

## Boulder Town

# **Planning Commission**

## **Meeting Minutes**

### **January 9, 2020**

Commission quorum was present: Colleen Thompson, chair; Matt Cochran, Josey Muse, Cookie Schaus, Haylee Apperson, and alternate Marian Johnson. Also attending: Secretary Peg Smith; Mayor Steve Cox, Deputy Zoning Administrator Michala Alldredge.

Members of the public: Bill Muse, Troy and Elizabeth Julian, Pete Schaus, Mark Nelson, Alyssa Thompson, Keith Watts, Brynn Brodie, Donna Owen, Tess Barkan, Jace Allen.

Colleen opened meeting at 6:18. Matt moved to approve the December minutes, Josey seconded the motion. Approved unanimously.

#### ***Initial public comments***

No comments

#### ***Determine 2020 meeting schedule***

Matt moved to retain the Planning Commission meeting schedule of second Thursday of each month, starting time 6p.m. during standard time, 7 p.m. during daylight savings time. Josey seconded the motion. Approved unanimously.

#### ***Vote on chair and vice-chair***

Matt nominated Colleen for the two-year chairperson term, Josey seconded the motion. Roll call vote, passed unanimously. Cookie nominated Matt for two-year vice-chair term; Haylee seconded the motion. Roll call vote, passed unanimously.

#### ***Update on Table of Uses Work Group (Matt)***

Matt said the group has been organized, but no meetings held yet, to date. First meeting schedule for Jan 14. The group includes: Planning Commission members Josey Muse and Matt Cochran, Town Council member Judy Drain, Tessa Barkan, Pete Benson, Randy Ripplinger, Jeff Sanders, and possibly one more.

#### ***Conduct Utah Open and Public Meetings training (Peg)***

Peg conducted the annual, required training on Utah Open and Public Meetings Act. The purpose of the Act is to ensure the government's business is conducted openly before the public. Regular meetings are, by definition, open meetings: the public is given no less than 24 hour notice of the agenda and is welcome to attend. For specific land use-related changes to ordinances, General Plan, zoning maps, or, in Boulder, conditional use permits, the Planning Commission is required to hold a *public hearing*. A public hearing is announced at least 10 days in advance; it occurs within the convening of a regular meeting, and is expressly for the purpose of hearing public comment. Any individual who wishes to speak to the topic must be allowed the same amount of time. However, it is supposed to be only the public that is speaking. Dialogue, questions, discussion by the Planning Commission is not to be allowed during a public hearing. Commissioners may make notes of things said that they'd like to address, but they hold their

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own discussion until every member of the public has had their chance to make a comment, and the chair closes the public hearing and reopens the regular meeting.

A quorum is a simple majority of the public body, which is three people in the five-member Planning Commission. Any time three members gather to discuss public business is considered a meeting, and it would be an illegal meeting if it's not adequately noticed with an agenda. Social gatherings do not count, so long as the members aren't discussing public business.

Minutes are the official written record of the meeting and need to include an adequate summary of those present, speaking, the topics, and the vote on any decision taken. A recording of the meeting obviously catches detail the minutes cannot. As such, individuals speaking need to be identified by name or clearly discernible if they're commission members. Interruptions, cross-talking, dialogue, side conversations, etc. need to be controlled by the chair, if for no other reason than to ensure a clean recording and complete minutes. Minutes are also posted on the Boulder website, bulletin board, and Utah Public Meeting Notice (

### ***Determine action on Julian RSTR Cup***

Colleen asked for commissions' comments. Josey alluded to online communication among the commission with County Planner Kaden Figgins and an update on that: she said his first response that deed restrictions should be considered by a planning commission or town council but there was a problem with the specific language in the applicable deed. He further said whatever is on the deed should be honored. She acknowledged this opinion differed from the letter received by the town attorney. .

Colleen read Town Attorney McIff's letter (see website for copy). Bottom line is the town's ordinance language. If an application complies with stated requirements, it has to be approved. McIff did not feel the town should put itself in the position of either judging merits of a contract between landowners or enforcing them. Such a position exposes the town to legal problems.

With no further discussion, Colleen moved to accept the RSTR CUP application from the Julians. Matt seconded the motion. Roll call vote: In favor, Haylee, Cookie, Matt, and Colleen. Josey recused herself from the vote.

Colleen said both the Fullers' and Julians' applications set a good precedent their rigorousness in complying with everything asked of them in the application submittals. In another year, those CUPs will be reviewed, per ordinance. Matt said this decision had been tabled last month in order to obtain an opinion from the town attorney. He said he respected the other points of view – Josey's and the county planners--- but "we're going with the legality (described by the town attorney letter.)

### ***Determine Action on Zoning Amendment, Building Permits***

Colleen said these revisions are an attempt to clean up building permit applications and clarify the differences between "project" and "building" permits. She asked for discussion:

Josey referred to her emailed suggestion to the commission. She'd like to exempt structures of 200 sq ft or less not requiring electrical or mechanical installations, because of additional workload for both parties and because such structures would be things like playhouses, coops, etc. If someone doesn't follow setbacks or other ordinance requirements, they'd meet the results of not following the ordinance. This effectively strikes #3 and amends language as shown in attached revision. Matt agreed with that exemption.

Colleen moved to recommend approval of the Zoning Ordinance Chapter 11 Building Codes and Permits amendments with Josey's revisions included, Matt seconded the motion. Roll call vote: All commissioners voting "aye."

The ordinance with recommended changes will be forward to the Town Council.

***Discuss RSTR amendment addressing ratio to permanent residents***

Matt wanted to propose an amendment to the Residential Short-Term Rental ordinance: Number 4a, Limitation of Number of RSTRs Allowed. He explained how the division of the town into rough geographic areas came about and that the Planning Commission had stipulated a percentage (15%) of total dwellings occupied by permanent residents could apply for RSTRs. However, he said as the number of permanent residents increases, so too will be number of possible RSTRs. He suggested changing this to a maximum number and not a percentage. Besides, the percentage often resulted in a non-whole number. He suggested four per geographic section (total 12 in town) as the maximum allowed. At present, there are only the two recently approved RSTRs of Fogel's and Julian's, so 10 total applications are still available within Boulder.

Colleen made a motion to file an application to amend the RSTR ordinance, item 4a, changing the language from percentages to real numbers, specifically "4" per section, and 12 total. Matt seconded the motion. Roll call vote: all commissioners voted "aye."

Peg will complete the application for the Planning Commission, and Michala, as deputy Zoning Administrator can sign it. The proposed amendment will go before a public hearing at the next meeting.

***Discuss upcoming business for February 13, 2020***

Known topics for discussion will be:

- Update on Table of Uses work group
- Public hearing the RSTR amendment
- Discussion on alternate versus abstaining votes (input from Mark McIff)
- Review of Lee Nellis workshop documentation
- Zoning training info and attendees

***Final public comments***

Donna Owen was interested in participating in the Table of Use work groups. She'd missed the notice, could represent a ranching concern. Matt said she was welcome. The work group results will be coming to the Planning Commission and there will be ongoing public hearings with any resulting recommendations.

Steve Cox reminded the Planning Commission that there is a budget for training. He said "whatever you feel you need, we'll pay for your expenses to go to a training, or pay for someone to come in to solve an issue. Feel free to seek training and advice from professionals with the budget you have."

Colleen moved to adjourn, Matt seconded, and all approved. Colleen adjourned the meeting at 7:13 p.m.

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Peg Smith, Planning Commission Clerk

Date