

Meeting Minutes

Planning Commission, Boulder Town

June 19, 2012, 7:00 p.m.

Commission members present: Alyssa Thompson, Donna Jean Wilson, Loch Wade; clerk Peg Smith. Members of the public: Rod Torgerson, Alan and Anna Scott, Judi Davis, Dave Mock, Bob and Naomi Brems, Susan Heaton, Randy Catmull, Jacque Winovitch, Cookie and Pete Schaus, and Blake Spalding.

Loch Wade chaired the meeting which he brought to order at 7:03 p.m. Donna moved to approve the May minutes with one editing change. Alyssa seconded the motion, and all approved.

Discussion of Revisions to Full Moon Farms /Springhill Subdivisions

Rod Torgerson was present to answer questions on the revised plat map:

- The owner has decided to leave lots 3 and 4 as is and subdivide the remainder.
- All accesses are off lower Boulder Road.
- The county recorder Les Barker prefers vacating as opposed to amending the remainder of Springhill subdivision.

The road leading up to Springhill's Arrowhead Drive is now a public road, maintained by the county. The continuing issue of whether the town can accept a lot within a subdivision that is bisected by a road still needs some higher resolution. In the case of Springhill subdivision, an already-approved subdivision, every lot is bisected by the access road. Reopening this matter to discussion stops everything. On the other hand, this shouldn't set a precedent for future developments. Can you actually split a piece of property under current code? The Commissioners were loath to make a final determination without legal opinion weighing in.

Judi offered to make the phone call to town attorney Mark McIff to try to resolve this question.

Randy said Full Moon subdivision still needs a Boulder Farmstead service letter for the three lots of Full Moon subdivision. He had previously told Rachel the water was available upon approval, but now the company needs to see the final subdivision plan with stipulations regarding service placement and pressure.

Alan Scott clarified one question regarding Springhill subdivision---that no lots are being vacated out of the subdivision; it's only the unsold, remainder portion of the subdivision that is being vacated. However, the Scotts still haven't given final approval for vacation. Right now, they'd oppose it until they get a road agreement in place and remuneration from Rachel (Full Moon owner) regarding Arrowhead Dr. and shared maintenance.

Donna Jean moved to postpone discussion on the subdivisions until Judi could return from her phone call. Alyssa seconded the motion, and all approved.

Loch closed the regular meeting and opened the first public hearing.

[Note: The following discussion occurred during the regular meeting after Judi and Rod returned from their phone call with Mark McIff, town attorney]

Judi: Mark said having the lots split by the road isn't a problem because the same person owns both pieces of land. However, he would like to see a note on the mylar that the road is subject to easement for access and maintenance. Pete, as Fire Marshal, has approved the access.

Alyssa moved to approve the preliminary application for Full Moon Farms subdivision and to vacate the remaining portion of Springhill subdivision as presented on the plats. Loch seconded the motion, and all approved. Final approval (by the town) is subject to final application, approval and payment for the culinary water from Boulder Farmstead.

Public Hearing on Randy Catmull's Conditional Use Permit for Burr Trail Sign.

Loch indicated that all the appropriate paperwork has been received and deemed complete. He asked for comments by the public:

Dave Mock said he was unfamiliar with the issue. Donna Jean explained that all conditional use permits (required for any signage) require a public hearing. This hearing was a matter of procedure.

Cookie: "I think sign is great. It looks like a Boulder sign. It's not bill board."

Naomi: "I like the sign. On behalf of the seniors we want to support Randy."

Jacque Winovitch: "I approve of the sign. If they didn't have a sign there, it would be hard to tell there's a restaurant down the road."

Robert Brems: "The sign is acceptable. If it'll keep Randy in business, we can help keep Randy in business."

Pete: "I add my positive thoughts too."

Dave: "The sign looks great. Business is hard enough to come by. This helps direct traffic, and it couldn't be more aesthetic."

Randy: "Thanks to everyone for their support."

Alyssa moved to close the hearing, and Donna Jean seconded the motion. All approved. Loch opened the regular meeting to discuss the conditional use permit. With no additional discussion, Alyssa moved to approve the conditional use permit for the sign, Loch seconded, and all approved.

Public Hearing on Boulder Mountain Lodge Conditional Use Permit for Additional Structures

Alyssa moved to close the regular meeting and open the public hearing on the Boulder Mountain Lodge application for a conditional use permit on their construction project. Donna Jean seconded the motion and all approved. Loch presented the topic:

The Planning Commission has received an application for a new building with four units. All the paperwork is here, including design pictures, plat map, plan of units, information from Southwest Public Health on the water and septic. Loch asked for comments from the public.

Naomi said it would be a good idea, because many times there aren't places to stay in Boulder.

Randy asked if the application was complete. Alyssa said the letter from the Division of Environmental Quality only includes calculations on a two-unit building for water capacities, so she has left them messages requesting they resend their letter including the other two units. She said the construction requirement is still way under maximum capacity and regards this as a just a little glitch. But it should be complete for the paperwork packet and asked that Eddie follows up.

Cookie said it seems like every improvement they do on the lodge only makes it more beautiful. They've been so supportive of our community in general, so it would be great to support them.

Jacque asked if the construction would it interfere with the wetlands? Alyssa responded that it wouldn't, that construction was on the other side of the property from the pond area.

Donna Jean asked about the setback and access to the new buildings. Dave responded that access is the same for the whole property, but there would be the required road for ingress/egress for overflow off the Burr Trail. He said he was going to talk with Randy Catmull to make sure they achieve a mutually beneficial solution.

Peg, asked on behalf of Ray Gardner, about additional parking. There will be new parking for eight vehicles, done with mindset toward overall parking density.

With no additional comments, Alyssa moved to close the public hearing, and Loch seconded the motion. All approved. Loch opened the regular meeting to discuss the comments.

Donna Jean said she can't see anything wrong with it. "We need two more pillows for Boulder to keep the resort tax, so this would help." There was no further discussion. Donna Jean moved to approve the conditional use permit, Alyssa seconded the motion, and all approved the permit for Boulder Mountain Lodge.

Public Hearing on Loch Wade's Zoning Ordinance Change Request

Donna Jean moved to close the regular meeting and open a public hearing on Loch's application to amend the Zoning Ordinance to change wording on the nonconforming use/structure section. Alyssa seconded the motion, and all approved. Loch opened the public hearing. He noted that he couldn't recuse himself because there wouldn't be a quorum. However, the Commission was not planning to take any action tonight as a result of the hearing anyway.

This application would allow a property owner with a nonconforming structure to rebuild it as long as there is no change in the square footage dimensions of the structure. Right now the ordinance does not allow a nonconforming structure to be replaced, only maintained. In his application he had noted that there are few of these nonconforming structures in town, so the ordinance change wouldn't affect more than a handful of properties at the most. In his situation, he has two dwellings on a 2.x acre piece of property---in itself a nonconforming use in Boulder. The rental trailer is in very poor shape and would be safer and healthier to live in if it were replaced. He would like to haul the existing one away and put a new trailer in its place.

Donna Jean said that according to Bruce Parker (a planner who wrote most of Boulder's ordinances), the issue of nonconformance is handled through state code. She said you can repair and maintain such a structure, and you can replace it if it is accidentally burned down, but you can't otherwise replace it.

Naomi asked about the ordinance requirements. (Only one home on a lot.) Loch said on his property, even if he was allowed to replace the nonconforming structure, he would have a nonconforming use with the two homes.

Randy said local code can be more restrictive, not less restrictive than state code.

Loch said the state code leaves a seemingly gray area that needs to be defined. It seems to suggest that municipalities can modify this according to local need. Randy said if there is a gray area, then we should be able to do our own thing.

Pete: "I would agree. The trailer now is currently a health hazard. You're not putting in a condo, you're making it a safer and better looking structure. I'd definitely be in favor of a local interpretation."

Cookie: "It seems like Boulder itself is a little bit of a nonconforming community. It seems logical that we should try to craft a more realistic situation for us. Yeah, they wrote that for a reason, as long as we're not going off a cliff doing this. I'd favor changing."

Robert Brems: "I agree."

Randy: "It would be interesting to see other planners' opinions too. That's problem that sits today, is we have all these ordinances that don't fit Boulder's needs". Loch said it would be wise to ask our town attorney too. .

Naomi: "Something that would look better would be nice."

Randy: "Why *not* bring it up to something not trashed?"

There were no additional comments from the public. Donna Jean moved to close the public hearing, and Alyssa seconded the motion. Loch closed the hearing and reopened the regular meeting.

Discuss Upcoming Business and July 10 agenda

Items on the agenda for the next regular meeting, to be scheduled July 10 include:

- Loch's zoning change –more discussion and, hopefully, added input from Bruce Parker. (Donna Jean will talk to Judi about scheduling a call with Bruce; Alyssa will talk with Mark McIff.)
- Discussion on noncompliance and enforcement protocol with ordinances.
- New co-chair to be elected
- General Plan work meeting to precede the regular meeting. (Work meeting to start at 6 p.m.; regular meeting at 7 p.m.)

Donna Jean moved to adjourn the meeting, Loch seconded , all approved, and Loch adjourned the meeting at 8:25 p.m.

Peg Smith, Planning Commission Clerk

Date

Approved: _____ Date: _____