

Boulder Planning Commission Regular Meeting
Thursday, February 8, 2024 6:00 PM
Meeting Minutes

Planning Commission Members present or on Zoom- Tina Karlsson, Elena Hughes, Colleen Thompson, Nancy Tosta

Town staff present or on Zoom- Town Clerk Jessica LeFevre, Deputy Clerk Lacy Allen, Zoning Administrator Erin Smith

Meeting was called to order at 6:02pm

Approve Agenda

Commissioner Tosta asked to add upcoming business for the February 24th work session to the upcoming business discussion.

Commissioner Tosta motioned to approve the agenda with the addition of upcoming business for the upcoming February 24th work session. Commissioner Thompson seconded. All voted Aye. Motion passed unanimously.

Conflict of interest

Zoning Administrator Smith declared a conflict of interest in the form of her name being on a lease with Donna Owen at one of Donna's properties.

Approve January 11 minutes and work meeting January 24th

Item was tabled until the March regular meeting.

Public comments on agenda items

Mark Nelson commented on the revision to the RV ordinance and asked when that had been posted. Clerk LeFevre told him it had been posted previously in the day. Mr. Nelson commented he did not like that because it was hard to keep up with. He also commented on zoning pertaining to the State's changes and stated he was confused about what was happening with that. He then read the mission statement for Boulder and listed some community goals particularly on housing and the appearance of the town.

Jen Bach commented on the RV memo by Lee Nellis and read a prepared statement.

Public Hearing for preliminary subdivision located at 1795 S Lower Boulder Rd. named the Sugarloaf'n Acres

Commissioner Tosta motioned to open the Public Hearing for the preliminary subdivision for the Sugarloaf'n acres, Commissioner Thompson seconded. All voted Aye. Motion passed unanimously.

Chair Karlsson stated this had been noticed appropriately and asked if there were any conflicts of interests regarding this. Tina clarified that Erin Smith had previously declared a conflict and asked Zoning Administrator Smith to give her report.

Zoning Administrator Smith stated that the conceptual plan presented by Donna Owen June 8, 2023 predated her role as zoning administrator. The preliminary application was determined to be completed January 29, 2024 and she recommended approval.

The subdivision was a ten acre lot proposed for splitting into two 5 acre lots in Lower Boulder at 1795 South Lower Boulder Road which was a private road. Preliminary requirements had been checked off in good faith and to the best of her knowledge and she had a copy that was signed and an approved feasibility test by the Southwest Utah Public Health Department.

Keith Watts asked about irrigation and water right on the property and asked if the two subdivided lots would be given equal water rights.

Chair Karlsson asked for comments regarding the subdivision from the Public.

Shawn Owens, representing the subdivision application, stated the irrigation shares would be split 50/50.

Keith Watts stated the application looked very good and the road maintenance agreement had been signed for 1700 South that provided access to his property and the other property owners down that road. He recommended that there be a road maintenance agreement that used the format of the previous agreement that was written up as a separate agreement for that property and so the road maintenance cost would be split four ways by the affected property owners. Mr. Watts stated he had noticed that some of the bearings written along the property lines on the plat map had different bearings and he would want those cross checked in order to make sure that the bearings and property descriptions remained consistent with those listed on previous property descriptions.

John Veranth thanked Erin Smith for her comment of completeness pertaining to the subdivision because completeness was very important in the subdivision process. He commented there were two lots but the plat only showed one water share and suggested that there be documentation of the well permit or the water share for the existing house. He commented there was an issue about Lower Boulder road not matching lot lines and that the road maintenance agreement was well prepared and was an excellent model for future subdivision agreements.

Mr. Veranth commented on Utah Municipal Code Section 10.9a.306 that stated that the Land Use Authority shall apply the plain language of the land use regulations and 2, not impose conditions unless the language of the ordinance plainly restricted the land use application. He stated there was no provision in the ordinances that required someone to have legal access to the lot, which was an unbelievable omission, and there was nothing requiring a road maintenance agreement and that this was going to be something that the Planning Commission would be encountering in future months and

he cautioned that if these were not in the ordinances they could not impose them on subdivision applications.

Commissioner Tosta motioned to close the Public Hearing and open the Public Meeting. Commissioner Thompson seconded. All voted Aye. Motion passed unanimously.

PC recommendation on preliminary subdivision

Commissioner Thompson asked Mr. Owens about the road maintenance agreement

Commissioner Hughes requested a document from ZA Smith. She also commented on the hydrants and stated she did not see a report from Pete. Mr. Owens stated it had been submitted to the Town. Commissioner Hughes commented on the title report and stated that she did not see it in the report although it was listed in the table of contents. Mr. Owens stated one had been submitted but it was older and a newer one was being submitted. She asked how they went about approving applications with missing documents. Mr. Nellis stated they could table the item until those documents were made available or they could pass it on to Council with conditions requiring those documents being made available. He advised the making of a motion with conditions requiring these documents being submitted rather than tabling especially if the documents were available. Commissioner Hughes asked if Pete's report required conditions for approval, if this would need to come back to the Planning Commission or if it would be combined with the Planning Commission's conditions. Mr. Nellis stated everything submitted would have to come to the Planning Commission.

Chair Karlsson stated that part of the fire marshals documentation was included in the packet and asked ZA Smith for clarification. ZA Smith stated she had a copy of his written report and he had reported that it fulfilled the requirements for fire hydrants and emergency access.

Clerk LeFevre commented that Commissioner Hughes' comments were important because the Planning Commission needed to take into consideration voting on things if they did not feel that they were complete and had not seen all the necessary documentation.

Commissioner Tosta asked if these documents had actually been submitted and who put together the PDF documents in the application. ZA Smith stated that MR. Owens had put them together and some pieces had come in after submission. Commissioner Tosta asked if ZA Smith could modify the application that had been submitted by Mr. Owens or if Mr. Owens needed to resubmit an application with the new documentation because she would like to keep the process as efficient as possible. She asked if they were missing any of the documents under discussion. ZA Smith stated the title report was the only thing missing. Mr. Owens replied that the title company had sent him the title for the wrong property and he was waiting for the appropriate titles.

Commissioner Tosta asked about the bearings and if Mr. Owens had looked into those at all. Mr. Owens replied he was relying on a surveyor who came out and handled those numbers so he was not sure the best way for him to verify these beyond the

surveyor's report but he could ask them about this specifically. Commissioner Tosta thought this was an important thing to do and wondered if this needed to be resolved before submitting this item to the Town Council.

Chair Karlsson stated they had never had this issue before so she was not sure how to go about this. Commissioner Thompson stated that this had been brought up before by John Veranth. Commissioner Hughes asked for clarification on what the bearings were on the document. Mr. Watts commented that he could highlight the inconsistent numbers on the map so that Mr. Owens could ask the surveyor specifically about the inconsistencies. Mr. Watts stated he would hate to vote something into the public record that was incorrect and this would need to come back with the accurate numbers.

John Veranth commented he was glad people are paying more attention to things and one thing they had discussed during the housekeeping ordinance was that the surveyor had an obligation based on the surveyor code of ethics and errors on the plat of a previous subdivision had caused a year delay so he encouraged Mr. Owens to work with his surveyor to get accurate information before they proceeded.

Chair Karlsson suggested that they make a decision based on the fact that Mr. Owens could get this information in the next 5-10 days and if this information came in and everything was cleared with ZA Smith then they would feel comfortable clearing this for the Town Council. Commissioner Tosta stated they offered preliminary approval contingent on the recommendation from ZA Smith and if that could be done in the next two weeks then they would approve passing this along to the Town Council.

Commissioner Hughes clarified that the property lines would be included in these contingencies.

Commissioner Tosta motioned that the Planning Commission provide preliminary approval to this application be passed to the Town Council based on complete documents including accurate survey measurements, fire requirements, and the title to be reviewed by Zoning Administrator Smith for Town Council approval. Chair Karlsson clarified the motion. Seconded by Commissioner Thompson.

Commissioner Hughes asked if it would be better to wait for all the pieces to come in rather than pass the motion with conditions because it had gotten them in trouble in the past. She stated she was unsure if it was in their jurisdiction to require the applicant to fix the discrepancy in property lines. Commissioner Tosta commented that since an adjoining landowner had brought the discrepancy to their attention it was their opportunity to resolve this issue before approval. Commissioner Thompson stated that Mr. Watts and Mr. Owens were both present and communicating with each other and she felt like this would get done. Commissioner Tosta stated they were asking Zoning Administrator Smith to be the final voice on this and as the Zoning Administrator she had the responsibility to follow up on all of the concerns of the Planning Commission before this was moved to the Town Council and if she could not do this before the next Town Council meeting then it would have to wait until the next Council meeting.

Commissioner Hughes suggested setting deadlines so this application did not get lost in the process.

Commissioner Tosta repeated the motion. She moved to make preliminary approval to this application contingent on complete documentation, including the fire marshal report, an accurate title, and adjustment of property boundaries for the applicant proposal and the adjacent property owner, to be submitted within 15 days and reviewed by Zoning Administrator Smith as complete.

All voted Aye. Motion passed unanimously.

Mr. Owens stated he would follow up with the zoning and discuss with Mr. Watts about the bearing discrepancies.

Chair Karlsson stated the part that had messed them up in the past was that there was no clear written documentation from the Zoning Administrator to the Town Council when things were complete so she thought this would be pretty clear when it went on to the Town Council.

Commissioner Hughes thanked Mr. Owens for his patience with this process. Chair Karlsson commented this application looked great and Commissioner Thompson thanked Mr. Owens and ZA Smith for working together and this was the most complete application that she had seen.

Staff Reports

Clerk LeFevre reported that on February 27th the Town Council would hold a work meeting and at the very beginning of the meeting there would be a Google Drive tutorial that the Planning Commission was encouraged to attend in order to get everyone on the same page.

Clerk LeFevre referenced the posted agenda online for the current meeting and pointed out the Zoom link at the bottom of the page and stated that for any scheduled meeting there would be a meeting ID listed which was the Town Building phone number and the password was the zip code. She referenced the agenda itself and stated that the yellow highlighted items were not agenda items, they were supporting documents in order to be in compliance with State posting requirements.

Chair Karlsson asked that the Google work meeting be recorded. Clerk LeFevre clarified that it was a work meeting and would be required.

Commissioner Tosta asked if they could implement a policy for a 24 hour requirement for supporting documents. Clerk LeFevre stated that was the typical process and she usually attaches them with the posted agenda but there was a special Town Council work meeting the previous Tuesday and so she was not able to post them on time.

Commissioner Tosta asked that the names of the Planning Commission and the Town Council be updated on the website. Clerk LeFevre stated that they were in the process of updating the whole website and it would be done soon.

Discussion on study of alternatives for the All Users Pedestrian Path grant

Chair Karlsson stated that at the previous Town Council meeting the issue of the alternative solutions for the pedestrian path was to be sent to the Planning Commission to get input from the public in order to present a solution that they could vote on when the time came. She stated that the Planning Commission needed to create a committee to help do this. Lee suggested the first question is “What is the big picture for Boulder?” The committee would look at what the vision of Boulder is and make it consistent with whatever plan they create.

The committee would be set up in a manner that would allow them to gather as much community input as they could and she had read the information from Elizabeth regarding the active transportation plan and she thought that was important.

No one on the Planning Commission, Town Council, or staff would serve on the committee. It would be a group of 5-7 community members. Chair Karlsson recommended members for the committee based on conversations with the community.

Commissioner Tosta clarified the process for the formation of a committee and wondered if the process be that the Planning Commission call for the formation of a committee and solicit volunteers to serve on the committee because it was a big commitment. She suggested the committee have the option to review the charter proposed by Elizabeth and recommend changes before the Town Council adopt the charter. She did not think they needed to rush and that this was a big job so she wanted to make sure they took the appropriate steps for the formation of the committee.

John Veranth stated there was a rush because once summer started the people of Boulder got out into the backcountry and winter was the time to start getting things done. He commented that he and Josh Ellis had committed to meet with Chris Potter and he thought it was better that they move forward with this as quickly as possible so that people in the community could start expressing their opinions.

Chair Karlsson stated that she was going to recommend a starting committee so they could start to put this together. It needed to be a diverse group of people to cover the issues of concern and to review the grant information to determine if they wanted to move forward. She stated that Keith Watts had been working to make possible options for this trail and he was very interested in community consensus so he would be a good person to start this committee off, Jabe Beal who was a member of the Parks committee, Barbara VanQuill was interested in the pathway because some of her family had mobility issues, Martha Veranth also had mobility concerns. She thought that the school, the business, and the ranching community should be considered when this committee was formed.

Commissioner Tosta suggested calling for volunteers from the community as well. Chair Karlsson stated they needed to keep in mind that they needed to keep the members to a certain number.

It was agreed that they would reach out to the suggested members.

Commissioner Tosta motioned to create an active transportation plan development committee that consisted of Martha Veranth, Barbara VanQuill, Jabe Beal, Keith Watts, and Mark Nelson with others to be added based on invitation or expressed interest from members of the community and that the Planning Commission charge them with reviewing the draft charter that was prepared by Elizabeth Julian and present any suggested changes at the next regular Planning Commission meeting in March. Seconded by Commissioner Thompson.

Commissioner Hughes wondered if they should open it up to the Public a little more before appointing members. Commissioner Tosta stated there were five people on the appointed list and these five people could have the conversation about what a reasonable number might be and if there were a number of people in the community that expressed interest that was great and the committee could determine how they wanted to handle that.

All voted Aye. Motion passed unanimously.

Chair Karlsson stated she would put out a notice on Pegboard to notify the public and asked that those appointed in the motion confirm their participation and she would be the liaison from now until the next meeting.

Commissioner Hughes stated she was looking at the draft charter and there was a process suggested in the charter for member appointment. Chair Karlsson stated the draft was written for the Town Council and the Planning Commission did not need to have a resolution pertaining to the committee.

Discussion on moving forward on the requirements to complete recommendations to conform to SB174

Chair Karlsson stated that John Veranth had done a report for the Planning Commission and there was concern that the timing was limited for what they could do in the time frame they had and it was encouraged that they deal with the absolute minimum that was required. Lee was working with Kayden who had limited hours to put a draft together for the SB174 subdivision ordinance and Mr. Nellis had all of the information pertaining to roads and standards and was made available to Mr. Figgins. Mr. Figgins would put together the subdivision draft with the help and review of Mr. Nellis before it was presented to the Planning Commission and then they would have an ordinance to decide upon.

Mr. Nellis stated that the Planning Commission had a lot to do and they could outsource this to Kayden and he had made it as clear as he possibly could to Kayden that Boulder could be a little different and some of the County road requirements would not be applicable. He thought it was better to hand this off to someone else who had time to deal with this to free up time for the Planning Commission. He urged the Planning Commission to let Kayden do the access work which would be submitted to them in June.

Review of the RV Ordinance for hearing

Chair Karlsson stated there were a number of things they had not made any decisions on and she would like to focus on one thing at a time in order to get decisions made. She stated they had discussed the RV ordinance a number of times and the public had been very good about giving them input but she felt that to get to a point where they could make an ordinance that the public would accept they would need to separately address the different subsections of the ordinance that had been submitted to them. She stated that this needed to be put out to the public for a public hearing before they could agree on a final draft.

Commissioner Tosta agreed that there needed to be a Public Hearing and made a proposal for separation of the subsections. She stated she appreciated the time and thought that Mr. Nellis had put into and suggested that the notion of using RVs as permanent housing needed much more discussion and input because she had not found a single jurisdiction in the state that allowed for RVs used as permanent housing and she had concerns that they were going down a path that would cause them a lot of contentious and difficult conversations. She suggested removing that from the RV code and did not think making RVs permanent housing was a solution.

Commissioner Tosta motioned to replace the Boulder Town definition of Recreational Vehicle with the state definition. There was no second.

Commissioner Thompson suggested saving any motions on the RV ordinance for the work meeting so she could further review Commissioner Tosta's suggested motions.

Commissioner Thompson commented on SB174 and stated they needed to focus on road standards and access as a Planning Commission and she wondered if Mr. Nellis and Mr. Figgins would focus on that. Chair Karlsson confirmed that they would get a draft ordinance from Mr. Nellis and Mr. Figgins before they approved anything.

Commissioner Tosta withdrew her motion.

Commissioner Thompson stated she would like to take the information provided at this meeting and discuss it at the next work meeting.

Commissioner Thompson motioned that the information provided by Lee Nellis and Commissioner Tosta be reviewed and discussed at the February 22nd work session. Commissioner Tosta seconded.

Commissioner Hughes suggested that they move the ordinance as written to a Public Hearing conducted at the upcoming work session because it is going to be a somewhat controversial topic and it would be good to start getting feedback. Commissioner Thompson asked if they could have a public hearing at a work meeting. Mr. Nellis stated that Commissioner Thompson could accept a friendly amendment from Commissioner Hughes without a vote to conduct a public hearing on the current draft and his sense was they were better off to have a public hearing because of how controversial of an issue it was going to be, and then the Planning Commission could begin to wade through the feedback. He stated that Commissioner Hughes had

essentially proposed a friendly amendment that would not require a vote because there had not been a second to the motion to set a public hearing and discuss the RV ordinances at the Work Meeting and as long as Commissioner Thompson accepted the friendly amendment it could be seconded and voted on.

Commissioner Hughes made a friendly amendment to the motion that a public hearing be added for the RV ordinance at the next regular meeting. Commissioner Thompson accepted the friendly amendment.

Commissioner Tosta asked if they could hold a public hearing about whether or not that could propose RVs as housing rather than the actual ordinance language because the three things she was trying to do with her proposed motions was to align the Boulder code definition of recreational vehicle with State code to increase the amount of time to live in an RV if you were building a house and eliminate the duration of stays in campgrounds for RVs and there were part of some of those in the ordinance written by Mr. Nellis. She wondered if they called it a public forum rather than a public hearing at the work meeting to solicit information regarding the fundamental issue of having RVs as permanent residences.

Commissioner Hughes was okay with a conceptual review but thought that all of the concepts in the ordinance be discussed, not just RVs as permanent housing. Commissioner Tosta agreed, but she was having a hard time separating employee housing from permanent housing.

Commissioner Thompson stated she was confused and would like a further in depth discussion.

Commissioner Hughes suggested an extended Public Comment section at the beginning of the meeting instead of having a Public Hearing. Mr. Nellis pointed out that there was a deadline for this assigned by the Town Council for May. Commissioner Tosta stated that she did not think that they were at risk of missing the deadline that was set in May.

John Veranth stated that this had been on the agenda every month since October and what he had put into the Town Council discussion was that a reasonable PC timetable would be to work on the ordinance language in February, hold a public hearing in March, finalize the recommendations in April, and have a draft ordinance to the Town Council for their May meeting. He did not think this was an unreasonable pace for an ordinance but he would support whatever time they needed to get it done right.

Commissioner Tosta stated that as the seconder of the motion she agreed to the friendly amendment.

All voted Aye. Motion passed unanimously.

Chair Karlsson requested that by the end of the work meeting they have an ordinance that can be voted on in the March regular meeting.

Chair Karlsson clarified that the Town Clerk typically notified Public Hearings but not discussions and asked Clerk LeFevre to distribute the notice that there would be public discussion regarding this ordinance at the work meeting.

Final public comments

There were none.

Upcoming business for March 14 meeting

Commissioner Tosta would like to continue discussion on a zoning forum and that zoning was the way that they were going to assert some control about how things happened in Boulder and would like to add that discussion to the February 22nd work session.

Commissioner Hughes stated the zoning and the RV ordinance were likely to be controversial and pushing the zoning discussion to the March regular meeting would be a good idea. Mr. Nellis agreed and stated that one thing at a time would make things move faster than trying to jam multiple things into one meeting.

Commissioner Tosta stated she was not proposing a three hour discussion on the zoning forum, more so the opportunity to introduce the idea that they were thinking about zoning in a different way and to alert the Public that there would be an upcoming forum soliciting their input regarding that issue.

Chair Karlsson thought they should consider the fact that they would be going over some of the zoning ordinance in order to determine what would need to be changed in that zoning ordinance so they needed to work a little bit on that in order to be prepared for the discussion. She suggested they not include that discussion in the work meeting other than giving a report that they were looking at that as an option and they needed to be very clear as a group as to why that was an option that they needed to pursue.

Mr. Nellis stated that they would not be able to meet their set deadline if they did not focus on one thing at a time in the meetings because there had never been a ten minute discussion on anything.

It was agreed that the focus of the February 22nd work meeting would be the RV ordinance.

It was decided that the discussions of the March regular session meeting would be RVs and zoning.

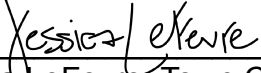
Commissioner Thompson thought it would be interesting to see if other communities were looking at their subdivision ordinances based on SB174.

Clerk LeFevre clarified that this was a leap year and that the next regular meeting would be on March 14.

Adjourn

Motion to adjourn was made by Commissioner Tosta. Seconded by Commissioner Thompson. All voted Aye. Motion passed unanimously.

Date Minutes Approved: March 14, 2024



Jessica LeFevre, Town Clerk