

Boulder Town

Planning Commission

Meeting Minutes

August 13, 2020

Zoom meeting, Commission quorum present: Colleen Thompson, chair; Matt Cochran, Cookie Schaus, and alternate Marian Johnson. Haylee Apperson and Josey Muse were excused. Also attending: Secretary Peg Smith; Zoning Administrator Curtis Oberhansly; Town Council liaison Judy Drain; and planning consultant Lee Nellis.

Known public zoom connections: Ashley Coombs, Scott Bigler, Kipp Greene, Liz Denham, Mark Nelson, Sam Van Wetter, Stephanie Love, Steve Cox, Tessa Barkan, Tom and Caroline Hoyt, Walt Gove, Christine White, Michelle Peterson-Sparks, Dave Conine, Keri Venuti, Nick Sparks, Jabe Beal, Tina Karlsson, Andrea Rice, Bill Muse, Judith Geil, Dan Pence and Jennifer Geerlings, Jacqui Smalley, Elizabeth Julian, Dianne Oberhansly, Devaki Murch, Debra and Allan Oldham, Ana Sanders, Sam and Debi Stout, Bobbie Robinson, Randy Catmull, Pam Furches, Ryan McDermott, Gladys Lefevre, Blake Spalding and Dave Mock, Julie Lesser, plus some unidentified phone numbers.

Colleen opened the meeting at 6:04 p.m.

Lee Nellis: Development Standards

Lee said after working on these items for about five months now, he suggested the Planning Commission consider moving the drafts to public hearing with the general public. You don't want a public hearing that covers the universe. Other topics in ordinance and General Plan can continue to be improved, but commercial uses is in new format (not all new). There can still be changes and improvements.

Starting with Home Business Standards worksheet: not changed in last two and half months. Lee read through the list (see Nellis documents in Meeting Materials on website). Matt asked about dimensional requirements (setbacks) and space (sq footage) and mentioned GMU as varying widely in sizes of lots. This can be further defined.

Curtis asked about gross weight of a vehicle used in the Home-Based Business standard. Lee said this was a good example of the specific knowledge the public can bring to help work out the specific numbers.

Moving to Commercial Standards worksheet, Lee mentioned more discussion needed on watercourses and slopes. Several other standards, especially dealing with topography, he suggested making relative, based on the use and the specific lot itself. He said Boulder's setbacks are not very deep so he suggested making them deeper, depending on the nature of the use. To deal with scale of commercial use, he uses parking space limit as a simple and defensible and consistent means of controlling commercial growth, yet parking comes with its own environmental and visual impacts. Land use intensity standard gives a way of considering a use relative to its compatibility within a neighborhood. Buffering and screening can be required for buildings and parking. Traffic control can be made relative to the type of area. He suggests requiring or encouraging access to a commercial building being perpendicular to the street rather than parallel, using Boulder Mountain Lodge as a positive example. Architectural relief

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may or may not come into play in Boulder, but it is commonly used to break up the visual impact of a long wall--- color variations, windows/doors, etc. all help.

No change to sign regulations at this point. Includes mention of limiting operating hours, ban on drive-through facilities (not new). He suggested additional discussion on the current language on not allowing businesses that require uniforms. Finally, he added language to encourage employee housing on-premises as a means of helping with affordable housing.

Nothing yet about commercial building design, materials, etc. Current language in Chapter 10 of “jarring disharmony” which he does not recommend keeping. One more work session would be required to address this.

He said the draft, even before subsequent discussion, gives the Planning Commission a fair amount of power to have the type of commercial development it wants in town.

Matt asked if the commercial standards review can be applied to any zone. Lee said it applies anywhere the Table of Uses allows a commercial use. The draft essentially removes Commercial zoning for the future, most of this would apply to GMU. Unless the Use Table is changed, high and medium density would not allow commercial uses. Matt’s concern remains protecting low and GMU zones and compatibility with the community. Lee said old way would be to rezone a parcel to commercial, with few standards to apply to doing so. Problem is rezoning a lot for a desired commercial enterprise falls apart if the original applicant falls back and now you can’t control whatever other commercial use comes in. He said we get the same result with a good set of standards and not worry about the zone. He thinks watercourse and irrigation ditches should be an absolute and not relative, given the importance of these in Boulder. Lee will make that change.

Lee said its highly possible that a parcel may contain a slope where a driveway needs to cross. He recommended making slopes relative.

Matt suggested noxious weed spraying and adjacent properties. Lee thought state law preempts what a town can do. Finally, he wants to discuss commercial design.

Standardized commercial enterprise: Lee said in most cases, franchises wouldn’t be interested in Boulder yet because of traffic volume at this point.

On commercial design, he suggested participants bring in pictures of examples good and bad. What do “good” examples have in common and use that as a springboard to discuss standards. Things like glare, colors,

Colleen asked for input; Matt suggested coming up with examples as homework; Cookie agreed with and has taken photographs. She wants a meeting with design.

Colleen mentioned commercial developments encouraging ADUs onsite. She said the Planning Commission hasn’t discussed this. Would anyone like to discuss this? Lee said the Use table already allows ADUs with businesses, although there are no guidelines. Second step would be an attempt to identify priority. Encourage businesses to provide and use that to trade against building on a moderate slope or some other standard. It doesn’t require anything but is a statement by the town that it’s thinking about that issue. There are other steps the town could take. I haven’t seen that as my task. Leaving it here as an item is a marker that the town is concerned.

Homework is to review the Table of Uses and he’ll say what to do with design standard photos. Matt doesn’t want a public hearing next time. He’d like to go over more details and discussion so everyone is familiar with what’s going on before the hearing. Design meeting as a separate work meeting, then a regular meeting to discuss those results.

Curtis asked Lee to hang around to give an intro on the next agenda item on cell towers. Lee said the draft ordinance gives the town the ability to discuss things like co-location with the

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applicant. There are limits to what a town can disallow. Make sure you understand what they are trying to accomplish and their limitations. Have a conversation to minimize impact. Make sure the ground facility looks good. You have that right.

Colleen asked that initial comments be contained to things other than the Hoyt Conceptual Plan, as it hasn't been described yet.

Initial Public Comments

Randy Catmull asked about the Hoyt application: that clustered housing shouldn't even be considered before a rezone application. True. Colleen said Hoyt will present that information.

Cookie moved to approve the July minutes, Matt seconded, and all approved.

Matt moved to close the regular meeting and open a public hearing on the cell tower amendments. Cookie, Matt, and Colleen approved. If Marion Johnson is online, she can submit her vote online if she's on the call.

Public Hearing and Action on ZO amendment, Wireless Comm. Tower and Facilities

Curtis introduced the amendments: Generally, the reason is that Section 1008 only mentions exemption from height limitation and provides no other language. This amendment adds a 1021 to handle any application that may come in and allow a discussion to look for mitigation and reasonable alternatives as appropriate. If someone wanted to replace what we have now, we are vulnerable without these additional words. Boulder is unique in having mesas. You could build a 10-foot tower on top of a mesa and you're already a hundred feet in the air. This gives the town the ability to have the conversation about location, height, mitigation. Facilities enclose the controls for the towers. Co-location refers to allowing other providers to share your tower. That limits the number of towers that could otherwise result. Setbacks from public right of ways and public buildings are addressed. Includes lighting, signage restrictions, electromagnetic radiation compliance, abandonment of tower, and other considerations. Curtis said he felt some sense of urgency to move it along, given that the town has nearly no protection right now. If between now and the Town Council public hearing, comments and suggested changes can be considered.

Public comments:

Debi Stout said something but it was not clear. If other people have questions, Peg reminded them they can find the document on the town website.

Ashley Coombs: We need to have a bigger tower up on the ledge so there's better coverage than we have right now that includes Salt Gulch and the Draw. We need a tower high enough and in a certain location so everyone can receive coverage.

Peg Smith: Would like some language included requiring any tower set up would actually benefit Boulder area residents and not just improve the company's own connection purposes. I'd like to see that as a mitigating condition.

Seeing no other public comments, Colleen asked for a motion to close the public hearing and reopen the regular meeting. Matt so moved, Colleen seconded. Matt, Colleen, and Matt said aye.

Regular meeting discussion:

Matt liked Peg's suggestion to be added and was ok with the rest of the proposed amendment. Curtis suggested the terms "net benefit" to the town to be included as a condition for approval.

With no other discussion, Colleen asked for a motion to add section 1021 to the Zoning Ordinance on Wireless Communication Tower and Facilities, including language on the net

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benefit to the community. Matt made that motion, Colleen seconded the motion. Cookie aye; Matt Cochran aye; Colleen Thompson aye.

Update on Town Mapping Project (Michala)

Michala has been identifying which properties have a structure and if it's the primary or secondary structure. Cookie asked if she would print out the table. Michala will put the document on dropbox or print out copies if desired.

Matt asked about her timeline: she's been delayed due to work on other town council priorities-- hopefully by next month. Curtis said she needs the tax roll from the county treasurer, to be able to zip through the list by parcel number.

Peg said she could upload the information to the website. Right now it's just an Excel spreadsheet.

Conceptual Plan for Burr Trail Meadows Subdivision and Rezone

Curtis introduced the two application: one to rezone the 27 acres to high-density residential; the other is a Concept Plan for subdivision, involving clustered development for 13 lots and the remainder in open space. This is all preliminary and is only to request feedback from the Planning Commission. Hoyts do not own the property right now. They would proceed with purchase depending on these proceedings.

Matt asked about process: The Rezoning application goes to the Planning Commission for a public hearing and then to the Town Council for its own public hearing and decision. It's amendment to the ordinance and is the same process.

Caroline Hoyt reviewed their background as trained architects and business owners working for 50 years in Boulder, CO creating housing while protecting open space. She noted their awareness of the critical need among Boulder's younger demographic for the availability of more affordable private land available for housing.

Tom Hoyt: The Conceptual Plan contents largely describes how their plan complies with Boulder's General Plan. The second part of the proposal is the rezoning application. The concept plan can only happen if the rezoning to high-density and use of the cluster concept is considered workable. He noted the plan's departure from Boulder's normal manner of subdividing properties.

Highlights: Trying to create a 13-lot subdivision that provide smaller, more affordable lots in a location that is easily accessible to most employment other town facilities and is compatible with lots around it. Wetlands and critical view are to be preserved. Access to town pathway system. Preserve a part of the open fields, while providing opportunities for more affordable housing.

They've had several discussions with nearby residents and potential buyers. IF we get a positive response from the Planning Commission, we'll continue to involve residents in the planning moving forward.

He presented the maps and drawings. Twelve lots are on the road coming in opposite Black Ledge Road; the thirteenth lot is the existing house that Keri Venuti lives in. Lots range from half an acre to an acre and a half, reflecting potential buyers' conversations about ability to purchase as well as how much land they'd have to maintain. 15 acres are in open space, slightly over 10 acres in the lots, and the remainder is the road right-of-way.

Zoning density on that site would otherwise allow on that site: five 5-acre lots, each requiring separate access off roads, figuring out how to irrigate, and loss of the open space and views.

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Is this an appropriate development or not? Tom said this plan diverges from Boulder's current subdivision requirements and relies on language in the General Plan on preserving the agricultural character of Boulder while meeting needs of people in Boulder.

He said they have a lot of experience with conservation easements, which deed future development rights on the land to a third-party holder, this being a stronger mechanism than deed restrictions.

Some have questioned this as precedent for spot zoning. He said the Planning Commission, on any future project applying for rezoning or something like this, has the discretion to decide if any project is in a location compatible with its surroundings and meets the vision in the General Plan. One important part that would go forward is the subdivision process would be linked to the rezoning. The plan would be linked to the rezoning and vice versa. You wouldn't end up with rezoning if the plan doesn't go forward.

How to ensure local residents can buy and not second homeowners? Tom thinks enough people have indicated interest he thinks they can make that.

He mentioned a question from Josey asking about going for different zoning. Serious engineering could change the concept plan. High density residential zone versus medium density gives us the mix of lot sizes that meets peoples' needs. They'd considered medium density, but it doesn't achieve the affordability they were going for. There are fixed development costs: in the neighborhood of \$300K for engineering, roads, water mains, wetland mapping, etc. If it was 9 lots instead of 13 lots, it would raise the price significantly per lot. We feel high density is pretty critical to what needs to be done.

Colleen asked for comment from the Commissioners:

Cookie said she was impressed with the plan and its development. She highlighted the General Plan and all that applied to this plan and thought the open space could only improve the ag potential, and it creates a little neighborhood that connects to the rest of the town.

Matt said they've done their homework, answering most of his questions. He said the whole basis is to make affordable housing--- but what are we dealing with? Tom said they're hoping to get in the range of \$40K-\$120K per lot or less, targeted. Matt asked about the perpetuity of the conservation easement. Tom said the ordinance allows the town or another third-party land trust as the conservation easement holder, though the town has never passed such a resolution to do so. Curtis said they'd probably look for two layers of protection: There would be a homeowners' association required that would be the owners of the 13 lots who would have common ownership of the open space. Then the conservation easement that deeds away the development rights on the open space to the land trust. So each buyer becomes a member of the homeowner association; the HOA is the owner of the open space; and the conservation easement describes what the land can be used for, and the town (or other holder of the conservation easement) enforces--- "about as bombproof as is possible." This would be part of the subdivision process and would be transparent as it proceeds.

Matt also asked how the affordability stays that way in the future. Tom said it's hard to control that. He said they're trying to create the initial opportunity, but it's really hard to create a restriction beyond that. Can there be a covenant that increases price increases? Tom didn't think that was the right answer. It's possible the HOA might be able to play a part.

The lots would be hooked up to city water. Do owners have irrigation shares? Tom said now the idea was to keep the shares on the open space and not the individual lots. But they'll have to put in infrastructure, and it's possible to create some access to that water, but he's not sure how yet. Mainly it would be Farmstead water for the lots.

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Matt said the plan was incredibly thorough and conforming to the General Plan. He gave a positive response and willing to move along with the process as they work through the challenges.

Colleen said she knows not everyone who'd like a lot could afford them, though she appreciates them developing them. This is a good opportunity to talk about clustering on a real project and she's impressed with the work so far. Eighteen letters have been received so far and are on the website now, and assuming more letters and comments will be coming in. Most are very positive and a few express some of the concerns that were asked about now.

Upcoming Business for September 10

Matt, Cookie, Colleen ok with design standard work meeting, 6pm Tuesday, Aug 25.

Likely business items on the agenda for September 10 will include:

- 6pm for Nellis discussion, design standards and additional ordinance/GP suggestions he's made
- RSTR mapping continuation

Tom thought the earliest they could get would be October, given the positive feedback that will launch the engineering to be done. Both subdivision and rezoning would be tied together.

Final Public Comments

Colleen said there will be continuing public comment capability in upcoming meetings, as well as submitting written comments for perusal.

Christina White, landowner of property: I've been thrilled working with Hoyts. When I bought this land in 2012 this was exactly my intention for this property. Love they've incorporated the historical rip-gut fence and historic barn, and happy it'll move forward. Health problems kept me from fulfilling what I had in mind for this land.

Scott Bigler: Two to three years ago the Planning Commission told Ward Coombs "no" to rezoning. This seems like a wholesale change from that decision. The cluster concept isn't part of the character of Boulder. Traffic seemed to be a big consideration for Ward Coombs but this seems like more of an impact. Future sale of lots is where you'll have people coming to you asking for variances on building envelopes, other restrictions. How do you ensure the building envelopes? By code? The lot prices seem altruistic, I don't know how you'd break even at less than \$100K per lot. Boulder Farmstead has water pressure problems now. Don't know adding more lots would do to that. Hoyts have spent the effort to try to comply, but it's the zoning change that worries me most. [Curtis said the Coombs parcel was rezoned to MDR, divided into two lots.] Scott thought there had been a plan to put 6-13 small homes, but that wasn't supported.

Randy Catmull texted: We submitted a wetlands map. Where is that and will it be made a public record? Yes. Colleen will get it on the website.

Blake Spalding: Dave Mock and she support the proposal. She lives on a one-acre lot which is still a lot to take care of. The unintended consequences of the 5-acre minimum lots are the untended areas that are unirrigated, dry, fire hazard land. I like the idea of clustered housing and the opportunity for people who aren't wealthier. Are you looking at traditional mortgages or owner-carry? Hoyts said they've been talking about some limited amount of financing for a couple of lots anyway. Looking at USDA programs too and some other potential for assistance.

Dave Conine said he's no longer working for USDA but the good news is the person who took his place is committed to rural housing, the housing director there now has a good team in place

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that is already aware of this possibility moving forward. I think this is a long overdue idea, impressed with the site planning, etc.

Sam Stout: I'm completely opposed to this. You're not preserving the ag land and the scenery. We'll be looking at 13 houses. I don't think you'll be able to build in the wetland area. By the time you put in the infrastructure, you're looking at \$240K per lot, conservatively. The impact of traffic will be big. Black Ledge Mesa brings in construction trucks past my lot and past the school, and this much more will make a huge impact on the road. Right now we see geese, blue herons, ducks, sand hill cranes, all kinds of wildlife. You're not preserving that, you're going to destroy it.

Allan Oldham: How will the permit process be monitored, specifically the Corps of Engineers, Dept of Water Quality? Will there be public access to that to see what happens there? Tom said compliance with those requirements will certainly be public. The specifics of who we're dealing with, I don't know yet. Allan: So who in Boulder Town will monitor the permitting process? Are you going through the Army Corps of Engineers and are you making a ??? plan. Curtis said they don't have to go to Army Corp unless it's a predesignated wetland, but until they get into the engineering, they can't answer your questions in detail. Tom said that's all they know right now.

Colleen asked for a motion to close the meeting. Matt so moved, Cookie seconded, all approved. Colleen adjourned at 9:08 p.m.

Peg Smith, Planning Commission Clerk

Date