

Boulder Town

Planning Commission

Meeting Minutes

November 16, 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, Zoning Administrator April O'Neal, and Town Council liaison Elizabeth Julian.

Members of the public: Nancy Tosta, Donna Owen, Mark Nelson, Jen Bach, Tessa Barkan, Kipp Greene and Jeanne Zeigler, Stephanie Love, Dave Mock, Madeline McGill, Dan Pence and Jennifer Geerlings, Tony Mendenhall, Erik Hughes.

Matt called the special meeting to order at 6:02 pm. Matt moved to approve the agenda. Shelley claimed the meeting wasn't posted on the web, but it had been posted since November 6. Colleen seconded the motion and all approved.

Lee Nellis was attending in person and will be attending the housing forum next evening.

Lee Nellis Discussion: Housing Steps Memo

Lee said his Housing Steps memo of Nov 7 was an attempt to put all the bits and pieces onto one piece of paper and he wanted to work through each item tonight. Changes need to be made to the ordinances or there will not be attainable housing in Boulder.

First, working groups are useful, but the people in need of housing are likely the most unable to attend regular working sessions, given multiple jobs, kids, etc. There are creative ways beyond committees to get peoples' input. The situation hasn't changed radically from the 2018 work groups. How can the town enhance the motivation for people who have means to provide housing or land?

Lee went through each element of the memo (see website for Housing Steps memo). The PC discussed Lee's recommendation to allow duplexes in any zone, only an explicit statement of what state code currently requires: all residential zones shall allow an Internal Accessory Dwelling Unit. This also makes it easier to administer. The only difference would be that each unit could be rented, rather than meet the town's ordinance requirement of the owner living in one of the units. Lee said two owners could be involved; they would have to follow state code on condominiums. Colleen thought having two people own dwellings on a single lot would help some people attain housing.

Flexibility in dividing a lot. Lee's example of a 10 acres showed the currently required 5-acre split down the middle, not considering an irrigated field, ditches, slopes. His example suggested a couple optional ways of dividing the land, which involves achieving average density on lot, not just one dwelling on five acres. Bottom line is that not all parcels are the same, so why not allow flexibility in dealing with them.

Transfer development rights: Single landowner wanting to transfer development rights from one parcel to another more conducive. Or two landowners, one with a difficult parcel, one offering better development potential could make contractual transfer of development rights. This spreads the concept of average density concept across the community, not just one property. In general, the

Boulder Town Planning Commission, Meeting Minutes

concept of transfer of development rights could address problematic access issues, fire protections, etc. by putting development where those problems are mitigated.

Incentive to landowners for attainable housing and/or protection of open/irrigated land: if x out of y lots remains perpetually affordable, you get another developable lot. Same with bonus for open space. The numbers have to be true incentives. There may then also be programs, tax benefits, etc. available for those.

Reality of rural America that the people who do the work can't afford to live there.

Jennifer Geerlings said the PC would be crazy not to consider all the options. Too soon to rule things out. We can't keep things as they are and keep the community we think we've envisioned.

Mark Nelson said we should target the need and not overbuild. Lee said there are ways to maintain perpetually affordable homes and that current five-acre development isn't removed, just flexibility added as an option.

Public Hearing, Meadowlark Subdivision, Preliminary Application for Subdivision:

Matt first reviewed the reason for having the public hearing at this meeting: there was no problem with the applicants' meeting their submittal deadlines. Administratively, the required notices couldn't be mailed out to meet the 10-day notification period. Also, regarding discussion and decisions on the topic, he does not feel he has any conflict of interest that would preclude his fair treatment of the subject. Elena Hughes, one of the applicants, will be recusing herself from any decision and will consider herself a member of the general public for purposes of the discussion.

John wanted to disclose that he'd had significant conversations with Elena and with the ZA and relevant information that resulted will be part of the discussion tonight.

April O'Neal, Zoning Administrator, reviewed her original status report of Nov 1: PC needs to discuss requirements for driveways (road standards?), fire protections, access to the additional lot being created, road maintenance agreement with adjacent landowners. Also, an update to the plat producing question of "Lower Boulder" or "Robison Lane". She said all changes need to go through the ZA for pre-meeting review, which was not done.

John said 2022-1 is what addresses driveways in small subdivision, which means the fire authority needs to do an on the ground inspection.

Matt moved to go into public hearing; John seconded the motion. Matt, aye; Tina, aye, Colleen, aye, John, aye, Shelley, aye.

Dylan Rose Geerlings: Torgerson map that labeled the road as Robison Lane was in error. The Goldman Subdivision plat of 2004, filed with the county, clearly has labeled this as "Lower Boulder."

Elena Hughes: We're working on a driveway agreement with the other landowners.

Donna Owens: In agreement with this subdivision. We are adjacent landowners. I do want every procedure to be fair. If there's a question about the road, why is this still being talked about now? Well on map says "proposed well". What are the rules about this? (Dylan said they water right is received; hasn't been dug yet.) Fire department has ok'd? Elena said yes, Peter Benson has made his recommendation, included in the packet. Final approval won't be given until they implement the recommendations. Do you have a signed road agreement? Elena said signatures were obtained on the access; road maintenance agreement wasn't part of that. Also, the Robison Lane is mentioned on other plats; there may be conflicting documents on this, to be resolved.

Tessa Barkan: Elena and Dylan have been doing their due diligence for a year and a half now. The road issue could have been handled much sooner. The town has an opportunity to say "yes" here. I want to encourage the town to be creative. There are conversations that can be had, not just "no."

Boulder Town Planning Commission, Meeting Minutes

Kipp Greene: Public doesn't have the right to ask questions or interrogate the applicant, that's the commission's job. It muddies the water. It turns the whole process into a spectacle.

Matt moved to close the public hearing, John seconded. Matt, aye; Colleen aye; Tina, aye; Shelley, aye; John, aye. The Commission returned to regular session.

Discussion and action on Meadowlark Subdivision

Matt wanted to address the fire authority's recommendations as condition for approval and discussion about road and maintenance agreement.

April said the original map said Robison Lane, the engineer apparently made the change and that was sent on Monday. John reminded everyone that subdivision decisions last forever; they have not have adequate time to review the changed map. Regardless of the name, that road is a town right-of way by historic use, citing 1964 USGS map showing an historic road, which is the basis of Boulder's use of Lower Boulder Road. Colleen wanted to see where the street ends and the driveway begins.

There was a long discussion about the roads. John concluded that the driveway to the four lots begins on the town right of way and not on the area controlled by the Avery's. Tina said this is an extension of a subdivision already made. There needs to be a decision on the maintenance of the road.

Another long discussion on road maintenance agreements. John conceded ambiguity in the wording of 2022-1, which he claimed was to allow private driveways some mitigation from the formal street standards of construction. Tina thought a road maintenance agreement needs to be public, part of the plat, and carrying forward on all the impacted properties. Matt and Tina were comfortable with recommending approval with the maintenance agreement as a condition. Shelley objected to not having the finished road agreement prior to voting. Colleen wants to send on to the town which is the body that decides on approval. John said he would not vote to recommend now, partly due to the missing road agreement, partly due to saying the documents under consideration were not available to the PC 10 days prior to the meeting.

April clarified that the application was complete at the deadline. She received an email this week amending the compiled package with the map wording correction.

Tina asked what review criteria is required on a road maintenance agreement.

John made a motion on the conditions to apply: Condition 1: Provide at least 5 days prior to the next scheduled Planning Commission meeting a driveway access and maintenance agreement that is approved by all affected landowners. Condition 2: The applicants and the Zoning Administrator need to provide for review by the planning commission a list of all site infrastructure or documentation items that need to be completed, inspected, and approved after Preliminary Approval and prior to Final Approval of the subdivision by Town Council.

Tina moved to amend the motion with a motion to table the discussion. John seconded. All approved.

Matt moved to adjourn; Colleen seconded the motion and all approved. Matt adjourned the meeting at 8:52 p.m..



Clerk:

Draft submitted: 12/7/22

Approved: 12/9/22