

Boulder Planning Commission Regular Meeting and Public Hearing  
October 17, 2024 7:00 PM  
Meeting Minutes

Planning Commission Members present- Tina Karlsson, Elena Hughes, Nancy Tosta, Darrel Fuller

Town staff present or on Zoom- Town Clerk Jessica Lefevre, Deputy Clerk Lacy Allen, Zoning Administrator Erin Smith

Meeting was called to order at 7:04 PM mountain standard time

**Approve agenda**

Commissioner Tosta made a motion to amend the agenda to remove the Public Hearing on the RSTR/CUP.

Commissioner Karlsson seconded the motion. No discussion.

All in favor.

Motion Carries.

**PC conflict of interest disclosure**

None.

**Approve Meeting Minutes**

Commissioner Karlsson made a motion to approve the September 19th meeting minutes with the changes.

Commissioner Hughes seconded with the motion.

All in favor.

Motion carries.

**Town Council Liaison Report**

Councilmember Veranth reported that a formal letter to deny the grant was sent to UDOT and they are moving forward on an Active Transportation Plan. He is working on the Infrastructure and Design Standards and they are guidelines to get the ALUA and the Applicant on the same page. He noted his concerns on the draft Subdivision Ordinance such as the Building Permits, the Fire Protection Plan needs to be at the

Building Permit stage and the 151.10 table is out of date and he had an updated list with current state adopted codes to update it to.

You may hear the Town Council Liaison Report in its entirety at meeting minutes 5:37-26:38.

### **Staff Reports**

These were addressed at the end of the meeting.

### **Public Comments on agenda items**

Donna Owen commented that she doesn't agree that she can't speak what she wants to speak about the agenda items because she wanted them to be discussed. And now she is confused with what Councilmember Veranth said. Is everything she read on the website changing? She stated the process B. You are requiring large landowners to divide lots even if they don't want to. If she makes small lots, she can't subdivide again? If she does small lots to create affordable housing, she can't ever do it again? She stated the B process defeats the whole purpose. She thinks it could be helpful to get small parcels to new landowners but the part about having to do everything right now is silly and makes no sense. She would like that to be looked at more closely. Lastly, she mentioned the Fire Authority and asked for clarification in regards to who that is and to make it more clear as to what fire suppression is in lieu of a fire hydrant.

### **PC Discussion on Subdivision Code Ordinance 2024-A**

Discussion was held between the Planning Commission about language changes in the Subdivision Code. You may listen to the Discussion in its entirety from minutes 32:23 to 1:17:40.

Commissioner Karlsson made a motion to close the meeting and open the Public Hearing.

Commissioner Hughes seconded. All in favor. Motion carries.

### **Public Hearing on Subdivision Code Ordinance 2024-A**

John Ryan thanked the Planning Commission for being there and talking about these issues. They matter a lot. He started out by saying he is there as a representative of the working class. He does not have family money. He doesn't have anyone to co-sign a loan and what he makes is what he has. He stated he is also there as a representative of the Construction community and his company has built 9 houses in Boulder and he feels he has some expertise on the topic. Boulder has 4 places for sale on the open market and none of which he can afford at all of them over 1 million dollars. He asked the Commission what his chances are of getting housing in Boulder. The only opportunity for people in the working class is if someone decides to subdivide and they can get someone to give them a deal on a property. People will subdivide their property if the Planning Commission can make it easy for them to do it. He asked what the fear

was. The Building Permit has the infrastructure required in the Building Permit. You can't build a home in this county without the proper infrastructure. There are already instances where houses that have been built here are sitting empty. Only 2 of the 9 homes have residents of Boulder who contribute to the community currently living in them.

Andy Rice stated he would like to mirror what John said. He is the kind recipient of a piece of land he could purchase and afford from a generous landowner. He has worked and saved and capitalized on opportunities. They were dependent on employee housing and luckily they had a generous offer they were able to make work and it was still very difficult. He urges the Commission not to discriminate and stated that the housing market is discriminatory in its nature. He suggested ways to identify people who might be able to purchase property and asked not to discriminate. The general attitude is that land ownership is impossible. The community is limiting itself to its peril. If someone can section off property for the benefit of a working town member, we should do whatever we can to make it possible. He believes there is room for everybody, The infrastructure on the land costs more than the land.

Nick Vincent commented that he is a thankful recipient of someone going through the effort of making a subdivision to create a property for him and he sees the struggle that the working class in town is facing and he sees the lack of hope. He stated that looking back on the process of Anson and Alex subdividing the land and the process was so difficult and he wants to make sure that the people who are willing to put in the subdivision that they are being rewarded for it or feel like it is easy enough to make it worthwhile.

Tessa Barkan thanked the Planning Commission for having the conversation. She read a public comment she had spoken over 2 years ago. She gave 12 examples of people who were able to obtain land from small lot subdivisions. There were extreme and unreasonable difficulties. Residents are dissuaded by seeing the difficulty of creating these small lots. She stated she is in favor of small lot subdivisions and not larger subdivisions.

Shawn Owen commented that he would like to make the point very clear from the perspective of someone who tried really hard to sell a lot to John Ryan and it would have been done correctly, but the infrastructure had to be put on the landowner, there was no way to finance it to get it done and there was time and money lost. Attempting a way to break up a 5-acre lot and he has gone through multiple subdivision ideas. He is looking at creating a 14-lot subdivision by looking into an investor group and the math isn't workable. There is no risk of not getting infrastructure in place because the Building Permit requires the infrastructure.

Dan Pence stated that John and Andy were right on and he wanted to reiterate that the idea of the One-Lot subdivision should create more land to have affordable housing. And there should be a streamlined way to be able to do this. The idea of lack of hope is demoralizing and to have young, working class people not being able to afford to live here is telling that this town is not going to make it. More affordable land is the goal.

Donna Owen wanted to clarify One-Lot Subdivision and she thinks it is great. The lot averaging is where she has issues. It feels as if it is out of fear. The Fire Authority sent her to a Town Engineer and there isn't a standard for fire and has been told "too bad" and it is not what the state is asking. The state is asking for these things to be simple and clear.

Anson Fogel commented that as someone who has been through the process, he has asked what a healthy community looks like and realizes he doesn't have the patience to be in town government. One thing is clear as to why housing is so expensive in Boulder is because demand exceeds supply. There doesn't seem to be interest from large developers. Continuing to be restrictive causes a lot of smart people to ask how to make it clearer and he asks how to manage developer and landowner rights. He advocates to make it easier for the supply to increase.

Commissioner Hughes made a motion to close the public hearing. Commissioner Karlsson seconded the motion.

All in favor.

Motion carries.

Commissioner Tosta noted that Staff Reports were missed and they will be added later to the agenda.

### **Public Hearing on Building Code Ordinance 2024-C**

Commissioner Hughes made a motion to open the Public Hearing on the Building Code. Commissioner Karlsson seconded the motion.

All in favor.

Motion carries.

There were no comments on the Building Code Ordinance.

Commissioner Karlsson made a motion to close the Public Hearing on Building Code and reopen the meeting. Commissioner Hughes seconded the motion.

All in favor.

Motion carries.

### **Discussion and Possible Action Items on RSTR CUP for Anson and Alex Fogel**

Zoning Administrator Erin Smith reported on the CUP RSTR permit application submitted by Alex Fuller and Anson Fogel. They submitted a request to relinquish their current permit for the property located at 995 E 1940 S. They have submitted a new application for an RSTR CUP for the property located at 1165 E. 1940 S. The new

application was put forward for the October 17th agenda. The permits are tied to the property and not the person hence they are applying for a new RSTR CUP. They have submitted proof of residency. She recommended approval based on the fact that their application meets the requirements.

Commissioner Karlsson asked for clarification on the process of it being tied to the property and not the owner.

Conversation continued about whether they are full time residents of Boulder and if they meet the requirements. Confirmation was had that they are full time residents of Boulder.

Commissioner Tosta stated she would like to understand how the RSTR's are managed and to make sure that there isn't a maxed out number of RSTR's in the area of Lower Boulder.

Anson Fogel commented that he is a primary resident of Boulder and spends 70% of his **time there**.

You may listen to the discussion on this topic starting at minutes 2:10:00 - 2:15:59.

### **Discussion and Possible Action Items on Building Code Ordinance 2024-C**

Discussion between the commissioners was had on the Building Code 2024-C.

Commissioner Karlsson made a comment that this all needed to be rewritten and Commissioner Tosta confirmed that chapter 151 is insufficient. Commissioner Karlsson stated she wouldn't mind taking a look at this to make it simpler.

You may listen to the discussion starting at minutes 2:16:00 - 2:28:00.

Commissioner Hughes made a motion to not pass the Building Code Ordinance to the Town Council. Commissioner Fuller Seconded the motion.

All in favor.

Motion carries.

### **Discussion and Possible Action Items on Subdivision Code Ordinance 2024-A**

Commissioner Karlsson made a motion that the Planning Commission submit what they have reviewed in the discussion and replace section 152.503 on roads with the revised language that was discussed this evening.

Commissioner Tosta seconded the motion.

All in favor.

Motion carries.

One-Lot Subdivision discussion was next to be discussed starting at minutes 2:29:54.

Commissioner Hughes made a motion to keep it as it is.

Commissioner Karlsson seconded the motion.

Commissioner Fuller commented that he doesn't feel that this has been brainstormed enough. Especially in regard to the public comments. He does not feel that this is ready.

Discussion continued on this subject until minutes 3:06:50.

Commissioner Tosta moved to amend the original motion that a one-lot subdivision may be applied every five years on a lot or a parcel.

Commissioner Hughes seconded the motion.

Commissioner Tosta aye, Commissioner Hughes aye, Commissioner Karlsson aye, Commissioner Fuller nay.

Motion carries.

Lot-Size Averaging was discussed next starting at 3:08:00.

Commissioner Tosta made a motion to change Lot Size Averaging section 152.601A to include #3 Lot Size Averaging may be used with the One-Lot Exemption outlined in section 152.204. With the exemption of 3), all other requirements of this Subdivision chapter apply when using lot-size averaging.

Commissioner Hughes seconded the motion.

Commissioner Fuller abstained. All others in favor.

Motion carries.

Commissioner Tosta made a motion to recommend to the Town Council adoption of this Subdivision Code as currently written with changes made tonight.

Commissioner Karlsson seconded the motion.

Fuller opposed and felt One-Lot Subdivisions did not reflect what he heard from the Public.

Commissioner Tosta aye, Commissioner Hughes aye, Commissioner Fuller nay, Commissioner Karlsson aye.

Motion carries.

## **Review Meeting Actions/Decision and Future Agenda Items**

Decisions made in this meeting were not to transmit the Building Code, to transmit the Subdivision Code as outlined.

Commissioner Tosta went through the transmittal that needed to happen starting at minutes 3:18:03. There was discussion as to what to transmit to the Town Council. That discussion ends at minutes 3:39:53.

Commissioner Hughes made a motion to transmit the Zoning Ordinance completed in September.

Commissioner Karlsson seconded the motion.

All in favor.

Motion carries.

Commissioner Hughes made a motion to transmit the Subdivision Ordinance 2024-A as submitted on October 17th to the Town Council.

Commissioner Karlsson seconded.

All in favor.

Motion carries.

## **Upcoming business**

CUP's & Building Code

General Plan

Attainable Housing

Building Code worked on by Commissioner Karlsson

## **Final Public Comments**

Donna Owen thanked them for the work they did on the One-Lot Subdivision, but felt they breezed through Lot Size Averaging and felt like they dropped the ball on that one.

Commissioner Karlsson made a motion to adjourn the meeting.

Commissioner Hughes second the motion. All in favor. Motion carried.

Meeting was adjourned at 10:52PM

Date Minutes Approved: November 14, 2024

  
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Jessica LeFevre, Town Clerk