

Meeting Minutes, Boulder Town Planning Commission

September 10, 2015

Commissioners present: Loch Wade, Donna Jean Wilson, Caroline Gaudy, and Tabor Dahl (after minutes approved). Peg Smith, Secretary; Members of the public: Mark Nelson, Bill and Judith Geil, Donna Owen.

Loch called the meeting to order at 7:10 p.m. Caroline moved to approve the August 2015 minutes with corrections. Donna Jean seconded the motion, and Caroline, Donna Jean, and Loch approved. (Tabor arrived later.)

Caroline asked to postpone her overlay discussion until next month. She'll do the training for it next time.

Request for Zoning Ordinance Change to Add 'Recycling' to Table of Uses

At the previous Town Council meeting, Boulder Recycles had received approval to submit an application on behalf of the Town to include recycling in the Zoning Ordinance Table of Uses.

Bill Geil, representing Boulder Recycles, had drafted the required language and simply added "recycling" and "waste management" to the existing definition of "public uses and utilities," currently conditional in all zones.

Caroline asked if we are comfortable with waste management conditional in all zones as waste management could imply something other than we currently have. Loch said our dumpsters are technically illegal because they're not currently stated. The town dump is within town limits, and could be included in the definition.

Loch said the application is complete other than a simple paragraph within the narrative describing how this change applies to and supports the General Plan (#5 on the CUP checklist). That item can be drafted, signed off by the town, and incorporated in the document to be scheduled for public hearing on October 8.

Annual Reviews of Conditional Use Permits

According to a recommendation by Garfield County planner Justin Fischer, the Planning Commission will set a date for annual reviews of conditional use permits.

Before the next meeting, the Commission should have a complete list of all conditional use permits. Loch said it may be best to schedule a work session when the time comes for the review. Tabor suggested wintertime, and January seemed like a good choice to give time to know what we're doing, notify all the permit holders, and give them 30 days to respond if needed.

The Commission will need to decide by the December meeting what its 2016 meeting schedule will be. Loch suggested scheduling a work session on whatever the normal January meeting date will be. Caroline made a motion to hold the annual conditional use permit review on the first regular meeting date in January 2016. Donna Jean seconded the motion, and all approved.

Hills and Hollows Preliminary Application for Subdivision

Loch started through the checklist for a preliminary application for subdivision.

Question: There are two culinary hookups, but everything is running off one right now. Donna: have already arranged for the second hookup, which could be used for back property, and there is an easement for that. There is a letter in the packet stating that.

Caroline asked about determining the setbacks and needing an engineer to state the type of material the building is made of. Loch noted that now the property line skirts the buildings and doesn't go between buildings. Donna said she had heard the building code is one thing, the fire code is another; this is not new construction, so the setback requirement is 0. Loch said because the buildings were built prior to the zoning ordinance so from what he can see the line is fine.

Question: There is a fire protection: letter from Corry, but one is actually needed from the Fire Marshal, who is Pete Schaus. (Or he at least needs to sign the same letter.)

Question: Roads and streets. What about the Veranth road issue? At the previous meeting, John had mentioned some easement/access question he had. Donna didn't know any problem. Loch asked if road existed for more than 20 years.—yes. Donna Jean said there may be a question because it is a commercial property, depending on the amount of traffic on road. Loch asked about grade on road; Torgerson engineer said grade is no issue. Because the road deadends, a turnaround is required (50 foot minimum radius turnaround for subdivision).

What is still needed? A design that incorporates the turnaround at the end of the private road with the engineer's sign off on it. A signed letter from the fire marshall. The completed plat.

Donna said she will resubmit a finished map in preparation for a public hearing to be scheduled for the Oct 8.

Training Discussion: Zoning Overlays

Caroline referred to a previous session on zoning overlays and said there are benefits of regiven the proposals that have been made to the Planning Commission over last 12 months.

An overlay is a special zone placed over an existing zone or zones. It can define one district, it can combine districts. Imagine an overlaying transparency that applies a specific set of regulations over all lots equally. An example of this might be an historic district: If you meet x conditions, you can do x things. It might be to protect an historic feature, or it might be used to protect against development up the side of a mesa. Overlays are used in addition, on top of, existing zoning, generally to protect something or to incentivize something.

Say we decided we want to protect Hwy 12. We could use an overlay along Route 12 indicating conditions for development. If we wanted to protect existing ranching or farm land, regardless of whether underlying zone (GMU, low-density residential, whatever).

You create an overlay by defining a purpose, such as intention to preserve a view shed or preserve grazing land). Identify an area. Create specific rules. You need to look forward carefully to make sure you are incentivizing what you really want. The principle of equal application applies within the zone.

The major benefit of overlays is having a way to either incentivize or protect in such a way that you don't blanket all residential zones (for example) within the town with a single set of criteria. You have the option of specifying conditions within a target area regardless of underlying zone.

It gives the town the flexibility to allow for selected, controlled development, or not allow. It would inherently provide a framework through which to consider types of proposals coming to us. For example, if we wanted to consider types of areas for less than 5 acre minimum lot sizes,

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specific criteria could be defined by the overlay. It provides a stronger framework for challenges to existing zoning. It helps the town avoid spot zoning and the problem of people claiming precedents for types of development. It isn't all about development, it's also about a way to protect what we want to keep.

Examples of need: the last survey showed a majority of respondents said they wanted to reconsider the 5 acre limit. Also, there was the debate about light industry with the distillery, cluster housing in certain areas, affordable housing/senior housing..... Rather than be buffeted by the array of proposals, it provides a way for the town to first consider what it wants/doesn't want, then design overlays to match that. We can do a little better by gradually floating ideas and getting peoples' feedback on what they want, rather than try to respond piecemeal on the deadline of having an issue before us. There are usually a handful of people who come to our meetings and may speak up. What about all the other people in town? It would be better to float ideas out to people within their own environment, to consider and get feedback.

Overlays are looking more at the use and the purpose than the zone itself.

Mark: Say you're in an overlay zone and you don't want to partake of some option it allows, but your neighbor does? It seems like spot zoning. I can see this in a more urban environment.

Caroline said if you look at the literature, developers hate overlays because it puts more restrictions on them. Good for towns, bad for developers.

Loch: A real world examples was when Tom Hoyt proposed a zoning overlay that would allow smaller than 5 acres if property has particular characteristics; in his example, pinyon/juniper was the primary characteristic. My problem is that PJ isn't a suitable criteria, that people could just plant PJ in order to be able to build a lot of houses. How do you define those criteria that are suitably specific?

Caroline: The focus is on planning ahead, addressing what we want before we're hit by someone proposing something allowed, but not maybe desirable. Once one person gets their way, it opens the use to everyone now.

Tabor: It's been amazing to me how many things have come to us that we talk through and I can see the process working. We raise our concerns, the public made comments. We seem to be able to handle things in the here and now. The overlays seem more like a way around sound zoning.

Caroline: Planners plan. We haven't really been doing that. We react to proposals that come to us. We don't plan forward. We may not want to change a darn thing, but we need to decide that. Floating the ideas out gives us information and direction from people in town.

Mark: I agree these are things we need to be thinking about. Let's talk about them and figure out different ways of handling things. But on one hand, we say we want certain things, and then we reverse that.

Loch: Overlays are excellent tools as long as an overlay is well-defined. Let's say in a specific area you have different type of soil that doesn't perc as well as in others, so in that area you have different septic tank regulations. I can see that. Or you have a specific historic area, we can save this 6 square blocks. However, in Boulder, our geology is pretty standard. You could sort of look at our restriction on 30 foot slopes as an overlay. The challenge would be to specifically define an area, not just draw arbitrary lines that could be seen as forcing people to do or not do something.

Caroline: I encourage people to consider this use for more than the 5 acre lot size. There are so many ways you can use this to protect, preserve, identify (what the town wants). Without overlays, if you change one person's residential zone to a commercial zone, what do you say to

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the next person who wants to do the same? Overlays just provide a tool for deciding what you want and providing a mechanism.

Caroline asked the Planning Commission to think about an issue where we really need a better idea of what the town wants or doesn't want.

October 8 Meeting and Agenda

Items anticipated to be on the Oct 8 agenda are:

- Public hearing--- HnH preliminary app
- Public hearing --- on Table of Use addition for recycling
- Compile complete list of CUPs outstanding

Donna Jean moved to adjourn the meeting, Caroline seconded the motion, and Loch adjourned the meeting at 8:49 p.m.

Peg Smith, Planning Commission Clerk

Date