

Boulder Town
Planning Commission
Meeting Minutes
September 10, 2020

Zoom meeting, Commission quorum present: Colleen Thompson, chair; Matt Cochran, Cookie Schaus, Haylee Apperson, Josey Muse, and alternate Marian Johnson. Also attending: Secretary Peg Smith and planning consultant Lee Nellis.

Public zoom connections: Mark Nelson, Korla Eaquinta, Tom Hoyt, Scott Bigler, Julie Barkan, Sam Van Wetter, Tessa Barkan, Kipp Greene, Jill/Josh Ellis, Andria Rice, Donna Owen, Julian Hatch, Debra Oldham, Dianne Oberhansly.

Colleen opened the meeting at 6:04 p.m.

Josey requested a correction on the July minutes: Matt moved to approve the July minutes with stated corrections; Josey seconded the motion; all approved.

Matt moved to approve the August minutes; Cookie seconded. Matt, Cookie, and Colleen approved. (Josey and Haylee were absent in August.)

Matt moved to approve the agenda, Josey seconded. All approved.

Lee Nellis and Discussion on Development Standards/Table of Uses

In his materials shared with the Planning Commission, Lee has incorporated the performance standards deduced from previous discussion as well as questions on the Table of Uses. There are also small changes to the General Plan that provide direct connection with regulating building design. The new standards for commercial building design would include review of reflectivity, color, building lines, detached forms, and landscaping. The next step is to assign an importance weight to each.

Referring to item 20 in the materials, detached forms, Lee said it seemed the consensus was that these were desirable as opposed to a large, single building block, yet requiring them may be too much. For example, it's easier to make a reflectivity standard absolute, but if an applicant's plan shows a larger building, it's a big change to their plan to suggest detached structures instead. This would be better to encourage by weighting, not made absolute.

These standards are only for new or substantially remodeled commercial applications, not housing and not home businesses.

Items would be rated 1-5 to designate importance. For reflectivity, the commission agreed on "5" and the rest of the elements as 4s. Cookie asked about solar panels. Lee will add a sentence in the GP encouraging use of solar but to consider reflective surfaces in their project planning.

The Table of Uses includes a preamble about the changes. That should be retained and the first paragraph in Lee's materials should be edited.

Discussion about temporary uses and regulating them through standards language in the ordinance. What Lee has now is consistent with what we've been doing. He said most communities don't require truly temporary uses, such as a seasonal farmstand or food truck, to go through a building permit process.

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On developed campsites, Matt said they'd tried to steer campsites into commercial zones only, but the Nellis documents show them potentially compatible with GMU. Lee said that use would still require a CUP, giving you some control. Now, you could apply for a campground with a rezone request. He said the current hazard is rezoning to commercial to accommodate a particular business, but say the business changes or the applicant drops or changes their mind. With a CUP, the applicant comes in with a specific plan. Your standards enable you to review their plan based on that particular location.

Lee suggested a special meeting to focus on new ToU changes for RV Parks.

Josey noted a typo errors in Chap 22,#9 and #15. On scale of commercial uses, Josey wanted to distinguish between businesses supporting local residents and not necessarily the masses. Also large commercial operations within residential areas of GMU would change things a lot. She was concerned about the number for parking. Fifty seems really big. Wouldn't that scale be more appropriate along Hwy 12 and much less in a residential area? Lee said a single parking space - 265 sq ft per space or with 50 spaces, 13,250sq ft or about a fifth of an acre. That is probably absorbable long the highway. Maybe elsewhere, cut that in half. Trees and buildings tend to buffer the effect of a parking lot. Matt said his 10 acres could probably accommodate a large parking lot, but the neighborhood itself couldn't absorb that traffic. The suggestion was to drop to 15 spaces in locations not directly accessible to Hwy 12.

Cookie asked about trees planted within a large parking lot. Lee said those plantings are typically considered part of the overall square footage. Cookie said her concern was a sea of asphalt. Lee would add that internal landscaping would only apply to 50-space lots.

He asked if the ToU should include "airport" or "animal shelter". No.

Matt asked about noise nuisance with home businesses (ag use not included). Current ordinance does say resulting noise shouldn't affect adjoining properties. Lee said finding a standard for decibels is easy, but the measuring is hard—typically there is a substantial cost for instrumentation and training to measure it.

Lee suggested finding out if the county or sheriff's department has the means to measure noise. Then do the math to figure out if the cost is worth the amount of noise issues to be worth it. Lee said the Planning Commission has clear authority to impose operating hours on a business.

Lee will get a new, clean draft and new checklist distributed for next meeting. The Planning Commission will decide when to schedule a public hearing.

Initial Public Comments

Haylee had a statement on the Hoyt subdivision and the letters submitted: I've read them and understand the concerns. As a family whose children attend school and run a business here, we cannot afford to live here and see it nearly impossible to ever afford land here. I'd like to see letters proposing ideas or solutions instead of just complaints. There's a feeling about young families and that it doesn't matter whether we're here or not. Is there a way for us lower-class folks who have kids in school and run businesses here to be able to actually own land and be a real part of this community? At this point it doesn't seem it'll ever be a reality. I'm not saying this project is the right or wrong thing in this place, but is there another solution? Or maybe people like us, our existence doesn't matter. I'm also concerned with me sitting on the Planning Commission and finding it hard to take part in something that seems like my point of view doesn't matter.

No other comments.

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RSTR Mapping

Michala's connection dropped. Her status will be added to next month's agenda.

Ethics Training

First, Peg introduced the 'conflict of interest' statement Matt Cochran proposed to both Town Council and Planning Commission to adopt, whereby each member states any potential conflict prior to each vote. Matt said the intention now is to self-disclose, nothing more yet.

Peg briefly summarized main components of state code 10.3.1301. The act itself sets forth conditions and enforcement of municipality's ethical conduct. Additional training is available through Land Use Academy of Utah (<https://luau.utah.gov/>) and Utah League of Cities and Towns (ulct.org), specifically <http://www.ulct.org/land-use/regional-training-events/>

Best practice is to acknowledge personal associations with a topic prior to the vote--- an action that both Town Council and Planning Commission will begin. However, indicating an interest and recusing oneself from participating in the discussion or voting are two different things. The bar for needing to recuse is pretty high, according to the above sources. Even "conflict of interest" is hard to define in a small town and is recognized as being all but impossible to avoid in some sense. Stating a special interest or association on the record, and then deciding to proceed or not proceed seems to be the best policy to enact.

Upcoming Business for October 8

- Review of Lee Nellis compiled proposed changes—GenPlan, Table of Uses, and all the new Development standards and checklists. Matt said it would be helpful to run 'campground' through an actual application process
- Michala's RSTR mapping

Final Public Comments

Tom Hoyt said his Burr Trail Meadows project would not be ready until November for a preliminary hearing.

Korla Eaquinta: Thanks for doing the zoom, handy for remote landowners. Thanks for ethics training. And when will letters to the Planning Commission opposing the project will be shared with the public. Peg said all such letters have been forwarded to the Planning Commission itself. They'll be posted on the town website as soon as a new space is created on the web to hold them.

Colleen moved to adjourn, Matt seconded, and all approved. Colleen adjourned at 7:45 p.m.

Peg Smith, Planning Commission Clerk

Date