

Boulder Town

Planning Commission

Meeting Minutes

May 12, 2022

Commission quorum present: Matt Cochran, Colleen Thompson, Elena Hughes, John Veranth, and Tina Karlsson; and alternate Shelley Price-Gipson. Also attending: Planning Commission Clerk Peg Smith, Town Council Liaison Elizabeth Julian, and Planning Consultant Lee Nellis.

Members of the public: Mark Nelson, Jen Bach, Kelly Cochran, Shawn Owen, Ashley Coombs, Donna Owen, Jennifer Geerlings, Dan Pence, Pete Benson, Jane Philips, Judi Davis, Sharon O’Neal.

Matt called the meeting to order at 7:02 p.m. He moved to approve the May agenda; John seconded; all approved. Matt moved to approve the April minutes; John seconded, pending corrections: Matt, John, Elena, Tina, and Shelley voted ‘aye.’ Colleen did not vote due to April absence.

Matt asked Lee Nellis to summarize the lot line adjustment ordinance: The purpose of the ordinance is to add necessary definition and clarify the process by which owners sharing boundaries can make routine and mutually agreeable modifications through a plat amendment procedure rather than have to go through a subdivision process, as is consistent with state law.

Matt asked if there were questions from the public prior to the public hearing. Hearing no questions, Matt made a motion to open the public hearing; Colleen seconded, all voted ‘aye.’

Public Hearing on Proposed Amendments Regulating Land Division

No public comments. Matt moved to close the public hearing; Colleen seconded. All voted ‘aye.’

Discussion and action on Proposed Amendments Regulating Land Divisions

Though he thought the current draft to be excessively detailed, John had no major objections. Elena said she’d just gone through lot line adjustment without this ordinance and thought the ordinance will make the process simpler. Tina asked Lee to explain the definitions – basically the term “lot” is refers only to land within a recorded subdivision; a “parcel” anywhere else. Matt made a motion to move the Proposed Amendments Regulating Land Division to the Town Council. Tina seconded the motion. No further discussion. Matt, aye; Elena, aye; Tina, aye; John, abstain; Colleen, aye.

Public Hearing, Review Standards for Subdivisions

Matt asked John to summarize the proposed amendments: the ordinance focuses on issues regarding small subdivisions that were first brought to the Planning Commission in July 2021 and sent to the Town Council for approval in October 2021. The TC returned it due to some ambiguous wording. This version addresses those concerns and makes explicit that private driveways are allowed to access lots in subdivisions of four or fewer lots; repeals the lot width-to-depth standards; clarifies that easement areas are part of the total acreage a lot; clears up wording regarding frontage on a public road or street; and clears up a typographical error in the building permit section.

Matt asked for questions. Donna Owen asked if this ordinance creates “minor subdivisions.” John said it corrects or clarifies language in the existing Subdivision chapter. Mark Nelson asked if this

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repeals the lot width/depth standard. (Yes, it would.) No further questions. Matt made a motion to open the public hearing, John seconded. All voted 'aye.'

Public Hearing:

Dan Pence: The proposed changes make good, common sense. The previous ordinance subtracted easement area from total lot size and that makes no sense at all. While the effort is appreciated, peoples' lives have been on hold for nearly a year while the Planning Commission has been working on this. They don't know if they have a workable parcel, if they can subdivide, if they can build on it. This needs to move along to the Town Council.

Mark Nelson: Previous planning consultants have told us flaglots are bad. You'd need to explain your reasons, but I'd like to see that portion removed and retain the ratio.

No further comments. Matt moved to close the public hearing, Tina seconded. All voted 'aye.'

Discussion and action on Review Standards for Subdivisions

Matt said he agreed with Mark on the width/depth standard. Without this, is there any standard at all on the shape or layout of a lot? He accepted the idea for handling difficult lots that already exist but expressed concern about unforeseen problems. Why was the standard here in the first place?

Lee said flaglots provide an option for gaining access to a public road. He said easements are bad way to get access. They result in disputes between neighbors and this is a way to avoid that problem. The depth-width ratio didn't allow any options on dealing with unusual terrain or road/utility access. The densities and lot sizes you have in Boulder make dangers or abuse unlikely. While a map may make a flaglot noticeable, most people wouldn't be jarred by the appearance in a neighborhood of a flaglot. At a minimum, setback requirements would restrict where structures could be built. As a happy medium, the Planning Commission could have the authority to evaluate lot shape and size for compatibility with surrounding development.

John agreed about the advantages of a flaglot. Given that many Boulder parcels are irregular and terrain is a factor, enforcing that ratio meant some lots might not be able to meet fire code standards.

Matt said he's fine with the rest of the ordinance but would like more time to discuss the ratio. Elena asked about giving the Planning Commission disgression on this; Lee said language can be written allowing a flaglot in certain circumstances. Shelley wanted a little more discussion on the matter. Tina said easement issues are already occurring. This might help but the language needs work.

Regarding easement complications, Lee said he'd never council anyone to buy a piece of property that could only be accessed via easement. He said easements can be written to only allow certain activities by certain people at certain times and that you'd want a good attorney to evaluate the language. Plus, ownership changes. People can get into feuds. He said flaglots work well in rural areas though they can be cumbersome in higher densities. However, he'll write up a draft that gives the Planning Commission discretion without permitting flaglots in every case.

Elena said she's not hearing the downside to flaglots, while having some road frontage seems necessary for properties in Boulder. Matt said his issues isn't specifically with flaglots. He said changing a standard like this means a house can appear next door where it wouldn't have been allowed by ordinance previously. John replied that any land use change can produce "winners" and "losers," but the Planning Commission needs to consider overall community benefit. John made a motion to strike the paragraph describing depth-width ratio. Matt seconded. No further discussion. Matt, aye, Elena, abstain, Tina, aye, John, aye, Colleen, aye.

John moved to advance Ordinance 2022-x AMENDING BOULDER'S TOWN CODE TO PROVIDE GREATER CLARITY AND PRACTICALITY IN THE REVIEW OF PROPOSED SUBDIVISIONS, as amended, to the Town Council. Tina seconded. Matt, aye; Elena, aye, John, aye, Tina, aye, Colleen, aye.

Initiate discussion on Boulder's housing issues

Matt said a strategy is needed on moving forward with creating “affordable housing” in Boulder.

Lee said this needs to start with an educational process. The best thing would be to sponsor a community forum, mainly to bring in speakers who have had real-life experiences with the problem. Zoning will also have to be reworked to achieve some remedies but you first have to identify some paths forward. A big question previously was how to ensure a property would remain affordable. He said this has been done: There are tens of thousands of houses that are price restricted, deed restricted, or in land trusts. It's a basic property right for an owner or group to create something that provides perpetually affordable property. However, good communication is critical.

Matt said the ADUs were allowed with the idea that they could be part of the housing solution. Also, given the 30+ houses he'd counted in Boulder that were unoccupied, second-homes, he wondered about incentivizing long-term rentals in existing homes rather than building more.

John said we need to be proactive in promoting what we want in Boulder. More and more this will be a town of second homeowners, which affects open space as well as available property for housing. This community needs to include the very people who are being priced out of buying or developing property. However, nearby communities are making progress in “attainable” housing, including rentals, and we should look at them. Deed restrictions would be necessary. We should discuss this with community stakeholders ---workers, employers, potential investors, Town Council, etc. People will feel threatened. What are the objections and how might they be addressed?

Tina said a previous Planning Commission had discussed cluster development and that went nowhere. Our affordable lots are gone. We need to start with this forum.

Colleen said it's natural that owners want to maximum the profit on their land. With only 200 people here, our economics aren't good. Escalante and Torrey are close but they're bigger and have a different economic base. It'll take someone to turn over their property to get something started.

Elena said Boulder needs a next version of Boulder King Estates. The affordable options are gone. How do we set up these deed restrictions to ensure ongoing affordability? People can find a place to live for a season or two, but then they want to graduate to ownership.

Matt concluded the discussion with the action to start with a community forum and to identify and talk with some of the stakeholders one on one, and to research deed restrictions. John offered to talk to agencies involved in projects in other areas; looking at concrete examples is more valuable than abstract ideas. Matt suggested that all the commissioners begin talking with residents before the next meeting. In June, the discussion will be how to make a community forum work.

Elena said Tessa might have recent survey information from community members.

Discuss requests from Town Council

At their May meeting, the Town Council discussed John's memo to them requesting specificity on fire standards to address. The TC had agreed and specific topics are forthcoming. Tina said it's premature to start drafting anything without knowing what the town wants to require. In general, it would include emergency vehicle access, water supply that ties to building code standards. John said practices in other jurisdictions addressing wildland/urban interface, such as Summit County, provide good ideas. Matt said the TC needs to consider clarity on Fire Marshal discretion. Shelley said many Western communities are needing to couple insurance considerations as well into code.

Another TC topic had been ADUs and short-term rentals. Apparently, members of the town council were unclear as to the difference between them, one being an extra dwelling for family or long-term rental, the other being a guest accommodation business. The commissioners discussed having someone at the next TC meeting able to address their questions. Colleen said the Planning

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Commission had worked on both ordinances for a long time and they seem self-explanatory if people read the ordinances.

Discuss Owens New Concept Plan for Deer Ranch Subdivision, 301 East 1600 South

Shawn Owen presented his new concept plan of Deer Ranch Subdivision, an 80-acre parcel to be subdivided into eight lots that would include farmland and housing. He has submitted drawings showing lots, roads, septic, and waterways.

Matt asked about building envelopes being defined on the plat? (Yes, along with elevations, perc test locations, the emergency access turnarounds defined, roads, etc.) Shawn said the current farmroad is being used as the access to lots. The pasture is zoned ag and in greenbelt, integral to operation of SVF and not planned for sale. Lot 4, which contains the existing house and outbuildings is not changing. There are two wells on the property now. Other water access is being looked into. Irrigation water is not likely to be available for most of the housing lots, though it's also being considered. Road matters ---- road standards, lot access, maintenance, alternate emergency access, are all issues that need to be fully addressed. There was some discussion as to who is responsible for building the road access and making improvements: the future owners as members of a road association or the developer of the subdivision? Matt said Shawn will be working with the Zoning Administrator on all the required documentation for the application. Shawn is anxious to move ahead. He's having a preliminary plat drafted now and hopes that what he submits as a preliminary will also provide what is necessarily as a final plat.

Elena asked about the two dwellings on Lot 4. Shawn said one is the home, the other is an ADU, originally built as a farmhand house.

Tina and John both alluded to the need for an alternative ingress/egress road, yet to be determined. Their concern included emergency vehicles access and proximity to water, but also the danger of a fire blocking residents' exit at the south. John said even if the recently approved subdivision amendments are approved by the TC, this subdivision wouldn't fall into the four or fewer lots leeway granted to road standards and private driveways. The current standards require significant street development for a subdivision. He suggested trying to coordinate with adjacent landowners. The Wildlands Urban Interface building code has its own stipulations for subdivisions to meet. Shawn said he had been negotiating on that but couldn't get agreement with existing landowners. John also asked about Lot 4 with its existing buildings and if the setbacks are met. He also requested that addresses be assigned to each of the lots. Fire, emergency access, and roads are the big questions.

Elena said for this and all future subdivision applications, the Planning Commission should assume that all the platted lots will be developed, whether it's the current intent to sell or not.

Final public comments

Pete Benson said he's been working with Shawn on the roads and fire issues.

Donna Owen said it's important for the applicant to clearly understand all the requirements now as he's preparing his documentation and plats.

Review Action Items and Upcoming Business for June 9

- Discussion and vote on Fogel/Full subdivision, pending completed paperwork
- Lee's memo on Planning Commission discretion on width/depth ratio
- Subdivision changes—concentrate on strategy: first discuss goals, identify problems with current ordinances
- ULCT memo on electronic signs (ordinance change due to state changes)

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- Housing needs, open space preservation, General Plan – discussion initiation
- Administrative procedures for submittals of applications (staff procedures, not ordinance)
- Stacy Davis temporary housing: CUP or extend temporary camping?
- ULCT memo on electronic signs (ordinance change due to state changes)

Colleen moved to adjourn, Matt seconded. All voted 'aye.' Matt adjourned the meeting at 9:12 p.m.

Peg Smith _____ Date _____