

MINUTES TO BE APPROVED AT APRIL PLANNING COMMISSION MEETING

Boulder Planning Commission Regular Meeting

March 13, 2025, 7:00 PM

Meeting Minutes

Call to order and roll call

The meeting was called to order at 7:00 PM by Nancy Tosta. A roll call was conducted:

- Nancy Tosta, Planning Commission Chair
- Colleen Thompson, Planning Commissioner
- Tina Karlsson, Planning Commissioner
- Nick Vincent, Planning Commissioner
- Elena Hughes, Planning Commissioner (joined 2 minutes late)
- Darrell Fuller, Planning Commissioner (joined later)

It was noted that a quorum was present.

Agenda approval

Motion to approve the March 13th agenda for the planning commission.

Motion by: Colleen Thompson Seconded by: Tina Karlsson

The motion was approved unanimously.

Conflict of interest disclosure

No conflicts of interest were disclosed by any of the commissioners.

Meeting Minutes Approval: Jan 15, 2025, and Feb 13, 2025

Nancy Tosta noted that she had reviewed the January 15th minutes and made comments, primarily rearranging the logic and changing all references to commissioners to be consistent. She removed the summary at the beginning as it was garbled. She highlighted an issue where Commissioner Karlsson was listed as both making a motion and seconding it, which would need to be corrected by checking the recording.

The commission decided to postpone approval of the January 15th minutes until the correction could be made.

For the February 13th minutes, Nancy Tosta mentioned that similar edits were made to fix the order and names.

Motion to accept the February 13th minutes.

Motion by: Colleen Thompson Seconded by: Elena Hughes

The February 13th minutes were approved unanimously.

Public comments on agenda items – 3 minutes per person

Ashley, participating online, commented on the residential short-term rental (RSTR) public hearing item. He suggested that the requirement for owners to share a phone with renters should be removed since everyone has a cell phone now.

Nancy Tosta acknowledged the comment and noted that 8 or 10 additional written comments were submitted regarding RSTRs that would be considered during that agenda item.

Staff reports, including updates on Applications received by the Zoning Administrator

Jessica reported that the mayor had resigned, and John Veranth now serves as interim mayor. Lacy Allen had also stepped down from her position. Jessica noted that this would result in a loss of staff hours for tasks like minute recording, which she would try to take on efficiently.

Erin Smith, the zoning administrator, reported that there were no new applications this month. She mentioned that there seemed to be some old versions of application documents circulating and encouraged everyone to direct people to the website for the most up-to-date versions.

Nancy Tosta appreciated Erin's report on applications, noting that it helps the commission understand ongoing land use activities in town.

Direction from the Town Council – Liaison Report

John Veranth, representing the town council, provided the following updates:

- He appreciated the efforts of the Planning Commission members between meetings.
- He encouraged the PC to consider the questions and issues they want to discuss with the town council at the upcoming joint meeting.
- Topics for the joint meeting include:
 - General plan revision scope, priorities, and timing
 - Progress on affordable housing
 - Staff support for the Planning Commission
 - Website improvements
- He mentioned the need to start planning town-level actions on housing issues.
- He advocated moving to a commercial municipal website provider and outlined the potential benefits.
- He noted he would comment on RSTRs later during the public input session.

Nancy Tosta added that the town council had hired Elizabeth Julian to conduct a process analysis, improve procedures, work closely with Jessica, and develop a new website.

Discussion on Town Council direction

Nancy Tosta mentioned that the joint meeting would be discussed later in the agenda and asked if there were any other comments on John's report. No additional comments were made.

Discussion and potential action: Finalize and vote on the Planning Commission Bylaws

Nancy Tosta led a discussion on the Planning Commission Bylaws, which had been rewritten to incorporate previous comments. The commission went through several points of discussion:

- They agreed to add language from Grant County regarding the commission's purpose.
- They discussed and agreed to keep "shall" instead of "should" in section 4.03 regarding meeting support.
- They added language in section 5.03 about statutory thresholds for motions.
- They simplified language in section 5.06 regarding the chair's right to stop speakers.
- They discussed the importance of including reasons for decisions in recommendations, as case law requires.
- They decided to remove section 5.07 about "orders of the commission" as it was unclear and unnecessary.

After these discussions and amendments, a motion was made to approve and transmit the Planning Commission Bylaws to the town council.

Motion to recommend and transmit the bylaws to the town council.

Motion by: Elena Hughes Seconded by: Colleen Thompson

The motion was approved unanimously.

Discussion and Public Meeting to gather input on RSTR code changes

Nancy Tosta introduced the topic of Residential Short-Term Rental (RSTR) code changes, noting that the town council had directed the Planning Commission to separate administrative aspects from the rest of the code. Tina and Nick formed a committee to work on this and drafted a new code.

The commission reviewed public comments received and heard from several members of the public:

- Susan Kelly spoke about fairness in distributing RSTR permits and suggested implementing term limits on permits to allow more people the opportunity to have an RSTR.
- Mark Nelson emphasized the importance of using definitive language in ordinances to make them more defensible in court. He also noted that people are starting to recognize short-term rentals as commercial use. He suggested considering a percentage-based approach with a growth formula for limiting RSTRs.
- Jen Bach agreed with previous comments about preserving Boulder's character and not becoming overly driven by tourism. She supported inspections for RSTRs and suggested having a hard number limit that could be periodically reviewed.
- John Veranth, speaking as a citizen, clarified the confusion about number versus percentage for RSTR limits. He suggested using a fixed number that could be changed through a clear procedure rather than a percentage, which would require more complex calculations and definitions.

The commission then discussed various aspects of the RSTR code, including:

- Using a fixed number instead of a percentage for RSTR limits
- Maintaining the current zoning system for RSTRs
- Considering Garfield County's inspection requirements
- Discussing the number of days allowed for RSTR use (currently 182 days)
- Addressing tax reporting and revenue generation
- Considering whether to include bed and breakfasts, guest ranches, and Airbnbs under the same regulations

The commission directed Commissioner Karlsson and Commissioner Vincent to continue working on the draft code, incorporating the discussed points and public input. They agreed to aim for a public hearing on the RSTR code at the April meeting.

Discussion on process for and components of a General Plan update

Nancy Tosta introduced the topic of updating the General Plan, noting that it would be discussed further at the joint meeting with the Town Council. She mentioned that several community members had expressed interest in being involved in the update process.

Tosta volunteered to be part of a committee to look at the General Plan in more detail and asked for another commissioner to join. Darrell Fuller volunteered to help.

The commission discussed potential updates to the General Plan, including:

- Reconsidering the changes made to commercial zones between 2019 and 2021
- Addressing the use of town or public lands, particularly the area north of the town hall
- Reflecting priorities for capital projects
- Holding a public input process to explore uses of land north of the town hall

The Commission agreed to form a committee consisting of Commissioner Tosta and Commissioner Fuller to take a closer look at potential updates and prepare questions for the joint meeting with the Town Council.

Discussion on code changes to allow Duplexes

Nancy Tosta presented a draft ordinance to allow duplexes, following direction from the Town Council. The commission reviewed the proposed changes, which included:

- Adding a definition of duplex to the code
- Modifying zoning districts to allow duplexes
- Updating the table of uses to include duplexes
- Addressing parking requirements for duplexes

The commission discussed whether to allow RSTRs in duplexes and decided to address this in the RSTR code rather than the duplex ordinance.

After review and discussion, the commission agreed to move forward with a public hearing on the duplex ordinance at the April meeting.

Motion to have a public hearing on Ordinance 2025-B on duplexes at our next meeting in April.

Motion by: Elena Hughes Seconded by: Colleen Thompson

The motion was approved unanimously.

Discussion on Joint Town Council-Planning Commission meeting on March 27, 2025

The commission discussed the upcoming joint meeting with the Town Council, scheduled for March 27, 2025, at 7:00 PM. Topics for discussion at the joint meeting include:

- General Plan Priorities
- Staff support for the Planning Commission
- Affordable housing initiatives
- Website improvements
- Communication processes between the Town Council and Planning Commission

All commissioners confirmed their availability for the March 27th meeting.

Summary of Meeting Actions

Nancy Tosta summarized the key actions from the meeting:

- Approval of bylaws to be transmitted to the Town Council
- Guidance was provided to Tina and Nick on the RSTR code
- Formation of a committee to work on the General Plan update
- Agreement to hold a public hearing on the duplex ordinance at the April meeting
- Confirmation of the joint meeting with the Town Council on March 27th

Potential upcoming business at April 17th meeting

The commission noted that the April 17th meeting would include:

- A public hearing on the RSTR Code
- A public hearing on the Duplex Code
- Further discussion on the General Plan process and assignments

Final public comments. 3 minutes per person.

No final public comments were made.

Adjourn

Motion to adjourn the meeting.

Motion by: Elena Hughes Seconded by: Colleen Thompson

The motion was approved unanimously, and the meeting was adjourned.