

Boulder Joint Council Special Meeting
July 25, 2024 7:00 PM
Meeting Minutes

Planning Commission and Town Council Members present- Mayor Judy Drain, Josh Ellis, Ray Gardner, Gladys LeFevre, John Vernath, Nancy Tosta, Tina Karlsson, Elena Hughes, Colleen Thompson, Darrell 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 7:00 PM MST

Approve agenda

Nancy Tosta made a motion to approve the Agenda. John Veranth Seconded the motion.

All in Favor. Motion Carried.

Opening Comments by Planning Commissioner Chair and Mayor on desired outcomes for the meeting with input from Planning Commission and Town Council Members.

Commissioner Tosta stated she desired clarity from the Town Council regarding Subdivision Codes, she wants to see everyone on the same page. She would also like clarity on future activities including work flow and being clear on assignments.

Commissioner Thompson stated she would like to see applications done at the same time as the ordinance that requires an application and that it goes forward at the same time so they are updated or generated. She would like to see applications coincide with the ordinances especially pertaining to Lot Size Averaging.

Councilmember Ellis commented that procedure should be included in every ordinance created. He mentioned he would be willing to help with the flow chart so it doesn't fall through the cracks.

Discussion on Draft Subdivision Code – Draft 072224 with a focus on key questions such as: Should requirements vary if only one lot is being created? Which requirements? Are there more stringent requirements for X# lots? Are infrastructure improvements required before or after recording? Should the Town require Subdivision Improvement Plans?

Commissioner Tosta stated item 1a. Legal Recorded Access via a Public or Private Road. She asked "Should this be a requirement for the creation of a Subdivision?"

Commissioner Hughes said yes and would like to add a driveway.

Commissioner Tosta said they are not including those as they are not always able to access the property.

Councilmember Veranth said that is the type of wording that needs to go back to the Planning Commission. We don't need those details at this time.

All were in Favor and discussion that votes did not need to be taken.

Councilmember Ray asked for clarification on buying property as investments and not developing, do you need to meet these requirements? He sees the need for access to the property, but some other requirements wouldn't be necessary if the property isn't intended to be built on.

Councilmember Lefevre had a similar question. She asked for clarification on Subdividing. What does it mean?

Commissioner Tosta said you don't have to be selling the property, you could be dividing your own property to be given away. It is a legal process to take an existing parcel and split them into other pieces. They ultimately could be sold.

1B - Is a road maintenance agreement required? The answer is yes. A subdivision cannot be denied if the Road Maintenance Agreement isn't signed. If there is a private road, there does need to be an agreement of how to maintain and access.

Commissioner Thompson asked to clarify if the town can make people have Maintenance Agreements?

Commissioner Tosta responded that the town doesn't get involved, but it will be an item on the application. If someone doesn't sign it, it will not hold up the subdivision. Buyers of the property will be liable to maintain the road.

Councilmember Veranth stated this may need to go back to the Planning Commission as it requires more explanation.

Attorney Michael Winn does not advise that the agreements be enforced.

Councilmember Ellis says it seems easier to make an ordinance to make the requirement. It would also create a standard that people would have to adhere to.

Councilmember Ellis would prefer not to have requirements that cannot be enforced. Language saying things should be "Encouraged" not "Required".

Councilmember Gardner stated he would like to simplify and not burden the town and see less requirements that are challenging to enforce.

Commissioner Tosta agreed that the wording should be changed to “Encourage” and not “Require”.

Mayor Drain agreed.

Commissioner Hughes stated the town should consider at some point to look at current roads and driveways and see if the town can accept certain roads and driveways that previously existed to accept those and go forward with new subdivisions.

Commissioner Karlsson stated that the town did take over the responsibility for the Boulder King Estates.

Commissioner Tosta moved onto item 1C - Farmstead Water

Councilmember Lefevre asked for clarification.

Commissioner Tosta stated it does say that water needs to be accessible to a property.

Councilmember Ellis expressed interest in clarification from someone with land as to their view on this.

Councilmember Gardner stated if you purchased the land as an investment and had no desire to subdivide it, it would be a good reason as to not have so many requirements in place.

Councilmember Lefevre said she doesn't want to be the developer. She doesn't want to have to get the water and the septic.

Councilmember Gardner agreed.

Commissioner Fuller commented a small Minor Lot Subdivision can be carved out and there could be less restrictions. That is an option, but legitimate subdivisions of 10-15 parcels are more sophisticated and you would have to act as the developer.

Commissioner Tosta responded that the state code is 10 lots, but it has been adjusted for Boulder.

Commissioner Hughes spoke about attainable housing as being the goal and that it is easier for the seller and passing the cost onto the buyer and that doesn't make it attainable or affordable if you pass it off to the buyer.

Commissioner Thompson commented that the intent of the subdivision matters. If there is no water, no road and no septic then the parcel is less valuable. You can raise the price if the infrastructure has been put into the property.

Commissioner Hughes clarified that all that's being discussed is that you have to prove it's feasible, not that you have to do it and she believes that is still valuable.

Councilmember Ellis questioned the requirements of water right vs perc test. A survey is dramatically more expensive.

Councilmember Veranth suggested that A-D are current requirements and E-F are requirements being discussed and suggested they jump to #2.

Commissioner Tosta stated that she would like to continue along with #1.

Commissioner Veranth thinks to move on further down the list would move things along faster.

Commissioner Tosta stated A-F are pretty standard so she would like to hear from the Town Council.

Councilmember Veranth commented B,C,D are trivial. He objects to the drainage plan requiring an Engineer. He stated the town is getting into a whole list of new requirements and is opposed to E as it is written.

Commissioner Tosta stated the current code requires a drainage plan. She suggested taking out the wording that requires an Engineer.

Commissioner Tosta moved onto infrastructure requirements that come before acceptance of a final application.

Councilmember Veranth asked if the council should try to facilitate a homesteader “do it yourself” subdivision? At this time the ordinances are completely ambiguous.

Mayor Drain commented on the idea of Minor Lot Subdivisions saying if they are encouraging people to build homes, she thinks they should be on small lots.

Mayor Drain asked if all are in favor of Minor Lot Subdivisions. Majority stated they are for Minor Lot Subdivisions.

Councilmember Ellis expressed apprehension with larger lots as far as fire protection.

Commissioner Tosta clarified that Minor Lot Subdivisions have been accepted. 1 additional lot equaling 2 lots is acceptable.

Discussion on development and infrastructure. Water and Roads being the main infrastructure items to look at.

Commissioner Tosta asked if Water and Roads are put in before the lot is recorded or is it put on the buyer after the lot is sold?

Councilmember Ellis stated he likes the option that the raw land be developed by the buyer.

Councilmember Veranth asked to consider a scenario with 6 lots on Boulder Farmstead water that needs a fire hydrant. It would cost an excessive amount of money so who pays for it?

Commissioner Tosta stated that every buyer would work with the Farmstead to get their lines to the lot. She stated the person who created the subdivision will have to put this infrastructure in because it doesn't make sense to split it all between lots and buyers.

Discussion between Council and Commission continued. 1:25:05 -1:40:20

The final decision was to put the responsibility onto the Seller. You would build the infrastructure before recording the property.

Commissioner Tosta asked "Should lots designated as unbuildable have different requirements?" These lots would be exempt from water and septic. These would need to be designated on the platt that Lot Size Averaging was used and that these are "unbuildable".

Commissioner Tosta moved onto Fire Protection.

Fire Protection requirements were discussed. 1:46:58 - 1:59:15

Safety was the biggest concern amongst the council and commission members.

Mayor Drain stated she would like to end the meeting at 9 as discussed.

Councilmember Veranth ran through a summary of the meeting 2:05:22

Discuss priorities for Planning Commission work for next year

Not discussed.

Discuss ways to improve workflow and communications between the Town Council and Planning Commission

Not discussed.

Public Comments

None.

Review Meeting Actions/Decisions

Not Discussed.

Upcoming Business

Town Clerk Jessica Lefevre asked the Town Council what they wanted to do for next Thursday.

Adjourn

Commissioner Tosta moved to adjourn the meeting.

Date Minutes Approved: Sept 5, 2024



Jessica LeFevre, Town Clerk