

**Boulder Town Council Special Meeting
December 5, 2024 6:00 PM
Meeting Minutes**

Roll Call and Pledge of Allegiance

- Mayor Drain initiates the roll call, listing attendees including Councilmember Ellis, Councilmember LeFevre, Councilmember Veranth, Councilmember Gardner, and Mayor Drain.

Staff Present - Town Clerk Lefevre, Deputy Clerk Lacy Allen.

- The Pledge of Allegiance is recited by everyone present.

There were no conflicts of interest.

Councilmember Veranth asked to add the ordinance 2024-A Subdivision to item 10C. This was approved by unanimous consent.

Department Reports started with Councilmember Ellis reporting the town received the return letter from the state on the Landfill. There was 1 fire this month that was easily contained.

Councilmember Veranth reported that he had a Road Meeting about Lower Boulder Road. There was a lot of great information gathered. He spoke to David Dodds and is hopeful road projects could start in the spring.

Town Clerk Lefevre reported that Deputy Clerk Allen would be in the office on Mondays.

Public Comments

Nancy Tosta opened with a comment on the Subdivision Code. She asked the Council to take it slow and consider revising the “one lot exemption every year” to be spaced out over more time. Experts she has spoken to statewide say that in many jurisdictions, making more lots is not contributing to affordable housing and it does limit opportunities to sustain traditional Boulder practices.

Elena Hughes commented that she agreed with Nancy Tosta and she also stated that at the last Public Hearing for the Subdivision Ordinance that people stated they preferred one lot every 5 years.

Jen Bach concurred with the comments made by Nancy Tosta and Elena Hughes. It is easier to allow higher frequency of subdivision if needed and much more difficult to undo something that has gotten out of hand. She also advised the Town Council to reconsider the one lot every year as voted in the last meeting.

Councilmember Veranth then asked who had applied for the Planning Commission and 3 applicants introduced themselves. Nick Vincent, Donna Owen and Jen Bach.

A motion was made to close the Public Meeting and open the executive session by Councilmember Ellis. Councilmember Lefevre seconded the motion.

All in favor. Motion carries.

Reappointment and Meeting Reopening

- Councilmember Ellis calls for a motion to close the executive session and reopen the regular business meeting. Councilmember Lefevre seconds and the motion is approved unanimously by the council members.
- Councilmember Veranth announces the reappointment of Tina Carlson for another term and the appointment of Nick Vincent as the alternate member of the planning commission.

Zoning Ordinance Discussion

- Councilmember Veranth moves to Agenda Item 10, focusing on the zoning ordinance.
- Councilmember Veranth and Councilmember Ellis discuss the version of the zoning ordinance to be reviewed.
- Councilmember Veranth outlines the process for reviewing and discussing the changes made to the zoning ordinance.
- The council members discuss various changes, including the definition of building lot, maximum building size for accessory buildings, and minimum rear setback requirements.

Detailed Review of Zoning Ordinance Changes

- Councilmember Ellis explains the rationale behind the changes to the zoning ordinance, including the removal of the 1000 square foot maximum building size for accessory buildings.
- Nancy Tosta and other council members discuss the implications of the changes, including the impact on fire safety and property maintenance.
- The council members debate the merits of allowing accessory buildings closer to property lines and the potential benefits for small businesses.
- The discussion includes the need for clear language and consistent application of building codes.

Chapter 151 Ordinance Review

- Councilmember Veranth introduces Chapter 151 ordinance for review.
- Councilmember Ellis explains the changes to the ordinance, including the clarification of project approvals and the exemption of agricultural buildings from certain requirements.

- The council members discuss the implications of these changes, including the need for clear communication and coordination with the county building department.
- The discussion includes the importance of maintaining flexibility and clarity in the ordinance to ensure compliance and effective enforcement.

Adoption of Codes and Fire Code Amendments

- Councilmember Veranth and Councilmember Ellis discuss the adoption of the most current editions of the construction codes and the fire code.
- The council members debate the inclusion of specific appendices to the fire code to address wildland-urban interface (WUI) requirements.
- The discussion includes the need for consistency with state and county regulations and the importance of clear language in the ordinance.
- The council members agree on the proposed changes and the need for further review and coordination with the county building department.

Public Hearing and Community Feedback

- The council members open a public hearing for comments on the proposed changes to the zoning and building ordinances.
- Nancy Tosta raises concerns about the potential impact of combining lot size averaging and one lot subdivisions, emphasizing the need for careful consideration.
- Jen Bach expresses confusion about the live editing process and the need for clear, accessible documentation for public comment.
- The council members acknowledge the feedback and discuss the importance of transparency and effective communication with the community.

Final Vote on Ordinance Amendments

- The council members discuss the need for further review and potential adjustments to the proposed changes.
- Councilmember Ellis makes a motion to accept the amended versions of the zoning and building ordinance 2024-B for a final vote at a future meeting. The motion is seconded by Councilmember Lefevre and approved unanimously by the council members.
- The council members agree to continue refining the ordinances and to schedule a final vote at the next meeting.
- Councilmember Ellis made a motion to accept 2024-C (building & construction regulations) as amended for consideration on the final vote at a future meeting. Seconded by Mayor Drain and approved unanimously.
- Councilmember Ellis made a motion to accept 2024-A (subdivision ordinance) as amended for consideration and final vote at a future meeting. Seconded by Councilmember Lefevre and approved unanimously.

RSTR Temporary Ordinance Discussion

- Councilmember Ellis provides background on the RSTR temporary ordinance and the need for a phased approach to enforcement.
- The council members discuss the challenges of enforcing the current RSTR ordinance and the need for a more practical and flexible approach.
- The discussion includes the importance of issuing business licenses to current RSTR operators and the need for clear criteria for compliance.
- The council members agree on the proposed changes and the need for further coordination with the town staff to ensure effective implementation.

Finalizing the RSTR Temporary Ordinance

- The council members discuss the specific criteria for issuing business licenses under the temporary ordinance, including the requirement for previous compliance and payment of taxes.
- The discussion includes the need for clear communication and coordination with RSTR operators to ensure compliance and avoid disruption.
- The council members agree on the proposed changes and the need for further review and coordination with the town staff.
- The meeting concludes with a motion by Councilmember Ellis to accept the temporary RSTR ordinance for a final vote at a future meeting. Seconded by Councilmember Lefevre and approved unanimously.

Discussion on Short-Term Rental Ordinance (RSTR) Sunset

- Councilmember Ellis suggests a one-year sunset for the current RSTR ordinance, ending December 2025, and questions the need to change anything in the next year.
- Nancy Tosta agrees that it may not be worth the effort for one year.
- Councilmember Ellis proposes giving one more year to comply, with enforcement starting January 2026, emphasizing the lack of solid grounds for current enforcement.
- Clerk LeFevre supports the idea, citing the current ordinance's lack of clarity and potential problems for staff.

Clarification on Business Licenses and RSTR Applications

- Councilmember Ellis and others discuss the criteria for issuing new business licenses and RSTR applications, agreeing to focus on those who previously held a business license.
- Clerk LeFevre clarifies that new business licenses will be issued, but not for new RSTRs.
- The group decides to change the ordinance to reflect these criteria, ensuring clarity and avoiding confusion.
- Councilmember Ellis emphasizes the need to communicate these changes to the public.

Procedure for Notifying Business License Holders

- Clerk LeFevre raises concerns about how to notify business license holders about the changes and the importance of clear communication.
- Councilmember Ellis suggests including the information in the renewal notices for business licenses.
- The group agrees to draft legal letters for written notice, ensuring compliance with legal terminology.
- Councilmember Veranth outlines the procedural steps, including a planning commission hearing and town council approval by January 2.

Public Hearing and Planning Commission Involvement

- Councilmember Ellis confirms the public hearing will be about the ordinance, with input from those with RSTRs.
- Clerk LeFevre stresses the importance of assigning the task to the planning commission to correct the RSTR ordinance promptly.
- The group discusses the need for the planning commission to start working on the new RSTR ordinance immediately.
- Councilmember Ellis suggests indicating interest in changing major provisions of the ordinance at the January meeting.

Discussion on Infrastructure Standards and Subdivision Limits

- Councilmember Ellis proposes a one-year cap on the maximum size of subdivisions to ensure proper infrastructure standards.
- Nancy Tosta suggests a moratorium, but Councilmember Ellis and others discuss the legal and practical implications.
- The group agrees to discuss infrastructure standards in more detail at the next meeting, considering the need for strict requirements for larger subdivisions.
- Councilmember Veranth mentions the need to address affordable housing requirements in larger subdivisions, suggesting a placeholder in the standards.

Budget and Financial Review

- Clerk LeFevre presents the budget and financials, noting the delay in receiving all 941 federal penalties and interest.
- Councilmember Ellis questions the \$2,400 payment to American Legal Publishing for minutes and ordinances, suggesting a more detailed invoice.
- The group agrees to review the ARPA funds in the next meeting, with Clerk LeFevre planning to present the financials.
- The group approves the November checks by unanimous consent and schedules the next meeting for December 19 to finalize ordinances and discuss infrastructure standards.

Planning for Upcoming Meetings

- The group plans to finalize the approval of ordinances 2024 A, B, and C at the December 19 meeting.
- The agenda includes a review of infrastructure standards, including provisions for large subdivisions.
- The planning commission will provide a report on the RSTR ordinance progress.
- The January meeting will cover annual items, including passing the RSTR ordinance and discussing planning commission priorities.

Date Minutes Approved: March 06, 2025



Jessica LeFevre, Town Clerk