

Meeting Minutes, Boulder Town Planning Commission

October 8, 2013

Commissioners present: Cindy Wilson, Caroline Gaudy, and Donna Jean Wilson, Loch Wade, and Alyssa Thompson. Also present, Secretary Peg Smith and Town Council Liaison, Tom Jerome. Members of the public present: Sergio Femenias, Scott and Brynn Brodie, Dennis Bertucci, Colleen Thompson and her sister.

Loch called the regular meeting to order at 6:06 p.m. Caroline moved to approve the August minutes, Cindy seconded, and all approved. Caroline moved to approve the September minutes, Cindy seconded the motion, and all approved.

Continue discussion related to additional Table of Use revisions

Loch started discussion on Home Occupation, Major. The main things that define it are 1) you can have an employee, 2) it can't allow noise/dust emission, 3) has to be incidental to residential use of the property. A beauty salon would be the type of thing that would fall under this category, not a welding operation. Caroline asked if an outbuilding would mitigate the noise problem for something like Loch's welding operation, but Loch said it would depend entirely on what he needed to work on.

Tom said he would assume those definitions were written for communities with higher density housing, in which case noise, dust, and traffic in those residential areas would have a larger impact. Here, more allowances might be made in low density and GMU areas. Issues like traffic, toxic waste, hours of operation could be handled within the permitting process. Tom said the town's goal would be to protect the neighbors by having people go through a process to define the actual use.

Discussion turned to allowable size of the accessory building. There was no final decision, but the ideas included having a percentage not to exceed 50 percent of the total floor area of the house, or a maximum of 750 sq ft.

Loch suggested making Home Occupation, Major a conditional use in any zone (except commercial) as long as the appropriate conditions are applied. Donna Jean said if an enterprise gets too big isn't a home occupation anymore, so a limit on its size helps maintain the residential intent of the property.

Other added considerations:

- The work must be conducted primarily by the permanent resident of the home.
- Maximum of one non-resident can be working on the property at any time.
- Mention of allowed sales
- Allow storage of necessary supplies

Alyssa noted Springdale's requirements for general home occupation as a good example. She'll send a copy for everyone to read.

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Loch clarified that he wasn't fighting for the major home occupation on behalf of his own welding business; the noise factor just doesn't fit in with the residential use of a property.

Colleen asked about the restriction on sales--- that it makes no sense to have a home business if you can't sell your product from your home.

Loch asked the Commissioners to come prepared at the next meeting to help craft a definition of Home Occupation, Major.

Temporary Use Permits

Tom said he'd like to see more definition in the Temporary Use permitting process. Donna Jean said now she (as Zoning Administrator) just has to make sure taxes are paid on the property before she can give a permit for temporary use.

Tom said now there's no limitation on the number of TUs you can apply which could potentially circumvent the whole zoning/permitting process. He would like to see an applicant limited to two 120-day permits per year, and six per year of 1-3-day event permits, instead of the current 45-day permits. The idea behind the 120 day permit would be for seasonal usage.

Caroline further suggested that Temporary events and special events cannot not overlap each other or be contiguous.

Loch suggested adding conditions on sanitation and parking. He thought a simple table could illustrate requirements for the different sizes of participants expected. Also the setup and teardown time has to be considered part of the time allotment.

One possible way to handle temporary use permitting would be with a two-tier approach. One type of permit would be for short events over a long term like 120 days, such as for farm stands, the market, etc. Exceptions would be a garage sale or a bake sale, etc. A permit shouldn't be needed for those, as long as they didn't extend beyond two days. It would also be important the TU process remain a simple thing, procedurally. Conditions should be addressed without going through the conditional use process, which takes over a month.

The second tier would be the event permit: not to exceed 10 days, including setup and tear down; would include festivals and fairs to address parking, sanitation, and curfews, but wouldn't include small groups or meetings, up to a maximum number of people. Tom said the reason to address the number of people is the impact on neighbors and the neighborhood. Caroline said sometimes it's the aggregate number of people over a time in a location that causes the problem.

Where do you draw the line? Loch said if 50 people showed up weekly at an AA meeting in a neighborhood, that may impact the neighborhood. Cindy asked if you're going to dictate to me how many people attend my Singles Family Home Evening meeting at my house? Donna Jean said you just have to ensure adequate parking. But what about frequency?

Tom said, "We're sitting in a building designed to have meetings. There is a place we've established in the community for meetings to occur. If you want to set up a place where that's going to happen, set up a permitting process, don't set up an exemption within TU process.

Loch wondered about drawing that line. At what point do you make someone get a permit? One meeting per week, but not three different clubs once per week? Number of participants equating to some type of parking on the property. Donna Jean asked what happens when you max your quota?

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Loch said it usually depends on whether someone complains or not. Scott said what this is coming down to is using the town roads.

Loch cited an example of a bible study group in San Juan Capistrano, with 120 people attending. Neighbors complained, and they were shut down. They screamed 1st amendment rights. The issue went to court, and the court said the town had right to regulate those impacts.

Caroline suggested adding a phrase, that a repetitive TU may indicate a need to revisit zoning.

Tom said the only reason the town council wanted to restrict Red House Farm was because it was operating outside the structure of our ordinances. "Now, they have their TU permits and I'm happy with that."

Cindy objected to several points, saying that people have right to assemble; we don't want to start dictating. Tom said as soon as the public is invited, an activity moves into a different category. A discussion followed on how the act of notifying the public affected the definition of a gathering or event. Loch said if it's a private event, you don't have to do anything anyway.

Alyssa asked if we are exempting commercial zones from the notification restriction. How about still needing to limit frequency or number of people? Loch said he didn't think there should be limit on the number of people, only a stipulation that a varying requirement of parking/sanitation, etc. would be enacted based on the number of people indicated on the application. For example, on the form itself, a table that shows 10 people = 5 parking spaces, or something like that.

Colleen said we shouldn't be afraid to set some limits on things. If people are unhappy, we can work on it some more, but you need to start somewhere.

Discuss Upcoming Business and Next Meeting Agenda

Upcoming business for the November 12 meeting will include:

- Approval of October minutes
- Final definition for Home Occupation, Major
- Final definition for Temporary Use Permits and checklists
- Definition for recreational facility and definition for retail sales
- Any info from Bruce Parker

Cindy moved to close the meeting, Caroline seconded the motion. Loch adjourned the meeting at 8:00 p.m.

Peg Smith, Planning Commission Clerk

Date