

MINUTES TO BE APPROVED AT JUNE PLANNING COMMISSION MEETING

Boulder Planning Commission Regular Meeting

March 14, 2024, 7:00 PM

Meeting Minutes

Planning Commission Members present- Commissioner Karlsson, Commissioner Hughes, Commissioner Thompson, Commissioner Tosta, Commissioner Fuller

Town staff present or on Zoom- Town Clerk Jessica LeFevre, Deputy Clerk Lacy Allen, Zoning Administrator Erin Smith, Attorney Michael Winn

Meeting was called to order at 7:01 pm

Approve agenda Commissioner Tosta made a motion to approve the agenda as is. Commissioner Thompson seconded the motion. All approved. Motion carried.

PC conflict of interest disclosure None were made.

Approve Minutes Commissioner Tosta made a motion to approve the January 11 Regular Meeting minutes. Commissioner Fuller seconded the motion. All approved. Motion carries.

Commissioner Thompson made a motion to approve the January 25 Work Meeting minutes. Commissioner Tosta seconded the motion. All approved. Motion carries.

Commissioner Tosta made a motion to approve the February 08 Regular Meeting minutes. Commissioner Thompson seconded the motion. All approved. Motion carries.

Commissioner Thompson made a motion to approve the February 22 Work Meeting minutes. Commissioner Tosta seconded the motion. All approved. Motion carries.

Public Comments on agenda items John Veranth reminded the Planning Commission that the revision of the subdivision ordinances to comply with SB-174 is most important and has a date of September 2024 to which those changes need to be approved by.

Staff report Erin Smith stated there are inquiries on new subdivisions and requests help to update the forms listed on the website and the need to have a new form related to the RV ordinances.

Kaden Figgins stated he is a Garfield County planner and has been asked to help with SB-174. Kaden said he would not be using a model because Boulder is a unique town. He believes roadways and questions on subdivision as far as existing access need to be addressed and updated. He is also happy to create a new subdivision application for the town.

Lee is proposing having zoning amendments ready in May or June and holding a forum on subdivisions on April 11, 2024.

Kaden mentioned average lot sizes and recommended not to go less than .5 acres.

Lee mentioned that we need to work off the General Plan and to remember that the town wants suburban roads and we will need to specify in the general plan what the specifications are in regards to suburban roads.

Commissioner Fuller had a question about getting pushback on the requirements for size of what can be developed on someone's land.

Lee responded that this is why people need to attend the forum on April 11th so that they can understand how the lot sizes and development would work.

Commissioner Tosta states that she thinks having a forum is premature. She doesn't feel that the Planning Commission has enough information to discuss the subdivision with locals and that the Planning Commission needs more information before a public hearing.

Commissioner Karlsson questioned that there may need to be some standards within zoning or in the subdivisions.

Lee responded and mentioned that there needs to be information on lot sizes and input from the town unless we want to stick with average 5-acre lot sizes.

Commissioner Hughes questioned Lee and asked if there needs to be more clarifications on what landowners can do.

Lee responded that Landowners have a lot more flexibility, but there isn't guidance about town policy and those pieces need to be laid out.

Commissioner Karlsson asked Lee about CUP's and guidelines

Lee responded and said yes, you would create guidelines similar to the CUP's.

Commissioner Karlsson reported on the active path option committee that the first meeting would be Saturday from 6-8pm.

Public Hearing for Ray Gardner Gravel Pit CUP Erin presented Ray Gardner's Gravel Pit CUP.

Commissioner Tosta made a motion to close the regular meeting and open the Public Hearing. Commissioner Thompson seconded. All approved. Motion carries.

Public Comments- Shelly Price-Gibson had a question about the gravel pit. She wanted to know if the pit would be on the road and if there would be trucks driving on Highway 12.

Commissioner Karlsson responded there will be trucks on Highway 12.

Shelly Price-Gibson asked if the gravel trucks will be covered

Commissioner Karlsson responded that trucks carrying gravel travel along Highway 12 often and it will be no different.

John Veranth- As TC member in charge of the roads, he wanted to disclose he helped Ray with his application and was not paid and did it as a member of the town. John stated that townspeople will greatly benefit from a local pit as the impact will be less than trucks driving over Boulder Mountain or across the Hogs Back. He strongly approves the application.

Planning commission review and consideration of Ray Gardner Gravel pit

Commissioner Karlsson made a motion to close the Public Hearing and Open the regular meeting. Commissioner Tosta Seconded. All approved. Motion carries.

Commissioner Karlsson stated that Erin resolved all the absolutes and would like to ask the Planning Commission if they have any questions or need any clarification. She then started going over the relatives of the CUP. The first was slope and everyone agreed it was in compliance. The next was crossing and visibility from Highway.

Commissioner Tosta clarified the scoring and stated the gravel pit seemed well screened.

Ray clarified that the gravel pit is hard to see unless you are driving a certain direction and looking to find it.

Everyone agreed to accept the score.

Commissioner Karlsson - Vegetation. She read through the requirements and all agreed that he passed with the score. Then Commissioner Karlsson moved onto Land use intensity.

Commissioner Hughes - Asked how the score was a 6 and Commissioner Fuller explained the way the scoring works. Commissioner Hughes wanted clarification about sizing. Stating 4 acres is pretty large. Commissioner Karlsson and Ray both commented that they aren't aware of a limit. Commissioner Thompson says the ordinance states less than 5% should be used and Ray clarified it is 185-190 acres.

Everyone agreed to accept the score and move on.

Commissioner Karlsson moved onto the screen by highway view and terrain.

Everyone agreed to accept.

Commissioner Karlsson stated the pit is buffered by a 40 ft distance with trees on Highway. Everyone was in full agreement.

Commissioner Karlsson read through all the non-applicable items and all agreed they are not applicable. She then stated the purpose of the gravel pit and everyone was in agreement for all the relatives.

Commissioner Tosta made a motion to approve Ray Gardners Conditional Use Site Plan Application for a gravel pit. Commissioner Thompson Seconded it. All approved. Motion carries.

Public Hearing for Ordinance updating the regulation of recreation vehicles

Commissioner Tosta gave a review on the RV ordinance where there is general consensus and Commissioner Tosta stated there are three changes. 1. To add an option as employee housing on commercial property. 2. The amount of time allowed to live in an RV during construction and 3. To eliminate limits of stays in RV parks and make it up to the discretion of the RV park owner. She referenced the table of uses and mentioned that it needs work. Especially our forms. And clarification was made that there are only a certain number of properties that are commercial.

Commissioner Thompson agreed that there will be only a certain number of commercial properties since 2021.

Lee chimed in to clarify that several zoning districts have been made over the years and changes needed to be made to make sure that commercial uses have the same rights as existing Commercial uses have the same right to have employee housing as a new commercial use.

Commissioner Tosta then went over all the changes to the document 2024.03.03 NT Update RV Ordinance Draft highlighted in yellow.

Commissioner Karlsson made a motion to close the regular meeting and open the Public Hearing for the RV change. Commissioner Tosta seconded. All approved. Motion carries.

Shelly Price-Gibson questioned if commercial for RV's for employee housing and asked if the RV's needed to be removed after the season is over or if they are able to stay.

Commissioner Tosta said there is no requirement.

Shelly Price-Gibson asked if that is something the Planning Commission should address.

Lee responded that you can store an RV you are not living in on any property and including a removal requirement would impose restrictions that are not imposed on anyone else. Lee stated that code limits 2 per property and asked if the town wants to treat Commercial property differently than residential property.

Judy Drain asked if there is a time limit on the Employee housing or a time of season and could be abused where it is used all year round.

Mark Nelson questioned if there is a limit as to how many RV's could be on a property.

Commissioner Tosta responded that there is a limit to 2 in the ordinances.

Lee chimed in to give background that you cannot have employee housing without a conditional use permit and the Planning Commission has the discretion to limit how many RV's would be on any property for employee housing. And temporary use permits are up to the discretion of the Zoning Administrator.

Mark Nelson then asked if employee housing could live in the RV year round and make it a permanent situation.

Commissioner Tosta responded that yes and they have to be an employee of the business.

Mark Nelson asked if the additions made on their businesses for extra parking and if employee housing cuts into the parking would they need to redo their permit.

Commissioner Tosta responded that the businesses want to stay in business and need to juggle customers and employees so the Planning Commission doesn't feel like they need to dictate parking spaces.

Commissioner Thompson commented that RV's usually are not used throughout the winter. That it isn't really a reliable housing situation and doesn't make sense to keep the RV hooked up to water and power all winter.

Mark asked 153.117 table of uses accessory dwelling unit commercial and questioned what the potentially compatible means.

Lee said the Planning Commission determines compatibility in the issuance of a permit.

Shelly Price-Gibson asked why we don't have an ordinance so they have to move their RV every year.

Katie Coleman commented that she does not feel good about RV's as permanent housing but she does understand that we need to provide housing. She stated that all the properties should be treated equally. She then asked if an RV is permanent housing, does it require an inspection, water, septic, electricity?

Mark Nelson thinks this is not refined enough to go to the town board. 153.176 he does not think that 3 year requirements aren't a good idea. He would like to see some options for housing at Ray's RV park. Especially for a schoolteacher. Or the school board could come up with a stipend for teachers to help subsidize housing.

Jen Bach agreed a 3 year start was lengthy for the RV allowable stay while building. She asked if employees would be able to stay year round and if businesses needed to be open in order for employees to be able to stay in the rental property. She asked if an

RV was a reasonable place to live in the winter for a teacher if it is a year round employment.

Judy Drain said she agrees with the others and she believes 1 year with allowable extensions of 2 years. She thinks it would make people accountable to move forward on their projects. It incentivizes people to move forward on their projects.

Planning Commission review and confederation of the Ordinance Changing Regulation of Recreation vehicle Commissioner Karlsson made a motion to close the public hearing and open the regular meeting. Commissioner Tosta seconded. All approved. Motion carries.

Commissioner Thompson asked to go back to 153.76 about primary employees to work a set amount of hours. She asked to see the last part of the sentence be removed in order to help people with businesses. She also agreed that 1 year should be sufficient and could be extended. She stated she understands what Mark is saying as far as using RV's as temporary housing and does not agree people should move the RV's off their property when they are not being used.

Michael Winn chimed in and wanted to offer some legal review. 153.176 discussing those who are seeking housing based on employment and that it would be subject to an equal protection challenge. He suggested addressing homelessness, home security, maybe looking at solving a larger issue for housing. He is worried about pages 5-6 town code 153.430 EMS, fire, public safety and sanitation and recommends limiting the amount of individuals that can live in an RV. He also posed a question about the zoning for employee housing asking if it should be a CUP or zoned another way.

Commissioner Tosta commented that when they talk about employee housing, it is a commercial business needing to keep their employees during whatever season.

Michael Winn said the problem is that housing is given in preference to someone who is employed.

Lee Nellis stated accessory employee housing is the key term and that the employee would be an employee of the business and is common in zoning.

Commissioner Tosta asked if anyone else had comments on this 153.175

Commissioner Fuller wanted to make a quick note on 153.175 and wanted it to change from "Connected to water and sewer". And suggested it be changed to "must be connected to or have access to culinary water and water disposal." He mentioned that tying the time limit tied to the building permit makes the most sense.

Commissioner Thompson agreed that having an RV should be tied to building a house and that it should be tied to a building permit.

Commissioner Hughes says she feels really strongly that it needs to be longer than 1 year and would like to see it at 2 years or more. And stated there is plenty of incentive to finish building a home.

Commissioner Thompson mentioned 153.175 and mentioned removing “mobile home”

Lee Nellis mentioned that this has gone through so many hands and he took out “mobile home” from every line where he saw and he thinks the word should be removed wherever it appears.

Commissioner Fuller made a motion to take 153.175 and change the time from 3 years to having it tied to the building permit. Commissioner Thompson Seconded it.

Discussion

Commissioner Hughes asked Lee Nellis for his opinion.

Lee Nellis said tying it to the building permit is how he wrote it in the first place and technically the building permit is a city function and Erin as the Zoning Administrator can communicate with the building inspector and check progress. He mentioned that Commissioner Tosta should make a motion to come up with a new draft that reflects the discussion of the evening. He suggested that the Planning Commission is continuing the discussion.

All approved. Motion carries.

Discussion on action items moving forward Commissioner Fuller made a motion to direct Commissioner Tosta to continue working on this to reflect on tonight's comments and we can re-evaluate on the march 28th meeting with the intent of taking action.

Commissioner Thompson Seconded. All approved. Motion carries.

Commissioner Karlsson mentioned she would like to work with Erin on the applications going forward.

Final Public Comments Mark Nelson reminded them that tying the ordinance to the building permit means they need to figure out what that looks like.

Upcoming business for March 28th and April 11 meetings

RV revisions

Comments on moving forward on SB 174

Commissioner Karlsson wants a list from everyone so that she knows what everyone wants to plan on talking about no later than the 25th.

All agreed the March work meeting can start at 6pm.

Commissioner Karlsson made a motion to adjourn the meeting. All agreed
Meeting Adjourned.

DRAFT