

## Boulder Town

# *Planning Commission*

## Meeting Minutes for March 9, 2023

Commission: Colleen Thompson, Tina Karlsson, Shelley Price-Gipson, John Veranth, and alternate Elena Hughes was traveling. 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: Ashley Coombs, Tessa Barkan, Judith and Bill Geil, Randy Ripplinger, Tom Hoyt.

Tina called the meeting to order at 6:00 p.m. John moved to approve the agenda with a time stipulation, Nancy seconded the motion. All approved.

Tina asked for a motion to approve the February 9 minutes. Nancy moved to approve the minutes, Colleen seconded. John said a statement made by Lee Nellis should be removed regarding public roads. The commissioners agreed. Peg will remove that phrase on the approved version. Nancy, Tina, and Colleen approved the minutes.

### ***Lee Nellis Discussion: CUP checklists, Housing***

Lee said the purpose of the CUP checklists is to reduce the chance of not understanding or being able to defend a decision, to ensure the checklist points are covered in a sequential manner, and to enable a means of “weighing” proposed elements against possible alternatives “in a “world of tradeoffs.”

Nancy asked why staff, rather than the Planning Commission, doesn't review the checklist elements. Lee said ideally, the administrator provides the Planning Commission with the approval or disapproval of the absolute elements, but relative elements go to the Planning Commission to make the determination. Assigning points: 0 means either not applicable or a wash; + or -1 means marginally better/worse; +/- 2 means notably better/worse than average.

Lee said he could embed the text of the performance standards into the checklist itself. It eliminates flipping back and forth but increases the length of the checklist. Peg mentioned that RV Park, Guest Ranch, others such as RSTRs, have additional ordinance requirements beyond the checklist development standards. Lee thought those could be added to the checklist.

Tina would like the application, the checklist, and the ordinances to better align with each other. Lee said one way is for the applicant to answer the checklist questions. Or have the ZA and applicant go through it, with the Planning Commission having the reported results. John liked the idea of the applicant going through the checklist; he had a fundamental problem with the subjectivity of the process: if a CUP meets ordinance requirements, it has to be approved. The point system and more specifically defined standards need to be codified. He questioned the checklist system. Lee named other municipalities that did or still does use the checklist system. On standards requiring judgment, you're building a history that can be applied in new applications.

Tina said the main issue is to be consistent and not arbitrary in decision-making. Next topic is on consistency in language. John read from a document he'd submitted (see Subdivision Ord Language and Consistency posted on the website) and cited several examples in Subdivision and Zoning ordinances that use conflicting or inconsistent language, procedures that do not reflect current practice, and redundancies to be eliminated. Next step would be a table where section is cited, with a recommended action. The Planning Commission would vote on “Accept as recommended,” as amended, or deleted. Lee suggested thinking about putting procedures in the bylaws and not in the

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ordinances at all. Think about the relationship, whatever it will be, between the ordinances and the bylaws. John said there is information that falls between ordinance and bylaws, such as the handout on subdivision good practices.

Nancy concurred, saying it's important to achieve a comprehensive understanding of what the bylaws are for, what the ordinances are for, what are the guidelines for. John will continue his process, expand his table of recommendations, and will bring it back to the Planning Commission. Tina asked the commissioner to consider what part they each want to play in this review process. John: It's important to incentivize people on the cluster concept.

Lee said performance-based subdivision standards will require higher density of development to achieve goals. Is the Planning Commission willing to go through that with the community? This will involve coming up with a means for landowners to have some incentive. Lee wants to workshop an example of a residential subdivision

Housing committee reports:

Elena's Housing Needs group: The survey is out, she's received a lot of input.

John's Housing Providers feedback: five-acre minimum causing affordability problems and loss of open space; encourage higher density in small areas or scatter around town; multi-unit developments; using RV parks for employee housing.

Tina and Colleen, Community Vision: Meet with Fort Collins small ag land acquisition group; arrive at consensus based on all three committees. Planning Commission might need additional meetings to deal with the housing summaries.

Lee: As you talk about the development review section think about what can stay in the bylaws and what needs to be codified.

### ***Discuss town streets review and process (Tina)***

(April: Boulder has "streets" not "roads." We need to start using the terms in the ordinances.)

Tina wants the Planning Commission to present to TC a review of Boulder's streets, locations, and status and authorization to address problematic areas. John noted the county's statement that most transportation routes in Garfield County were created by prescriptive use and are not platted. Lower Boulder Road is largely on private property and not a recorded right-of-way. Does the town have the political will to address this with the individual landowners and potentially going to court?

Colleen said one challenge is to identify whether a "street problem" is on the landowner or on the town. John: The county planner and/or town attorney can help.

Nancy: what problem are we trying to solve? April said there have been several street issues mostly arising from subdivision development. Nancy thought a listing of the specific streets and their specific issues would be useful. Tina said Lee had previously commented on the PC deciding on ordinance language regarding streets, especially when they're not clearly defined by the town. There are existing roads that are prescriptive in use and not accurately platted, plus there are platted roads that have never been opened or developed; easements that have never been recorded, etc. Ownership of some prescriptive roadways is also disputed.

Tina has asked the town for a discussion with the town attorney on streets. April said she can work with Tina on the list of issues we currently have identified.

### ***Bylaws review, items #15 through 22***

Nancy thought bylaws were more about procedures for conducting business and not including substantive content such as dates for submitting applications. She suggested pulling out information

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related to applications and putting it in guidelines. Ethics should be included. John agreed. Tina will summarize comments to Lee: Items 15-22 aren't applicable as bylaws for the Planning Commission.

All land use requirements need to be in the ordinances; bylaws on how we conduct our business. Guidelines, such as 15-22, can be a separate document. "Development Procedures" can just include dates for submission and general duties and flow through staff and Planning Commission. John wants to look at other towns' bylaws.

Nancy will compile bylaw items to be included and will send to Peg to distribute.

### **Zoning Administrator report**

April asked that all communications sent to Peg is copied to her (and vice versa). Tina reviewed that the Planning Commission can share information, but cannot carry on any type of discussion or vote.

April reported on an upcoming Headwaters Guest Ranch CUP in April. Also, a request for adding antennas to existing Thompson Ledge cell tower. This will just require a project permit; the tower is not being reconstructed, this is just adding equipment. Peg said the owners of the tower acquired the CUP with the purpose and intention of adding new providers to the tower.

### **Discussion on priorities to address**

Workshop with Lee on usage of current CUP checklist? A new version may be developed but current applicants use the existing one. Colleen wanted the Planning Commission to expand their understanding of the process given it may be used in its present form for awhile.

John: We need input from the housing work groups and discuss that as first priority.

Applications, moving forward: April should show the applicants the checklist, explain the process, and show them the sections of the ordinances that apply to their project. Both applicants and Planning Commission has difficulty because checklist numbering and references do not align with the ordinance numbering.

Peg will resend the link to Lee's original Planning Commission workshops when they developed the checklists.

### **Final public comments**

Mark Nelson: On housing groups, conclusions based on surveys don't reflect all opinions. I appreciate your discussion on reviewing things that should have gotten more thorough review before they were passed. And on clustering, why don't you think it's useful. I think clustering is the best way to go. Not the only way, but the five-acre minimum has been useful.

### **Upcoming business for April 13**

- Guest ranch CUP
- Consistency in language, list of initial changes
- Bylaws, 22 to the end, and samples of other towns' bylaws
- Lee checklist workshop starting at 6pm

Nancy moved to adjourn, Colleen seconded, Shelley, John, Tina, Nancy, Colleen voted 'aye'. Tina adjourned the meeting at 8:49 p.m.

Clerk



Draft submitted: 4/11/2023

Approved: