

Meeting Minutes, Boulder Town Planning Commission

June 11, 2013

Work meeting. 6 p.m. (participants were Cindy Wilson, Tom Jerome, Loch, Alyssa Thompson, Peg Smith). Topic discussed was the Table of Uses.

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Loch called the regular meeting to order at 7:02 p.m. Commissioners present: Loch Wade, Alyssa Thompson, Cindy Wilson, with Caroline Gaudy joining midway. Also present: Commission secretary Peg Smith, and Town Council liaison Tom Jerome. Members of the public: Bill Muse, John Veranth, Tina Karlson. Cindy moved to approve the May minutes, Alyssa seconded and all approved.

The Planning Commission has before it two public hearings: the sign request for the recycling area and the town's request to modify commercial zone setback. Loch reiterated procedures for commenting at public hearing: one person recognized, stating name for the recording, and speaking one at a time.

Cindy made a motion to close the regular meeting and open the first public hearing. Alyssa seconded the motion, all approved. Loch opened the floor to comments on the conditional use permit application for a sign at the Recycling center.

Public Hearing: CUP for Sign at Recycling Center

Loch displayed the draft of the sign, which states the general guidelines for recycling.

John Veranth said he thought the sign was needed and appropriate.

Alyssa noted on the application the mention of an option to add another sign; what did that mean? Peg said Tina had presented her plan at the last town council meeting saying there was a plan to re-orient the entire structure by 90 degrees, thereby possibly requiring a sign at both ends.

Tom: If the sign is not on the structure, it can be larger than 16 sq feet but not more than 1/3 the size of the wall.

Tina (applicant): Option for the same sign twice. Yes, we're going to move the structure sideways and aren't sure there will need to be another sign---one on the front and one of the side?

Tom read from the ordinance: maximum building sign area is 32 sq feet, no portion extending beyond the edge of the structure, and number of allowed signs is 2.

Loch: I recommend we approve one freestanding sign, no options for a second sign, and you choose where it needs to go. No one should give you any grief because you'd be going with the most restrictive sign.

With no more comment, Alyssa moved to close the hearing, Cindy seconded the motion, and all approved. Loch reopened the regular meeting for discussion by the commissioners.

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Alyssa said she liked the idea of the freestanding sign, love the idea of a recycling sign there, but don't like having the option of a second sign included. (Caroline joined the meeting.) Loch reviewed the discussion for Caroline.

Cindy moved to approve the one freestanding sign with corrected spelling, Alyssa seconded the motion, and all approved. The conditional use permit for the recycling sign is approved.

Public Hearing to Modify Setback Clearances for Commercial Property

Cindy moved to close regular meeting and open a public hearing to discuss the Town's request to change the setback allowances on commercial properties. Alyssa seconded, and all approved.

Loch introduced the request: The Planning Commission has discussed this with a professional planner. The existing standard says setback is 30 feet if located next to a residential zone. Proposed would read 30 feet if located adjacent to a residential use or zone *or 0 feet if located adjacent to a publicly dedicated right-of-way with a minimum dimension of 40 feet from property line to property line.*

Loch read from the application: "...the amendment only affects those properties that are zoned commercial and with a minimum public right of way of 40 feet immediately adjacent to a sideyard area... the significant benefit is to recognize existing structures presently nonconforming by the existing 30-foot sideyard required in the current ordinance..."

Bill described the proposal: As an example on Brent Cottam's, this would allow him to build out to his property line, but not into the easement. Following that, a discussion ensued on the meaning of "right-of-way" and "easement."

Loch: An easement by definition is within a piece of property.

Bill: {The proposed change} would immediately affect Poles Place, the Exchange, Circle Cliffs Motel. It affects three right now, but could affect others in the future.

John: This is talking about side yards. Side yard setbacks tend to become nothing but weeds. Allowing commercial buildings to minimize side yard minimizes weeds and just makes good sense. As long as you're talking side yard, it just makes sense.

Tom: We're asking for change of side yard restriction, not the front and back yards. It doesn't affect Highway 12. It would be the road to the north of Poles Place and the road to the south of Circle Cliff

Tom: There was a suit ongoing with [another individual in town] who built a structure on an existing easement. An easement is a right reserved for another party to access through your property. If you build into an easement you risk having the building removed.

Loch: What are the legal rights of ways in Boulder? Bill said it varies---in Lower Boulder, people on east side of the road own the road. In this area, along the highway the right-of-way is 60 feet.

Loch: (reading again from the ordinance)... You have a property here, then 40 feet owned by the town, then another property. The property line ends at the right of way, then 40 feet. If the road is 39'11 inches, they wouldn't have the right to build up to the property line. The right-of-way has to be 40 feet for this to go into effect.

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Alyssa asked about the reason for the request.

According to the application, the revision would create a significant benefit to owners of current non-conforming structures by removing that nonconformity and thereby enabling those owners to qualify for financing for improvements [by banks previously unwilling to lend money on a non-conforming structure]. Bill said this wasn't written just for Brent Cottam and Boulder Exchange, but the subject came up when Brent initially applied for a building permit to modify the store. This wording change has been applied in many different towns. Also, the revision complies with the stated goals of the town's General Plan in promoting small businesses and not putting forth unreasonable barriers to their success.

Tom: One of the points Bruce [Parker] stressed in his meeting was that no matter what the decision is, a good discussion of points of the issue protects you from problems in the future. This has been valuable.

With no additional comments from the public, Caroline moved to close the public hearing and reopen the regular meeting. Cindy seconded the motion, and all approved. Loch reopened the regular meeting for discussion.

Discussion of Proposed Ordinance Change

Loch: We have to be very careful not to base a decision just on one example... If Circle Cliffs wanted to expand, they could build right up to the edge of the street; also Poles Place.

Caroline: Business would also have to comply with parking requirements. Loch asked Bill if there a place to discuss parking requirements in a building permit. (Yes, there is; the Zoning Administrator checks for that in the permit.

Loch: So if Boulder Exchange would like to extend south right up to the property line, would they have to get a building permit? (Yes, and would be addressed at ZA level. The table on page 42 of the Zoning Ordinance describes the required off-street parking--one space for each 400 sq feet of floor area.

Tom: Actually the original request [by Cottam] has been taking off the boards. Loch said he was just trying to understand the whole process with the example.

With no further discussion, Loch asked for motion. Caroline moved to recommend approval of proposed ZO change request as submitted, Cindy seconded the motion, and all approved.

Discussion of Bruce Parker Recommendations and Table of Use

Both Loch and Alyssa had written up drafts of potential items to change:

Caroline mentioned the use currently allowing churches in any zone. She suggested changing that to allowable only in commercial zones. John Veranth suggested recent federal law would also need to be carefully researched.

Tom: Parking requirements for various uses can also help regulate. In our current situation, a person wouldn't be restricted (for example) in setting up a church wherever, but not providing sufficient parking could present a public safety hazard. If you have rules about parking on town streets, then the town could ticket illegal parking. But as long as an entity is not identified as business or a church, the town doesn't have a mechanism to address the facility having an activity; you'd have to address each driver.

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Loch: I'm not sure what the demand is in Boulder for more religious activities, but clearly we would need serious legal advice.

Bill: We can get some questions in writing that we can pass along to the attorney and to Bruce Parker.

Caroline said she'd be happy to table her concern and add it to a list of questions.

Loch: in addition, for next month's work meeting, we'll keep working on the table of uses and on the definitions. The Commission should aim for having a revised Table ready to present to the Town by their September meeting. We know we'd like to add to the definition for accessory dwelling, add treatment and support facilities, change the time limit on campground facilities, define a major home occupation category, define minor home occupation, and do a simple edit on professional offices--- making singular.

Tom: And we may need to include some definition that would include Red House farm activities so we could include it in the Table of uses and subject it to the conditional use application process...: a lot of communities require an event permit. The PC could consider that. If you want to invite the whole community to your home, we call that a public event and you'd need a permit for that.

Loch: Let's add the event permit discussion in our work meeting. The town needs some way to control congestion for safety reasons.

Discuss Upcoming Business and Next Meeting Agenda

The 6 p.m. work meeting and regular meeting discussion on the Table of Uses.

Alyssa moved to close the meeting, Cindy seconded the motion, and all approved. Loch adjourned the meeting at 8:25

Peg Smith, Planning Commission Clerk

Date