

Meeting Minutes

Boulder Town Planning Commission

April 10, 2008, 8:00 p.m.

Commissioners present: Mike Nelson, BJ Orozco, Ray Gardner, Elaine Roundy and Brian Dick. Also present were Peg Smith, clerk; and Curtis Oberhansly, Planning Coordinator. Bruce Parker, of Planning and Development Services, was attending to present the draft ordinances for public hearing. Members of the public present were Bill Muse, Randy Ripplinger, Ashley Coombs, Sergio Femenias, and Judi Davis.

Brian opened the meeting at 8:03 p.m. The first item of business was to approve minutes from the three previous meetings. Elaine moved to approve the Feb 14 minutes as written; the motion was seconded by Mike Nelson, and all approved. Mike moved to approve the Feb 28 minutes, and Elaine seconded the motion; all approved. Elaine moved to approve the March 13 minutes, BJ seconded the motion, and all approved.

Brian told the Commission that he would be gone most of the summer with his new job and didn't know how much time he'd have to put in to the Planning Commission over the next six months or so.

Public Hearing on Subdivision Ordinance

BJ moved to open the public hearing, and Elaine seconded the motion. Brian opened the hearing at 8:08 p.m. He welcomed Bruce Parker and turned the discussion over to him.

Bruce had hard copies available of the ordinances, the same versions as are available on the website. He introduced his draft by noting the fact that the 2006-2007 state legislature made several changes regarding how people divide property, including terminology, technical requirements, and more. This draft version incorporates those changes, making the Boulder ordinance compliant with state law.

Brian then asked for comments.

- Curtis referred to section 400-2 on problems referencing the numbering, and Bruce agreed that it's an outlining/numbering problem that will be fixed. (should be 400-2, subsection 3, etc.)
- Judi asked about page 15, 5b, wanting to know if it should be a requirement to have an engineer review proposed streets. Bruce says isn't a state law, but is a recommended practice. Curtis explained that Boulder has the capacity to hire an engineer as needed, that the town can review the application and the property and decide if engineering is required. The intent is to disallow an individual from breaking off small pieces of property at a time, and ending up with several lots fronting a two-track dirt disaster rather than a usable roadway. Bruce suggested adding "at the discretion of the Planning Commission and/or Town Council, a Town engineer may be hired." Bill asked if the draft had allowed the three lots or less not needing to hire engineer. Curtis responded that adding the new "discretionary" words and getting rid of the 4-lot exemption; private driveway serves one home, a private street serves two or more, and a public street serves two or more but is dedicated. Add the phrase that says the Planning Commission and Town Council have the discretion to review four or less as a minor subdivision, and require an engineer as needed

to review. This gives the town the discretion to review appropriate fire/emergency access, drainage, etc.

- Judi: section 500-4 on dedication of streets. Bruce said that when a plat is made, it functions as a dedication document to the town. This does give town maintenance responsibility, but also may need disclaimer to apply to Boulder, but as is it is state law. Judi also asked about who the “fire authority” is. Bruce said the Town needs to define who has that function; it could be the fire chief. Bruce will add in the right terminology to enable the town to decide.
- Judi asked about the noticing section, and asked to remove the Town Clerk from responsibility for all noticing, and leave Planning Commission and BoA clerk(s) responsible for their own notices.
- Curtis asked about other jurisdictions sometimes sending out public hearing notices for both Planning Commission and Town Council actions at the same time. Bruce said this is legal, but does put the Planning Commission under additional pressure to “recommend” an action on that day. It’s legal, but not a good practice.

Bruce directed the Commissioners’ attention to the clustering section, 1000-4. He said the Planning Commission needs to decide what the appropriate minimum acreage is required for determining open space, and he also didn’t include a density benefit in that paragraph. Brian agreed that previous meetings’ discussions have not yielded a number. Bruce said other communities do a sliding scale with the amount of land to the amount of open space, that some place a corresponding relationship between size of lot and amount of open space. He said communities range from requiring 10 – 35 % of the total land as being designated as open space, with 20-25% being typical across the state. Open space could be any type of topography as long as it is permanently restricted from building. Bruce pointed to 1000-6 saying that for a minimum lot size, the maximum open space would be 50%. Curtis said 2.5-acre lots is likely going to be the minimum, and that 50% of those would be too much, so we might need sliding scale there. On the density credits, the open space should be defined by size of original parcel and the size of the lots. He would also lean toward a sliding scale on deciding that, almost dictated by the terrain. Bruce agreed, but said that the town needs to have a level of consistency for all applicants. Bill said that if (section 1000-4) the minimum open space requirement for a clustered subdivision were 50%, and section 1000-6 allowed smaller lot sizes, then 50 % would be workable. Bruce suggested using the 50/50 figure, then identifying a piece of property on the ground and beta testing it to see if those numbers give the desired results.

Bruce asked if the Commission wanted to give a density benefit now, but the Commission agreed that it would need to add that later.

Brian asked for other comments. Curtis returned to the matter of the streets exemption, saying that really needs to be straightened out now. Bruce said that if the Planning Commission is comfortable that position, it should bring it in as a recommendation to the town. But he suggested that the exemption was there for a reason. Mike said that in the past there was some discomfort with the major/minor subdivision wording, and people wanted to get away from that wording. Bruce suggested not abolishing the exemption, but saying that everyone has to comply with the dedication requirements except in circumstances where the property is somewhat landlocked and doesn’t seem to be located where more will be added, nor used to access other pieces of property. Curtis still said there would be a problem. You end up with four homes and no road, and ultimately the homeowners have to come back to remedy that situation. Brian said this goes in tandem with a comment he’s heard about owners wanting to release the town from liability from fire insurance, fire access, etc. and he wanted to make

sure that isn't allowed. Curtis said the requirements for adequate road, fire safety, etc. are for both the original owner as well as to protection for future owners.

After no further comments, Bruce asked the Planning Commission to recommend the public hearing draft and proposed revisions for approval by the Town Council. Mike moved to make that recommendation, and BJ seconded the motion. All Commissioners voted in favor of the recommendation.

Mike moved to close the public hearing on the Subdivision Ordinance, and BJ seconded the motion. All approved. Brian closed that hearing.

Elaine moved to open the public hearing on the Zoning Ordinance revisions, and BJ seconded the motion. Brian opened the Zoning Ordinance hearing.

Public Hearing on Zoning Ordinance

Bruce introduced the changes he made to the Zoning ordinance, saying that he is confident this document now complies with state law. He has included the flow charts of application process that were, and once the Town Council approves adopting the ordinance, he will follow up with the appropriate changes to the application forms and other process documents.

Judi had several editorial corrections to insert:

- Section 110, correction needed on paragraph "repealing all ordinances."
- Section 312---says Town Clerk shall determine Land Use app, but has been Zoning administrator
- Section 1806 on appeal application. Will leave as is, with the Town clerk still responsible for Appeals
- Section 1302, item 3—should be "For purposes of this Subsection
- Section 1303, #2, "the BOA is"
- Section 1305: changed determined complete by Zoning Administrator
- 1307,#3, last sentence: strike first "all" in last clause
- 1310,2: All written record of applications shall be maintained by the Town Clerk.
- 1317: change to town clerk

Bruce asked to continue to coordinate with Judi on these corrections. He also reminded the Commission that state law can change every year, which can affect these documents.

With no further discussion, Brian asked for a motion to recommend the Zoning ordinance for approval. Mike made the motion to recommend approval, Ray seconded the motion, and all Commissioners approved the recommendation. Both documents will be forwarded to the Town Council for their public hearing on May 8. The same documents will be submitted to the Town Council, with the addenda of changes. Bruce thanked the Planning Commission for their assistance.

Brian moved to close the public hearing, and BJ seconded the motion. All approved. Mike asked the mayor to consider that his five-year term is up. Bill said they will put out notice for new volunteer, and Mike said he would consider a second term.

Brian moved to close the meeting, Mike seconded the motion, and Brian closed the meeting at 9:07 p.m.

Margaret Smith, Planning Commission Clerk

Date

Approved: _____ Date: _____