

Boulder Town

Planning Commission

Meeting Minutes

August 11, 2022

Commission quorum: Matt Cochran, Elena Hughes, Tina Karlsson, John Veranth, and Colleen Thompson, and alternate Shelley Price-Gipson. Also present: Planning Commission Clerk Peg Smith, Planning Consultant Lee Nellis, and Town Council liaison Elizabeth Julian.

Members of the public: Tessa Barkan, Ashley Coombs, Jeanne Zeigler, Donna Owen, Nancy Tosta, Jen Bach, Mark Nelson, Bill and Judith Geil, Susan Kelly, Dan Pence and Jennifer Geerlings, Brock Lebaron, Andria/Andy Rice, Bill Muse, Pete and Cookie Schaus, and a phone-in. xxx-4939.

Matt called the meeting to order at 7:05 p.m. He made a motion to approve the August agenda; Colleen seconded; no discussion; all approved. Matt moved to approve the July minutes with the corrections submitted prior. Elena seconded. No discussion; all approved.

Lee Nellis: on performance standards, deed restrictions

Land use regulations: think of them as providing opportunities to landowners by providing a template. It's then the landowner's responsibility to carry through what is basically a contract between the landowner and Boulder Town. It should reflect the performance standards set up by the Town. Regulations can include use of deed restrictions to set affordable property or committing the landowner to conserve a certain amount of open space (by setting up conservation easement in exchange for increased density or other incentives). These are ideally worked one subdivision at a time. The Planning Commission's challenge is tying all the pieces together: open space, housing, (a portion of which is affordable), and then creating the subdivision as well. Creating performance standards is easy. Getting the public consensus on the direction they want to move as a town is the hard part.

Consider: Whatever you do or don't do regarding fire hydrants will affect the pattern of development. Having a water source is fabulous, but if you don't have any firefighters, does it matter? The town only works if there are people to fill the roles and positions.

Housing forum: Connect the housing forum to the big pieces---- the overall intent of Boulder Town and its future housing.

Performance standards will be similar to the Commercial checklist. Part are in Zoning, part in Subdivision ordinances. Zoning sets the big rules; the SD regulations set the process. Density, number of units is a Zoning matter. Modifying Boulder's Zoning ordinance would be fairly easy, but modifying the Subdivision ordinance as it is now will require a lot of work.

John: We have good examples around the state to look at. We need names of specific people to ask to participate. John asked about conservation easements. Lee said the state of Utah has a state statute that governs conservation easements. "It's pretty straightforward, you just have to go through the steps." Conservation easements are generally put on property by the person living there. Specific allowable land use is spelled out. It just takes time to work through the details.

Example: Imagine a 40-acre parcel with some land suitable for housing. The developer is allowed to chop it into 7 or 8 pieces. Or the Planning Commission (the town) could say if you're willing to make

Boulder Town Planning Commission, Meeting Minutes

x houses perpetually affordable, you can have 24 lots instead of 8. That's the type of flexibility and creativity to be encouraged (assuming a town goal is more affordable housing options)..

Other examples (to Tina's question): What about a landowner who has land in two or more different places in Boulder? You have options: maybe one parcel is irrigated and the other is dry land more suitable for housing. The density requirements could be moved. Or you could let two landowners work together, one transferring their right to develop their irrigated land to my dry land—that would be a contract between owners as well as the town. There's a lot of potential for a lot for creativity on what you do, as long as you're clear about your goals. Consider linking protection of ag land/open space with housing development with including housing that will remain perpetually affordable to people with ordinary working incomes.

Deed restrictions: They're recorded exactly the same as a utility easement. The process is identical. The town's ordinances need to provide a clear path to doing this, which the existing regulations don't provide. Current language on clustering also doesn't provide an incentive. You need to create incentives, such as extra density if a certain percentage of acreage is dedicated to affordable housing. For example, a landowner could be encouraged to build a four-plex and live in one of the units and rent three if they agree that two units will be rented to local workers. Those are the types of things that can be done. But you have to start with your town goals. Deed restriction is just a clause in the contract. The quality of the language determines its success. Within the box the town has created with its standards, the owner is making a voluntary decision to participate. It's a matter of writing a good contract.

Matt, summarizing, said: Performance standards and deed restrictions are tools to create the desired scenario. But we are waiting for our community housing forum to make the decisions on how to implement them.

Lee said he sees the purpose of the community forum being for residents to understand the possibilities of what can be done. "They say the devil is in the details, but actually, the devil just wants you to think about the details because if you just think about the details you never get to the underlying, big picture. There has to be an understanding by enough people in Boulder that this is the way you all want to go. In the end the numbers are very important, but numbers have an impact on how people talk to each other. We need people to understand the connection between open space, housing, and future provision of services, and the people who'll do them" ---teachers, EMTs, firefighters,

Lee cautioned against getting into the numbers games, as in minimum acres, density per acres, etc. Tossing around numbers is just asking for controversy. It's a useless discussion without an understanding and basic agreement on what's at stake--- that big picture.

Developing Performance standards for development is similar to what the Planning Commission did with Commercial standards, except that Commercial standards are more straightforward—respect the environment and don't bug the neighbors. There wasn't the same philosophical and political work as this requires. And when you're dealing with details such as fire hydrants, don't forget about the big picture. Think about how this affects all these other considerations.

Discuss Community Housing Forum – topic research, timeline, and prep

Tina looked into community land trusts, talked to a few people interested in contacting other communities about their solutions. She wants to identify the main topics for investigation and split them up for the working groups to engage. She'll continue soliciting the community for interested members, maybe 5-7 on a work team.

Colleen had talked with County Planner Kaden Figgins and he gave her contact info for Sharleen Wilde with Neighborworks; Max Anderson with Beaver Housing Authority. Figgins himself is a good resource. But in all these county projects, the land was already set aside; it didn't have to be purchased. These groups just came in to build houses. Not much funding available for buying land.

Boulder Town Planning Commission, Meeting Minutes

Elena wanted to focus on three items: acquiring land, building new housing, utilizing existing housing for rentals.

John wants to locate a resource who can talk about sources of funding: grants, loans, USDA, etc., as well as identify successful projects in this county.

Matt asked how much affordable housing does this town actually need? Tina suggested a project such as putting a house on school grounds to house a teacher. (Boulder has money to hire a teacher, but the town has no housing to put someone, so the position goes unfilled.) She and John agreed on a rough count of 5-10 housing units required immediately.

Elena thought affordable land is more important right now than affordable housing right now. Most seasonal people can find someplace to get by for a few months. But the younger people who want to stay here have no affordable options.

The list of topics for the Community Housing Forum include: successful projects that exist in Garfield County; funding; new building; incentives for renting out existing housing; providing data and context of what's happening to communities, including Boulder and why it's important; review of existing documents such as GC Housing Study, statewide housing studies, 2017 Boulder forums.

Public comments on this discussion came from Jennifer Geerlings, Judith Geil, Dan Pence, and Tessa Barkin. Jennifer said the public buy in is critical and it would be helpful to obtain data that shows what happens to communities without adequate housing, as well as looking at people who've already left because of housing. Why is this so important to Boulder? Judith asked about guidelines to ensure a level of quality in design and construction. Dan said the memo about the school not being able to fully open due to lack of staff was jarring. He also said renters are always at risk when owners are enticed to sell their property. Tessa suggested reaching out to businesses on how much housing they need for employees and ways the town might ease the way for them to construct their own employee housing.

Forum logistics? Probably in the big community room, a couple-three hours? One or more speakers? Different tables covering the topics? Tina would like to get a working meeting going between this meeting and Sept 8. A notice needs to go out soon to the community informing them of what's coming and requesting assistance. Matt reminded everyone that any group can include a maximum of two Planning Commission members. (Open Meetings law compliance.)

John's phrase was "locally accessible housing." November 17 is only the first step.

Veranth: report on Town Council Fire Protection discussion

John reported on the Town Council's request to the Planning Commission to provide greater clarity on fire hydrants in subdivisions. John drafted an ordinance that includes **three provisions for discussion: a) leaving the distance at 400 feet and mandating connection to a water supply, b) giving guidance to the fire authority on code-recognized exceptions that can be allowed, and c) creating an exception for small subdivisions.** He read the draft and the Commission discussed it

John moved to take draft to public hearing next meeting; Matt seconded. The options were discussed again. Vote taken: Matt, aye; Elena, aye; Tina, aye; John, aye; Colleen, aye.

Veranth/Julian report on Town Council ordinance discussion

John also reported on a discussion at the August Town Council meeting regarding changing road standards. It had to be mentioned that this is a land use decision that needs to be discussed first in Planning Commission. However, there isn't a clear indication of exactly what the changes are and what ordinances they affect. So Elizabeth, as TC liaison, agreed to have the TC provide clearer instruction.

Discuss protocol for ZA/Planning Commission handling of applications

Another issue discussed in Town Council was the Zoning Administrator position and whether it needs to go to a person who lives in town. So John itemized the ZA duties defined in the ordinance and found that everything deals with reviewing submitted documents, determining compliance, and issuing determination of findings. Nothing specifies the ZA has to measure setbacks. Zoning Administrator is an administrative job requiring “extensive responsibilities, decision-making authority and approving permits. Experience and skills needed relate to facility with documentation and process.” ... The town can delegate the County Inspector for specific on-site jobs. John also compared Salt Lake’s P&Z webpage noting their response times. When a big city with a full-time staff can’t guarantee a 24-hour response, a small town with a part-time employee taking 2-3 days to respond isn’t unreasonable, nor is at least a week to examine a full application.

John made a motion to recommend keeping April as Zoning Administrator and will send a white paper to the TC saying so. Matt seconded. All concurred by voice vote. It was suggested that April could identify specific timelines and procedures for application submittals. Matt had already sent a letter to the TC saying basically all the same and including reference to the good, working teamwork arrangement right now that can be done remotely.

Review Upcoming Business for September 8

- Deer Ranch and Fogel Fuller
- Update on Community Housing forum and working groups
- Public Hearing on Fire Protection in Subdivisions
- Improving Communication between Planning Commission and ZA

Final Public Comments

Jennifer Geerlings: I didn’t think the Town Council (in August) actually gave an opinion on the fire hydrant issue; it seemed dominated by one voice and I didn’t hear others express an opinion. Maybe when you’re looking for direction from the TC, there should be more direction and accountability from each of them.

Donna Owen: Things aren’t being seen from all angles. Are the measurements for fire hydrants still applicable on a clustered 2.5-acre lot? And why talk about affordable housing and incentives and then make it really, really hard on the developer to do anything affordable. There are people here who are trying to do the right thing with creating small subdivisions. I don’t understand the exception for small subdivisions. And getting answers from April sometimes takes more than 2-3 days.

Peg Smith: Email has been flaky lately. It’s important, in general, for everyone, to follow up with a recipient and make sure they received what you sent.

John: Toward Donna’s comment on smaller lots. When the fire ordinance goes to public hearing, it will make an adjustment regarding lot size. Also, we should discuss allowing the equivalent of a second conceptual plan prior to applicant’s readiness to submit the full application. Also, we should discuss next month improving communications and process between residents, the Planning Commission, Clerk and ZA.

Matt moved to adjourn, John seconded. All voted ‘aye.’ Matt adjourned the meeting at 9:20 p.m.



(Clerk)

Draft submitted: August 29, 2022 Approved: