

December 6, 2018
Public Hearings

Public hearings began at 6:10 p.m.

Present: Steve Cox, Mayor; Conrad Jepsen, Gladys LeFevre, Peter Benson, Council Members; Judith Davis, Clerk. Excused: Farlan Behunin, Council Member.

Public Present: Peg Smith, Troy Julian, Judy Drain, Ray Nelson, Denise Pennington, Tessa Barkan, Sylas Navar, Michayla Alldredge, Jabe Beal, Curtis Oberhansly, Elizabeth Julian, Matt Cochran.

Proposed Ordinance 2018-5

An Ordinance Amending the Boulder Zoning Ordinance to Add One Alternate Member to the Boulder Planning Commission

The ordinance was introduced and explained. There were no public comments. The hearing was closed at 6:15 p.m.

Proposed Ordinance 2018-4

An Ordinance Amending the Boulder Town Zoning Ordinance to Allow Accessory Dwelling Units (ADU) as a Conditional Use in Various Zones in Boulder Town

Jabe asked for a synopsis of the ordinance. Steve read the “Whereas” sections which explain the reasons it is being considered. A few years ago the Town realized there were more than one dwelling on some lots in Town, even though they are not now permitted.

Sylas stated that Section 7.c of the proposed ordinance allows ADU’s only on lots one acre or larger, but that the lots in the Boulder King Ranch Estates subdivision, which were sold as one-acre lots, are actually smaller than an acre, so those who own those lots won’t be allowed to have an ADU under the proposed ordinance. He stated that he was visited by our Enforcement Officer and felt that his questions were invasive.

Jabe reiterated Sylas’ information about the BKRE lots having been sold as one acre lots, even though they aren’t. He would like the Council to make an exception for the minimum lot size for the lots in that subdivision, as they were created before there were any land use ordinances. He also asked if a 600 square foot ADU needs two sinks.

Sylas asked if a second culinary water hookup would be required for the ADU. Because the water company is a separate entity from the Town, that would be their decision, but Steve assumes that they would require a separate one.

Gladys asked if all the BKRE lots are less than one acre but are around .95 to .97 acre? They are. Jabe asked if there would be any leeway, considering that they were sold as

December 6, 2018
Public Hearing, p. 2

one-acre lots. If the ordinance passes as is, there would be no variation from it, but we are willing to discuss the problem.

Conrad asked if each ADU would need a separate septic system. That will be decided by the Southwest Utah Health Department, but the ordinance states that all ADUs must meet all applicable health, fire and building codes, including approved culinary water source and wastewater facilities. Curtis stated that when the ordinance was drafted they used samples from other communities, but when they drafted Section D, they intended it to apply to rental units, but it now reads to apply to all ADUs, so if you have a bedroom in your garage, you would also have to have a kitchen and bathroom. If the bedroom were just intended to be for the use of family, he wonders if we want to change it to not require a kitchen or leave it as it is. If it were to be used only for extra family sleeping room and the cooking was being done in the house, that would be different than if it were being rented out.

Steve referred to the fact that we do currently have a use identified as an accessory building, but its definition is that it be no larger than 1,000 sq. ft. and shall contain no living facilities. This ordinance would make it possible to have an extra building with living facilities. We need to clarify between family who use the facilities of the main building and people who are renting space. We should distinguish between the types of facilities, whether it will be a guest facility or a rental unit.

Steve suggested we need definitions for specific uses, whether it is a guest or a rental facility.

Conrad suggested a person could plumb an ADU but not hook it up in case they later decide to rent, then they would be prepared. They should be allowed to rough it in. Steve recommended that there needs to be language to allow someone to transition from one to the other in case their situation changes and they want to change from just family bedrooms to becoming a rental with a CUP. The way it is currently written, it might be possible, but he would like to see language that would specifically allow it.

Curtis said he would look at it and suggested that, as children leave home, couples age, people become a widow or widower, they may want to change the ADU from just a bedrooms to a complete living space so they can move into it and rent their original house to provide extra income. There should be options to make changes as needed and as they make sense.

Jabe added a comment concerning accessory dwelling units and accessory buildings. If a person already has established an extra dwelling unit, and now wants to add another one, but the first one is in place, you now have the opportunity or potential to be out of compliance. If you already have a garage and now want to build an ADU, can the garage be considered to be part of the house? He sees that as a potential problem that should be

addressed now.

Peg asked Curtis to clarify that there can only be one ADU per lot, so that should not be a problem, since the garage would not be a dwelling unit. Curtis agrees that a person can have one ADU and an accessory building, but there can be only one rental per lot. These are to be allowed only in a residential zone, but a residential zone only allows one residence per lot, but we are expanding it to include an ADU. Conrad asked for clarification that we will be allowing more buildings on a piece of property, which Curtis confirmed. Steve replied that if the second dwelling is to be rented, the owner has to get a Conditional Use Permit.

Troy feels there is a gray area—what is a dwelling? If it has a bathroom, but no kitchen, is it a dwelling unit or an accessory building? What is a dwelling unit? If the garage has a bathroom and bed but no kitchen or shower, is it a dwelling unit? We need to clarify the definition. Curtis responded that these issues are addressed in the proposed ordinance.

At 6:40 there were no more public comments and Curtis suggested that the 20 minutes until Council meeting starts we use the time for an informal work meeting.

Informal discussion included:

1. The question was raised as to whether the lot size needed to be one acre or if it might be “any legal lot” instead. A lot in High Density Residential zone or with a lot less than an acre should be able to have an ADU attached to the house. With a lot less than an acre, an ADU attached to a house probably wouldn’t make much of an impact. If it would be attached to the house, had a separate entrance and would be used as a rental, it would be an ADU rather than just a room addition.
2. Additional parking for a rental and setbacks also need to be considered on small lots. With this discussion, Curtis knows the elements that need refining. Sylas brought up the difficulty of attaching an extra space to a yurt. A definition of “attached” will be considered in refining the ordinance.
3. We need to work with Boulder Farmstead on water availability. Gladys brought up allowed uses in residential zones. Generally commercial activities, other than home occupations, are not allowed anywhere except in the Commercial zone. She approves of allowing them on any legal lot, but with the commercial aspect being taken into consideration.

Steve thanked the Planning Commission for their work in bringing the problem to view and crafting a solution. He then closed the public hearing at 7:00.