

Boulder Town

Planning Commission

Meeting Minutes for December 8, 2022

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

Members of the public: Katie Coleman, Kipp Greene, Tom Hoyt, Ashley Coombs, Dave Conine, Dan Pence, Mark Nelson, Jen Bach, Nancy Tosta, Lydia Joukowsky, Ray Gardner, Andria Rice, Dylan Rose Geerlings, Susan Kelly, Pete Benson, Troy Julian.

Matt called the meeting to order at 6:01 pm. Matt moved to approve the agenda; Colleen seconded the motion. Colleen, Tina, Elena, John, and Matt voted 'aye.' John moved approve the November 10 minutes; Tina seconded. All voted "aye." John moved to approve the November 16 special meeting minutes with his emailed correction. Colleen seconded the motion. All voted 'aye.'

"Plain language" requirements in land use regulations (John Veranth)

John has heard comments about Planning Commission making decisions that seemingly go beyond ordinance requirements. He said our ordinances do contain many instances of confusing and conflicting language. State code 10.9a.306 on land use authority states that "plain language" is required in land use regulations. If a regulation doesn't plainly restrict a land use application, the deciding authority must interpret the regulation in favor of the applicant. John said this needs to be applied in all land use decisions.

Lee Nellis discussion: Draft Bylaws and Attainable Housing followup

Lee said the Housing Forum was useful, well-attended, and provides a good footing for moving forward. His draft bylaws already include a statement requiring all decision to cite their applicability to a specific General Plan clauses or an ordinance.

Lee will revise the draft bylaws for the January meeting. He suggested implementing them in January and using them until June when they could be formally adopted.

Lee said the need for employee housing was clearly stated. He also became aware of another group--- call them homesteaders--- who are not just looking for a home but a piece of land on which they can try to be productive. This seems to be an important part of Boulder's future.

His Dec 2 memo identifies the major issues of employee housing. Some ordinances changes will be required. Employers can provide housing within the current ordinance, but existing language needs clarifying. The definition of Accessory Building should be eliminated. All definitions that use the term "lot" (now defined as land within a recorded SD) need to include the word "parcel" (now defined as land outside a recorded SD). The Commercial Development standards need clarification, in that any commercial development--- whether created before or after the development standards were adopted--- allow employee housing on-premises. The current dimensional standards tables would cause problems for a BES housing project: The school is in medium-density zone; the ordinance says 1000 sq ft is the max for an accessory building, which wouldn't be large enough for what the district may want to build. The setbacks should also be discussed. Finally, the elementary

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school isn't a commercial use. Lee's memo describes three ways this might be addressed: 1) change requirements of the zoning district to allow accessory housing; 2) expand the definition of commercial to include institutional uses such as school, government, church (though this opens those uses to all the existing commercial standards); or 3) create a new "Town Center" zoning district that covers town ground, church, park, school. Another idea could include expanded use of RV parks for seasonal housing. These ideas should go before the Community Vision work group.

Lee thought it was important to keep momentum moving on the work groups following the Housing Forum, with a completion date for ordinance changes by June. Many of the changes are not complicated. Work groups can address these and report to PC, public hearings can be held on new ordinance language in March or April, and revised ordinances can be prepared and sent to Town Council by June. John said defining something like "employee housing," seems simple, but it will take some work to ensure it's defined such that it could still be rented to a person fitting the income criteria who may not be a school employee rather than leave the unit unoccupied. The design of the school project affects some of the changes the town needs to make. John wanted to encourage Boulder Community Alliance to be involved. As a nonprofit, it can develop access to resources that the town government may not have.

Colleen, Elena, Tina, Shelley, and Matt agreed with John's comments about the school. Matt asked members of the public to respond: Tom Hoyt said the school housing idea offered a great opportunity, as did the attempt by the museum to create employee housing. He thought the school district itself may qualify for some funding resources.

John made a motion for a resolution stating, "The Boulder Town Planning Commission is enthusiastic about the idea of creating employee housing at the elementary school. The Commission commits to cooperate with the school board and school community council in developing and recommending to Boulder Town Council the ordinance changes that are needed to remove current legal barriers to employee housing on this lot." Tina seconded the motion. Matt voted aye, Elena aye, Colleen aye, Tina aye, John aye.

Lee said the school district may not be ready to act by June; Boulder may need to offer assistance in recruiting partners, such as Neighborworks. Otherwise, there is adequate time for reasonable town discussions and PC action to implement some ordinance changes by June.

Public Hearing: Ray Gardner, Boulder Meadows RV Park CUP amendment

Matt said Ray's initial CUP was approved last year. Most elements of that application remain unchanged, though the location has moved to the east side of the highway. Matt asked the commission to focus on concerns or issues resulting from the location change. April said the application is an amendment to the approved CUP 2022-2. The location has changed but is still on the same property. She recommended approval pending septic and fire protection documents

Matt made a motion to go into public hearing at 6:46, Colleen seconded. All voted 'aye.' Hearing no comments, Matt moved to close the public hearing, Colleen seconded. All voted 'aye.'

Discussion and action on Gardner CUP

Tina asked about RV access to their spaces and if vehicles have space to pass each other? April said requirements for the road are 24 feet, as shown. Matt asked about slope. Ray said this location provides less slope and more room. Matt asked about 2e on the checklist: blocking views or natural features? Ray said the park would be tucked back in a cove behind the existing structures, adjacent to forest land. It's further from the highway, against a PJ hillside. Matt asked if existing vegetation is

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being retained? Ray said most of the land in the proposed park is cow pasture; no trees will be removed. Part of his landscape plan involves planting more trees. Open space along highway will stay open and used for grazing. Ray confirmed 4d (utilities) will be underground. Matt asked about land use intensity; Ray's own home is the only neighbor in view. Buffering or screening for the RVs and pavilion? Ray said trees and shrubs will be planted as screening, but also doesn't want to completely hide his business. The commissioners had no concerns given this site.

April said he'll need 4 parking spaces (two per every 10 RV slots) and suggested they be located near the office/restroom. Ray is planning for this. He said the pavilion will actually be located about 50 feet to the south of the map that was displayed on zoom, in order to comply with the fire hydrant protection. Ray's signage will be at the entrance and will meet the signage ordinance.

Matt moved to amend CUP 2022-1 per the resubmitted documents with two conditions from the zoning administrator requesting paperwork on septic approval and fire protection approval. Tina seconded. Matt, Elena, Tina, Colleen, John aye.

Discussion and action on Meadowlark Preliminary Application for Subdivision

Matt noted his direct conflict as he is an adjacent landowner but said he did not feel the need to recuse himself. Elena recused herself for the vote and Shelley Price-Gipson assumed her place.

John suggested rescinding the conditions passed on November 16 given the movement of the issue since then. April said one of the biggest issues remaining was the extent of the road right-of-way. She wants this resolved before passing it to Town Council. John said all of Lower Boulder Road is a prescriptive easement and that no documents will be fully definitive. There was continued discussion on how to handle this question.

John moved to rescind the November 16 conditions; Colleen seconded. Matt, Tina, Colleen, John, Shelley aye. **John said neither Jim Catmull (in charge of roads) nor Gladys (family formerly owned that property) could provide information to clearly resolve the Lower Boulder Road easement location.** John felt a landowner agreement could be crafted detailing the landowners' responsibilities of whatever portion is deemed to be private. The PC could recommend approval based on this.

Colleen asked about Avery's, who were notified of the process but haven't specifically weighed in.

A lengthy discussion continued on the driveway location and the prescriptive easements of the main access road. April said the Avery's need to be part of the landowners' agreement on the prescriptive easement and that the Town Council needs to determine the status of the road. Troy Julian said he would help find out if about the Avery's inclinations is this will allow things to move forward.

Dylan Rose Geerlings noted their recorded deed that clearly states their right-of-way and 40-foot easement that reaches "Lower Boulder Road."

John made a motion: "Based on the information in the Five Forks Meadowlark Subdivision application reviewed at the November 16, 2022 meeting including the plat by Torgersen Engineering dated October 12, 2022 and the modified plat dated November 14, 2022 the Planning Commission favorably recommends to the Boulder Town Council preliminary approval of the proposed subdivision with the following five conditions for the applicants, one procedural condition, and one additional recommended condition for Town Council consideration:

1) The ~~40 foot wide~~ access easement from Lower Boulder Road/Robison Lane to the where the private driveways to lots 1, 2, and 4A separate shall be graded to provide a 20 foot wide and 13 foot

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vertical clearance for emergency vehicle access according to Wildland-Urban Interface Code section 403.3 (WUIC).

John amended his motion to strike "40-foot" from item 1. Tina seconded. Matt, Tina, Colleen, John, Shelley yes.

2) A turnaround meeting the fire apparatus access according to 2015 IFC shall be constructed at the east side of lot 3A where the driveways to lots 1, and 4A separate from the driveway to Lot 2.

3) The ~~40-foot~~ access easement along the boundary between lots 2 and 3A shall be graded to provide a 20-foot wide and 13-foot vertical clearance private driveway for emergency vehicles to access Lot 4A. Future construction and approval by the fire authority of a turnaround at the end of this driveway will be required as part of any building permit approval.

John moved to strike "40-foot"; Colleen seconded. Matt, Tina, Colleen, John, Shelley yes.

4) The fire authority shall inspect the as-built access from Lower Boulder Road to the required turnaround and continuing to Lot 4A and verify that the driveable surface and subsoil conditions are suitable for emergency vehicles. All constructed subdivision driveways shall meet the WUIC and "Road Standards for Fire Apparatus." A practical statement is that a firetruck must be able to drive on all subdivision driveways without getting stuck, lost, blocked, or trapped for the foreseeable future.

5) The affected property owners agree that the access to lot 3A shall be documented in a private easement and maintenance agreement. A specific design is not required for Preliminary Approval, but the completion of an agreement suitable for recording is a condition for Final Approval.

6) Final approval will be a ministerial action by Town Council after the Fire Authority and Zoning Administrator document the completion of the above conditions #1 through #5.

7) The Planning Commission recommends that prior to granting Preliminary Approval the Town Council discuss the status of the Town's prescriptive easement rights on the section of road at approximately 2195 South that extends east to Lot 3A of the Meadowlark Subdivision and that has been referred to as both Robison Lane and Lower Boulder Road.

Tina seconded John's motion. Matt, Tina, Colleen, John, Shelley yes.

Final public comments

Jennifer Geerling: Thank you for the hard work. The ordinances are convoluted.

Elena asked about process. John suggested gathering documentation on the road situation and communicating it to Jim Catmull prior to a January TC discussion.

Upcoming business for January 12 meeting

Seat new members; vote on chair and vice chair; set regular meeting scheduled; specific housing activities, inter-group communication; alternative development pathways (like guest ranch without cows?); Open Meetings and Ethics Training. Matt made his farewells to the PC and moved to adjourn; Colleen seconded the motion and all approved. Matt adjourned the meeting at 8:01 p.m.

Clerk

Draft submitted: 1/8/2023

Approved:

