

## Boulder Town

# **Planning Commission**

## **Meeting Minutes**

### **June 13, 2019**

Commission quorum was present: Perry Tancredi, Josey Muse, Colleen Thompson, Elizabeth Julian, Marian Johnson (alternate). Matt Cochran was excused. Also attending: Secretary Peg Smith; Zoning Administrator Curtis Oberhansly, Town Council Liaison Peter Benson. Members of the public: Steve Cox, Cookie Schaus, Tess Barkan, Bill and Judith Geil,

Perry called the meeting to order at 7:04 p.m. Perry moved to approve the May minutes, Josey seconded, all approved.

### ***Initial Public Comments***

No comments

### ***Discussion on Subdivision Ordinance Revision***

Curtis reviewed the updates since last month. The ordinance requires a developer to provide an actual hookup to Boulder Farmstead or else ownership of a water right sufficient to dedicate water to each lot, filed with state engineer, and not just a letter of intent to serve. On bonding, the town attorney said it was good to provide the choice to either bond or do it with the preliminary plat as written, as long as the developer can achieve “improvement completion assurance” from the town. If the developer chooses a bond, this ordinance requires a cash bond, the thinking being that if the developer has to put that cash in escrow anyway, it may as well be used for completing the preliminary plat infrastructure. Otherwise, a bond can be bought for 5% of the cost of the bond, leaving the town on the hook to collect.

The other matter is fire protection: #7c still puts interpretation at the discretion of the fire marshall. Three criteria have been added to guide that decision: 1) proximity of proposed subdivision to Boulder Farmstead 8” water line, 2) number and size of applicant’s proposed lots, and 3) notice of adjacent property owned by the applicant that is not part of the subdivision application (to identify the possibility of subsequent piecemeal subdivisions).

Comments: Don’t restrict fire marshall to only these three criteria--- maybe “Among criteria to be considered, are...”. County and state have both adopted Wildland/Urban Interface (WUI) fire code. We can comply via the building permit process. Josey: She’d prefer to leave #4 in here to leave choice of 8” line or the WUI. Perry said the advantage of including the requirement in the building permit includes existing properties and not just new development. WUI gives you a course to follow on your property on materials, clearances, etc. you need for fire safety. Curtis thought it needed to be in the building permit to be able to apply. An owner may buy and not build for years later, so being in the ordinance isn’t useful. WUI code will apply at the time you’re building on the lot.

Josey: How do you differentiate between subdividing a family property for another home versus a developer. She’d like some number of feet added, such as 1000 feet from the 8-inch line. Perry said this says proximity of proposed subdivision to existing line is there, but tying to a number may not apply to the future. The number and size of a subdivision makes sense because amortized return across all lots makes the expense feasible or not. The adjacent property clause

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is there to prevent a developer from avoiding requirements, first describing a smaller subdivision, then suddenly adding parcels to it. This gives both the fire marshall and the Planning Commission discretion on a particular case.

Curtis: First, the primary purpose for the ordinance was solving the water availability problem. Second was a convenience for the town to handle the bond stuff. The fire protection thing came up based on a public comment, but primarily it needs to solve the first two problems. Changing shall to may is a good idea, but the fire protection is just to add guidelines. Perry noted the experience level of Planning Commissions varying over time. An inexperienced Planning Commission can benefit from the added guidance when they're standing against a developer who wants to push something through.

Josey said she'd still like to keep reference to WUI code as it will apply to many Boulder properties. She was also concerned that one private water company benefits from this. Perry also favored adding WUI to the building permit process as soon as possible and also noted numerous references to Boulder Farmstead in our ordinances that would have to be changed if or when the town's water situation changed.

Perry: Two changes: 1) change "shall" to "may." 2) Do we want to reference a cost in proximity? (Probably ok as is.) Josey asked about Boulder Farmstead and the requirement that it do the work connecting the 8-inch lines. Curtis said it's their company, their rules--- reason to guarantee work connecting to a high-pressure line.

Curtis will send out the minor language change. Perry moved to schedule the public hearing for next month. Elizabeth seconded, all approved.

Elizabeth mentioned people complaining about not being able to find notice of meetings or applicable documents. Once again, Peg mentioned Utah Public Meetings Notice website to subscribe to agenda (with documents) delivered to one's email address, the town bulletin board to read hard copy agenda and minutes, and the town website, specifically Planning>Agenda, Minutes, and Recordings. Worst case scenario, email Peg and ask. femmith@scinternet.net

### ***Discussion on Economic Opportunity Talking Points***

Perry restated the purpose of this discussion: trying to make small business/cottage industry opportunities more feasible for residents. Elizabeth read Matt Cochran's comments:

1. I don't see how you could create any light industrial zoning areas unless someone applied for a zone change for that specific purpose.
2. If that was the case noise, light, pollution, traffic would all have to be mitigated/restricted as it would be in a residential zone.
3. The distance from neighbors would be an important consideration.
4. Geographical location would be an important consideration. For example, creating a light industrial zone at the end of a residential road that is three miles long with 20 residences along the way would be disruptive, if there were employees, deliveries, shipping, etc...If the location was close to Highway 12 or Bur Trail or there was more than one way to access it, it would be less disruptive to the notion of a "residential" neighborhood as supported by the General Plan.

So overall while I am supportive of this type of zoning I think it has to remain a case by case issue, the burden being on the person who wants to establish such a business. We could have specific guidelines that state what would be considered appropriate given the vision of the General Plan but it seems too complex an issue to create zoning of a "one size fits all". Everything is dependent on the type of business, the size of the business and where the business is located.

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Food for Thought: Boulder is not like any other Town. No centralized downtown, no real clustered Main Street or even residences along the main drag. Everything is scattered over a great area with gov't land inside city limits. This is why I've brought up the idea of neighborhoods before. As a result one possibility I was thinking (and understand it probably has some naive assumptions) is the Town (or a private buyer) strategizes by attempting to purchase specific land in a few of the "neighborhoods" that are geographically conducive to light industrial (easily accessible, buffered from residences, etc...) ..This could be more proactive than just waiting for an individual to try for a zoning change. Instead you would be setting up and attracting those with interest in that opportunity. Yet the question remains: is that what the majority of this town wants? Or is it just an individual or two that can't do what they want that is driving this discussion?

Perry said there's no one solution. First, he looked at the Table of Uses to see what is currently allowed in which zones. Some of the things people want to be able to do are only allowed in commercial zones. He suggested four possibilities to look into: 1) professional offices—now only allowed in commercial zone. 2) Light manufacturing, such as auto services---with careful conditions, why not other zones? Maybe redefine and expand professional services and home occupation, where people can work out of their homes or workshop, as long as they don't interfere with their neighborhood. (Clients, parking, an employee, etc.)

Josey's concern with Light Manufacturing would be the possibility of harmful equipment and materials. For instance, would a chemical spill pose a risk to neighbors, wells, etc? She would like some limit on square footage-to-residence, equipment, parking spaces.

Curtis: Rezoning commercial areas would be a heavy lift. Although spot zoning in larger jurisdictions is not done, in Boulder it might serve a purpose to be able to look at specific uses and specific places. Or CUP, which serves the same purpose of considering individual cases and applying ways to mitigate issues. Perry thought Boulder is perfect for spot zoning. The process to rezone for a needed skill is daunting. Colleen liked the idea of spot zoning and the ability to handle case-by-case. However, as Perry noted, a danger would be zoning one location for a specific commercial use, suddenly that use goes away, but the spot is now a commercial zone. Colleen would like to study and discuss spot zoning more next meeting.

Perry's assignment to commissioners: Everyone study the Table of Uses and definitions, specifically Professional Offices.

Colleen said the Residential Short-Term Rental ordinance essentially opens up the whole town to commercial use, which she is uncomfortable with. Perry said to stay with the goals of the General Plan because any change potentially changes the nature of the town.

### **Final comments**

Pete Benson: A conditional use is basically a permitted use with specific conditions for that property. The conditions need to be in the ordinance, they can't be arbitrary. Writing the conditions is the hard part.

Curtis: for example, for an RV park you need to meet requirements of four pages of ordinances. To meet requirement for a guest ranch is two sentences.

Steve Cox reminded the commission that the budget includes money for training. It might be good to bring in someone who can talk to these issues.

Cookie Schaus said the Lee Nellis planning seminar was so valuable---using his decision tree to be able to quantify and document how you put together a decision. Also, she'd attending the LUAU training in Bicknell, learning about having the language tight enough and needing to

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show the logic of how you got there. That's important when people start whining about decisions. It's not arbitrary for a particular developer, it takes the emotion out of all that.

Bill Geil: California is learning a lot about why some houses burned down and some didn't. Allowing embers to get into the structure seemed to be the difference. He said there are already new materials on the market, but code hasn't caught up with that yet. We should look at code being adopted in CA.

Josey said CA has their own WUI. Utah has adopted the international standard.

### ***Upcoming business for July 11***

- Public comments
- CUP from Sugarloaf Valley Farm
- Public hearing on SD ordinance
- Curtis: look at WUI addition to building permit?
- Continuation of Economic Opportunity, ToU and Professional offices

Perry moved to adjourn; Elizabeth seconded. All approved. Perry adjourned the meeting at 8:19 p.m.

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Peg Smith, Planning Commission Clerk

Date