

John Veranth
Town Council - November 7, 2024

Possible Comments and Motions Regarding Land Use Ordinances

I want to thank the Planning Commission for the huge effort they have been making on our land use ordinances (building permits, subdivision, and zoning). Coming into compliance with state law changes while concurrently addressing contradictions, inconsistencies, and other issues in the existing town code is a challenge. number of my previous concerns were addressed by changes during the Friday, November 1 Planning Commission meeting. The planning commission has carried out their statutory responsibility to provide recommendations to the town council. Overall, I concur with the draft ordinances.

However, there are some significant issues where I want to present policy-level options or alternatives for consideration by the Town Council. A This memo represents my pre-meeting thoughts and my comments and possible motions may be modified by new information during the public hearing and council discussion tonight.

Section 152.204 One-Lot Subdivisions

I would like the Town Council to consider the following alternatives:

- a) Change the title to "Small Subdivisions" and allow creation of one, two, or three new lots on a single application using the exemptions listed in 152.204 (C).
- b) Deleting 152.204 (A) (3) restricting the creation of lots under the exemptions to once in 5 years.
- c) deleting all of 152.204 (A) because items (1) and (2) are self-evident.
- d) Clarifying in (B) that lot size averaging may be used when creating a one-lot (small) subdivision.
- e) Clarify the introductory sentence "The following exemptions are an option when an existing lot or parcel is subdivided to create not more than one (or alternative number) new lot(s).
- f) Edit and renumber as necessary based on approved Town Council motions.

Section 152.201 and 152.201 Exemptions from Subdivision Requirements

After careful reading of state code, I believe that these two redundant provisions can be consolidated. Under 10-9a-524 (5) the town needs to pass an ordinance specifying that town approval of a boundary adjustment is needed if the property has a dwelling. All other provisions of 10-9a-523, 10-9a-524, and 10-9a-608 (which is cited by 523) apply automatically.

I recommend the Town Council review and revise this section before ordinance approval.

Section 152.504 (B) Landscaping/Irrigation Water.

Recommend deletion - Boulder does not regulate water rights. The word "anticipated" is vague and therefore unenforceable.

152.601 Lot Size Averaging

I support the deletion of this section and the retention of what was passed in Ordinance 2024-1.

I recommend amending the Ordinance 2024-1 language to address the concern expressed by Gladys Lefevre in January changing 153.119 (C) as follows:

(C) The basis for the lot size averaging calculation of a maximum of one building lot per 5 acres in the LDR and GMU zones shall be the total area of the parcel or lot being divided as of January 4, 2024 at the time of the initial creation of new lots using these lot averaging provisions and the cumulative number of existing and proposed building lots on that original lot or parcel, not including ~~The number of building lots does not include~~ areas separately demarked for common use, agriculture, or open space protection or as rights-of-way public or private.