

Meeting Minutes, Boulder Town Planning Commission

October 12, 2016

Commissioners present: Loch Wade, Donna Jean Wilson, Carla Saccomano, Tabor Dahl. Secretary, Peg Smith; Town Council Liaison, Pete Benson. Public present: Ashley Coombs, Sergio Femenias.

Loch called the meeting to order at 7: 02 p.m. Carla moved to accept the September 8 minutes as written, Tabor seconded and all approved.

Update on SW Public Health septic system mapping

Carla brought a copy of the septic system permit records (about 200) which identify the status of everyone in the Boulder area who has applied for or obtained a septic system permit. Most are approved; some aren't final. Loch said he thought the plan would be to start mapping the systems according to address and preferably to identify if there are any clusters. Carla also has the information on the wells. With some assistance, this information, plus the property plats, can be plugged onto a Google Earth map. This will be valuable information to have as the town starts developing its future maps, annexation plans, etc.

Discuss Ordinance Infractions/Enforcement

Loch, reading from Chap 16 of Zoning Ordinance, Enforcement section. Briefly, it "shall be the duty" of the Zoning Administrator (Donna Jean), the Planning Commission, and the Town Council to enforce the ordinances. Any or all can bring an infraction to the attention of the town attorney." Carla reported at the previous Town meeting that the mayor had directed the clerk to write a letter to the Planning Commission instructing the Commission to inventory known infractions. Loch said there are definitely gray areas, but the Commission can get started with what is already known. The Commission needs to notify both the town attorney and the town council of the known infractions. Pete said the attorney decides the appropriate action. Loch fears that if there are commonly known infractions and nothing is done, that someone can come along and say the town doesn't enforce its ordinances, therefore they can do anything they want.

Billy Raaen: needs building permit.

Josh Ellis: Needs building permit; time limit expired on temporary dwelling?

Carla: technically, a reference to yurts ought to be included in the ordinance.

BOSS: several infractions. No active CUP for anything. It's a school, but includes living quarters. Any building permits? Septic systems? More than one dwelling per lot (2 lots?). Is it a campground? Donna Jean said they can combine all their uses into one CUP, if they'd just apply with all their plans and details

Gibbs Smith: corner property is an illegal duplex

County placing a TV tower on Thompson Ledge: contrary to mesa tops development, Chap 12, section 12.03, p 81. Sensitive lands. No silhouette against the skyline. No visual intrusion, visible over 6 feet high. The TV tower was put up in 2008, after the ordinances were in place. There was an old TV tower up there that was non-conforming. But if something is removed, it can't be put back, it has to conform with ordinances. The county put it up there and the town didn't catch it.

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Rachel Levinson Bernstein: illegal duplex in her house (use of upstairs and downstairs) One single dwelling per lot of record, so the yurt cannot be used as a rental. (It can be claimed as a temporary dwelling if cumulative use remains under the 90 day limit.)

BJ Miller's barn: It was built as a barn, not a dwelling. No building permit. Contains two apartments now.

The Ryans: Expired building permit for a house; No CUP for a temporary structure.

Loch: The only legal nonconforming uses the town can recognize is where it's gone before the Board of Adjustment.

Bevin McCabe: illegal duplex. Two separate apartments in one house.

Lisa Varga: The Whynots were permitted to cluster their housing. They filed all the paperwork required at the time and it was permitted. However, the guesthouse can't be rented out; it was intended for temporary use during construction and as a guesthouse.

Loch: illegal business in ZO

There is currently no provision in the ordinances for accessory buildings that contain living quarters. There are no provisions for guest houses that are detached. No living quarters in barns or sheds.

Bill Muse: two dwellings on one lot.

Johns Veranth, Lisa Varga, Steve Cox, Biglers, Wolfe Barsch: second dwelling/detached guest houses.

Blake Spalding: the Farm has no CUP for employee housing, which would be 90 day max for RVs anyway.

Discuss Cell Phone Transmitters

Loch said a man from Verizon talked to Anselm Spring about the county giving them permission to put up new cell phone transmitters on Thompson Ledge. Loch said they would need a CUP. Ashley said he would like it because it would improve cell coverage all over town.

Questions on Conditional Use Permits (Gladys)

Gladys asked if every business is supposed to operate under a CUP? She expressed concern about regulating everything with CUPs; that CUPs require more clearly stated criteria than what we have in the ordinance. Loch said Bruce Parker had recommended long ago that the town go with CUPs. Now it seems to be preferable to use overlay zone with criteria built into overlay zone. We'd have to change our Table of Uses to incorporate overlay zones for permitted uses and would need an expert to do that.

Loch said we need permission from the town to ask Bruce Parker to do things for us. Pete suggested listing everything needing to be changed and requesting help. Loch said next month, he'd make those recommendations to the town, along with a decision to move forward with General Plan revision, and ordinance revisions with overlays.

Gladys clarified that the town council expects Planning to inform them of major points we want to address within the General Plan and Zoning Ordinance, including housing options, zoning overlays. The town would approach Meg Ryan for assistance, and what she can't do, the town would go to Bruce Parker.

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Discuss Planning Commission secretary's duties/Peg Smith letter

Peg said discussion of her duties was moot. She read aloud her letter of resignation as Planning secretary, effective Dec 31, 2016.

Discuss Upcoming Business for November 10 meeting

Likely items on the next agenda include:

- Continue list/draft letter. Include all the zoning references.
- Pass resolution to revise GP and ZO provisions, including use of overlays, with help of planning consultants.

Donna Jean moved to adjourn, Tabor seconded, motion carried. Loch adjourned the meeting at 8:30 p.m.

Peg Smith, Planning Commission Clerk

Date