

Boulder Town  
**Planning Commission**  
**Meeting Minutes**  
**April 9, 2020**

Commission quorum was present: Colleen Thompson, chair; Matt Cochran, Josey Muse, Cookie Schaus, Haylee Apperson, alternate Marilyn Johnson. Also attending: Secretary Peg Smith; Zoning Administrator Curtis Oberhansly; Town Council Liaison Judy Drain.

Members of the public: Steve Cox, Michala Alldredge, Susan Heaton, Tom and Caroline Hoyt, Charley Wilson, Stephanie Love, Kipp Greene, Tessa Barkan, Ashley Coombs, Elizabeth Julian.

Colleen opened the meeting at 7:04. Colleen moved to approve the March minutes with Josey's correction on Table of Uses draft status. Matt seconded the motion. Minutes approved by all.

***Public Hearing, followed by action on Boulder Mountain Lodge CUP***

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

There was no further discussion on the CUP. Colleen moved to approve the conditional use permit without conditions. Matt seconded the motion. Roll call vote: unanimous.

***Initial presentation of Jacqui Smalley's Arts and Cultural Center CUP application***

Colleen said Curtis will introduce the CUP application. This presentation is for information only; a public hearing will be scheduled for the May meeting.

Curtis: Arts and Cultural Center is the working title. Under the Table of Uses, this is a "recreational facility" and "school" (educational facility, and addresses conservation and sustainable agriculture. The 296-acre ranch has a conservation easement on it, held by the state of Utah and the NRCS (fed), both of which have an interest in soil and water conservation and monitor regularly. The application includes letters from the Arts Council describing that use, and from Smalley's ranch manager describing the ag-related use for education, seminars, etc. The historic barn has to be preserved as is. 50 parking stalls will be immediately south of that. The new building is south of the parking lot and north of the doublewide trailer (to be removed).

As a new facility with new infrastructure, the applicant had to meet each item under Section 803, shown in italics on their narrative. The topo identifies slope; there's no significant intrusions. Current vegetation includes three cottonwood trees which will be removed along with the existing doublewide. The new building is about the same basic footprint as the trailer.

There are 110 seats in the auditorium. Parking is being addressed following commercial code. The septic system will have to be reconstructed. There will be full restoration of vegetation, using native plants and trees. **Rod Torgerson, consulting engineer for the applicant,** said UDOT requires an asphalt, off highway apron, 30X20 feet. Other than the apron, the existing road stays as it is. Culinary water is already available through Boulder Farmstead. Attaching to a hydrant require tunneling under the highway, but no disruption to the highway itself. **The ranch is in GMU, but a publicly accessible building is required to meet commercial safety standards.**

## Boulder Town Planning Commission, Meeting Minutes

Topos and maps are included. There is no sensitive lands issue. The intent is to mirror the profile and look of the red barn. The lobby entrance comes off the parking area with gallery area for displaying artwork and a stairway to a sound booth area. The seating area will be retractable system so space can be opened up for multiple purposes. The stage will accommodate dance and theatre. The kitchenette is more of a warming center, not a full kitchen. The building won't be very visible from the east due to the hillside.

Matt asked about square footage. It'll be about 4000 sq ft total, not just bigger than the doublewide, but with a basement currently identified just for storage. The elevation is well below the 30 feet max. Matt asked why it's following commercial code. Curtis said it's not a commercial venue, but a building open to the public has to meet commercial safety requirements. It's still following GMU zoning uses.

Josey asked about the 50 parking spots and said 2.5 acres is dedicated to arts and culture. She questioned the facility's compatibility with agriculture and suggested it could be rezoned as commercial. Curtis said 90 percent of the events would not be commercial but he'd check.

Cookie asked about the main entrance, which is on the north side of the new building.

Josey asked if special permitting would be required for those events that are commercial. Curtis said the CUP already includes the right to do what is allowed under the Table of Uses. He didn't think they have to obtain permits every time. Anyone can email him if they have other questions.

Matt asked about use of zoom/phones for a public hearing may not be accessible enough. Cookie suggested posting the paper sheets.

Michala suggested emailing questions and preparing themselves ahead of time with information. Matt suggested toll free phone calls, which Michala will need to investigate and pay for a different account. This will be resolved before the next meeting.

### ***Update on Work Groups: Table of Uses and Nellis Procedures***

Matt said the ToU group met just before the Planning Commission meeting, working on definitions for automotive care, home occupation, and others. Josey said they've pulled the existing ToU and definitions into one document, which also includes the research people have been doing. It's messy. They haven't started finalizing the wording. Matt said the group is still planning to have a working document for review at the June Planning Commission meeting.

Colleen reviewed the Nellis working group: Attendees reviewed Nellis's worksheet from 2018 and will apply "home occupation" as an example on which to apply these procedures. The next meeting will be Tuesday 21, 7pm. Cookie said Nellis would be happy to look at the ToU draft, merely in order to have an actual thing to work on. Matt disagreed about using the Nellis worksheet at this point; that their workgroup is small and has established its own procedures and the time to employ the Nellis methodology will be after the group has its completed draft.

Curtis said the next Nellis meeting is an official public meeting that anyone can join in. He'll stick with a targeted topic. By the time the other group gets to its final draft, everyone will have more knowledge for evaluating.

### ***Discussion/action on deed restrictions***

Colleen made note of Josey's email comments sent earlier in the day and previous discussion related to the town's ability to enforce such language.

Josey's documents cover other cities' inclusion on deed restriction language. Besides Austin, Texas, she included surrounding Utah towns. Garfield County specifies that they don't enforce CCRs for homeowners's associations, but if there's a conflict, they go with the more restrictive version. Wayne County recognizes deed restrictions in its ordinances. She particularly liked the

## Boulder Town Planning Commission, Meeting Minutes

Park City language.... “whichever imposes the more stringent shall prevail.” They won’t go after someone not complying with deed restrictions, but they do consider them in applications. Panguitch has the same language in their subdivision applications. When there are deed restrictions, the documents must be signed, included and filed with final plat. The next step would be her highlighted suggestions of her documents--- added words about the applicant being responsible for any conflicts, taking enforcement off the town.... More stringent language prevails.... Town not responsible for enforcing private restrictions and covenants.

Matt said it’s understood the town doesn’t have the resources to enforce anything, but it’s clear that transparency of disclosure is important to people. Josey is trying to find the language to provide the transparency for public to see, but not require the town to get into an enforcement problem. That’s what we’d want to send to the town council that this is a really important issue.

Haylee agreed having it documented helps people see clearly what expectations are and it also falls in line with the General Plan. It should be obvious and in writing so people can understand.

Curtis said Josey’s information is detailed enough to recommend this to the town council, present your case and let them consider it. If they agree, they can ask Mark McIff or Lee Nellis to draft an ordinance-- not something the town has to enforce, but as more of a disclosure.

Josey said she’d put into a presentation for the town council. She moved to forward her material to the Town Council as a recommendation. Roll call vote was unanimously in favor.

### ***Discussion/action on mapping Residential Short Term Rental Areas***

Curtis said the money had been allocated to do the mapping. Combining tax rolls with Google Earth maps, primary residences can be identified. Michala said her goal is to have a good database by next Planning Commission meeting.

Colleen asked Josey about her idea of using zoning to determine RSTR applications instead of mapping. She said the Planning Commission had decided on the mapped zone methodology and she wanted to continue this. Josey said her main concern had been a way to apply a cap to the number, looking for efficiency and a reasonable way to support the decision. Matt thought with the house count, they can stick with the original three zones.

### ***Upcoming business for May 14:***

- Continuation of Public Hearing for Sugarloaf Valley Farm guest ranch CUP.
- Public Hearing on Jacqui Smalley Arts and Cultural Center
- Update on both workgroups
- Michala’s mapping

### ***Final Public Comments***

Elizabeth said it would be good to see the work in progress on ToU language. The 2018 work groups would periodically share what they were discussing as the groups were in process. A working document, viewable only, would be nice. Matt said the question is how to make it available. Josey thought maybe putting it in dropbox would make it accessible, view only. Getting it out to the public is the problem. Interested people can email her and request access.

Colleen moved to adjourn, Matt seconded. All approved. Colleen adjourned the meeting at 8:26 p.m.

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Peg Smith, Planning Commission Clerk

Date