

Boulder Town
Planning Commission
Meeting Minutes
October 13, 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.

Members of the public: Judy Drain, Dan Pence and Jennifer Geerlings, Anson Fogel, Dave Conine, Katie Coleman, Mark Nelson, Jen Bach, Ashley Coombs, Andy and Andria Rice, Dylan Rose Geerlings, Jeanne Zeigler, Donna Owen, Caroline Hoyt, Kipp Greene.

Matt called the meeting to order at 7:00 p.m. He made a motion to approve the October agenda; John seconded, with an amendment to strike approval of the minutes; no discussion, all approved. (September minutes were not available for approval.)

Lee Nellis — Development Review discussion

John prefaced Lee's discussion saying one recent subdivision applicant has indicated interest in revising her concept if the Planning Commission procedures can also allow for more flexibility. Matt said Lee's Development Review memo provided different perspectives to consider with subdivision applications.

Lee said, first, he plans to be present for the Nov 17 forum, as well as a couple days before it in case the Planning Commission would like to schedule a special meeting for this discussion.

He said the existing ordinance doesn't give an applicant like Rachel much flexibility. It needs to be easier for a landowner to gift a piece of land or sell off a lot at a reduced prices. Plus, the cluster ordinance has proven ineffective in incentivizing landowners.

John had prepared a hypothetical 10-acre subdivision showing three possible ways to divide it. One would be the standard two equal rectangles with no consideration of existing fields and irrigation. One showed a way to create two lots and maintain the open irrigated field. Using differently shaped lots, including a flag lot, that follow land contours and site-specific features, as well as the irrigated open space, a developer could receive the incentive of added density, in carving out another lot. The final slide showed how a developer could be incentivized with additional density. Lee said it's not hard to implement ways to incentivize landowners, it just needs to be agreed to by the town. To be blunt, he said, "If you end up with a community of five-acre lots occupied by elderly folk, when you call for an ambulance, no one will come." It would behoove the town to discuss ways to add flexibility.

Lee said there isn't just one answer. Generally we're not talking about large development, but more organic, 1-7 acre subdivisions. He said the best analogy is what the Planning Commission did with Commercial development in not creating a single zone, but allowing the use given certain criteria, and then going through a checklist of required or optional items and scoring it. He envisions same thing for subdivision development. Boulder doesn't need to abandon its five-acre lot size, but it can also provide other options as incentives, using a similar checklist system.

The first thing Lee suggests is to come into compliance with state law and adopt a set of Bylaws for the Planning Commission. Although our Zoning Ordinance contains some procedural requirements

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for the Planning Commission, that can be incorporated into Bylaws. Bylaws are internal rules that guide the way the Planning Commission conducts its business, such as deadlines for submittals, use of Roberts Rules, having public comments at end of every meeting, etc. However, Bylaws can be adopted by the Planning Commission itself with a majority vote. The Planning Commission can identify its process for reviewing a subdivision application. Ultimately, the ordinances will need to be updated as well, but in the meantime, a lot of working procedures can just be contained the Bylaws. Ordinances. Hopefully, the community meeting will provide a sense of the type of flexibility wanted.

The Commission agreed to Lee drafting Bylaws for review at the Nov 10 meeting. Elena asked about communicating with an applicant after a decision. Lee said a “Record of Decision” should be sent to the applicant, saying that the Planning Commission approved the application, on x date, with following conditions and that the applicant is now authorized to proceed. Or the letter says the application was denied and for what reasons. Or approved with specific conditions. He could also provide a template for a development agreement that the developer signs saying they understand the conditions.

John said the current process forces an applicant focus on meeting the ordinance requirements and not on considering site-specific ways they could divide a piece of property.

Discuss and action on Fogel/Fuller Preliminary Application for Subdivision, 2175 S. Lower Boulder Rd

The Zoning Administrator as acknowledged receipt of all required paperwork. Anson summarized: his 20-acre parcel currently contains two lots, one with an existing home and the other with the new home they’re building. Three locals rent space in the existing home. He wants to carve off 5 acres for one of these tenants, sell it to him below market level, and in the process adjust the remaining lot lines to bring those lots into conformity. He’s been working on this plan since winter 2021, submitting his initial application last spring. Since that meeting, he’s resolved the road sharing agreement and easement with Kelly’s to the south and filed the agreement with the county. He’s still working with the state on the legal division of the water rights among the lots. Southwest Public Health has approved the water plan and septic system and Boulder Fire Authority Pete Benson wrote a memo approving their fire plan.

Matt reviewed with the Commission: they have the option to recommend as is, to not recommend, or to recommend with conditions. He polled each Commissioner asking for their thoughts; no one had objections. John clarified that preliminary application approval means work can be proceed toward final approval by the Town Council. Anson was asked if any infrastructure was still necessary, and Anson said nothing remains to be done, only the procedural matter with the state. John said our ordinance states if no additional infrastructure is required, the TC can use Planning Commission recommendation of the Preliminary Application to give its final approval.

Matt moved to approve the Preliminary Application for Subdivision, with the conditions noted in the Boulder Town Fire Authority’s memo (included in the packet). Colleen seconded. No more discussion. Vote: Matt, aye, Elena, aye, Tina, aye, Colleen, aye, John aye. Matt told Anson to check with ZA on sending documents to the Town Council

Andy Rice Conceptual Plan for subdivision

Andy said he’d approached his employer, Jacqui Smalley, a year ago regarding the possibility of buying a piece of her property. She concurred; they’ve been working out the details on a 5.9 acre lot.

Matt asked about the access road, which is 100 North, at the south end of the property, between Wilson and Church property. The building envelope would be on that end. Andy said the response he got at the Town Council regarding opening that road sounded like all were in favor of proceeding. He’d ideally like to get the road opened and break ground by the time frost is off next spring.

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John said it would be important to identify the building envelope. Also, the plan for storm water drainage and he also recommended a plan for defensible space, given that that hillside has been the site of two fires in the past two years--- looking at vegetative removal, building materials, etc.

Matt said concept was good, next step is to work with ZA to get details needed for a Preliminary application. John said he'd send April a summary of these items.

Ordinance Regulating Fire Protection in Subdivisions, discuss and vote

At the public hearing in September, Jim Catmull had wanted an opinion from the state fire marshal. John obtained that opinion: that the ordinance as written was fine, that Boulder could consider 500 feet between hydrants like most towns, but the 400 feet as written was okay. The memo listed four appendices in State Fire Code to consider: App A talks about an appeal board; John noted the difficulties assembling those areas of expertise in Boulder. App B deals with fire water flow, similar to Anson's private fire protection system. App C covers spacing between hydrants; given that no buildings in Boulder would require the highest level of flow, 500 ft spacing is adequate. App D deals with emergency access road, which our ordinances already cover. John said the public hearing was held, a favorable opinion was received from the state fire marshal. John made a motion to send Ordinance 2022-4 Regulating Fire Protection in Subdivisions to Town Council with the recommendation to adopt. Colleen asked about the deletions and the three itemized paragraphs. John said those a, b, and c items are clauses, not options and all are included in the ordinance.

Tina made a motion to amend Clause A from 400 feet to 500 feet. Elena seconded. Shelley asked about the fire hydrant distance and the distance to a home. John said the Planning Commission doesn't know where the building is going to be when a subdivision is approved. That requirement would have to be in the building permit, not the subdivision. Vote on Tina's amendment: Matt, aye; Elena, aye; Tina, aye; Colleen, aye; John, aye. Matt called for a vote to pass to TC as amended: Matt, aye; Elena, aye; Tina, aye; Colleen, aye; and John, aye.

Housing Forum logistics and updates

John has reserved both rooms for Nov 17; he did a status update for the TC last night (Oct 12), Jim Catmull will speak, County Commissioner Jerry Taylor has been invited, he and Colleen attended the Escalante 4-plex open house at which he talked to Jerry who said to make sure the county is involved from the start. John would like another work meeting that Sharlene Wilde and Dave Conine can attend, but first will need to schedule times with them. To be clear, he said, we're not talking about the town building 100 homes. We're talking about individual projects, placed where amenable landowners want to build. The town isn't providing the housing, the town just needs to provide the structure that would allow landowners to do this.

Policy discussion on documentation submittal

Fourteen days before a meeting for an application to be submitted to the ZA; 10 days for the clerk to post notice of any public hearing; one week prior to a meeting for status from the ZA to the Planning Commission. By the Friday before a meeting, the agenda should be firmed up and any known related documentation submitted to Peg. By Monday before the meeting, miscellaneous items, such as Lee's memos should be received. If everything substantive is distributed to the Planning Commission and uploaded to the website by then, both the public and Planning Commission have a chance to digest everything before the meeting.

John will send this to Lee for inclusion in the Bylaws.

Final Public Comments

Judy Drain: Planning Commission wanted the TC to give guidance on housing topic. We're all of the same opinion that what you're doing will allow the us as a community to have input on which way to

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go. Hard to give direction when we don't which direction people want. There will be some big decisions and some ordinances to be changed. Hopefully, we can come up with a plan. We have to have a place to start, and you're doing a good thing here.

Donna Owen: About fire hydrants versus fire marshal saying you can do whatever. I know the town passed the 400 feet and you're recommending changing to 500, I understand. I don't understand why no fire hydrants requirement on either of the two subdivisions discussed tonight. When the TC looks at all the amendments, please make it clear what is needed or is it subjective per property?

Upcoming business for November 10 meeting

1. Draft of bylaws from Lee
2. RV amended CUP from Ray?
3. Finalizing arrangements for forum
4. Initiate discussion on performance-based subdivision procedures, explicitly identify goals.
- 5.

Peg suggested inviting Kaden Figgins (county planner) to forum.

Matt moved to adjourn, Colleen seconded. All voted 'aye.' Matt adjourned the meeting at 8:42 p.m.



Clerk

Draft submitted: 10/30/22

Approved: