

March 1, 2012

Public Hearing

Public hearing began at 6:38 p.m.

Present: Bill Muse, Mayor; Gladys LeFevre, Tom Jerome, Steve Cox, Sue Inman, Council Members; Mark McIff, Attorney; Judi Davis, Clerk.

Public Present: Mark Nelson, Judy Drain, Keith Watts and Lisa Varga, Mary and Farlan Behunin, David and Susan Heaton, Alyssa Thompson, Ray Nelson, Peg Smith and Sergio Femenias, Daniel and Jodi Reeder, Dennis Bertucci, Tim Mutcher, Jim Catmull, B. J. Orozco, Conrad Jepsen, Jack Pollock, Ellie Pollock, Sean Treves.

The public hearing is being held for the purpose of receiving public comment on the Planning Commission's recommendation that the Zoning Ordinance, Sections 1018.5.b. and c be changed to allow individual directional signs to increase in size from 5' x 16" to 3' x 4'.

Judi read letters submitted by Sam Stout, Gibbs Smith, Connie Reid, James Drain, and Alfred, Connie and Conrad Jepsen. A letter was also submitted by Lisa Varga, which is on file, but she preferred to discuss its contents rather than have it read.

Lisa addressed her proposal. It is clear that everyone wants Randy's business to succeed. This, however, is about planning. The current sign is ineffective, and she thinks that is because of its design and location, and not because of its size. Travelers don't see what it is trying to convey. The corner is confusing. She is there and sees the problems. She then stated that certain signs are recognizable by everyone because of their shape or design. People know what they are. Effective signs are needed more than bigger ones. She proposed a TODS- (Tourist Oriented Directional Sign) style sign located in advance of the Burr Trail turn so people can see and make choices ahead of time. She showed a mock-up of her proposal. She thinks there can be a win-win decision and that we don't need to invent something new, as these signs have been proven effective. She stated that there is an alternative and asked the Council to please carefully consider a TODS. She asked that they please consider the long-range effects of signage rather than just a decision about one sign.

Because of a concern about UDOT rules, Bill asked about their plans for these types of signs. Lisa suggested we defer to John Holland, who has worked with UDOT on signage, when he arrives for the next meeting.

Judy Drain doesn't want billboards. She's heard talk of the future, but she thinks the PC

can keep on top of things and keep Boulder from becoming a Moab. If the ordinances need to be changed, we can change them. We are smart enough to make wise decisions. Let's support one another. Boulder is unique. Let's find out what will work to help individuals and the community. (Constance Lynn and Matt Cochran came.)

Jim Catmull agrees. He, too, did some research on TODS. Brett Sorenson with UDOT Region 4 told him that the program needs legislative action (Jeff Sanders and Stephanie Touati came.) and that they could only be approved for franchises. He said the matter won't go before the legislature until 2013, but that TODS signs will never be allowed along Scenic Highways. Lisa clarified that she wasn't suggesting that we have UDOT do the signs; only that we use that style of sign. Jim and Bill, who talked to different people, had different understandings of the standards under which signs might be allowed. Lisa stated that we would not expect UDOT to pay for them, and that the program for similar signs on the freeways is the LOGO program. TODS are specifically for Scenic Byways. Jim said that Mr. Sorenson said TODS will not be allowed on Scenic Byways.

Jack likes Lisa's idea, and feels the signs would be more effective if placed ahead of the corner. He suggest that, while we jump through the hoops of the TODS program, we make the recommended change with the agreement that this sign will be taken down when the other is permitted. (Bobbie Cleave, Boz Bosworth, and Drew, Mary and John Parkin came.)

Dennis likes Lisa's alternative. He suggested we delay a decision until we get more information and details. We should support businesses, but we need to give it a little more thought. Maybe a TODS type of sign would be better. Too many signs on the corner wouldn't be helpful, as it's too late to make a decision by the time the signs are seen. (Cheryl Cox came.)

Conrad wondered if we could approve the recommended change on a temporary basis to see how much difference it would make. He feels a bigger sign would help. (Scott Brodie and John Holland came.)

Bill stated that Steve Kunzler of UDOT said we should talk to John Holland and then explained to John what we are considering. John explained that Susan Nelson of Escalante, whose business is off Highway 12, wanted a sign on Highway 12. The TODS program has been implemented in other states. They met with the state Scenic Byway people and with UDOT and asked if they could do it. Someone in an administrative position decided Utah wouldn't do it, but UDOT decided to look into it, and there is now in place a policy to do it. (Brynn Brodie came.) The next step was for UDOT to attach it to the interstate program, and whatever third-party contractor manages it could administer the TODS program on the Scenic Byways. (Ashley Coombs came.) They then went to the administrative rules committee and invited the billboard industry to the meeting. On

June 7, 2010, the program was placed on hold for 36 months in an effort to satisfy the billboard industry on another matter. So, there is no program available now.

Bill reported that Steve Kunzler told him there would be no advertisement of businesses within sight of Highway 12, but that signs existing in 1991 would be grandfathered in. Lisa reiterated that she is proposing a style of sign, not an actual UDOT sign.

Boz suggested we wait to make a decision until we can make one that will be long-term.

B.J. asked Mark McIff whether, by approving this one sign only, which is for Burr Trail businesses, does it make a legal, unfair situation for other businesses in any other location? Does it create an opportunity for businesses that may be created in other parts of town to request directional signs for their businesses? If not, there would be an unfair advantage for businesses that aren't allowed the same opportunity to have signs. Bill read from the ordinance, which states that one directional sign location is allowed in one place. All we are considering now is changing the size of the signs allowed at that location. It was clarified that they are allowed there only for Class I licenses (not home occupations) that are off Highway 12 and are accessible by the Burr Trail. Does this create an opportunity for other directional signs in other locations? Mark Mc asked if there *are* other businesses in other parts of town. There are not. Because the ordinance is what it is, and all we are proposing to change now is the size, it won't make any difference. This decision won't have any affect on the situation described in BJ's question.

Mark Nelson stated that there is the potential to have other businesses in the same situation in other parts of town. He then read a section on Spot Zoning from a Planning and Zoning manual. Mark Mc stated that, if the situation ever arises, the Council will have to deal with it then.

BJ emphasized that the PC changed only the numbers, not any other wording. Right now two businesses qualify to use the location. The TODS style of signs would be good if possible. We can have three businesses on this sign, but the TODS would be a good way to have more on one sign when the opportunity becomes available.

Farlan stated that the town is subject to change. It would help businesses to have signs now. Mary, who works at the restaurant, stated that customers say they need signs; that they had a difficult time finding it. We need businesses to thrive to keep the town alive.

Keith showed a picture of the existing signs, which measure 28 ½ square feet total. It's not the size of the signs that makes them effective, it's the location. It's a confusing corner. Many can't even tell that the Burr Trail is there. The TODS-type sign would be ideal. We should look into that possibility before making a decision. If businesses multiply, there will be many signs. We should talk to people who have private property

to see if they would allow a TODS-style sign to be on their property. He asked John if that could be done. John said it may not be permissible, although our ordinance will trump UDOT regulations in some cases.

Keith asked the Council to think about what would happen when there are more businesses and recommended that we think decades ahead. It is better to have a short-term variance than to change the ordinance.

A variance couldn't be permitted, as there are very strict laws governing variances, and they would prevent its happening in this case.

Alyssa recommended delaying the vote to consider effective signage. If what we have isn't effective, we should try a design that would work. She would like to concentrate on helping businesses and likes the idea of uniform signs. By increasing the size, it takes away our ability to downsize later.

Conrad stated that, if Kelly decides not to let any signs be there, no one will have a sign.

Sue stated that there will eventually be street signs there.

Jodi asked whether, if Kelly says there can only be one sign, he can say who can or can't have that sign? (Yes.) The Town needs to work together to help each other and stay unique.

Daniel agrees with the Planning Commission recommendation. He suggested that we put in the ordinance a clause that we would re-evaluate it in the future, but let's go ahead now.

Tim would like to see it approved with a clause to change it down the line if needed. Everywhere he's worked on hotels have descending sign laws. The signs for businesses on the highways are bigger, and as you get further from the highway, the signs are bigger.

David thinks we should help businesses and plan for the future of the town.

Ray thinks we should support Randy. He has concerns about the size as it is now and thinks a bigger sign would be better. He supports doing something temporary until we can find out if we can do something like Lisa suggested. But for now we need to do something more effective than what's there.

Peg supports Lisa's suggestion. She doesn't think a bigger sign would be more effective but that the other type of sign would be more effective for any business in that location that wants a sign. The PC needs to consider not just what's before them at the moment,

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but also what's best for the future. A public hearing is the legal way for the public to be heard, but the decision should come outside of the hearing after considering what has been said and should not be subject to public clamor. The meeting following the hearing should be deliberative and give consideration to proposed alternatives. That aside, regardless of what action is taken tonight, anyone who wants any sign has to apply to the PC for a Conditional Use Permit, which requires another public hearing .

There was no more public comment, and the public hearing was closed at 7:40 p.m.