**May 9, 2019**

Commission quorum was present: Perry Tancredi, Josey Muse, Colleen Thompson, Matt Cochran, Elizabeth Julian, Marian Johnson (alternate). Also attending: Secretary Peg Smith; Zoning Administrator Curtis Oberhansly, Town Council Liaison Peter Benson. Members of the public: Steve Cox, Ray Nelson, Donna Owen.

Perry called the meeting to order at 7:01 p.m. Elizabeth moved to approve the April minutes, Matt seconded, and all approved.

***Initial Public Comments***

Ray Nelson complimented the Subdivision Ordinance and General Plan drafts, but had a question on fire hydrants. He brought up the number of homes that are or will be built with wells and no town source of water available. That should be addressed too.

Peter Benson said he wasn’t going to require individual homeowners to add a fire hydrant. But if you’re developing a whole subdivision, then they need to be required. (Perry said there is an option to use a water tank in place of a hydrant. This may need future discussion.)

***Public Hearing on Proposed Subdivision Ordinance Revision***

Perry moved to close the regular meeting and open the public hearing. Elizabeth seconded the motion, and all approved. There were no public comments. Perry moved to close the public hearing and reopen the regular meeting. Elizabeth seconded, and all approved.

***Discussion and Action on Subdivision Ordinance Revision***

Curtis requested the Planning Commission not send this ordinance along to the Town Council yet. He still needs more statutory information on bonding from the town attorney. He also agreed that the issue of fire hydrants needs more definition as to what “reasonable availability” of water means in requiring or not requiring a hydrant.

Perry favored tabling action on the ordinance until Curtis can talk to the attorney. Matt asked about the requirement for a town engineer. Curtis said an independent engineer’s service will be paid by the applicant, and that becomes the “town engineer”

Perry reiterated the intention of the revisions: we’re trying to prevent subdivisions being created and lots sold before water availability is resolved. Curtis agreed, saying the town could be on the hook for a dry lot if a subdivision is authorized without this assurance. Perry asked about covering the intent in the “whereas” clauses. Currently it mentions the developer burden, but doesn’t talk about buildable lots in Boulder not having water.

Curtis: The other big revision relates to bonding. Right now, if you’re doing a subdivision, you post a bond to get final plat approval. That authorizes you to sell lots. The bond is to ensure that all required infrastructure will be developed as described: fences, roads, water connections, etc. In Boulder, what staff do we have who can assess the rating on the developer’s bonding company? The revision addresses a way to resolve this for Boulder: the developer applies, lays out the plan and the map, receives approval for the preliminary plat (no right to sell lots yet), and then spells out all the details in a development agreement that defines roads, water lines, rights, drainage, etc. The town can agree with the development plan and the developer can move forward. The final plat is signed only after the town has inspected the development for completion. If the developer was unable to carry out the described plans, the town isn’t on the hook for having approved an incomplete development.

Josey moved to table the Subdivision Ordinance revisions until the new information is added on fire hydrants and on bonding. Matt seconded the motion, and all approved.

***Public Hearing on Proposed General Plan Revisions***

Perry moved to close the regular meeting and open the public hearing on the General Plan revisions. Elizabeth seconded. All approved.

Josey introduced the revisions: This is the final draft version of the General Plan, along with a supporting spreadsheet that addresses questions posed by the initial working groups. Regarding higher density housing and clustering, the revision committee decided that clustering is already described in the Subdivision ordinance and RV parks are already an allowed use (section 10.16 of the Zoning ordinance). They did address multi-unit dwellings, which are not yet covered in any ordinance, and recommended further discussion and more public input, and later look at amending the Subdivision Ordinance and Table of Uses, but not specific to the General Plan revision. The draft online prior to the meeting didn’t include new capacity information on Boulder Farmstead water tanks. That information is now added (12.8)

Steve Cox: Thanks to the Planning Commission, revision committee, and community working groups. We hadn’t done it this way before--- starting with bringing in an outside group (Rural Planning Group) to analyze the town and our General Plan. I thought this resulted in wonderful working groups that included a cross-section of this town that maybe has never been done, probably more than a survey could. Then to put all that in a document that addresses what they came up with… I think it’s a very positive step for the town to show that everyone’s concerns were addressed. They were written down, talked about, and acted on. The professional way this was done speaks highly of the Planning Commission and the working groups. It gives a positive sign to everyone in the community that their voice counts. It’s a good model for the future.

Ray Nelson: I have some questions on existing zoning and the method of changing zoning. Are there plans on revising zoning in town? Is applying for a zoning change the only way it can happen? I think we should look at it more and not just leave it up to individual cases. There needs to be more zoning for other businesses in town than just cottage industries.

Curtis: Comment on page 15, “minor subdivisions.” We used to have a minor subdivision ordinance, but they’re actually kind of a trap. What if I have 80 acres and cut it into 4 different parcels. How will you make sure I don’t come back and cut each of those 20s into 5 acre parcels five years later? I think you need to talk more about clustering, how to protect the town from developers who’ll take advantage of existing rules to escape the duties of a developer.

With no more comments, Perry moved to close the public hearing. Matt seconded the motion, all approved. Perry thanked Josey for all her efforts at completing the General Plan revision.

***Discussion and Action on General Plan Revisions***

Peg asked about formatting: earlier discussions on the General Plan update had included suggestions to make the document for visually appealing… adding charts, tables, photos, maps, etc. Josey said their Action Plan mentions this. Maps are needed, but will have to be generated by someone else. Perry agreed and also suggested using tables or graphs to illustrate some of the written descriptions, such as the historical population of Boulder. He was also curious how the highway paving affected population. Josey said historical data is available and could be added.

Commissioners discussed various effects on Boulder’s evolution and possible information sources. GSENM designation, paving the Salt Gulch Road, development of Black Ledge Mesa and the Draw have been big influences. Data might be available through UDOT, Travel Council, the RPG book itself, Anasazi State Park.

Perry asked about residential zoning. The Plan talks about maintaining low density residential zoning. Our ordinances allow zones to change based upon the zoning adjacent. He suggested reexamining the zoning ordinance and maybe removing the adjacency element in rezoning.

Josey asked for guidance on how to proceed with these edits and whether the reference to minor subdivisions should be left in (because it was found in some of the ordinances). Curtis said he’d hate to see minor subdivisions in the General Plan. He suggested tabling this to consider another month, specifically the language related to clustering.

Elizabeth said the idea of maps and tables came up a lot in the housing work group. She said if there was an image that showed how clustering could be used, it might provide more of an incentive. Josey said providing educational brochures like this is an action item. Rather than pull it into the General Plan, some of this could be handled in brochures later.

There was continued discussion on the intent of minor subdivisions--- can the concept be revised to eliminate the abuse? Curtis said deed restrictions are an extremely weak tool to depend on and that conservation easements with clustering are better. He said you still need a holder, and the town could be the holder. Perry said we should still consider if we want to preserve large sections of open space without residences.

Matt moved to strike the reference to minor subdivisions. Perry seconded the motion. All approved. Josey will do the text edits and will add tables with population figures. She said she could have this completed to send to the town council for their next meeting. Adding maps will require special funding, which the town can do. Josey made a motion to send the General Plan revision to the town council, with edits on tables, historical populations in both the town and surrounding areas, remove the language on Boulder Mesa, and discuss Salt Gulch paving. Matt seconded the motion, and all approved.

***Discussion on Economic Opportunity Talking Points***

Perry said the Town Council had asked the Planning Commission to look into options for helping cottage industry and local businesses. Possible options include potential commercial rezoning, spot zoning on a case-by-case basis to allow commercial uses in different zones, developing criteria for different types of uses in existing zones, and so on.

Matt asked how an area is rezoned. Curtis said the town can initiate it, they can conduct a study to look at zoning, or an individual can apply for a rezone.

Perry suggested considering the types of activities we want to encourage. Things mentioned before were light manufacturing such as Autumn’s finish oil business, the Hells Backbone Grill idea for using the farm for catering events, food production in a more commercial manner (such as the distillery), coming up with ways to attract specific skills such as a mechanic. Josey said it may be easier to think about what we don’t want to allow, such as any type of hazardous material that threatens our water table, land, people, to which Matt added excessive noise, light, or other things that affect neighbors’ rights. Josey said a second concern for her would be heavy increase in traffic in residential areas. She thought expanded commercial zones would be a preferable way to handle this.

Perry brought up home occupations and what is included. Curtis said the issue there has been allowing heavier duty activities like a metal worker who creates artistic items, but produces some smoke and noise while doing it. Or a welder, or the mechanic. How would we allow this? How much acreage do they need? Matt said it’s hard to create a blanket zone that covers what we want. Spot zoning would be better.

Perry thought it would be instructive to consider specific examples. There are two conditions we should consider: someone in town who wants to start something, and someone wanting to bring in an expertise. What do we want to allow? Curtis said the town isn’t locked into the existing zones. There are other types of zoning that could be considered. That, coupled with appropriate use of conditional use permitting is a way. Matt said his ideal is preserving the residential areas and keeping commercial activities along Highway 12. Josey said this doesn’t address the home occupation that requires a workshop, and maybe clients coming by.

Perry said there’s no single solution. We need to consider rezoning areas for commercial use, look at home occupation and expanding that. He asked the commissioners to review existing zoning categories and uses, review the “talking points” document and eliminate any that don’t seem feasible.

Colleen suggested also looking at examples in town now, such as Sugarloaf Ranch and Hells Backbone Grill farm. These are businesses that include diversity, and also retain the ag qualities we want to encourage.

In conclusion, how do we allow uses that conform to the General Plan, encourage ag use, and allow economic opportunity for families that want to stay here?

***Final comments***

The Planning Commission needs examples of things people have wanted to do and weren’t allowed to because of our ordinances.

Matt is introducing the Dark Sky presenter to the BCA this week to see if they’ll take this on as a project.

***Upcoming business for June 13***

* Public comments
* Review the revised Subdivision Ordinance
* Continue discussion of Economic Opportunity

Perry moved to adjourn; Matt seconded. All approved. Perry adjourned the meeting at 8:37 p.m.

Peg Smith, Planning Commission Clerk Date