

Boulder Town
Planning Commission
Meeting Minutes
February 13, 2020

Commission quorum was present: Colleen Thompson, chair; Matt Cochran, Josey Muse, Cookie Schaus, Haylee Apperson, and alternate Marian Johnson. Also attending: Secretary Peg Smith; Mayor Steve Cox, Town Council Liaison Judy Drain.

Members of the public: Mark Nelson, Elizabeth Julian, Pete Schaus, Donna Owen, Ray Nelson, Denise Pennington, Julie Lesser.

Colleen opened meeting at 6:02. Colleen moved to approve the January minutes. Matt seconded the motion. Approved unanimously.

Initial public comments

No comments.

Public hearing and discussion on RSTR amendment (modifying number allowed)

Matt reviewed the amendment: Current language in 4a states maximum number shall not exceed 15% of total number of dwellings operated by permanent residents. There's no cap on that, so the 15% translates to more and more units. We wanted to put a cap on it and are interested in your thoughts. Colleen moved to open the public hearing, Haylee seconded the motion, and all approved.

Judy Drain: I'm on town council and also Garfield County Planning. I wanted to make you aware of how many RSTRs there are in small towns in the county. In Hatch alone, we have 45 there. I think putting a cap on it is a good idea. There's comment that eventually it's going to top out, but right now it isn't and we're seeing growth every year.

Mark Nelson: I'd like to reiterate what Judy said. I visited with Wayne County about some planning issues. They were trying to get a handle on their short term rentals so they did a count and came up with 19. But when they turned it over to a company to track, there were actually 87. I have no problem with capping, it's worth a try. I don't think the amendment goes far enough, to deal with deed restrictions. In general, I think deed restrictions have to be acknowledged. The PC shouldn't be reviewing any application that has deed restrictions. Wayne County recently had an application to double the density on a lot and they returned it to the applicant and said it needs to be cleared up first. As a policy, it's good to have. You can say you won't take an application that doesn't have it checked off. It encourages people to check their titles. Also, the town lawyer said, "as written" it would be a problem, but if you had a policy requirement, you could cover it.

No further comments. Colleen moved to close public hearing and reopen the regular meeting, Matt seconded. All approved.

Colleen: On deed restrictions, we have nothing in our General Plan or ordinances, so if it's something the town wants to do, we need to start somewhere. What are suggestions for a policy?

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Mark suggested adding it to the application checkoff list, as “There are no prohibitive deed restrictions.”

Josey mentioned the checklist item in her previous presentation. A checklist of permit applications was typical in other towns.

Matt said considering we’re done both the ADU and RSTR ordinances in the past 10 months, which can increase density on anyone’s property, the deed restriction is an important thing to include on that checklist.

Mark Nelson said we don’t want to discourage conservation easements on property.

Matt: When you read the vision statement in the General Plan, #1 in the vision statement says to preserve the rural, frontier spirit, and #2 is to protect the open space, etc., #3 promote self-reliance and resiliency. There’s a priority here and that’s what we need to follow. Colleen said our wording needs to start following what we say in the General Plan.

Background described by Matt: One thought about changing the 15% was to come up with a firm number for each of the three zones. I’d suggested saying “4” each, which is about the same as the 15% currently gives.

Matt read the letter from Curtis, attachment 1. Limiting number is not a problem in itself. However, there was a presumption there had to be count and location mapping of the qualified dwellings. The numbers and boundaries are currently only guesstimates. How would we know when to cap the submissions and where? Setting a hard number could have been deemed an “arbitrary and capricious” decision. To remedy with a hard number would be to redraw zone boundaries with same number of dwellings each, or apportion the 12 total CUPs among the three existing zones proportionately to their qualified dwellings.

Colleen said we need to create a map, however we decide to amend this. Matt said we could also say 15% of the qualified residences as of the date the ordinance was passed. However, we still need the map. We did do preliminary counts.

Ray Nelson: I don’t know how you can set a number until you set your zones. Set zones after you know what you have.

Josey found language in the General Plan that should be pulled into the ordinance: In the General Plan goals, Goal 3 covers preservation of natural resources/open space, and Policies: G3-2 that suggests enabling clustering or allowing density credits to encourage use for ag purposes, preserved by deed restrictions or approved Land Trusts.”...

Donna Owen: regarding the Wayne County info from Mark, they said they don’t even deal with the application. They tell the applicants to fix an issue and then come back.

Action: Check with lawyer on adding a checklist item.

Update from Table of Uses Work Group

Matt said the group met twice since January meeting. They’ve started on definitions. RV, Campground will be slow. We won’t be done by April, but everyone on the team is working on their items and Josey is tracking all the comments.

Cookie asked if there can be a little update sent to the Planning Commission? Answer: right now, they’re just pulling in a lot of info. When it starts getting honed down, yes.

Review Lee Nellis workshop documentation

Cookie said the workshop had presented a great way to consider applications. I’m concerned about having a record that shows how we arrive at our decisions. We could try to customize his process to fit Boulder. It’s a way to track our ideas and also keeps us from going over and over

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the same topics. Peg suggested using an application that's already been decided and try using the process to see how decision making might work. You have to set up your criteria, then establish your weighting for each item, then consider what the applicant is asking for and assign your number values to each item, and that's it. I think you won't understand the value of the process until you've worked through a real-life scenario.

Info on Zoning webinar, ombudsman training

There's a communication problem finding out about available training within the county long enough in advance to schedule. The live Zoning webinar is set up; we have 10 people. Technical details are forthcoming.

Discuss upcoming business for March 12

Known topics for discussion will be:

- Update on Table of Uses work group
- Discussion deed restriction and adding a policy, adding a checkbox to a permit
- RSTR mapping as of May 2019, ADU Jan 2019 (Peg talk to Kaden)
- Schedule a work meeting to customize Nellis decision-making process.

Final public comments

Brief discussion on application checklists: when the applicant signs it, they're declaring it's accurate.

Colleen moved to adjourn, Matt seconded. All adjourned 6:58

Peg Smith, Planning Commission Clerk

Date