

Meeting Minutes, Boulder Town Planning Commission

June 8, 2017

Commissioners present: Carla Saccomano, Colleen Thompson, Perry Tancredi, Donna Jean Wilson, and Tabor Dahl. Secretary, Peg Smith; Town Council Liaison, Pete Benson. Members of public: Daniel Kennedy, Ward Coombs, Denise Pennington, Ray Nelson, Bill and Judith Geil, Mark Nelson, Judi Davis, Cookie and Pete Schaus, Elizabeth Julian, Gladys LeFevre. Carla called the meeting to order at 7:00 p.m.

Adopt the Agenda and Approve Minutes

Carla requested changing the order of the agenda. Perry so moved, Colleen seconded. All approved. Donna Jean moved to approve the May minutes, and Perry seconded the motion. All approved.

Discuss Coombs Re-Zoning Application

Carla asked the applicant, Ward Coombs, to describe his application. He explained this is the 6.9 acre lot just south of the school. It currently includes a trailer—one residence. He want to build one residence just east of the school. The lot is currently zoned low density residential. Donna Jean said the lots across the street are all 2.5 acre, medium density lots, so it's feasible to re-zone his.

Perry summarized this would be a 6.9 acre single lot, containing two residences. Carla said it's also in the center of town, where we're saying that's where our growth is supposed to be. Tabor said the commission had been concerned about maintaining views, and this works well with that, with his planned building out of site. Perry asked about access. Donna Jean said it would be his own private access on his own property. It's still just one parcel.

Donna Jean said there needs to be a public hearing. The commission and Mr. Coombs discussed the logistics for the public hearing. It may need to be held separately from the regular meeting.

Questions about a Hills and Hollows Campground CUP

Donna Owen has questions prior to submitting an application for a Conditional Use Permit. She is leasing a portion of the HnH land from her son, and wants to set up a basic tent camping business. It is strictly tent camping, and would use the same bathrooms and septic system as the store, on the same property. Carla asked about the additional use of the septic. All commissioners agreed that they'd like to see a number for the actual septic capacity, as well as estimate of store traffic plus camping load, water system specifics (currently two water hookups and two frost freeze outlets.) Donna said their septic system was reviewed and approved two years ago. Right now, Donna said there are maximum nine tents, maybe potential for 12.

Signage would be included within the CUP application. Donna will gather more information and begin the application process.

Rural Planning Group--- discuss schedule and activities planned

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Carla reviewed the plans known now for the Rural Planning Group, Tuesday and Wednesday, June 20 and 21, with an open meeting June 20, likely 7 p.m. Judi is sending them the capital improvement list. They want to know if it will be ok to knock on businesses doors to ask questions. We need to schedule their drive around “windshield tour.” Carla wants to include everywhere in town: Boulder Kings Estates; Black Ledge; Daniel Kennedy’s new subdivision; Tom Hoyt’s previous plans for a small development; development ideas that aren’t theoretical, but actually accomplished or on paper; the Draw; Town Center; school; church. We should set up some interviews to get different perspectives from people living here.

Once they have the time of the tour and meeting, RPG will send an agenda.

Discuss Fox Grove Public Hearing Comments

Carla asked for comments on the 6/5/17 public hearing. Perry said the road situation as it abides by town ordinance. Nevertheless, he said, it was “embarrassing” that the town can’t come up with something to avoid two side-by-side roads. There’s nothing the Planning Commission can do about that, but there’s an opportunity in the future to work on related ordinances. We either need to allow more houses to be accessed by a private road, or remove the intersection part as written, or update it to say the distance needs to be a certain distance apart. Frustration aside, he thought it was a good hearing.

Carla asked if the commission was prepared to move forward? Colleen said we had received recommendations from Bruce Parker. We haven’t really talked about them. Would we be sending these along to the town? Carla said a number of the recommendations were already incorporated into the plat, and yes, we’d be sending along our recommendations to the town.

Carla talked with town attorney Mark McIff, mostly about road easements and fire suppression. His position, not legally binding, but based on experience: the four lots across the front meet the access requirements (off Lower Boulder road), and fire suppression is ok. Lot 5 has access through the easement on 1700 South, but is not a buildable lot because there is no fire suppression back there. His strong suggestion was we put in a condition that at that time that Lot 5 is developed, fire suppression to be put in according to ordinances and cash bond is posted to allow to happen, and detailed up front so when this does come up for subdivision, it’s clear what will be needed.

Perry said he didn’t think that was needed; his reading of the current ordinance is: recommend to the town to meet the ordinance requirements--- section 8, standards for streets: Where feasible, all lots shall be located within 400 feet of a fire hydrant. There’s a proposed street in the plat. There needs to be fire hydrants. It needs to be there for both lot 5 and the Hansen lot, according to current ordinances. We just recommend to town that that ordinance be met.

DJ: We could make the condition that if you build or subdivide you need a fire hydrant. Perry: if you’re building a road to access a lot, you need to put in the hydrant--- it puts the burden on the developer, which I think is fair. I think that’s why this is here.

Daniel: asked about the remainder part of a parcel. Is that still applicable?

Perry: It’s only about lots on proposed streets. Now we’re just talking about those two lots. There would only have to be one hydrant within 400 feet of the Hansen lot, and that’s only if that road is built. That’s what triggers the ordinance requirement.

Tabor: When met with state fire marshall, he had a few options. Are you strictly talking about a fire hydrant, or maybe your own water tower, things like that. Perry: He mention three options; we can interpret.

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Pete Benson: The requirement for a tank for residential is 1000 gal/minute for an hour. Daniel said 500 gal/for 10 minutes (Pete—yes, if your building has sprinklers in the house.) You need to have the capability to deliver that water all at once. Perry: I think we need to get into that ordinance and amend ordinance... mention some version of the fire code...so we have leeway. Not just hydrants.

Carla: Two things: How do you want to do the wording on the proposed road to Dee Hansen's and how to address future development?

Perry: 1) get rid of the jog in the road dealing with the 200 foot thing at the intersection of the road; 2) recommend there be fire suppression within 400 feet of any lot any road services, 3) and dealing with further development, we'd recommend the applicant vacate and start from scratch.

Carla: So, to make clear, at such time as lot 5 is developed, fire suppression is put in according to ordinance that exists then. And McIff says, have the developer post a bond at the time the developer comes before the board to start a subdivision. Daniel said that's common. When you do a new subdivision, it gets a new tax id right away, and building can start. The bond assures that when someone is building their house, it makes sure fire suppression will be taken care of. It's not in play until the rest of the subdivision being put together.

Perry: None of those lots in back are accessible right now. If it were developed today, there would need to be those roads put in. For an existing road, that ordinance kicks in. If this road is serving two lots, and five years from now there are another two lots,

Carla: If you do divide this, there will need to be road access. 1700 So is most likely a private road. There's no judgment on it, but with McIff looking at it says most likely is a private road and would not be able to bear more traffic. The Muse subdivision road may or may not be a private road. It doesn't pertain to lots 1, 2,3,4, 5 here. The way the final plat was recorded at the time the subdivision is made. I read McIff the owners dedication. He said, usually there's something on the easement. This says the owners retain the rights beneath the ground. Paraphrasing, "The Muse subdivision road is less defensible as a private road than 1700 So." So it should be looked at by a judge at whatever future time you're developing those roads: "The recorded plat is vague." Though the recorder's thoughts are not a legal judgement, they carry a lot of weight. Don't just assume that that is a private road. Daniel said, looking forward--- I would have to go to court to get a firm ruling? Pete said if it's public, it's a public use.

Tabor: To build a new road would cost a lot of money. You might best take that money you'd spend on that road and go to those people on the road and offer them payment to use the road. "Looks like you don't have a private road, but we want to get along... no one wants don't wants two roads next to each other." Not threaten going to court, but maybe that would stimulate the discussion.

Perry: I don't think they care about two roads side by side as want the road to stay private. Some way to use that money would be to help ensure it's a private road but it needs to cover more lots. Also have more community support for what it looks like. If people understand it's going to happen anyway, Perry: if there's money to be spent, it's to make sure that road stays private.

Tabor: Two roads? There's still going to be traffic right there. And a lot of people are concerned about the aesthetics and the safety.

Daniel: So if we move ahead with the current proposal, I'm ok putting the fire hydrant within 400 feet (Perry:.. It's my intent of this. If required, would like to work with the back lot owners.

Perry: my reading of the ordinance is about a proposed street having fire suppression within 400 feet of any lot, whether part of subdivision or not. Daniel: disagreed. It's the subdivision that creates the need for the fire suppression. So, I propose I put fire suppression within 400 feet of Lot 5 and then maybe I could put in a two track road so Dee can make plans for what he

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wants to do back here. And if we work something out in the meantime, I don't put in a full 18 foot road. Perry: so if you don't continue the road to Dee Hansen's then that doesn't trigger the ordinance. I agree with that too.

Tabor: Pete Schaus was fire marshall for a long time. Tabor asked for his opinion. Pete Schaus said according to code it absolutely needs to be 400 feet from Dee Hansen's lot. The previous consideration of the Muse subdivision missed the requirement (both fire marshall and the Planning Commission.) Pete Benson: Also, the water company couldn't build out at that time.

Tabor: I have wrestled with this because our job is to make sure things are done according to ordinance as it stands. Lots unclear. Intersection is good example. Fire suppression=== with the road or when you build? I also think things may have been done differently in the past, don't need to continue doing it that way. Easier if were talking about this theoretically, not with someone trying to do something. Would make sense for fire suppression when you get a building permit. You can build a road somewhere and never build anything. Perry: developers typically build road; buyer gets the building permit. Tabor: not cut and dry. Daniel: if you build out a road and create new tax id numbers, then subdivider needs to put in suppression.

Perry: complicated by lots created before ordinance. What do we want to do when people are building roads to lots that exist before the ordinance.

Tabor: We need to do as right as we can. There's a lot unclear in our ordinances. Also because things might have been done differently in the past doesn't mean we have to continue it. It makes sense that fire suppression comes when you need a building permit. A road may go to nowhere. It's not cut and dry, and there are different interpretations. Perry: There were subdivisions defined before these ordinances. What do we want to do when people are building roads to lots before there were subdivisions? Tabor: We also need a little compromise in us. We can take care of some of this stuff when there's not something on the line, as in this subdivision being held in limbo because we don't like our ordinances. It would not be fair to have him have to be squeaky clean, when the subdivision across the road didn't have the same requirements.

DJ: Thinking about Jepsens's ranch that was subdivided into four pastures. It was a subdivision, even though most of the parcels remained pasture. It would have been silly to require them to have fire hydrant.

Tabor: Having the fire hydrant within 400 feet satisfies the demand. Our job is to help people accomplish things within the rules and for the best for the town. (Considering lot 5) Pete Benson: I like the idea of the bond. Carla: When you look at the potential problems if that road is indeed public. If we are upfront and clear at this point, so when you do come before us, you'll know there will be a fire suppression plan for each lot within 400 feet, and access, and if more lots beyond four, it would need to be public access and need to meet public standards. Carla: And I'm not in favor of making the buyer pay for fire suppression. And it also avoids confusion of people buying in and not realizing what they've bought. DJ: If you put up a cash bond now, and don't develop for 10 years, that bond may not pay for it. Carla—No bond today. If you are planning on accessing the new subdivision you will need to sort out the public/private road thing and the fire suppression.

Tabor: If someone buys that lot they should know they need to have fire suppression going in, whether they provide it or the developer. It'll be a cost known upfront.

Daniel: Does the attorney want a plan in place for Lot 5 as Phase 2? Carla: No, but as it stands, it's not a buildable lot without the fire suppression.

DJ: I recommend we accept this application and pass it along to the Town, with condition of a hydrant within 400 feet of Lot 5 and that a hydrant be put in on the two lots that currently don't

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have them before they're sold. And avoid the 200 foot requirement at the intersection of the two roads, and any new road to an existing lot provides fire suppression.

Perry: So I propose we approve with condition of strong recommendation to consider fire suppression on Dee Hansen's lot (plus the 200 foot intersection thing and the Lot 5 fire suppression. Donna Jean: Dee Hansen is not part of this subdivision and shouldn't be considered.

The Vote:

Perry: agreement on the 200 foot road intersection problem – Board of Adjustment would have to process this.

The Commission took a preliminary vote on whether fire suppression was required to be provided to the Dee Hansen lot. Voted against.

Carla: We vote to approve the Fox Grove subdivision with the recommendation that the 200 foot intersection jog goes away, there are hydrants added between lots 3 and 4 before the lots are sold, and fire suppression is put in for the new road within 400 feet of Lot 5. Vote was unanimous.

Upcoming meeting

Likely items on the next agenda include:

- CUP from Donna
- Coombs (discuss public hearing)
- RPG - follow up to discussion next steps.

Tabor moved to adjourn, DJ seconded. Carla adjourned the meeting at 8:38 p.m.

Peg Smith, Planning Commission Clerk

Date