

Meeting Minutes

Boulder Town

Planning Commission

Work Meeting

May 17, 2018

Commissioners present: Perry Tancredi, Matt Cochran, Josey Muse, Colleen Thompson, and Tabor Dahl. Secretary, Peg Smith; Town Liaison, Pete Benson; Zoning Administrator, Curtis Oberhansly. Members of the public: Bill and Judith Geil, Mark Nelson.

Perry called the meeting to order at 7: 02.

Discuss Corrective Zoning Recommendations

The point is not to open the topic of general rezoning. There are specific uses, such as the school, church, state park, and town property that seem improperly zoned as either commercial or residential. In the case of Hall's Store, the fact that the adjacent property (town property) is zoned as medium-density residential means Hall's sideyard setback is 30 feet, not 10 feet, and this causes them to not be allowed to remodel their own building.

Curtis said larger towns may have an education zone, a religious zone, a municipal zone, etc. to cover these public facilities. For Boulder, there may be a simpler fix, such as defining specific conditional uses, but this is what he needs to discuss with the attorney. Perry said we shouldn't try to fit what we have into our current zones if it doesn't make sense. For example, the current definition of a commercial zone doesn't fit the town hall.

Perry said the alternative to changing zoning is continue to live with nonconforming lots and enforce the ordinance or live with nonconformity and ignore the ordinances. The Town seems to not want to continue with ignoring non-compliances. If there are obvious, corrective actions that can be taken now, it makes sense to look at those now. Anything created before Sept 11, 1998 (date of the initial zoning ordinance) is a legal lot of record. It may now be "nonconforming" to the current ordinance, but was "legal" at the time it first passed.

Curtis: a true nonconforming use like the Conine property. Before 1998 it had rental unit on it. Noncomplying structure. Perry said he would want to take each example on a case-by-case basis and not try to fix everything in one sweep. Correct obvious things that you can do. Perry: when we have the proposed language, it will be useful to have real examples to provide the explanation. Curtis asked if one additional zone might encompass public use facilities. Perry said it makes sense to him to look at the types of restrictions that might help define a zone. For instance, should a school be required to have a 30-foot or a 10-foot setback?

Curtis said in his opinion, Hall's could expand right now because it is compliant with International Building Code, which says 10 foot setback. One of the problems is not knowing where the south property boundary with the town really is--- the edge of the asphalt? The center? The reason for a larger setback against residential property is the potential for disruption, but the town grounds are not "residential."

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Colleen said we have to start somewhere, and this is a good place. Perry said it offers a good opportunity to hear from the public. Curtis: Under the ordinance, when presented with a question, the Zoning Administrator has an obligation to consider it and bring it up.

Perry asked for comments. Mark Nelson protested having to stand up to formally comment. Perry said this enables people to hear the comments, as well as actually maintain some structure to the discussion. Colleen said a training session she listened to specifically advised handling public commentary in this manner.

Mark Nelson: What's the hurry on this rezoning thing? Why set a public hearing so quickly? I think you should postpone the public hearing. Wait until you have the answers and have explored all the options. If someone has a problem, he should come to the town and you can address it. Ask the planners who first zoned this why they did what they did.

Perry: We're not in a hurry. I'm not viewing our next public hearing as the last public hearing. Getting it on the schedule allows us to have more public discussions. We decide when we're ready to submit a recommendation to the Town. Curtis is the Zoning Administrator. By going to Curtis, you are going to the town. He's staff. I can't say we've done much in a hurry. We are a small town. Right now, this is not part of a standard town meeting. It's useful because you have good things to say, as do most people in town. We need to find a line between keeping our informality and getting things done. If someone comes to anyone on the town council, planning commission, or staff, it gets addressed. I like that.

Curtis: No one's in a hurry. You can have a public hearing, and you don't have to come to a conclusion that night; you can discuss the public input for several other meetings. And I've talked with Judi about the Hall's zoning, and she was there. It was not a thought out thing by the lawyers and planners that created this situation.

Perry concluded discussion on this topic.

Review Work Group Reports

Perry asked anyone present who was part of one of the groups to present that group's reports.

Housing (Tabor) Although vacation home rental kept coming up, Tabor tried to keep the discussion mostly focused on permanent housing for Boulder people. Both permanent and mobile housing were discussed. We talked about cluster development to have houses clustered together on less productive ground to maintain ag land. We kept the discussion pretty broad, recognizing the intersection with land use, community identity. Do we want to have a trailer park the first thing seen coming into town? The discussions were congenial, interesting.

Perry asked about clustering. The ordinance does something to encourage developers, but maybe it's not enough. Did you talk about that? Tabor said: If you had a big rectangular pasture and the owner wanted to develop it, it would be much like a subdivision plan they come in with and they present a clustering concept. They'd have known bylaws that potential buyers would be aware of, including snow removal, fire suppression, etc. The benefit would be grouping facilities, denser housing. Perry: My concern is if a developer buys 60 acres, are our ordinances enough to encourage the developer to cluster? Probably not. Tabor said we also talked about how each parcel is different. Some properties lend themselves easier to clustering.

Josie: We're talking about incentives and not regulations. I don't think we can regulate what a property owner does, but we can provide incentives. Curtis said yes, you can incentivize clustering. Right now we have a weak ordinance, no incentives.

Economic Development: (Colleen) We entitled it Economic and Community Development. Do we even want econ dev here? No, not really. But it's coming, so what do we do? We had a varied group, we didn't necessarily talk about tourism so much because there were other things we

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wanted to consider. What does ranching and agriculture mean now, versus 20-40 years ago. We listened to Kevin Gardner and ranching, you have to talk about public lands and grazing. How to bring those definitions into the future. Ranching is a dying business, in the way it used to be. We consider ourselves an ag community, but what do we grow? Our definitions changing. We grow our own food here, we have farm to table restaurants, and how we take ag to the future for the people living here? How do we use our community facilities and activities? Can we better support what we have? Our community market? People come here because they're interested in our lifestyle. We were looking at econ dev by taking the things people like here and helping other people create that in their lives.

Josie: I like utilizing what we have and expanding on that. Was there discussion of recreation or art center? Colleen said we talked about needing specific skills, like a mechanic, but how do we bring this in? Do we sponsor a high school kid to learn this. Can he find a place to put a shop? How far do we go, as a community, to develop individuals and to help a person get started. And should we?

Land Use 2 (Matt) focused on revising chapter 7, Land Use, of the General Plan. We edited it for vagueness and giving it more specificity. There were definitions that need to be added. We talked about keeping in mind the identity of the community. Highlights were regulations versus incentives. Outside developers won't be stopped by incentives if their interest is profit and not town identity. We talked about clustering incentives. We thought the current Greenbelt GMU zone is a misnomer that should be corrected, because you can't actually be greenbelt with less than six acres. There is tourism and ranching, but also something in between that is small scale ag like Feilers, Red House, and other examples. Greenbelt becomes important for that use, as well as clustering and open space.

Colleen: We also saw wording in the General Plan economic development area that needs changing. We are in a different situation now than 20 years ago. Perry: Planning for the future means making some ordinance changes in order to keep things as they are. Matt: Overall, people didn't want Boulder to change, but there's a recognition we need to take active steps to accomplish that. The biggest crux comes down to regulation versus incentive.

Land Use 1: (Peg) This group jumped into ordinances directly. Everyone agreed on needing to enforce our ordinances, or remove things we don't want to enforce. We talked about the forest service inholdings within Boulder and conversations that have to happen with that agency--- land swaps, sales, SITLA, etc. We have a need to learn more and start those conversations. Then we got into the Table of Uses and start listing things that exist in real life, but aren't in the document. Colleen had read about other communities with similar public lands issues and all the programs they have available they can bring to a community.

Community Identity: (Josie): They came up with a new identity statement and new goals: Vision: Boulder is a small, vibrant, rural town nestled in wild nature. (see Community identity report). Goals are more detailed than what we have now, and also reference needing to incorporate the goals from the other groups. They also came up with iconic symbols that could be put on signage or brochures. Also, they'd mentioned a Boulder Brand for local products. Colleen said the word describing us is "frontier," not merely "small town" or "rural."

Perry: It would be good to consider at least one thing in each meeting, so we can work through the recommendations each meeting. Tabor: I don't agree. In the past, as people in the community have wanted to make a change, they come before us, and we go through that process. The committee were good for the discussion, but individuals need to drive it. I don't think we should take it on. Colleen: Looking at the other side, we had so many people involved, nearly 50, a huge representation of people in town. I think we should start bringing these subjects up. People spent a lot of time, and they want to see forward movement. Perry agreed

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that people would like to feel their time and effort and voice is heard. This came to us from the town council; maybe we need to ask them how they'd like us to proceed.

Peg: The reason was to update the General Plan--- trying the committee approach versus doing a survey. Curtis: You had a lot of interest, so you don't want to drop it. Since the General Plan is due, and you have a professional planner now on the Commission (Josey). You could have a committee, and take all this input into a revised GP. It lets people know something is happening. The actual ordinance revisions can arise more out of need. Use Josie's skills to head a committee to start drafting it. You can have one other commissioner on it, with maybe someone from each group to work on it.

Perry said he wouldn't want to do anything without the town council's support and should put this on the next town agenda. Tabor said we should be cautious about "rewriting" the General Plan. Josey agreed and said the Forest Service uses the term "sufficiency review": determine what changes are needed in specific areas and what can remain the same. Colleen: We need to move forward, because there is interest in the town right now. Perry: For example, grazing only shows up now in the history section, it's not stated as a value, yet in all the groups, the topic came up. Josey: We can't do a lot about water, pesticides, etc.; they're controlled elsewhere. Perry: It's worthwhile stating values and intent in the General Plan, even though we can't necessarily regulate it.

Mark Nelson: There was no accountability in the committee meetings other than those on the committee. Perry: No one is talking about taking the committee recommendations and pushing through. We decide as a Planning Commission what makes sense and discuss it in a public meeting. I hope the people who participated in the groups, and others, will keep attending our meetings and will provide context.

Tabor move to adjourn, Perry seconded. All approved. Adjourned at 8:30

Peg Smith, Planning Commission Clerk

Date