

Boulder Town

Planning Commission

Meeting Minutes

October 8, 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, Zoning Administrator Curtis Oberhansly, Town Council Liaison Judy Drain, and planning consultant Lee Nellis.

Public zoom connections: Elizabeth Julian, Cynthia Butcher, Donna Owen, Tessa Barkan, Korla Eaquinta, Scott Bigler.

Colleen opened the meeting at 6:05 p.m. September minutes didn't get forwarded to the Planning Commission in time for review so approval of minutes will be postponed until next meeting. Colleen asked for a motion to approve the agenda: Matt so moved; Josey seconded the motion. All approved.

Review and Discussion of Lee Nellis Proposed Revisions

Lee's meeting materials included a compilation of everything discussed since April: General Plan amendments to clarify or strengthen existing language, applicable amendments to the Zoning ordinance sections, project evaluation worksheets updated to reflect zoning language. The most notable zoning change was limiting commercial parking to 15 spaces if a business doesn't have direct access to Hwy 12. Scale is a useful concept in evaluating a project against development standards. Landscaping has been added to parking areas. Notes Table 3 have been pulled into these standards. Chapter 22 now reflects proposed design standards. Table of Uses and changes to Temporary Uses are in Chapter 9 (page 5 of the materials). Changes to Temporary Uses give the Zoning Administrator more direction on evaluating a Temporary Use Permit application and pays more attention to the anticipated problems such as changed parking patterns, solid waste, sanitary waste, signage, and adds the ability to consult with Planning Commission as necessary. The ZA is still the issuer of a Temporary Use Permit. Lee said the TU changes are consistent with common practice and improve the town's ability to regulate common issues.

Matt asked if any of these Temporary Uses were Conditional Uses before. Yes: Special events (up to 45 days), use of construction RVs, food trucks, long-term temporary uses, farmstands, and community markets. Matt proposed the Planning Commission review those items including changes to the ZA's role.

Josey asked about farmstands and farmer's market: We can offer those for six months now, but a TU only allows 120 days. She asked about the current Sensitive Lands ordinance that prohibits commercial use but said a Home Business may include commercial activity. Chap 21 doesn't use the same language as Chap 22, 1a. If a home business is a commercial activity, shouldn't that language also be in Chap 21? Lee agreed that needs to be clarified. He thought home businesses could still be permitted in the sensitive lands overlay district, depending on the business. Josey was concerned about sensitive lands and allowing any type of commercial use, mainly because of increased traffic and its affect on the area. At present, two mesa tops (considered sensitive lands) ---- Thompson Ledge and at the west side of Lower Boulder—have road access. Matt

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asked about people already living on mesa tops and having businesses. Lee said these would be nonconforming. Lee asked about attitudes towards a mesa top home business if it's not particularly visible, such as a professional office, so long as there is no impact on neighbors or viewshed--- could it be permitted but more limited? He suggested first checking the map to see how many landowners are actually affected (on sensitive lands). Josey reiterated her main concern is access on steep slopes. Lee said if the commission is interested in tweaking the sensitive lands standard these matters of access and setbacks need to be carefully examined.

Curtis asked about cell towers and Thompson Ledge, saying a proposed project, in the process of preparing their application, wants to replace the existing tower and co-locate other equipment on it (moving from the single tower next to the school.). If commercial use is prohibited on mesa tops, it could preclude this as an option. The discussion on cell towers ended with the acknowledgement that cell towers are not a commercial business and will follow Ordinance 2020-3 Wireless Comm Towers & Facilities.

Lee said it would be easy to add considerations on steepness, narrowness, accessibility for home business, item 5, page 11,

Josey asked about the town's liability if they allow a commercial activity with risky access?

Lee said he will make the change on item 5 but suggested in the meantime that the Commissioners examine a map to see what properties are affected.

Josey asked about changes in Chap 21, page 12, 7c that indicates an exception can be made to uniform fire code. She's opposed to making any exceptions, but said the language itself is bad. Lee explained that fire code allows small quantities of flammables, and in the case of a home woodworking shop the Planning Commission could permit more flammables if the owner complies with all other requirements such as storage and safety measures. Josey wants the Planning Commission to discuss this in more detail. She said we should be following fire code. If we're making commercial exceptions, that's beyond the scope of a home business. Everyone agreed. Lee will change that language.

Josey asked about Chap 22, page 13, #4. She wanted to add an item "c": "Traffic flow problem areas identified in 10-6 of the General Plan must be mitigated prior to allowing commercial development in that area. Costs for mitigation must be at the developer's expense." Curtis asked if that applies to subdivisions. Lee said the subdivision ordinance itself can cover that. This applies to any commercial developer. He agreed that was a good idea to stipulate and will add it.

Matt wanted to run a hypothetical RV park in a Lower Boulder GMU zone through the evaluation worksheet and Commercial Development standards.

Lee went down each item in the worksheet applying the provided standards--- absolute requirements as well as weighted (relative) requirements. The point scoring system gets into specifics of an application and its location in evaluating it against the development standards. After going through the exercise, Matt suggested that parking and traffic impacts should be made absolute rather than relative when talking about a commercial use in a residential zone. Everyone agreed, and Lee will make that change. Lee asked about splitting the difference and making it absolute in areas already defined as problem traffic areas and making it relative everywhere else, or else leaving it relative and thus giving greater leverage of other desirable items on the list to make up the difference. Matt said opening residential to commercial use makes traffic more of an issue and still wants it absolute. Lee will make that change.

Curtis asked if the Planning Commission could prohibit commercial development unless it fronts Hwy 12? Lee suggested large parcels farther north might want to subdivide and put in streets meaning they may not have direct highway access; i.e. keep future potential development in mind. Matt said the intent of the General Plan was to keep commercial uses where they are already allowed. Josey said this would help with her sensitive lands concern because the

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problem would go away. Lee will make 9 an absolute and will insert that commercial use requires direct access to Hwy 12. He'll change the home business and mesa top overlay. Consideration of land use intensity becomes easier to deal with since it's not addressing commercial uses.

Curtis asked about the current RV ordinance, given that it's already fairly lengthy and explicit. Lee suggested taking the changes now in place through the public hearing process then returning to the RV and new Developed Campgrounds uses to look at the details. He suggested establishing the framework; more detailed nuts and bolts can then be worked through. Lee expressed concern about taking proposals like this to a public hearing and trying to cover everything. "It's too complex. There are too many details. Establish the big picture first, then work through details."

Lee will send the new Table of Uses for the Nov meeting.

Colleen: For next meeting she'd like to continue discussion on Zoning Process drafts 8a and 7a with the draft for the General Plan amendments. The commission agreed.

Initial Public Comments

Donna Owen: I understand how scary commercial businesses away from Highway 12 can be. But when it comes to an RV park, I've always dreaded the thought of a big one right off 12.. I always hoped an RV park could be tucked away, not visible from the highway. And a place like Boulder Mesa restaurant couldn't reopen now because it has no direct access to Hwy 12. Maybe the absolute thing needs more thought.

Scott Bigler: Is there a potential to hold the next meeting in person meeting at the Community Center? If the proposed subdivision is on the agenda, it becomes a hard discussion forum on zoom and some people are reluctant to add their voice if they're not tech literate or want to hold back... We visited western slope of Colorado recently, having lived there years ago. There are many small ag towns pretty similar to Boulder and Escalante 40 years ago and you can see the problems of unplanned communities, some looking blighted [with how they addressed need for housing.] Considering potential subdivisions, we need to look 20-30 years from now. A few of those towns clearly did and had great planning. The Planning Commission should consider trying to make room [for housing] when they don't have a good enough economic base for full time housing.

Related to in-person meetings, Colleen said she'd like to return to those as soon as possible, but is taking the lead from Steve and the TC. The discussion on Burr Trail Meadows is now delayed until Dec anyway. She asked fellow commissioners about their willingness to meet in person. Cookie and Haylee responded that they weren't excited about doing it and it would depend on the set up and how many people would be in the room. They'd need more detail and the plan would have to be acceptable before they'd want to meet in person.

Judy Drain said Steve had announced at the Oct town council meeting that they would probably continue with zoom meetings for the public even if they met in person. It'll probably will be that way for a time.

Peg said Steve and the clerks had met with Dave Torgerson (South Central). The Community Center has a serious bandwidth problem that won't be alleviated until fiber optic cable is finally connected to town. Currently, there isn't capability of hosting a video-feed zoom meeting of an entire board from the CC. Steve is interested in a hybrid situation, possibly using the larger room for some type of spacing, possibly with TC/Planning Commission members in person and everyone else connected via zoom. We'll probably end up with some type of hybrid for awhile. Details need to be worked, such as how do you determine who/how many can be allowed in person? It won't happen for the November meeting and will have to see beyond that.

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RSTR Mapping

Postponed until Michala can be on call.

Staff Reports

Curtis, with update on cell tower proposals: First Net (AT&T) has submitted a CUP application to replace the existing 30-foot tower with a 55-foot monopole. They say their equipment is directed at first responders. Curtis has asked them to review the new ordinance to make sure their proposal meets the requirements. A second company, DW Tower, working with the county to replace the existing tower on top of Thompson Ledge on Rod Peterson property, has also contacted the town about replacing the existing old 60-foot tower with a stronger 60-foot tower and co-locating other services on it. The first is an active application but not yet complete; the other is in process. Curtis said by November the Planning Commission will be confronted with two applications and the new ordinance and how to figure out the best solution.

Peg: She'd already discussed the South Central meeting and the bandwidth difficulty. Second, there's now a spot on boulder.utah.gov for extraneous Letters and Comments that aren't a direct part of a meeting's materials. She said she wanted to make those letters visible while not mixing them in with the comments received prior to a meeting and helping inform that discussion.

Upcoming Business for November 12

- Approve Sept and Oct minutes
- Lee Nellis, new Table of Uses, Zoning Process drafts 8a and 7a with the draft for the General Plan amendments. Discuss how to present the new framework to the public. Matt will describe checklists. Plan for a Dec public hearing.
- RSTR mapping (Michala)
- Cell tower CUPs

Cookie wondered if a graphic might be able to convey the relationship between General Plan, Ordinances, Table of Uses. How these changes aren't changing what the town wants, just changing the decision-making process .

Final Public Comments

Korla Eaquinta: I didn't realize you've been at this for a couple years. .. I just recommend you get the information out to the community and hope enough people will read it.

Elizabeth Julian: To clarify, I'd said in Council that I'm not comfortable making a decision on meetings in person without a clear plan or set of options defined.

Colleen moved to adjourn, Matt seconded, and all approved. Colleen adjourned at 7:50 p.m.

Peg Smith, Planning Commission Clerk

Date