

Boulder Town

Planning Commission

Meeting Minutes

September 8, 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 and Town Council liaison Elizabeth Julian.

Members of the public: Tony Mendenhall, Rod and Colleen Torgerson, Dave Elliott, Kipp Green, Laura Demay, Jackie Winovitch, Mark Nelson, Jen Bach, Randy and Jim Catmull, Bill Muse, Ray Gardner, Tessa Barkan, Dennis McKenna, Dylan Rose Geerlings, Nancy Tosta, Jeanne Zeigler, Dan Pence, Donna Owen, Katie Coleman, Tom Hoyt, Bill and Judith Geil, Phoenix Bunke, Nick Vincent, Susan Kelly, Stephanie Love, Shawn Owen, Jennifer Geerlings, Rachel Levinson, Catherine Smith, Gladys Lefevre, Andy Rice, Ashley Coombs, Kelley Cochran.

Matt called the meeting to order at 7:00 p.m. He made a motion to approve the September agenda; John seconded; with the amendment to discuss town council presentation of the housing forum. All approved with the amendment. Matt moved to approve the August minutes; Tina seconded. No discussion; all approved.

Public Hearing on Draft Ordinance 2022-(4), Regulating Fire Protection in Subdivisions

Matt reviewed the origin of this ordinance, which began with a town council discussion on fire protection in subdivisions. The Planning Commission is attempting to make a minor amendment to the subdivision ordinance to address this. John read through the proposed draft, which addresses requirements for fire hydrants in considering new subdivisions and clears up ambiguities that exist in the current ordinance.

Matt moved to go into public hearing. John seconded the motion. All voted 'aye.'

Public Hearing:

Tessa Barkan: (reading her submitted comment). Favors Option C that would waive the hydrant requirement for a single lot subdivision where landowners wish to split off a single affordable lot for a local buyer and she provided examples of the 13 individuals who have or will soon be able to buy land. In addition, she wonders if more clarity is needed on hydrant requirements. Paying attention to the housing solutions that are actual happening is important.

Jim Catmull: Call State Fire Marshal's office before submitting this to the Town Council. He refuted the measurements in the draft citing the International Fire Code. (John said other entities publish different codes which have been adopted by the town too and not all are consistent with each other.)

Shelley Price-Gipson: If you want to get loans or insurance on your property, the town needs to follow state fire codes. Everyone needs this security.

Mark Nelson: Years ago our fire department made adjustments that resulted in better insurance ratings that lowered my costs. This should be part of our discussion.

Donna Owen: I sympathize with anyone wanting to buy property here. But I don't understand how one single lot versus 5 lots in a subdivision should have different fire safety requirements. It should

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be the same requirement for all. Why don't we require the hydrant with the building permit, rather than subdivision development?

Dan Pence: Regarding fire insurance, how many houses are not currently within 500 feet of a hydrant? What about their insurance? In Deer Creek, we're nowhere close to a hydrant and our insurance is not onerous.

Nick Vincent: As someone who will be affected by this, the only opportunity I'll have to get land is through someone parsing off a lot. There are others like me who want this opportunity.

Shelley Price-Gipson: Insurance companies are reappraising properties now and rates are going up. I don't want anyone to have to go through putting your life savings into a home that you lose to a fire.

Phoenix Bunke: If the problem is distance from fire hydrants and not new subdivisions, then existing structures should be considered for this as well and not have the burden fall only on the people newly purchasing property. Maybe the town should look into making hydrants more available to existing structures. And considering hydrants for buildings rather than subdivisions is a good idea.

Randy Catmull: (in response to John's question on Boulder Farmstead grant) You don't just put in a hydrant, you need a main line to have a hydrant. The developer pays for this stuff. That's all there is to it. You buy the property you figure how to pay for it, or the developer has to. We went for grants to pay for 4-5 projects over the years. Water company shouldn't have to pay for stuff, the developer should. You don't just hook up a fire hydrant. We serve down to Shawn Owen's (Lower Boulder), Ray Nelson, and to Pete and Tina's on the Burr Trail. No water lines in the Draw.

Bill Geil: Regarding alternative systems, how much water needs to be produced to fight a fire? I know it's a tremendous amount of water compared to what a fire hydrant can provide. (John said to google NFPA 1142 for information.)

John moved to close the public hearing; Matt seconded. All voted 'aye.'

Discussion and vote on Draft Ordinance 2022-(4)

John suggested tabling action pending more discussion with Pete Benson (Boulder Fire Marshal) and with the State Fire Marshal. Colleen seconded. Elena asked if the town attorney could clarify, but John said the state fire office has the expertise for this detail. John made a motion to table the proposed ordinance pending review by state fire authorities. Colleen seconded. Tina wants to include other preventative measures people can take. All voted 'aye.'

Conceptual Plan for Full Moon Farms East Subdivision (Rod Torgerson)

Engineer Rod Torgerson described the six-lot proposed subdivision, totaling about 34 acres. Culinary water, either through wells or BFS, is available to five of the lots; the last lot is going through application process now. Rod asked if the shape of the lots causes a problem. Also, Lot 1 is an existing nonconforming lot (part on east and park on west side of Lower Boulder Road). John said the proposal meets the ordinance requirements, but in the big picture doesn't advance our General Plan, regarding housing needs or agriculture. He encouraged looking into clustering. Rachel Levinson took issue with the presumption that she wasn't considering green space. Her plan is more stewardship-driven than profit-driven. She's open to more discussion, including a site visit, pending some additional information from the Planning Commission. John suggested starting with the cluster ordinance and seeing how it might be amended to provide better options, but Rachel didn't want to commit to clustering without more discussion. Tina had obtained the map showing irrigation water. She suggested defining housing envelopes that work within the irrigation structure. Rachel said her intent is improve irrigation systems on the property.

John said the length-width requirement is an example of modifications that could be made that would provide more options as well. Rachel said her intent was to keep most of the land in the family and to upgrade the irrigation system to wheel lines --- there won't be houses in the middle of the

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pasture. Elena said that defining the building envelopes could be part of the design anyway, regardless of the future ownership of the properties. Rod said the irregular line dividing line between Lot 1 and 2 follows a natural contour.

John asked for input on how the landowner can work with the Planning Commission when stewardship is the goal. John offered to contact Rachel and discuss this further.

Conceptual Plan for RV Park CUP amendment (Ray Gardner)

Since Ray was already approved for a CUP, Matt said this would be more of an amendment to that. Ray wants to move his planned RV park from the west side to the east side of Hwy 12, onto what was Leo and Barbara Gardner's home property. Ray said this 7.5-acre piece is flatter, offers more room while also being further from the highway and the stream. Matt said the ZA has looked at it and agreed it's a simpler and better location. John said there are no procedures on how to amend a CUP, but the project was already evaluated under the Commercial Standards. Ray should be able to submit materials regarding the specific changes, without needing to revisit the entire concept.

Ray is planning a phased development to evaluate demand: Phase 1 is the northern portion of the property with 6-8 RV campsites. His rough concept map shows the entire project. Ray will produce a detailed site plan. A public hearing will be required. Colleen mentioned timeframe. Regular CUPs require the use to be established or work demonstrably in process within 12 months.

Conceptual Plan review on Deer Ranch Subdivision (Shawn Owen)

John said the placement of the smaller lots along the base of the hill with the open field is a good plan, but remaining substantive issues are the access easements, road design, road maintenance agreement, water supply, and details of the conservation easement. April will summarize these. He also suggested an on-the-ground meeting if that would be useful.

Shawn said that despite his intent to provide some affordable options, the infrastructure required for half of the developable acreage results in non-affordability. He also cited the ordinance wording on open space and said his CC&Rs address the requirement. John recommended those documents be evaluated by the town attorney as state law provides more detail related to conservation easements.

Shawn wondered what constitutes a "preliminary" versus a "conceptual" application. He said months of meetings plus multiple iterations and pages of documentation went beyond "concept." He expressed exasperation with the process and communication. John acknowledged that Shawn had submitted the Preliminary Application, but the Zoning Administrator must determine that the application is complete before the Planning Commission can consider it or hold a public hearing as required. The application isn't complete, one example being that the plat shows a road easement that hasn't yet been agreed to by the other adjacent landowners. Shawn said he wasn't fixing 1600 So and that maybe he should require that the existing owners improve that road. John also said the water line easement from the north needs written agreement by that landowner. He further cited serious problems with the road maintenance agreement, as evidenced by comments received from adjacent landowners. The details of road agreements and the conservation easement need to be clarified by an attorney; neither Shawn nor the Planning Commission has the requisite legal knowledge.

There was long discussion between Shawn and John regarding process and sequence. Matt suggested feedback on the CC&Rs by the town attorney, as both road and conservation easement details are included in that document.

Shawn suggested other possibilities the town could consider to aide in affordable developments, such as transferring development rights from one parcel that contains valuable land that should remain as open space to another parcel that could more readily be developed. John agreed with that concept. He'd like a "Housing Providers Workgroup" of landowners who could work on similar ideas.

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Discuss Community Housing Forum and Town Council presentation

Tina reported on speakers: Sharleen Wilde, of Neighborworks, and Dave Conine, formerly with USDA, will talk about their respective programs, grants, and loans. John will inform the Town Council in October about the forum and will invite Jim Catmull to speak. Matt asked that commissioners and others will need to suggest questions that participants will want addressed at the forum. John wants to talk about success stories from other communities. He also wants the Town Council to understand and be willing to consider the ordinance changes that will need to occur to accommodate housing/development options. Tina said Sharleen will also talk about existing but unoccupied houses.

Publicity about the forum needs to go out soon. John will ask Tessa Barkan to write an *Insider* article about housing in Boulder.

The forum will start with an open house; speakers begin at 7pm, with Q&A open session following.

Colleen suggested that work groups spinning off the forum will likely not start until 2023. Matt suggested a planning meeting for the forum itself. Commissioners agreed to Sept 22, 7pm.

John said dialogue with landowners currently going through subdivision process, such as Rachel and Shawn, will be helpful in gaining insight into things that need to be changed or added to our process.

Final Public Comments

Blake Spalding: I work Thursday nights so it's difficult to come to these meetings. I was contacted a week ago with a vague letter by someone working for Shawn Owen about the road easement issue. I would have loved to know this was coming. I heard Shawn threaten a lawsuit tonight, which is highly disturbing. What are my choices? The road works fine for me as is. There's no advantage to me to saying "yes" to give away property to have more traffic on this road.

Jen Bach, question on meeting recordings: You have to press the "play" icon to hear the recording.

Review Upcoming Business for October 13

John wants to discuss a cutoff time for agenda items to be finalized. Everyone agreed to getting materials well in advance of the meeting. Peg said it would be helpful to have all the documentation related to a meeting by Monday before the meeting to get it uploaded to the website.

Other items possible: Lee Nellis (Development Review memo), Gardner RV CUP amendment, Fogel/Fuller SD, Rachel SD, housing forum. Deer Ranch remains as a conceptual plan until April deems the preliminary application is complete.

Colleen moved to adjourn, Elena seconded. All voted 'aye.' Matt adjourned the meeting at 9:48 p.m.



Clerk

Draft submitted: October 14, 2022 Approved: Nov 10, 2022