes we're talking about. First, there's a dedicated road, by statute, the town agrees to accept it, etc. If town wants to insist on dedication, then it can. It has been the practice in the past that town not want to build and maintain all. Both in state statute and ordinance, there is supposed to be a nonprofit association to maintain roads. Under that scenario there is public/private and private/private. Right now state statute that says on a plat if a road is not designated to stay in private ownership, then it is privately maintained but can be publicly accessed. Then you can have a fully private road that is not publicly accessible. Springdale example... you can have a private road, but you cannot put up a gate, and you can have strict development standards. What fits best? There are different options. It is clearly within the town's power when a subdivision application comes up to look at all these factors. And road can be continued into the next piece. Road engineers commonly look at big picture and multiple developments.

Curtis: Best to figure out what your policies are. Establish five different scenarios and how would those best be handled. Then figure out policy. Get the town attorney involved at the stage of drafting the language. Know the policy you want first.

Perry: That's why I laid out the intent; the intent is fewer roads, and do we want people to create private neighborhoods of four houses? If yes, then we'll have 20 acre lots broken up into private neighborhoods.

Ray: Until you write in examples of how each is applied, we don't know what the words mean. You need examples of how each works, and see what consequences are. Carla agreed at working out examples. Ward asked about future development on his dad's land. Would a road have to go across my land? Perry: Continuation could only be able to happen if a road abuts property, but it wouldn't be right for a road running across someone's land. We would have to consider how continuation would happen. Whenever someone proposes a development, we should consider "This is how this road could be extended."

Curtis: good example is Ward's. If Anthony's land were landlocked behind and Ward's lot was his only access, the previous conversation would have been a different conversation. But as it is, Ward's is only a private driveway. Tom: You, as Planning Commission, have the right to require

## Boulder Town Planning Commission, Meeting Minutes

access is allowed, but it would happen at the time the subdivision is being considered. This is when the discussion needs to happen.

Carla: next step, look at what's in town now. Perry: Current examples might help, but current roads were built to be private. Still we could consider these as examples and compare them against this proposed language.

This discussion needs to continue on the next month's agenda. Everyone look at maps of Boulder, and have some examples of where this would work, raises other questions. Where to start playing with this to see how would be implemented. Donna Jean: We're generally talking about small subdivisions and short roads. Carla: we'll take Perry's language and start applying it to other things. Curtis: On that topic: the town body definitely has the power to say no to a developer and require other options. You don't have to do what the developer wants; it's about the end user and consumer protection. It's clearly within your power as a municipality.

### ***Update on Workshop Groups***

All groups have met at least once. Donna Jean: can we combine groups? Perry: The better thing is to make sure Land Use 1 and 2 are talking about different things. The groups are too big as they are for everyone to get a word in. Carla: People are identifying things important to follow up on with Planning. It's hard for a large group to have a discussion that's productive. Colleen: once we have the public meetings with each of the groups, can see what they're working on.

Denise agreed with Donna Jean and wondered about some of the groups getting together for discussions. Carla described the process as being a little slow and bumpy at first and it being important to give each group its time and space to get going. The important thing is to get talking to each other. The discussion in itself is a value. We're aiming for sometime in March to start compiling recommendations, or at least main concepts. You have to talk through a lot before you get to this stage.

Carla: All meetings in the town hall will be public meetings in that people can come and observe. It'll be up to the facilitator whether their meeting is open for public input. Yes, this process continues to evolve, and that's ok.

### ***Next Meeting, March 8***

Agenda items? Roads discussion, cont'd. (Look at what's in town now. Consider these as examples and compare them against Perry's proposed language.) Update on the community groups. Mini training session by Curtis.

Colleen asked Curtis how he sees himself engaging with Planning Commission. He said he'd be available based on the agenda topics and when asked for input. Tom Hoyt suggested Curtis would be useful in education sessions and helping the Commission understand the authority it has in working with applicants. Also, Jeff Sanders is the new deputy zoning administrator. One of Curtis's goals is to develop some institutional knowledge and bringing in more people to get more depth.

Colleen moved to adjourn, Donna Jean seconded. Carla adjourned the meeting at 7:55 p.m.

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Peg Smith, Planning Commission Clerk

Date