

Boulder Town

Planning Commission

Meeting Minutes

July 8, 2019

Commission quorum was present: Perry Tancredi, Josey Muse, Colleen Thompson, Elizabeth Julian, Marian Johnson (alternate). Also attending: Secretary Peg Smith; Zoning Administrator Curtis Oberhansly, Town Council Liaison Peter Benson. Members of the public: Tom and Caroline Hoyt, Tessa Barkan, Pete and Cookie Schaus, Ashley Coombs, Ray Nelson, Donna Owen, John Veranth.

Perry called the meeting to order at 7:02 p.m. Perry moved to approve the June minutes, Josey seconded with two corrections to her comments on page 3 (change to “hazardous materials”). All approved.

Initial Public comments

No comments

Discuss Sugarloaf Valley Farm Conditional Use application

To complete the process, a public hearing on the CUP application will be conducted at the August meeting. However, Curtis assured the commission that the SVF currently meets the necessary CUP criteria and the commission can discuss the application.

Perry said his opinion was that SVF was a perfect example of what a guest ranch should be. He said the current Table of Uses definition of a guest ranch is three sentences long. Now is the time to talk about it means in Boulder to operate a guest ranch. Matt concurred, saying it looks like anyone could become a guest ranch on low density residential property. Perry wondered if the Planning Commission might consider a moratorium on CUPs. Curtis suggested resolution rather than moratorium to discuss the table of uses to better define definitions and permissions. By passing that resolution, you're vested in studying the issue as long as you proceed expeditiously. Colleen said the discussion on these items initiated over a year ago. It's time to revisit this discussion.

Perry moved to enact a resolution to study the Table of Uses and definitions, in particular the definitions of guest ranch, resort, Bed and Breakfast, professional offices, light manufacturing, home occupation, automotive care, and then the rest. The motion was seconded by Josie. The Planning Commission approved the resolution by unanimous voice vote.

Perry asked Curtis to review the CUP application. Curtis said he'd inspected the property and lined up the elements on the application with the CUP ordinance. He said it was obviously a well-maintained property with no issues regarding sensitive land, storm drainage, and clearly fit within the definition. Matt asked about the outdoor lighting on the stable apartment; it needs to be shielded. Donna Owen said SVF is going to shield it and get it off motion sensor

Cookie Schaus asked how many people would be using the ranch if it were fully occupied. Donna said the large house could accommodate 8-10 people, the three-bedroom house could hold six people. In general, fewer than 20, but she said sometimes families come and extra kids might bump up that number. Regarding putting a limitation on number of people within the CUP, Curtis said that wasn't possible with the current ordinance. On the other hand, building an

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additional structure would expand beyond the terms of the CUP and would require a new CUP application.

Ray Nelson said it sounds like blurred lines between guest ranch, residential short-term rental, bed-n-breakfast. Is this worth worrying about? If I call it something else, I can do a whole new range of things. Perry agreed and said that's the reason for the Table of Use resolution.

The official public hearing on this application will be held Aug 8.

Public hearing and action on Subdivision ordinance amendments

Curtis said the revisions address the major concerns the Subdivision Ordinance by 1) making sure the developer has access to water for each lot, whether Boulder Farmstead hookup or allocated well water rights, and 2) either requiring a cash bond or withholding final plat approval pending all infrastructure improvements--- fencing, road association, road maintenance, fire lines, etc. He said the goal was to get away from the 10% bond which puts the town in the position of having to sue on the bond and then finishing the infrastructure itself, an untenable situation for a town like Boulder. If you require a cash bond, it encourages the developer to instead spend that money on actual development, not the bond. Changes discussed regarding fire suppression specifics got too involved without a lot of external research, so current language will stay intact. Curtis said the ordinance still gives the fire marshall authority to make decisions based on external codes. If the town does want to address these specifics, it will need to devote effort to much more research to get the proper wording.

Perry said the current ordinance is as good as what's required by state statute. Elizabeth moved to close the regular meeting and open the public hearing. Matt seconded, all approved.

Public hearing:

Tom Hoyt: It's good to get this stuff nailed down. He asked about the fire protection language. Curtis said there are feasibility issues in small towns, such as subdividing a property that's a quarter mile from the nearest hydrant. Is it feasible to require \$40K expenditure to divide off one lot? But if someone is subdividing into 10 new lots, maybe it is feasible to require the hydrants, with the developer able to amortize costs to cover that expense.

Donna Owen: Clarify the two different ways--- a bond or the withholding final plat approval? I want to see everyone treated the same way. Curtis read from the revisions which say the developer has the choice of either going cash bond or development agreement/preliminary plat before the final plat is signed off.

With no further public comments, Perry moved to close the public hearing, Elizabeth seconded the motion, and all approved.

Discussion:

Josey said requiring cash escrow 100% of the improvements or completing those improvements before a lot can be offered up for sale effectively locks out subdivision to developers who have that type of cash. Most people around here don't have that type of cash capital, and the ordinance prevents a person from selling the lot to help finance the improvements.

Curtis said it does cost money to subdivide. If people want to subdivide, there are bridge loans, ways to secure property. The subdivider either needs to find funds or the town ends up holding the ball. He said he's not sure of the current state of the law regarding presales

Perry said the point of the ordinance is to avoid creating subdivision lots that are unbuildable due to circumstances that should have been handled by the developer. It does present a hardship for people without the capital to subdivide, but there's not a good way to account for that. Curtis said almost anywhere else, a subdivider is faced with much more complicated

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requirements, paying for asphalt roads, much more expensive soil tests, etc. Our requirements are about as easy to meet as you can get and still meet state statute.

Perry said if we want to mitigate this, address the costs for building, not within this ordinance.

Perry moved to vote to recommend the subdivision revisions as written to the town council. Matt seconded the motion. The commission unanimously approved by voice vote.

Public Hearing and action on Boulder Creek Ranch sign CUP

This is the ranch sign for the Brock/Lebaron property, gate entrance off Hwy 12.

Curtis presented the sign application, saying he would have preferred coming before the commission with an amendment to the sign ordinance: that there should be an allowance for ranch signs to be able to put them atop the cross beam over the gate rather than requiring them to put the sign on top of a fence. The ordinance now has a 10 foot height maximum, whereas the cross beam on top of the gate is 15 feet. The sign as designed is 10 sq feet, well within the 16 sq feet maximum. It meets all other requirements. Curtis suggested approving the application, but give the applicants the option of waiting for an ordinance amendment. Elizabeth moved to close the regular meeting and open a public hearing. Perry seconded. All approved.

Public Hearing:

John Veranth: We've been through the same thing with Gibbs Smith sign. It's ridiculous.

Donna Owen: I disagree. You did it on the corner and Jacqui's sign. Make them put their sign on the fence like everyone else. Making special exceptions is wrong. Perry said there is no special exception being made. They can put up the sign now, but only in compliance with the current ordinance.

With no further public comments, Perry moved to close the public hearing, Matt seconded, and all approved.

Discussion:

Curtis said he would draft a revision to the sign ordinance with the ranch sign exception up to 15 foot height maximum. Perry move to approve the CUP with a note saying an ordinance change may be pending and its our intention they don't have to reapply. Matt seconded. All approved.

A public hearing will be scheduled for next month.

Continuation of Economic Opportunity discussion: Table of Uses

Perry said the Planning Commission had been asked by the Town Council on how to encourage cottage industries, as intended by the General Plan. This is not just one change, but it may be several fairly simple changes to the Table of Uses.

Colleen said she wants more public comments, similar to the General Plan. Perry agreed and wanted to facilitate that by making some initial changes for people to discuss.

Matt asked about spot zoning. Curtis said it is a rezone of a specific property, but it's zoning, different from a conditional use.

Perry, starting with Autocare: it's currently conditional in Commercial, and suggested adding it as conditional in GMU, with the condition that it be related to agriculture. Josie basically agreed, saying if it's added to GMU, limiting it to support local needs.

Daycare and preschool center: conditional use in all zones? Josie said a daycare/preschool center is a commercial building so it's good as is.

Guest ranch and Bed n Breakfast: will be looking at definitions.

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Home occupation: Josie said the definition is pretty broad.

Light manufacturing: look at allowing in other zones with zone-specific limitations. Is a cabinet shop light manufacturing? How to limit in a GMU zone? Matt said it depends on how close the neighbors are. Josie wondered if adding workshop or handyman shop as a new definition to distinguish it from light manufacturing. Perry's concern is having many overlapping definitions of what things are. To start the conversation, let's try adding light manufacturing to the GMU. Curtis said you can have different levels of light manufacturing, as long as you define them clearly. Perry: so maybe come up with different categories for light manufacturing and allow a workshop in a GMU.

Professional office: Josie and Perry agreed making this conditional in all zones, with conditions on parking, number of employees, etc. Or as an option, leave as is and just expand types of businesses allowed in Home Occupation. Maybe also to allow sale of retail items related to the business/service.

Retail Sales and Services, Commercial Sales and Services: needs definition.

Resort: A former Planning Commission wanted to remove this as an allowed use. Need to review, especially compared to Hotel and Motel.

Perry asked the commissioners to come up with new language for definitions and zone specific conditions.

Final public comments

Perry announced he's moving. He's proud of the work the Planning Commission has done, making the effort to hear and involve the public, and hope it continues.

Peg Smith: Consider adding Ag as a new zone, 6 acre minimum, basically following county definition of ag. Eliminates the confusion of "greenbelt" not really being that in GMU; GMU gets renamed "General Purpose/Multiple Use that stays primarily residential, but with some of the expanded uses that you wouldn't want in a residential zone.

Tom Hoyt: Home occupation, guest ranch/resort are the least defined, yet have more potential to speak to character of town than anything else. Suggest adding some intent language. It's hard to be specific with definitions as things change, but a good intent statement can tie it back to town vision. Perry: and link all definitions to the General Plan.

John Veranth: Speaking of character of the town...With conditional use process you have the ability to set conditions that affect character. How big a sign is, how prominent a building is, a fence that screens junk stuff from view. CUP process can make home occupation or home mfg fit the character of the town. Don't think of manufacturing as a factory with smokestacks.

Upcoming business for August 8 meeting

- Public hearing for Sugarloaf Valley CUP
- Review updated sign language (10 to 15 feet). Public hearing?
- Table of Uses, prioritizing guest ranch, BnB, and resort
- Ag zone and its differences from GMU

Curtis: TC approved a sound system with mics, recording. Also they approved Sterling Codifiers that will organize ordinance updates, allow keyword searches, and will keep them continuously updated.

Perry moved to adjourn; Matt seconded. All approved. Perry adjourned the meeting at 8:28 p.m.

Peg Smith, Planning Commission Clerk

Date