

Boulder Town
Planning Commission
Meeting Minutes
August 8, 2019

Commission quorum was present: Colleen Thompson, Matt Cochran, Marian Johnson (alternate), Josey Muse joining after the opening. Perry Tancredi and Elizabeth Julian were absent. Also attending: Secretary Peg Smith; Zoning Administrator Curtis Oberhansly, Town Council Liaison Peter Benson. Members of the public: Mark Nelson, Donna Owen, Tessa Barkan, Julie Lesser, Ray Nelson, Judith Geil.

Colleen called the meeting to order at 7:05 p.m. Matt moved to approve the July minutes, Marian seconded. All approved.

Initial Public comments

Mark Nelson: The proposed change [for ranch signs in the Zoning Ordinance] is going backwards. It isn't part of the custom or culture of the town to have one of these overhead signs. We went through this with Gibbs Smith. They look great on the fence. The exception isn't a good idea; everyone will want one. Keep the signs low. It's not just the sign ordinance. Number 2, spot zoning and overlays isn't a good idea. That's developer rhetoric, not planner rhetoric. Do more homework. Legitimate planner overlays are things like wildlife zones, flood zones, etc.

Zoning Administrator Report on Building Permits

Curtis said there is general confusion about building permit requirements. Building permits are required by state statute. They're intended as consumer protection, to protect consumers from shoddy construction. It's required that the town adopt an ordinance (our ZO Chapter 11) and enforce it. If we neglect that duty, then we're negligent. One of the first thing looked at is a Certificate of Occupancy. Lot of our provisions are straight out of state statute. Our ordinances say any structure worth \$1000 in value requires a permit. The only other exception is an ag building, but an ag building exception isn't allowed in any residential zone. GMU only. It stipulates no plumbing, no electrical, not occupied by anything but animals or equipment. The Town still requires a project permit to review and agree that a building permit isn't required. Matt asked about greenhouses. Curtis said if there's just a hose, and it's not plumbed, ok, but they should still get a project permit.

Curtis said if someone builds without a building permit and wants to sell, they'll find FHA and VA at least require the Certificate of Occupancy. The owner may need to get the permit retroactively. The town needs this because of our exposure to violation of state statute.

Ray Nelson asked about the \$1000 and if there is any reason not to increase that value. You can't build a decent shed now for \$1000. Curtis said that state statute doesn't specify this number and the town could adjust that.

Public Hearing and Action on Sugarloaf Valley Farm Conditional Use application

Matt moved to close the regular meeting and open the public hearing. Josey seconded the motion and all approved.

There were no comments. Colleen moved to close the public hearing and reopen the regular meeting. Matt seconded, and all approved.

Matt: We discussed this last month and didn't identify any problems. Is there a manager or someone for visitors to contact? Donna Owen said the various parts of the farm are designated to different people. There are three people to call: Evolve Vacation Rental, Donna herself, or Kelly. Matt said it would be nice to have a local contact if there is a problem. Donna said there is both a physical and electronic guestbook. Curtis said conditions on the CUP can address this. Colleen said there are enough people who live there to handle a problem. Matt asked to request one or two direct contacts listed for the public to deal with when guests are present. Josey asked to apply RSTR Property Management section 1-6 as the condition on the CUP. It covers it all. Matt has no problems with the guest ranch, but with multiple buildings and potential number of guests, it's more complicated than a single RSTR structure. Colleen made that motion, Matt seconded. Josey, aye; Matt, aye; Colleen, aye; Marian, aye. (Unanimous)

RESOLVED that the application from Sugar Loaf Valley Farms for a Conditional Use Permit for a Guest Ranch under Boulder Town Zoning Ordinance, Sections 603 and 604 is hereby granted with the following conditions:

- 1- The guest houses on site are limited to the three separate dwellings as described within, and shown on the plat map, all in the application for the Permit; and**
- 2- The operation of the facilities and housing of guest therein is subject to all of the terms and conditions found in Boulder Town Ordinance, 2019-2, Section 6, titled PROPERTY MANAGEMENT; and**
- 3- Having a valid Business License issued annually by the Town of Boulder; and**
- 4- Maintaining a valid Sales and Transient Tax license through the Utah State Tax Commission and proof of filings of quarterly tax filings (if requested).**

Discussion on Ranch Sign Amendment to Zoning Ordinance

Curtis introduced the topic: When the owners of Boulder Creek Ranch first put up their sign over the gate, they realized they were in violation and took it down. While their CUP was being discussed, the Planning Commission seemed amenable to making the exception for ranch signs. The argument that it hasn't been done before brings up the question as to why not? You can amend the ordinance where you think it's justified.

Colleen said the Gibbs' sign on his fence is now covered in willow. If it were over his gate, you'd know you're going into his property. I see the reasoning of having high. Curtis said the ordinance would only apply to legitimate ranching operations where there's a legitimate need to have a high gate/entry sign (for large equipment). Matt said he preferred signs off to the side. Josey said she liked the proposed amendments, restricting them to ranching operations. "We won't see a lot of them. I like them." Marian said there is such a sign now [noncompliant] in the Boulder King Estates subdivision.

Mark Nelson was recognized: The people who own that aren't ranchers, they're developers. Are they going to take it down when they aren't ranching? You have to think ahead.

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The Planning Commission decided to drop the proposed amendment. Most commissioners were neutral and didn't feel there was sufficient interest.

The original CUP was approved in July. Things go back to how they were.

Continued Discussion on Zoning Ordinance Table of Uses

Specific items to consider: resort, guest ranch, professional offices, home occupation, BnB, and light manufacturing.

Matt looked up other definitions of guest ranch: sometimes called a dude ranch, associated with agritourism, and typically a working ranch. This becomes side income, and there needs to be a minimum acreage and not just any GMU piece. I'd limit the definition to acreage and actual working ranch.

Josey said we need a clear line between resort, guest ranch, RSTR. An RSTR can be on residential property; the others can't.

Colleen liked Matt's definitions. Guest ranch literature talks about what it offers as an experience: hay rides, zipline, white water rafting, etc. It's hard to imagine that on five or six acres. A number of working ranches have survived lean times by taking in guests.

Matt asked if there are other defining items besides acreage and working ranch. He doesn't want the definition allowing a loophole just to create some lodging.

Josey said these are governed by CUPs and if you're no longer within the bounds of your permit, the permit no longer applies. An annual review is appropriate.

Agreement that this was a good start toward modifying guest ranch definition.

Resort: Matt read the current definition and said he doesn't see a resort fitting into Boulder's character. He'd prefer dropping resort completely. Josey said she saw the lodge as a resort--- it includes food and lodging and is a destination point. Colleen would remove "resort" and change it to "lodge". Currently resort is in GMU, which Josey thinks should be commercial.

Matt asked if Boulder had ever had a resort. Mark Nelson said 60 years ago there was a plan for a resort on his ranch. Dale Clarkson and Burns Ormand had drawn up an artist's rendition.

Curtis said to state what is allowed, not what isn't. Josey said if we keep resort, it should be in commercial zone.

Professional offices: Matt said we think of it in the realm of medical or vet; it's in commercial now. Josey said presumably those offices imply traffic and parking. That's what exists now.

Light Manufacturing: Josey read our current definition and thought it fits Boulder. However, doesn't cover a welding workshop or automotive work that people want to do in GMU zones.

Colleen brought up Autumn Peterson's operation. Josey said the hazardous materials component makes it distinct from a home occupation, that Lower Boulder probably wouldn't fit. It would come down to looking at a piece of land to spot zone or else rezone an area.

Curtis said state statute requires reexamining zoning periodically and not freeze everything. Boulder has never had a comprehensive zoning meeting in Boulder. The original, pre-1998 zoning came about by defining what existed at the time. "I think the town has an obligation to revisit that." If someone can present a good case on a piece of property, where it would be appropriate, we could consider rezoning it. Our ordinances allow anyone to apply for a rezone. Town Council has the final say. Zoning is a good question to address. What do people want?

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Steve said an example of revisiting would be the old county shed (on Rachel's property.) What do we have, what zone is it in, and how could it be used?

Josey If we have the demand for more commercial, someone can apply for zoning.

Home occupation: the commissioners thought the current definition works.

BnB: Colleen said there's an association with requirements BnBs have to meet, so no problem.

Matt said the commission should work on guest ranch, resort, light mfg, and campground. Curtis suggested continuing the discussion and identifying the conditions under which you can grant them or deny a use. You have to include findings of fact; you can't just talk about "a lot of traffic," you have to conduct a traffic study. You need a solid foundation to meet the legal test.

Colleen said this is such a big discussion, she'd like to conduct work meetings through the winter. Curtis suggested reading every single definition, work meetings or otherwise. You haven't begun to talk about what possibilities included under "home occupation" or "light mfg." Maybe identify uses by categories: economic opportunity, tourism, etc.

Read entire ToU and all the definitions. Do they fit the character of Boulder? Etc. Decide on creating a working group.

Discussion about GMU zone and adding an Ag zone

Josey and Colleen would like to discuss this in more detail. Peg had made a public hearing comment last time about it: GMU is currently our "ag" zone, even though it's often a five-acre piece. There's confusion about actual greenbelt (tax) expectation on GMU, but also in the General Plan, we say we're an agricultural community, yet we don't have an actual ag zone. At least change the acreage: low density res is five acres. GMU moves to six acre minimum. Josey said this had been discussed last winter and there had been concern about the added cost of an additional acre. Curtis read the current ag definition.

Final public comments

(Colleen continued the conversation here) Ray: Greenbelt has to be at least six acres, but your usage also has to be proven to the assessor's office.

Donna: On light manufacturing, it's a great, clean way to employ people. A Home Occupation is like Debbie Stout in her own little space. I think we want to promote whatever is a clean enterprise. On RV campground wording, it's confusing and needs cleaning up. And can keep talking and getting more information on greenbelt status and minimum acres, etc.

Upcoming business for September 12 meeting

- Table of Uses, read all the items and refine definitions.

Colleen moved to adjourn, Josey seconded, all approved. Meeting adjourned at 8:37 p.m.

Peg Smith, Planning Commission Clerk

Date