

Boulder Town

**Planning Commission**

**Meeting Minutes**

**April 14, 2022**

Commission quorum present: Matt Cochran, Elena Hughes, John Veranth, and Tina Karlsson; and alternate Shelley Price-Gipson. Colleen Thompson was excused. Also attending: Planning Commission Clerk Peg Smith, and Town Council Liaison Elizabeth Julian.

Members of the public: Pete Benson, Dan Pence/Jennifer Geerlings, Dylan Rose Geerlings, Nate Kelly, Anson Fogel, Nick Vincent, Judy Drain, Caroline and Ray Gardner, Tessa Barkan, Keith Watts and Lisa Varga, Ashley Coombs, Brynn Brodie, Tom and Caroline Hoyt, Sarah Langwell, Jen Bach, Susan Kelly, Jim Catmull, Randy Catmull, Donna Owen, Judith Geil.

Matt called the meeting to order at 7:07 p.m. He made a motion to approve the agenda with minor change: no vote on the Fogel/Fuller subdivision preliminary application. John seconded, with stated correction. All approved. Matt moved to approve the March minutes, John seconded, all approved.

***Land Use Ordinance: discussions and decision for priority actions***

John provided status: the Planning Commission has been discussing this since January, including numerous conversations email exchanges between John and Lee Nellis. The April 5 Nellis memo is the definitive text. It includes some alternative wording on definitions that addresses all John's issues. He recommended scheduling it for public hearing in May. Elena asked about the definition of easement and right-of-way and still feels it's unclear. Is easement a right and right-of-way denotes ownership? He acknowledged old plats and documents sometimes use both terms or use them differently. Right-of-way may be used both ways. Our ordinance needs to define how we're using it. Matt moved to move the Amending Chap 152 in the Boulder Code of Ordinances to public hearing in May. John seconded, Matt, Elena, Tina, John, and Shelley voted 'aye.'

Next, the item now labeled Review Standards for Subdivisions: This is the current iteration of a document initially entitled "Immediate Amendments" that had been approved by the PC in October sent for approval by the Town Council. It was called "Immediate Amendments" because it contained wording that needed to be changed by mandate of 2021 legislative changes, but those changes themselves necessitated additional editing. The TC returned it based on some questions raised by Mark McIff. On Apr 5, John distributed his own suggested wording to the Planning Commission. Pending comments gleaned on this, he wants to send this to public hearing in May, so that it might be approved and sent on to Town Council for their approval, a whole year after the initial amendments were first presented by Lee for "immediate" action.

John wants to pass this, then return to the General Plan and develop a specific list of what needs to be improved in the Zoning and Subdivision ordinances.

He said the concept of dedicating all subdivision roadways as public streets was objected to in comments by Gladys LeFevre, Judy Drain, and Elizabeth Julian at the January Planning Commission meeting. He's put forth new wording on private drives and he feels better addresses Boulder's needs and reduces ambiguity.

Tina asked that "minor" subdivision language be incorporated into the amendments rather than separate types of subdivisions.

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John went through the substance of his and Lee's stances. John made a motion to send his recommended amendments to public hearing at the May 12 Planning Commission meeting. Matt seconded the motion. Matt, Elena, Tina, John, Shelley all voted 'aye' for the May public hearing.

### ***Fogel/Fuller Preliminary App for Subdivision: Public Hearing, discussion and vote***

Matt said the actual discussion and vote will be delayed pending receipt of the complete documentation; however, the public hearing will proceed. John moved to close the public meeting and open the public hearing; Matt seconded. All voted 'aye.'

Anson Fogel said the biggest question last meeting was the private streets. The current ordinance allows private road access to four or fewer lots. Pete Benson, Fire Marshal, recommended they produce a Fire Protection Plan, (submitted).

#### **Public Hearing:**

Jim Catmull: The TC just adopted the International Fire Code and he read the fire hydrant proximity requirement. He said the pond and pump aren't adequate; you can't use culinary water to fill your pond; irrigation water isn't available year-round. He said their fire protection is inadequate.

Nate Kelly: Son of John and Susan Kelly, acting as agent. Their main issue is the existing easement agreement. They want to retain the rights accorded by that agreement and this subdivision plan overlooks the easement agreement. Includes road maintenance as well as number of lots being accessed by the road.

Jim Catmull: You're already accessing four lots off the current road. If Kelly's decided to split their lot, they'd exceed the allowable. (Anson said two lots are currently accessed and three if the application is approved.)

Anson replied to a question by Randy Catmull: well water to their lots; Boulder Farmstead water for new lot. Matt suggested pursuing the BFS issue offline.

Peter Benson: The Fire Code, as adopted, also acknowledges ability of Fire Marshal to waive some requirements.

Keith Watts: (read his letter, posted on website): concerns about fire protection and about possible backflow and cross-contamination if irrigation water is used for firefighting. He'd like someone to check security of both aquifer and BFS system. Also, irrigation water isn't available all the time and pumping from the pond is problematic. Also concerned about brush fires that did occur at Fogel-Fuller property and ongoing fire concerns. This exacerbates the need for an adequate Fire Protection Plan.

Matt made a motion to close the hearing and reopen the regular meeting; John seconded. All voted 'aye.' Matt said these comments will be discussed in the May meeting when the application is discussed. John suggested Anson add his responses to these comments within the application documents.

### ***Hughes/Geerlings Plat Amendment, Name Change: Public Hearing, discussion and vote***

Matt asked Elena to summarize. Matt said he has no conflict of interest regarding Elena's lot line adjustment. The name change requires a public hearing. The lot line adjustment is just a discussion of the Planning Commission. Dylan Geerlings said the name change includes both the road and the subdivision itself: Goldman Circle to Meadowlark Lane; name of subdivision from Goldman Subdivision to Meadowlark Subdivision.

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Matt moved to open the public hearing on the name change on easement and subdivision; John seconded. All voted 'aye.'

**Public Hearing:** no comments

Matt moved to close the public hearing and return to regular meeting. John seconded. All voted 'aye.'

On boundary line adjustment, the purpose is to bring Meadowlark Subdivision up to 10 acres. Neighbors have agreed with adjustments required on their properties.

John read April's ZA recommendation: no issues with the change.

John moved to approve the lot line adjustment. Matt seconded. Elena recused herself from the vote. Matt, Tina, John, and Shelley voted 'aye.'

Peg said the name change itself needs a motion and vote. Matt moved to approve the name change as presented, John seconded. Tina asked about addresses; Dylan said the house numbers stay the same, only the street name changes. Matt, John, Tina, Shelley voted 'aye,' Elena recused herself.

### ***Owens Residential Short-Term Rental CUP: Public Hearing, discussion and vote***

Matt made a motion to open the public hearing; Elena seconded. All voted 'aye.'

**Public Hearing:**

Donna Owen: I've met all the requirements I'm aware of. I'm wanting to use my home to obtain some additional income as I get older. I'm looking forward to hosting people. I want to stay in Boulder.

No other comments. Matt moved to close the public hearing and return to regular meeting; Tina seconded. All voted 'aye.'

Tina requested that Donna resubmit a more clearly drawn map for the files. Matt asked about Donna's presence as a manager in the RSTR. John expressed concern about the application itself and the way they were submitted as multiple individual files. He's like more clarity in procedures for submitting an application but has no objection to the project. Elena asked why only the guest instructions were on the web. Peg said the Planning Commission received the full complement of materials; materials on the website are a subset, especially given the massive size of these applications. All elements are part of the public record, available on request. Donna said she will be providing guest information per the requirements of the listing agencies (AirBnB or VRBO.)

Matt moved to approved Donna's RSTR with the addition of the guest map up that complies with company standards. Tina seconded. All voted 'aye.'

Matt reminded Donna that CUPs require yearly renewal.

### ***Brodie Residential Short-Term Rental CUP: Public Hearing, discussion and vote***

Matt said the limit on Lower Boulder area RSTRs has been met, so this CUP would be the first on the waiting list for that area. Matt moved to open the public hearing, John seconded, and all voted 'aye.'

**Public Hearing:**

Brynn Brodie: The requirements for the application are confusing. Perhaps the Planning Commission can work on this? I'd like to supplement my income, I enjoy travelers. I'd be renting the upstairs. My instructions will be very clear about the quiet neighborhood, dark, fire restrictions, pets, etc.

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Judith Geil: Brynn's done a thorough job thinking this through, always a professional person in all her endeavors. I appreciate the desire of people to remain in Boulder making some extra income. As her neighbors, we do support this. Probably do need to address road maintenance and ingress/egress.

Donna Owen: Cited an ordinance she found on the web that gave different numbers for Lower Boulder. Besides, given the spread out nature of the "Lower Boulder" area, perhaps some rethinking on the number could happen. Matt said the capping number is 15% of the population of resident landowners in the areas, which works out to 4.x for Lower Boulder right now.

No more comments. Matt moved to close the public hearing; Tina seconded. All voted 'aye.'

John moved to approve the Brynn Brodies' application for RSTR CUP and to be placed first on the Lower Boulder waiting list. Matt seconded. All voted 'aye.'

### ***Review Action Items and Upcoming Business for May 12***

- Discussion and vote on Fogel/Full subdivision, pending completed paperwork
- Public hearing on Subdivision Amendment proposal
- Public Hearing on Lot Line amendment
- New legislative requirements on public notice --- Lee can summarize?
- Stacy Davis housing: CUP or extend temporary camping?
- Administrative procedures for submittals of applications (staff procedures, not ordinance)
- Housing needs, open space preservation, General Plan – discussion initiation

### ***Final public comments***

Dan Pence: Thank you separating the specific issues in John's document, thanks to John for doing that, thanks to Matt for keeping the issue on Planning Commission's focus for several months.

Matt moved to adjourn, Elena seconded, all voted 'aye.' Matt adjourned the meeting at 8:51 p.m.

Peg Smith \_\_\_\_\_ Date \_\_\_\_\_