

Boulder Town

Planning Commission

Meeting Minutes

August 10, 2023

Commission present: Tina Karlsson, Colleen Thompson, Shelly Price-Gipson, John Veranth, Elena Hughes, alternate Nancy Tosta, Planning Commission Clerk Peg Smith, Town Clerk Jessica LeFevre, Town Council Liaison Elizabeth Julian, and Consultant Lee Nellis.

Public attending: Jen Bach, Mark Nelson, Cindy Wilson, Gladys LeFevre, Bill and Judith Geil, Dan Pence and Jennifer Geerlings, Donna Owen, Tessa Barkan, Ashley Coombs, Dave Conine, Andy/Andria Rice.

Tina called the meeting to order at 7:00 pm. John made a motion to approve the agenda, clarifying that the public hearing will include all three proposed ordinance amendments. Colleen seconded the motion. All approved by voice vote. Shelly moved to approve the July 11 minutes; John seconded. April noted a correction; she was not present. All approved the corrected minutes by voice vote.

Lee Nellis: Summary of the Proposed Subdivision Ordinance Amendments: 2023-1 Housekeeping Amendments; 2023-2 Duplexes; and 2023-3 Average Lot Size

Re: 2023-1, Housekeeping Amendments: Assorted changes to subdivision regs, Chap 152 of town code. Places that address specific problems, changed to clarify questions on access, defining private driveways and private streets, historical access to be shown on subdivision plats. Common theme is to make subdivision less complicated for landowners making small changes and also correcting housekeeping matters such as notifications.

Re: 2023-2 and 2023-3, Duplexes and Average Lot Size, respectively: Added authority for Planning Commission to make subdivision design recommendations in addition to infrastructure. Between now and Dec 2024, Chapter 152 will need to be totally revised, based on major legislative changes. The changes now serve as interim fixes as subdivision applications come in. Minimum lot size averaging will require a minimum of 10 acres

Duplexes would be uses-by-right anywhere a single-family dwelling is allowed. This meets the 2021 legislature change mandating internal accessory dwelling units in all residential zones. The proposed amendment would correct existing nonconforming uses, clarify the IADU language, and allow a unit to remain rented even if the owner moves out.

Road maintenance agreement (approx. minute 35:00 on the recording) pertains to subdivision lots only; “adequate” pertains to street design standards. The Planning Commission can determine that a subdivision can be legally accessed, whether historic right of access or town declaring a public right-of-way. Past errors in allowing undocumented access to parcels complicates access discussions now. The town can’t compel adjacent owners to sign on to a maintenance agreement. Most communities opt for public streets, which simplifies maintenance.

Colleen made a motion to open the public hearing, and John seconded. All approved by voice vote.

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Public Hearing on Ordinance Amendments, 2023-1, Housekeeping Amendments; 2023-2, Duplexes; 2023-3, Averaging Lot Size in Subdivision

Dan Pence: In favor of duplex ordinance in that it could encourage additional long-term rentals, plus a duplex minimizes the building footprint on the land. Allowing ADUs didn't double Boulder's population, neither will allowing duplexes.

Jennifer Geerlings: Great start from ideas being discussed for a long time. Things change, we need to change with that and address the questions as we go. Average lot size amendments give landowners more control and flexibility without changing density. In the Housekeeping Amendments, good to try to clean up the road/access questions, but there are still problems with the maintenance issues.

Elizabeth Julian: Question about Housekeeping Amendments and effect on private streets and ownership/maintenance rights. Important for property owners to have a written maintenance agreement. Why is it necessary to have both private streets and private driveways?

Mark Nelson: I like the average lot density idea and the way it's laid out. Duplexes—I don't remember any meetings when it was discussed. At the June housing forum, it didn't have any dots indicating interest. "Affordable" is defined by the state, so we dropped that and started using "attainable," and attainable has no definition and is very subjective. How to address it? IADUs and duplexes aren't the same. We've always wanted to avoid attracting speculators.

Judith Geil: (Answer to question) Yes, a duplex would be allowed on both lots of an averaged density, 2-lot subdivision.

Donna Owen: Duplexes are different from ADUs. They're great but maybe some architectural standards can be included. They can be designed so they look like a single-family home.

Housekeeping Amendments: on allowing development to occur after the Preliminary Approval, but required before Final, fear that could be constrictive on developers. Why would all the infrastructure need to be in before a final plat and lots being sold?

Jennifer Bach: I think the average lot size is a very good idea. It preserves the density and allows more flexibility. I wish there were areas where duplexes would be allowed, not just everywhere. It might not solve any of the housing problems if non-residents end up buying them. I don't think duplexes were one of the frontrunners in the solutions put forth at the housing forum. IADUs are fine, mostly for people who live here. Needs more time to think about duplexes as a fix.

Tina made a motion to close the public hearing; Colleen seconded. All approved by voice vote. Tina moved to return to the regular meeting, Colleen seconded. All approved by voice vote.

Discussion on Proposed Ordinance Amendments

John and Lee responded to questions raised: The Housekeeping Amendment does include the area of private street easements to be included in the calculation of total acreage. It allows lots to be created that only have private streets or private driveways, without changing a lot of other things throughout both ordinances. On development agreements language, it's typical for communities to require improvements to be on the ground before approving a final plat. The development agreement in this draft allows phased installation of improvements: a preliminary plat that covers the entire subdivision and one or more final plats reflecting the phases. Example: wanting to build a road to serve the first four lots (of eight), then do others as lots can be sold. Preliminary approval is on whole project; final approval is on each phase.

Is a development agreement required on all projects? Yes, unless the subdivision does not require any improvements, as there's no infrastructure the developer is required to make.

John made a motion to table discussion on the 2023-1 (Housekeeping) until later in the meeting and discuss the others first. Colleen seconded the motion. Following discussion, Colleen moved to amend

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John's motion to continue discussion on the other two draft amendments first; John seconded. All aye.

Discussion on 2023-2: Duplexes: Duplexes can be a single-family house with an upstairs and a downstairs, or with a finished garage as a living space. They can be designed to look indiscernible from a single-family home. Architectural standards may be allowable (need research) if combined with a density credit. There's nothing stopping a speculator from building housing right now. In Boulder, this will most likely this will look like a remodel of an existing house now, not new construction. They also offer the chance for two owners to team up to buy.

Elizabeth will bring up the amendments at the next town meeting to get feedback.

Issue of non-resident renting out ADUs (or duplexes). Is it possible to allow duplexes in lower-density zones only?

Duplexes are ok, but don't put too many restrictions on them. Stop making attainable housing options harder and more expensive.

John moved to table discussion on duplexes for additional discussion and answers to questions and bring it back next month. Elena voted no, John, Tina, Colleen, Shelly yes.

Discussion on 2023-3 Average Lot Size: This received the most dots (46) at the June forum as a good option. Is there a discussion to continue between allowing the averaging only one time and only allowing a maximum based on the original lot size. Ex: with a 20-acre lot, it can never be divided into more than 4 lots, regardless of when the divisions occur. Also a "whereas" is needed to express this concept.

Lee can edit the draft for next meeting. John moved to return the draft to Lee for further wordsmithing and act on it next meeting. Colleen seconded. No more discussion. All aye by voice vote.

Colleen moved to continue discussing all the amendments before moving to remaining items. John seconded. All approved.

Lee reviewed John's redlined Housekeeping changes, suggesting discussing again next month. The Commissioners need to think about private driveways and private streets. Road standards should be reviewed with this. Lee wants Zoning and Subdivision definitions to match for now, regardless of need for future changes.

"Improvements" and language on infrastructure should be clarified. What are required improvements? Some single lot subdivisions could be made simpler where possible.

John moved to table 2023-1 until next month pending review of his redlines. There was no second or vote.

Process: Need cover letter of transmittal of ordinances to the town council and send version to town attorney too. This procedure should be defined.

Follow up on "Great Planning Commission Meetings" Workshop

Tina moved to discuss next time, John seconded. All approved.

Schedule and registration information for Roberts Rules training

All Planning Commissioners should attend if possible. This will be a combined, live, work meeting with all town board and committee members and staff. It's open as view-only to the public.

Progress report on BES housing

The school district business administrator accepted the Boulder Community Alliance proposal for providing long-term housing on BES property. An ordinance change would be required for RV use as

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long-term housing and in a medium-density zone. BCA would be the partner coordinating with the school district on the specifics.

Discussion on state-mandated Subdivision Ordinance amendments

John's Powerpoint gave suggestions on how to proceed with the major ordinance changes being required by Dec 2024.

New law reduces the role of Planning Commission and Town Council in approving a subdivision, speeds up the process, and doesn't allow public comment.

Planning Commission needs to consider street standards and adopt something that better reflects Boulder, not urban subdivision. Forest Service, not UDOT, may have more applicable standards.

Identify problem, compare multiple alternatives, discuss, decide. Outline the new Subdivision Ordinance elements and move the policy/standards to Zoning Ordinance. Subdivision Ordinance will become mostly procedural. Which topics will need high level discussions, such as street standards? Types of open space (irrigated fields, PJ); types of zones?

John would like to see a first draft outline for the ordinances next month. The Planning Commission has, effectively, 12 months to complete it for sending to Town Council, so a couple items will need to be accomplished each month. Additional meetings or committee work will be required.

Discussion on a November Housing Follow-up

Tina made a motion to postpone the followup until January. Colleen seconded. No discussion. All approved.

Staff and Commissioners reports

No reports.

Public comments

Jen Bach: Think of big picture of smaller lot sizes with duplexes. Fear of change is really more fear of unintended consequences.

Upcoming business for September 14

- 2023-1, -2, and -3 back for discussion.
- Public hearing required?
- Plan for meeting state-mandated ordinance changes by Dec 2024
- Review qualifications of town engineer

Collen moved to adjourn, Shelly seconded; all approved by voice vote. Tina adjourned the meeting at 10:03 p.m.

Clerk: 

Draft submitted: Sept 6, 2023

Approved: