

Meeting Minutes

Boulder Town Planning Commission

January 14, 2010, 7:00 p.m.

Commissioners present included Ray Gardner, Brian Dick, and BJ Orozco. Tom Jerome and Bobbie Cleave were absent. Also present were Commission Clerk, Peg Smith; Sergio Femenias, Don Montoya, Bill Muse, Randy Catmull, Mark Nelson, Sue Inman, and Jack Pollack.

Brian called the meeting to order at 7:03. BJ moved to approve the November 12 minutes; Ray seconded the motion, and all approved. Brian opened the public hearing on the sign ordinance and asked for comments:

Open Public Hearing on Section 1018 of Zoning Ordinance (Signs)

Bill Muse (paraphrased): We've now had two town meetings in a row to discuss aspects of the sign ordinance. I reviewed my first meeting in Jan 2002 in Boulder as councilman and the subject was signs---some of the same signs under discussion right now. During that time (2002) the directional sign at the Burr Trail junction was approved). That is a legal sign, and I'd like it put to rest finally. Kelly Roundy had a sign for a riding stable in front of his place, and Bill's assignment was to talk to Kelly about taking it down. This ended up with a protest on ordinances in general... "that's how long the sign thing has been going around, but is an example of how petty this has become." I would like to propose--and the council last meeting voted 4-1 to send letter to out-of-compliance sign owners. (I was the one abstaining.) Since then we've discovered the lighted window signs are exempt and not an issue. So we still have two signs out of compliance-one is Vivian's old Burr Trail Café sign and the other is the BCC Ranch sign. I've talked to Vivian--she considers it grandfathered in and isn't willing to take it down, attempts to do so would be prosecuted for trespassing. This leaves the Austin sign--- it is out of compliance because of its size. My opinion is we don't really have a noncompliance problem in this town. Austin's sign replaced the old Red Wing Ranch sign. I would like to suggest a conditional use, treated as a preexisting sign. If we could tweak the ordinance in some way to make that a legal sign, it isn't that far out based on the fact that it replaced another one. It would only affect that one sign. Rather than have all the contention over such a non-matter, I would ask we do something with the ordinance.

Mark Nelson: Are we going to "tweak" things every time someone gets into trouble. That's just patently unfair. Vivian's sign is an abandoned sign. John's sign is a nice sign. The Red Wing sign was also abandoned, but the new sign replaced an abandoned sign. If you decide you want a different sign ordinance or bigger signs, do it, but don't tweak the current ordinances. I believe the sign ordinance was a good thing to set up because we have the fortune of not having a town ruined by too many signs already.

Don Montoya: Asked about the backlit lighted sign at Hills and Hollows--- yes, Donna Owen had agreed to turn off the light at 10 p.m. Secondly, regarding the three non-compliant signs in particular: Gibbs sign, the BCC Ranch sign, and the lighted gas sign. In all three instances, an existing sign ordinance was ignored. It's the responsibility of people who put signs up to know the ordinance exists and be compliant. Not knowing the law is not an excuse. What is the intent of the sign ordinance? Circle Cliffs Motel has year round "seasonal" lighting. Is that an attempt to get around the sign ordinance?

Randy Catmull: I thought the intent was to let people know the businesses are there.

Don: Sure, late night guests need to know the business is there. But to light up the entire facility, does that go beyond the scope?

Randy Catmull: Lighting is for public safety more than anything. It's my obligation to make sure it's safe. All my lighting is on timers, and it stays on until employees leave. I don't mind turning off my signs while I'm closed, but while I have people in the building the lights need to stay on. As far as Gibbs' overhead sign, a ranch ought to be able to have a sign high enough that you could pull a semi underneath it. You say you want to promote ag and ranching, but you're can't have a sign above the crossbeam because it's too high? That height restriction clearly should be looked at. The current restriction is 10 feet and that's too low.

Brian: The first section of the ordinance clearly describes the intent.

BJ: Lighting is more a light issue than a sign issue. Every one Don mentioned is a public facility.

Don: Lighting is a separate issue, but needs to be addressed in the ordinances, and reasonably should be in the sign ordinance.

Brian: I know we agreed that we don't want ordinances on how people decorate businesses? Is leaving Christmas lights on around an establishment a personal preference or part of town business?

Mark: We could do a better job on working on too much lighting. But you can't tell people how to decorate their houses. Regarding ranch signs, they don't need to be hanging over the gate. Leaving space for semi isn't really a reason. I really wouldn't want to see exceptions for this and that.

Bill Muse: You guys are going over stuff that's already been settled. Gibbs did go through the process, and did uphold the ordinance. On our last meeting with the 4-1 vote, letters didn't go out because we subsequently found out the lighted window signs were legal. On the other issue, lighting is not a sign. Town ordinances aren't brought off the mountain by Moses and cast in concrete, ordinances can be changed. Why is this causing such contention? We are not having a rash of billboards or blinking, flashing signs. I would like to see what the population thinks. I haven't talked everybody, but I've talked to a lot of people who would just like to leave John Austin's sign be. It's not something that's going to change the rural character of the town.

Brian: If you go with the idea of "little tweak," where do you draw the line? Ordinances are objective things; they're rules we're supposed to follow.

Mark Nelson: The Austin sign could come under the test of variance, and it wouldn't meet the test.

Bill: Again, ordinances aren't written in stone. No one is out to hurt someone. Everyone along the line has tried to make the right and compassionate decision. This is a lot to do about nothing. John's sign is a small infraction; it isn't like you can go cut it down or cut it off. I don't see where leaving these does anything to the harm to the town or the spirit of the ordinances.

Brian: Ordinance does say exactly how big a sign can be.

Mark: Exceptions are based on clear language and specific circumstances. Get some planners down here and ask them about compassion in the ordinances.

Bill: Things are changing, people change. We learn as we go along. We still have the right to do as the community wants. Make your decision, but I would like to see something on the survey about signs.

BJ: One, these ordinances are here for a reason, they need to be followed. On the other hand, we can also be flexible and can change accordingly. You need a good reason to change them, but if the public wants them changed, that's what we do. One of the problems in the past is there's always been this uncertainty about grandfathering, and why some things get through and other things are disallowed.

That's caused a big problem. We need to get everything compliant, either way. If a new application were coming in now, we'd be able to handle it much more cleanly. These old signs have a lot of emotional history attached. How do we fix these old issues and move on?

Ray Gardner: I don't have a strong personal opinion on any signs in town. From the enforcement side, things get problematic quickly when you start making exceptions. However too, this is small town where we have to survive together and try to make things work. We need a common sense approach.

BJ: I've heard a lot of public comment about changing the ordinance, but exceptions aren't the way to do it. Either change it or do something about it.

Jack Pollack: The whole sign thing started with the intention of not allowing any billboards and lighted advertising a MacDonald's 90 miles away. It's devolved into a bunch of personal jabs. Signs have to be there. If you're driving through town and everything is dark, the lighted gas pump signs do a service. The signs here are so varied and have such different purposes. How did we get these sign conflicts going in the first place?

Bill: We're learning as a community that whenever a sign is to go up, we need to come before you with our application.

Mark: Maybe we can do a better job of highlighting sign requirements for any business. People don't take it seriously because it is not enforced. Turn around the system of rewarding people who don't ask permission and punishing those who do ask permission.

Peg: (Read Tom and Bobbie's comments on lighted window signs): whenever any complaint against a particular sign problem, all similar problems will also be looked at. Recommend lighted signs do not exceed 4 square feet and only pertain to business reasons (such as "open") and not be advertisements; shouldn't flash or blink; should be extinguished at close of business hours. Also, Peg had received a call from Camille Hall and her ice cream banners. She has concerns about people driving down from the mountain and needing some type of temporary, visible signage. But she has a problem with the general difficulty caused to businesses. (Personal comment on John's sign): The ordinances currently would allow a building on which that exact sign could legally be affixed. Speaking of intent, come on! Would it really be preferable to force someone to build a new building to get around the sign ordinance? Requiring the letter of the law, in that respect, would be ridiculous. There should be some way of making that sign come into compliance. Change the maximum dimensions. Create some separate designation for a ranch sign. There are ways we could allow a ranch sign that allows a semi passing, that allows someone to identify their property/business---given size, material (cutout, rusted metal that blends in, setbacks, etc. Yes, we need to enforce what we have as ordinances, but just because we have some original wording from X years ago, that doesn't mean it can't be revisited.

Jack: May be a testimony on the ordinance that no one is paying attention to it.

Don: Compassion rests in the judicial process and due process. The first thing the Board of Adjustment looks at is the due process, which is purely administrative. There is no room for subjectivity.

Bill: Give us (Town Council) something in writing one more time.

Ray: I'd like to get more input from the council members who were absent tonight. Their written comments didn't address the bulk of the discussion tonight.

Brian asked for motion to close the hearing. BJ moved to close the public hearing, Ray seconded the motion, and all voted to close. Brian reopened the regular meeting at 8:25 p.m.

Discuss Section 1018

The Commissioners agreed to wait for the input of the two absent commissioners to make a fully informed opinion to send to the council.

Update on Town Survey Subcommittee Action

Tom Jerome and Bobbie Cleave are working on the framework and general subject matter for the survey. Bobbie found a survey from Avon, CO in which the types of things being asked seemed generally relevant to use as a model.

BJ said we wanted to get a good jump start on getting drafting questions. Ray said we have already compiled a rough draft of general areas we want public input on.

Randy suggested a questionnaire to the population to help determine what the survey questions should be.

Peg said notice of the survey is on the town website, on the town bulletin board. Would need to talk to Judi about possibility of adding some type of interactive thing on the website to get feedback..

Brian said it would be great to get the survey out within a year, but also the input from it will likely be used in the update of the next General Plan.

Don said he'd met with Bobbie, and they'd discussed creating the framework for the survey and how to conduct the survey. Randy asked if this was just a Boulder Town survey. Don said they are looking at the outlying areas as well.

Brian asked about the last survey, which was apparently sent to Salt Gulch and Draw residents but were weighted differently. Mark disagreed with the survey being anonymous. We got a lot better results with the second survey we did when we asked for names; you get better comments when people feel they have to stand behind their comments. I encourage you to include names. You can understand when some responses are entirely self-serving;having names gives some ways of assessing the information. At least, give the option of adding names. Randy suggested identifying the survey without necessarily requiring names, such as mastersheet held by the town clerk or someone responsible.

Don said the next step is to formulate the questions within the categories. We need two or three more people and will put out email notice.

Terms of Service

Brian's term ends at the end of 2010, Ray's ends 2011, BJ's ends 2012, Bobbie and Tom (starting in 2009), would end in 2013 or 2014? The ordinance states that the commissioners vote to select their chair. Brian will remain as chair until the end of the year.

Peg reminded people of the ULCT training. Jan 30.

Next Meeting

- Update on survey work (Tom and Bobbie)
- Brian wants to present a conceptual plan for one 5-acre subdivision from Bevin's 20-acres piece.

BJ moved to adjourn, Ray seconded the motion, and all approved. Brian adjourned the meeting at 8:50 p.m.

Peg Smith, Planning Commission Clerk] Date _____
 Approved: _____ Date: _____