

## ***Regular Planning Commission meeting – November 4, 2024***

The meeting of the Town of Meeker Planning Commission was called to order by Commissioner Joy at 7:00 p.m.

### **Pledge of Allegiance (or the Lord’s Prayer)**

Commissioners Present:           Amanda Back  
  Greg Hanberg  
  Leif Joy  
  Michele Morgan  
  Amanda Smith

Staff Present:                       Carly Thomson, Town Planner  
  Mandi Etheridge, Town Administrator

### **Approval of Agenda**

Motion to approve agenda made by Commissioner Smith, second by Commissioner Back. All ayes, motion carried.

### **Approval of Minutes**

Motion to approve the minutes from the October 21, 2024 Planning Commission meeting made by Commissioner Morgan, second by Commissioner Back. All ayes, motion carried.

### **Public Participation**

None

### **Public Hearing**

None

### **New Business**

***Consideration of updates to the Meeker Municipal Code Title 18: Zoning and Subdivisions*** Planner Thomson thanked the Commission for being present to discuss Code updates and clarified that the Commission will provide a recommendation to the Board of Trustees.

#### Section 18.1.2 – Zoning Definitions

Thomson proposed adding the definition for fence to be “An enclosing framework for exterior areas, such as yards or gardens”.

#### Section 18.1.16 – Supplemental Regulations

Thomson proposed adding new language for the regulation of fencing, stating that the language was mostly taken from the previous code with the change that front yard fences or hedges should be allowed to a 6’ height in the Industrial Zone only to provide additional coverage for industrial properties.

Commissioner Smith asked whether this new code would affect pre-existing structures; Thomson responded no, that current properties would be considered non-conforming uses.

Smith then asked how far from the street a fence would be allowed; Thomson responded that a fence is allowed right up to the property line but not within the Town’s Right-of-Way (ROW) without obtaining an encroachment permit.

Thomson clarified that the 4’ height for front yard fencing and 6’ height for the side and rear yard fencing will remain regulation in residential zones. The Commission discussed fence height regulations for a corner lot, citing examples in town, and recognized the allowed made by previous regulation. Commissioner Smith felt that the proposed regulation would help with uniformity.

## ***Regular Planning Commission meeting – November 4, 2024***

Thomson stated that sub-section (b) was added to clarify that no building permit is required for fences.

Commissioner Joy asked what spurred the new regulation and Thomson stated that several inquiries about fences this year have caused the need for regulation. Joy asked whether regulation was necessary; Thomson replied that regulation is warranted for the sake of consistency. Joy shared that the 6' front yard fence height could possibly be helpful for visual masking and for code enforcement and asked whether a variance would still be an option; Thomson responded that it would be possible.

Following discussion regarding fence height, Thomson asked the Commission whether code should allow for 6' front yard fence height in the HC zone. Commission agreed that would be beneficial for noise and visual barriers.

Commissioner Joy asked whether there would be any anticipated opposition to new fencing regulation and Thomson stated there is not much expected as this is regulation that has previously been in the code; it's not meant to be restrictive, just a guideline.

Thomson asked whether there should be additional language about the option to apply for a variance to the regulation; the Commission concurred that the language was unnecessary and redundant.

### Section 18.2.4 – Subdivision Definitions

Thomson proposed adding definitions for Plat Vacation and Right-of-Way (ROW) vacation.

### Section 18.2.6(2)(a) – Administrative Subdivision

Thomson clarified the purpose and process for administrative subdivisions and then explained the differentiation between Plat Correction and Plat Amendment. A plat correction would be for the purpose of correcting non-substantial survey, typographical, plat notes or similar errors where the intention of the plat is not changed, for example a misspelling of a name or incorrect street noted. A plat amendment would be for the purpose of correcting substantial survey, typographical, plat notes or similar errors but creates no additional lots. Thomson explained that the catalyst for this was a plat note that stated a citizen's lot was "non-buildable" and that taking this plat note off was substantial enough to not qualify as a correction, so a process for plat amendment was needed.

Thomson asked Commissioner Joy if this was broad enough to cover all needs; Joy discussed needs for plat amendments and confirmed that changing the intent and the content are very different needs.

Commissioner Morgan asked whether "doesn't change intention of the plat" is subjective and Commissioner Joy clarified the reasons for a plat and the ways to correct it suggesting that using "amended plat" as opposed to "replat" would help clarify that a replat changes while an amendment merely corrects. Discussion continued regarding the semantics of "replat", and the Commission concurred with using the language "edit" and "amend" for changing a recorded plat.

### 18.2.6 (Table 18.13) – Administrative Subdivision

Thomson proposed adding a process for Vacation of a Recorded Plat.

### 18.2.12 – Vacations

Thomson shared that the Town currently has a process for the vacation of an easement and ROW and proposed adding a process for the vacation of a recorded plat.

Commissioner Joy shared that typically the vacation of a ROW would not require a full replat or support drawing, but through an ordinance. Thomson asked about ROW vacations with multiple owners and Joy recommended review of the State Statute for ownership of vacated ROW, adding that it wouldn't necessarily need the plat but is considered a legal change based on the ordinance.

## ***Regular Planning Commission meeting – November 4, 2024***

The Commission discussed the meanings of dedication and acceptance of ROW and how/why the ROW would be approved. Thomson added that should improvements be already installed in a dedicated ROW, the proposed code sub-section (i) would prevent vacation of that ROW.

Commissioner Joy led the discussion regarding vacation of ROW, differentiation between the ROW and the installed improvements, maintaining the current use of the ROW, and that the potential vacation of a utility easement essentially changes the ownership and not the use. Thomson clarified that easement vacation would be separate process altogether that would require additional parties, and added that sub-section (c) provided guidance for ownership of a vacated ROW and Commissioner Joy suggested simply referencing the state statute instead of spelling out language that could potentially change with legislation.

Discussion continued regarding taking out sub-section (i) as it shouldn't matter whether there are improvements in the ROW if a vacation is being requested. Commissioner Hanberg stated that if left in, that regulation would help keep the requirements of a ROW vacation clearly defined. Commissioner Morgan questioned the possession of improvements on a vacated ROW; after discussion clarifying the ownership and use of improvements in a vacated ROW, the Commission concurred that sub-section (i) was not necessary as long as sub-section (iv) included the language "established" for making sure there are easements available for vacated improvements.

Thomson then proposed a process to completely vacate a platted subdivision, with no public improvements. Commissioner Joy suggested that a subdivision vacation would be so rare, it may be better to use processes already in place, including ROW vacation and lot consolidation. The Commission recognized that a plat vacation would be extremely rare and Commissioner Hanberg asked whether this has come up as a need; Thomson stated that no, it is just something that was missing from the Code. Commission concurred that a Plat Vacation would not be necessary to add.

Thomson summarized the recommendations of the Commission as follows:

- Accept Fence definition
- Accept Fence regulations with the addition of allowing 6' front yard height in HC zone
- Remove the definition of Plat Vacation
- Accept the definition of ROW Vacation
- Change the wording for a Plat Correction
- Accept the regulation for a Plat Amendment
- Remove Plat Vacation from Table 18.13
- Keep ROW Vacation title, remove proposed sub-section (i), and the language "established" to sub-section (iv), and reference CRS in sub-section (c)
- Remove proposed Plat Vacation regulation

Motion to recommend code revisions to the Board of Trustees with corrections as stated made by Commissioner Smith, second by Commissioner Hanberg. All ayes, motion carried.

Commissioner Joy adjourned the meeting at 8:18 p.m.

/s/Leif Joy, Chairman

Attest:

/s/Mandi Etheridge, Town Administrator