

MINUTES TO BE APPROVED AT DECEMBER TOWN COUNCIL MEETING

Boulder Town Council Regular Meeting

November 07, 2024 7:00 PM

Meeting Minutes

****This summary is the first half of the meeting and is available on the first recording on the town website.**

Summary

- **Agenda and Unanimous Consent**
 - Mayor Drain asks if everyone has read the agenda and if there are any changes.
 - Councilmember Ellis makes a motion to approve the agenda with the removal of items 11 B and 12 B.
 - Councilmember LeFevre seconds the motion, and it is approved unanimously.
 - Mayor Drain introduces the idea of using unanimous consent for non-controversial items like the agenda and time sheets.
 - Councilmember Ellis explains the concept of unanimous consent and its potential benefits and limitations.
- **Conflict of Interest and Minutes Approval**
 - Mayor Drain asks if there are any conflict of interest disclosures.
 - Clerk LeFevre reports that the October 1 joint special meeting minutes are ready, but the September 5 minutes still need changes.
 - Councilmember Veranth moves to add "October 1" before the third item in the minutes to clarify the date.
 - The motion is seconded by Councilmember Lefevre and approved unanimously.
 - The AI-generated minutes for the October 1 joint special meeting are discussed, with some concerns about accuracy and the need for further review.
- **Department Reports**
 - Councilmember Ellis reports on the fire department and EMT, noting no calls last month and updates on NFPA 1142 and landfill capacity.
 - Councilmember LeFevre mentions the travel council and concerns around raising the tax for the year.
 - Councilmember Veranth discusses plans for a listening meeting on lower Boulder road to gather community input.
 - Mayor Drain and Councilmember Ellis discuss the I Am Responding app and its benefits for emergency communication.
- **Public Comments and Tree Committee Update**
 - Public comments are opened, with EricFeiler mentioning concerns about the subdivision ordinance.
 - Eric Filer: Expressed concerns about the subdivision ordinance, particularly around legal access, easements, and road maintenance responsibilities. Emphasized the need for thorough documentation on these issues.

- Dan Pence from the Tree City Free Committee provides an update on the Arbor Day celebration, including tree planting and community involvement.
- The Tree City Free Committee thanks various community members and organizations for their support and participation in the event.
- **Subdivision Ordinance Public Hearing**
 - Nancy Tosta provides an update on the changes made to the subdivision ordinance, including the recommendation to appoint the zoning administrator as the ALUA.
 - Discussion on the one lot exemption, with concerns about its potential impact on large landowners and the need for affordable housing.
 - Various community members and council members express their opinions on the one lot exemption, with some supporting it and others raising concerns about its potential consequences.
 - Nancy: Provided an overview of the changes made to the subdivision ordinance by the Planning Commission, including the recommendation to appoint the zoning administrator as the ALUA. Defended the one-lot exemption and expressed concerns about the potential consequences of allowing more frequent or larger subdivisions.
 - Jon Ryan: Voiced strong support for the one-lot exemption and lot averaging, stating this is the only hope for the working class to have a chance of affording land in Boulder. Urged the council to trust landowners and consumers, and not make decisions out of fear.
 - Tessa Barkan: Expressed support for the one-lot exemption, stating it supports attainable housing goals, while larger subdivisions contribute to unchecked development that could strain the town's resources. Advocated for a conservative, slow approach to development.
 - Jennifer Geerlings: Agreed with the one-lot exemption as a reasonable, conservative starting point. Encouraged the council to refer back to the general plan and gather more community input before making changes. Emphasized the ability to revisit the ordinance in the future if needed.
 - Lucas Tamminen: Voiced support for the one-lot exemption, noting it has helped secure housing for teachers at the local school. Highlighted the general plan's provisions for diverse housing opportunities and the need to consider planning for large families.
 - Dan Pence: Expressed concerns about having the zoning administrator as the sole decision-maker for the ALUA, suggesting a committee review process would provide better checks and balances.
 - Jen Bach: Raised concerns about the potential for unintended consequences if more than one lot is exempted at a time, such as lack of infrastructure and the town being burdened with addressing issues. Advocated for the one-lot exemption as a reasonable starting point.
 - Eric Filer: Reiterated his previous comments about the importance of thorough documentation on legal access and easements, as well as the ongoing road maintenance issues in Lower Boulder.

- Katie Coleman: Expressed concerns about the one-lot subdivision exemption, stating it needs more work and intelligent restrictions before approval. Suggested building in a review period to assess the impacts.
- Donna Owen: Provided feedback on the fire authority approval process, suggesting a timeline for responses and clearer requirements for potable water. Also noted a missing element in the road maintenance agreement section.
- Elena Hughes: Clarified the intent behind the one-lot exemption, explaining that the new parcel would be subject to the full subdivision requirements if further divided. Emphasized the need to trust landowners and consider the impacts on the working class.
- Jessica LeFevre (as a community member): Shared her personal experience and perspective as a lifelong resident struggling to afford property in Boulder. Expressed appreciation for the council's efforts and the need to balance development with affordability.
- The public hearing concludes with a motion to go into the public meeting to finalize the decision.
- **Final Discussion and Decision**
 - Councilmember Veranth emphasizes the importance of creating lots for affordable housing while considering the potential risks.
 - Councilmember LeFevre raises concerns about the impact on large landowners and the need for careful planning.
 - The council discusses the potential for future changes to the ordinance based on community feedback and experience.
 - A motion is made to approve the subdivision ordinance with the one lot exemption every five years, and it is approved unanimously.
- **Subdivision Ordinance Concerns and Historical Context**
 - Eric Feiler discusses the unintended consequences of previous zoning decisions, such as the proliferation of tumbleweeds in subdivisions due to lack of water.
 - He emphasizes the need for innovative solutions to attract younger families to the town and shared their experience on the planning commission and the importance of thorough documentation for legal access and easements.
 - Eric Feiler also highlights the problem of road maintenance in Lower Boulder and the need for developers to take responsibility for their responsibilities.
- **Concerns About Single Lot Subdivision**
 - Katie Coleman expresses concerns about the current single lot subdivision ordinance, suggesting it needs more work and intelligent restrictions.
 - Katie Coleman emphasizes the importance of good planning and proposes reviewing the ordinance in three to five years.
 - Donna Owen acknowledges the need for better solutions but currently lacks them.
 - Donna Owen calls for careful consideration of the subdivision ordinance to avoid unintended consequences.
- **Clarification on Lot Averaging and Fire Authority Approval**
 - Donna Owen raises concerns about the fire approval process and suggests the Fire Authority should prepare a basic plan and provide pre-approval. She points

- out discrepancies in the ordinance, such as missing elements in the road maintenance agreement and the need for clearer requirements for potable water.
 - Donna Owen suggests improvements to the ordinance, including a timeline for Fire Authority responses and ensuring potable water requirements are met before final approval.
- **Discussion on ALUA and Public Meetings**
 - Elena Hughes supports the idea of having a conversation about the ALUA and its structure, emphasizing the importance of continuity and institutional memory. She highlights the challenges of filling staff positions and the benefits of having a team of experienced individuals to review applications.
 - Elena Hughes shares a personal experience with a difficult zoning administrator and the potential legal consequences of improper processing and she suggests that having a team of three people for ALUA decisions would provide better training and continuity.
- **Community Appreciation and Personal Experience**
 - Clerk LeFevre expresses appreciation for the efforts of the planning commission and town council in making important development decisions.
 - Clerk LeFevre shares their personal experience of the high cost of infrastructure for subdividing property and the challenges faced by families in the town.
 - Clerk LeFevre discusses the fear-based decisions made by the town in the past and the impact on affordability for residents.
 - Clerk LeFevre emphasizes the need for balanced decisions that consider both the town's development needs and the financial realities for residents.
- **Policy Discussion and Voting on Ordinance Changes**
 - Mayor Drain suggests discussing policy changes and taking votes on specific language changes to the ordinance.
 - Councilmember Veranth proposes discussing policy changes now and cleaning up the language for a vote next month.
 - Councilmember Veranth summarizes the key issues discussed, including the frequency of one lot exemptions and textual changes to consolidate lot adjustments.
 - Mayor Drain and Councilmember Veranth agree to start with page 152 and discuss policy changes line by line.
- **ALUA Committee and Consultation Process**
 - Councilmember Veranth suggests adding a requirement for the zoning administrator to assemble a committee to consult on ALUA decisions.
 - Councilmember Ellis and Clerk LeFevre express concerns about the cost and efficiency of forming a committee for every decision.
 - Councilmember Veranth emphasizes the administrative nature of ALUA decisions and the importance of continuity and training.
 - Mayor Drain and Councilmember Ellis discuss the potential benefits and challenges of having a committee for ALUA decisions.
- **Boundary Line Agreements and Subdivision Exemptions**
 - Councilmember Ellis recommends simplifying the language for boundary line agreements to align with state law requirements.
 - Councilmember Veranth makes a motion to replace sections 152 201 and 152 202 with the simplified language proposed by Councilmember Ellis.

- Mayor Drain and Councilmembers vote in favor of the motion to replace the sections with the simplified language.
- Councilmember Ellis suggests adding underground utilities to the list of exemptions for one lot subdivisions to improve affordability.
- Councilmember Ellis made a motion to add an exemption for underground utilities for one-lot subdivisions. Councilmember Veranth seconded the motion/ Motion was approved unanimously.
- **Frequency of One Lot Subdivisions**
 - Councilmember Ellis proposes changing the frequency of one lot subdivisions to once every two years.
 - Councilmember LeFevre and Councilmember Veranth discuss the potential advantages and challenges of allowing more than one lot subdivision at a time.
 - Councilmember Ellis emphasizes the importance of having a flexible and least burdensome one lot subdivision exemption.
 - Mayor Drain calls for a vote on the motion to change the frequency to once every two years.
- **Final Vote and Closing Remarks**
 - Councilmember Ellis makes a motion to amend 152 204 a to allow one lot subdivisions once every year.
 - Councilmember Veranth seconds the motion, and Mayor Drain calls for a vote.
 - The motion passes unanimously.
 - Mayor Drain thanks everyone for their contributions and closes the meeting.