

MINUTES TO BE APPROVED AT JANUARY PLANNING COMMISSION MEETING

Boulder Planning Commission Regular Meeting

December 12, 2024 6:00 PM

Meeting Minutes

Planning Commission Members present- Darrell Fuller, Colleen Thompson, Nancy Tosta, Tina Karlsson

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

The meeting was called to order at 6:05 pm mountain standard time.

The Boulder Planning Commission meeting on December 12, chaired by Nancy Tosta, addressed the RSTR (Residential Short-Term Rental) ordinance. Key points included the need to clarify and enforce existing RSTR requirements, with a focus on business licenses, conditional use permits (CU), and tax payments. The town clerk highlighted issues with current RSTR applications and the need for legislative support. Public comments emphasized the importance of maintaining existing RSTRs and ensuring compliance. The commission debated suspending certain RSTR provisions temporarily to address administrative confusion and enforcement gaps. A motion was made to keep the current RSTR code in place and prioritize revisions for 2025, with business licenses issued to compliant RSTRs. The Boulder Town's Planning Commission discussed the renewal process for RSTR business licenses, concluding that while taxes are not currently required for renewal, they should be in the future. They also addressed the need for clearer ordinance language and training for commission members. A motion was made to maintain the current RSTR code and issue licenses to existing RSTRs if they demonstrate tax payment. Additionally, the commission considered a moratorium on new RSTR applications until 2025 and proposed public meetings to update the general plan, emphasizing the importance of community input and potential changes in zoning and subdivision codes.

Action Items

- Send out links to training resources on land use topics for the Planning Commission.
- Transmit the two recommendations on the RSTR ordinance to the Town Council.
- Work with John Veranth to get the draft ordinance on the RSTR recommendations prepared in the next couple of days.
- Discuss the General Plan update process, including getting public input, at the January 9 meeting.
- Consider changing the Planning Commission meeting schedule to be two weeks after the Town Council meetings.

Meeting Setup and Initial Technical Issues

- Nancy Tosta initiates the meeting, confirming audio and video setup for Erin and Lacy.
- Nancy calls the December 12 meeting of the Boulder Planning Commission to order at 6:05 PM.
- Roll call is conducted, with Daryl Fuller, Colleen Thompson, Nancy Tosta, and Tina Karlsson present.

Approval of Agenda and Meeting Minutes

- Nancy Tosta calls for a motion to approve the agenda, with Tina Karlsson making the motion and Darryl Fuller seconding.
- Nancy Tosta clarifies that Elena Hughes has been excused and there are no conflicts of interest.
- Nancy Tosta reviews the meeting minutes, noting minor editorial changes and invites comments.
- Tina Karlsson comments on the difficulty of following the recording from previous town meetings.
- Nancy Tosta and Tina Karlsson discuss the adequacy of the minutes, leading to a unanimous vote to adopt the minutes from October 1, November 14, and November 19.

Staff Reports and Application Updates

- Erin Smith said she is working on summary items that she was spoken to about and the need to resurrect work on the application.
- Nancy Tosta suggests reaching out to Josh for a draft application form.
- Erin mentions the need to address issues with the new code and building requirements.
- Nancy Tosta requests Erin to provide project application trends for the general plan. Tina Karlsson appreciates the information on project applications.

TC-PC Liaison Report and Councilmember Veranth's Comments

- Councilmember Veranth provides a report, emphasizing the need for administrative clarity and legislative responsibility.
- Veranth discusses the RSTR memo and the importance of addressing non-compliant RSTRs.
- Veranth highlights the need for increased housing opportunities and updates to the subdivision code.
- Veranth mentions the importance of training the Planning Commission and updating the general plan.
- Veranth suggests a joint meeting of the Planning Commission and Town Council to discuss work for 2025.

Discussion on RSTR Code and Public Comments

- Nancy Tosta introduces the RSTR code for discussion, emphasizing the need for community input.
- Tina Karlsson and Colleen Thompson express concerns about rushing into changes without clear public input.
- Colleen and Darryl discuss the confusion around the proposed ordinance and the need for clarity.
- Clerk LeFevre explains the administrative challenges and the need for legislative support.
- Public comments from Lisa Varga, Jennifer Geerlings, Jay Kelly, Keith Watts and Dan Pence express support for maintaining the current RSTR code and concerns about the town's enforcement.

Public Comments

- Lisa Varga stated the RSTR issues seem to be more about simple bookkeeping and meeting deadlines, which is normal for businesses. She felt the town should just require RSTRs to provide confirmation of paid taxes to get their business licenses and did not see the RSTR issues as a big problem that requires a lot of work.
- Jennifer Geerlings acknowledged John Veranth's proactive work and appreciated it. She felt the ordinance revisions should come from the Planning Commission first before going to the Town Council. She agreed with keeping the current RSTR ordinance in place for 2025 to allow time for proper revisions.
- Jay Kelly questioned why the town clerk feels liability for the RSTR issues when the ordinance requirements should be clear. He disagreed with giving a "pass" to RSTRs not in compliance with the existing ordinance. He also suggested requiring non-compliant RSTRs to get into compliance within 30 days or have their RSTR revoked.
- Keith Watts agreed with the previous speakers that RSTRs should just need to get their business licenses, pay taxes, and follow the existing rules and stated the town should stop any RSTRs operating without the proper licenses and approvals.

Planning Commission's Motion and Amendment

- Tina Karlsson makes a motion to continue with the current RSTR ordinance and issue business licenses to existing RSTRs if they demonstrate compliance.
- Nancy Tosta proposes an amendment to the motion, separating the recommendation to keep the current code and the issuance of business licenses.
- Daryl and Colleen discuss the need for clarity and the potential impact on RSTR owners.
- Councilmember Veranth provides points of order, emphasizing the need for persuasive arguments and clarity in the motion.
- The amended motion is seconded, and the Planning Commission discusses the implications of the proposed changes.

Renewal of Business Licenses and Tax Requirements

- Nancy Tosta questions the requirement for business license renewals to demonstrate tax payment.
- Clerk LeFevre clarifies that tax payment is not a current requirement for business license renewals.
- Nancy Tosta suggests looking into the number of RSTRs that have not paid taxes.
- Clerk LeFevre mentions that she has not asked for tax payment evidence in the past and that the ordinance has not been enforced strictly.

Training and Ordinance Interpretation

- Nancy Tosta suggests that the issue was a training problem and that the ordinance should be followed strictly in 2025.
- Clerk LeFevre agrees that the ordinance should be followed but notes that it has not been enforced in the past.
- Nancy Tosta proposes making the renewal process easier for RSTRs by not requiring a CUP application.
- Clerk LeFevre and Nancy Tosta discuss the complexity of the ordinance and the need for clear instructions.

Percentage Calculations and New Applications

- Clerk LeFevre raises concerns about the calculation of the percentage of houses allowed for RSTRs.
- Nancy Tosta suggests making a motion to stop accepting new RSTR applications temporarily.
- Nancy Tosta reads the amendment on the table, which includes maintaining the current RSTR code and issuing business licenses to existing RSTRs if they demonstrate tax payment.
- Clerk LeFevre and Nancy Tosta discuss the specific requirements for business licenses and the need for clarity in the ordinance.

Discussion on Business License Requirements

- Nancy Tosta questions the specific requirements for business licenses and the percentage calculation.
- Clerk Lefevere clarifies that existing RSTRs are already counted in the percentage and do not lose their status unless they do not reapply for a business license.
- Nancy Tosta and Clerk LeFevre discuss the history of RSTRs and the need for clear instructions on business license renewals.
- Nancy Tosta proposes extending the business license renewal deadline to February 15 for the seven RSTRs.

Amendment and Vote on Business Licenses

- Nancy Tosta withdraws the original motion and proposes a new one to maintain the current RSTR code and issue business licenses to existing RSTRs if they demonstrate tax payment.
- The new motion is seconded and passed unanimously.
- Nancy Tosta proposes a moratorium on new RSTR applications until the town council passes revisions to the RSTR code in 2025.
- The moratorium motion is seconded and passed unanimously.

General Plan Update and Public Input

- Nancy Tosta suggests having a public meeting to get input on the general plan update.
- Tina supports the idea and suggests starting with a google document for comments before the public meeting.
- Nancy Tosta mentions the "Voices of Boulder" series and encourages everyone to attend and participate.
- The group agrees to update the general plan and consider public input through a Google Docs document and a public meeting.

Training and Meeting Process

- Nancy Tosta discusses the need for training on land use topics and suggests that Clerk LeFevre provide links to relevant training resources.
- The group agrees to review the state code requirements for training and decide on the best approach.
- Nancy Tosta proposes having an orientation meeting in January for the new planning commission member, Nick Vincent..
- The group discusses the need for efficient meetings and the possibility of having public input sessions at the beginning of each meeting.

Final Public Comment and Adjournment

- Councilmember Veranth expresses concerns about the logistics of implementing the recommendations and the need for a draft ordinance.
- Nancy Tosta clarifies that the recommendations do not require a new ordinance but focus on issuing business licenses and maintaining the current RSTR code.
- The group agrees to work together to draft the necessary documents and prepare for the next steps.
- The meeting was adjourned at 8:34 PM.

Summary of Motions Made

- Motion to approve the agenda made by Tina Karlsson and seconded by Darryl Fuller. Approved unanimously.

- Motion to adopt the meeting minutes from October 1, November 14, and November 19 made by Tina Karlsson and seconded by Colleen Thompson. Approved unanimously.
- Motion to close the public hearing and return to the regular meeting:
 - Made by Tina Karlsson and seconded by Nancy Tosta. Approved
- Motion to recommend to the Town Council to maintain the current RSTR code in place and direct the Planning Commission to prioritize revisions to the code in 2025, and to issue business licenses to existing RSTRs if they demonstrate they paid taxes in 2024 was made by Tina Karlsson and seconded by Nancy Tosta. Approved unanimously.
- Motion to recommend to the Town Council a moratorium on approving new RSTR applications until the Town Council passes a complete revised RSTR ordinance in 2025 made by Daryl Fuller and seconded by Nancy Tosta. Approved unanimously.

- Motion to adjourn the meeting made by Nancy Tosta and seconded by Tina Karlsson. Approved unanimously.