

Meeting Minutes, Boulder Town Planning Commission

March 10, 2016

Commissioners present: Loch Wade, Donna Jean Wilson, Caroline Gaudy, Tabor Dahl, and Alyssa Thompson. Peg Smith, Sec.; Pete Benson, Town Council Liaison. Attending: Carla Saccomano, Sergio Femenias, Martha Veranth, John Veranth, Mark Nelson, Tim Ridges, Blake Spalding, Oyuki Cortez, Lisa Varga, Keith Watts, Autumn Peterson, Kate McCarty, Jeremy, Ashley Church, Colleen Thompson, Brandie Hardman, Darren Logan, Mike Nelson, Angela Kirby, Josh Ellis, Tony Jacobsen, Nina Brownell, Perry Tancredi, Brynn Brodie, Julie Robinson, Michala Alldredge, Andy Alldredge, Ryan McDermott, HeatherMcDevitt, Amelia LeFevre, Silas Nyvar, Keri Venuti, Donna Owen.

Loch called the meeting to order at 6:07 p.m. Donna Jean had a correction: Boulder Farmstead allows one residence per hookup. Pending correction, Donna Jean moved to approve the February 2016 minutes; Alyssa seconded the motion; motion passed.

Agenda changes: Postpone open meetings training until next month; Caroline wanted to add the discussion on gathering community input for the April meeting.

Loch closed the regular meeting and opened the public hearing. He asked Alyssa to introduce the topic:

As proposed, an ADU is a living space between 250-750 sq ft.; they are considered a norm in other communities. It doesn't constitute a two-family dwelling and is not considered an additional unit for density. The current landowner is allowed to construct this separate structure, or add a living space onto his/her home for the purpose of housing a caretaker, family member, or renter. There would be restrictions, such as the space not being allowed to become Vacation Rental By Owner (VRBO), rented for a minimum number of consecutive months, etc. ADUs are commonly used as a tool to help house working residents and seasonal workers. It enables supplemental income to owners. Several ADUs are already in use within Boulder Town (illegally), and the ordinance would make most of them legal.

*[The Public Hearing now opens. A **Public Hearing** provides an official forum for the public to comment on the proposed item. Each person who speaks must be noted in the minutes, with as close as possible encapsulation of the comment.]*

Public hearing: Adding Accessory Dwelling Units to the Zoning Ordinance.

Mark Nelson: This seems to be a bad idea. We seem to be struggling with what our future is here. We need to be thinking about things we want and things we don't want. I don't think we want commercial rentals in everyone's back yard; they should be called commercial rental units. It defeats the whole idea of having residential zones. You can say it won't be more density but it is. Are you going to allow this just on five acre lots? Any lot under five acres now is nonconforming, and that would be expanding a nonconforming use. None are legal. You do what you want to do and then you make it legal? These are just my initial reactions.

Mike Nelson: My mom is growing older, and she has the opportunity to potentially move down here and live with us, preferably in her own private space. I see this as an ideal situation for her.

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It seems positive for the elderly, for young people, with so many young families I see it as a benefit.

Josh Ellis: One of the things I like about this approach rather than buying lots, building houses, and renting them out wholesale is that no one is going to rent out their backyard out to any random person just to make money. There's a pretty intense level of community control and involvement. We do a pretty good job of self-regulating and I like that and this would promote that of how we do things here.

Colleen Thompson: I'm fine with the idea. I think it's a good start. If you want to define it a different way, that's fine. I think what it's saying is what we're all doing. It's the intent. People are trying. People can talk about it.

Blake Spalding: This is a really positive solution. It's a step toward solving some very real problems here. My question—comparing us to Aspen doesn't work. I wonder about the restriction about not being able to use it as a weekly rental. Partly because, say 15 people in town decide to build these and 10 people want rooms, ... is it possible to come back, get the income, guests of your choosing. Is there a way to finesse that? (Alyssa said, no that would be a vacation rental and that is a separate thing. Our idea is 30 days minimum.) We could go back and fix it later. In Boulder we have multiple needs, people who want to come and spend time in Boulder. The issue is people who don't live here year round and use their houses as (VRBO) rather than renting to residents. Theoretically, I could move into the ADU and rent out my home.

John Veranth: I'm totally supportive of this. It's needed. People have approached me about renting my space; I tell them it's not legal now. I'm a landlord in SLC, I've never found anything I could buy in Boulder and rent to someone making \$10-\$15 /hr. I can do that in SLC, not here. It's a way to get affordable housing in Boulder. I did send in a comment to Alyssa regarding size.

Carla Saccamano: This is a very good start. I don't think there's going to be the rush to build. In the time I've been looking for housing to rent, very kind people have places, but just don't want to rent them out. I'm talking about a part of a house, a room, whatever, and they don't want to rent them out. There's not this pent up desire to build stuff to rent out. Escalante has same situation and they don't have an ADU ordinance. I think it'll move slowly, and it's still discretionary. I don't think people of Boulder will change overnight.

Brandie Hardman: I think it's a great idea. As a business owner and someone struggling with housing a lot, we've had to provide housing, as low end as wall tents. This brings in the type of person who can handle living in a wall tent. This affects the town as a whole. We're starting to get transient type people; it's hard to bring people back year after year. We don't have Hawaiian style weather here. It's a great idea for people to have place of their own. People are very particular about who they'd rent to. It needs to hold space for people who really want to be here.

Josh Ellis: Regarding people chomping at the bit. Keeping it restricted specifically to people who are here to work changes the economics. If you go to the vacation rental, it becomes lucrative very quickly, especially combined with the lack of commercial lodging here. If we're in the situation where 15 people build at once and can't find someone to rent, we've screwed up. I wouldn't want to see that. That would look like failure. I'm content to take it very slowly and keeping it restrictive and make sure 15 new dwellings at once don't show up.

Peter Benson: I like the way this is set up. It addresses the housing issue, but also the restrictions are strong enough that it wouldn't turn into some type of land rush. It's a big hurdle to build a place. It's not like putting up a yurt and calling it good. The size, and 30 days or more, would be a good restriction.

Mark Nelson: In a perfect world, you have the plan, you have the restrictions. It's gone wrong every time. So, I agree putting in the restrictions, but based on former performance, human

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nature prevails. You have good intentions, and keep doing the wrong things. I'm not saying we don't need solutions, but we need to be realistic about what we do. Boulder is different from Aspen and St. George and we have to do something different. You can't keep doing the things these places do and not become that. Things are relatively not ruined here yet. If we'd stand behind our own ordinances, but we never do.....

Keith Watts: I think the general idea here a good one and you've done your homework, looking at other communities and how they've done it. It would be a huge mistake to expand to VRBOs. That would double the density, with short-term people don't add to the fabric of the community like long-term people do. I know VRBOs who've rented for 30 days. You want a longer term renter... 90 days? People do always find loopholes. It defeats the purpose to allow people to moving into their ADU and rent their big place as a VRBO. What you can charge for rent to build doesn't fit the economics of what people can afford. How about a 5-year sunset clause? Evaluate if it's working. Look at it, and it goes away if you don't reapprove.

Tony Jacobsen: For those of us able to buy land it's a great idea. There are people here who need this. There's a lot of money required to build these. I don't see current housing being surrounded by rental properties. Change is constant.

Mike Nelson: I appreciate the time the Planning Commission puts in as volunteer staff. Alyssa spent hours and hours researching other communities. Most of those places have paid staff who do this for a living. I don't think there's anything wrong with comparing to what other communities have already put in.

Perry Tancredi: I totally appreciate starting with restrictions that gradually wither away. But starting more restrictive is the right way to go. The primary reason seems to be to provide housing to people who are working and can't otherwise afford to live here, so I'd like to see those restrictions catered to that need. If business owners say they do sometimes bring people in for 30 days, then that need should be accommodated. There probably would be people who would rent their spaces to vacationers, but it's a start. Let's do it carefully, hopefully with input from the business owners.

Donna Owen: Mixed feelings. I don't want to see Boulder grow, but I know there needs to be some answer to housing. For 3-6 months, forcing people to sign leases and then have to deal with the landowner thing about people leaving early. 30-60 days is fine. The positioning is important. Where can it be located on your property? Why not make it part of the beauty of Boulder, not just plunked out in front. There are buildings already legal, that fit the bill, then there's places like I have that I'd love to plumb. Maybe it's not quite the right size, but it's already there. *(The actual living area would have to meet the size restriction.)*

Pete: With all the planning stuff, there's always unintended consequences. When we first started the Planning Commission in the 90s, someone from the community said, "You can't ruin Boulder. Boulder's already ruined." So the resistance to change has always been with us.

Keri Venuti: Who's responsibility is it to make sure ordinances are followed? Isn't everyone, as personal beings, responsible for making sure our community stays the way we want it to? Most of the people looking for housing are kids of people living here. I've had to leave here several times because of no housing available, and it's disheartening to hear Boulder's already ruined because this is our future--- those of us with small kids. We want to stay on the same property as my mom. Boulder's evolved to what it is and my kids will be the recipients of what everyone in this room makes it.

Mark Nelson: So we're after mother- in- law housing or guest housing, fine. But this is a leap. Now you're getting into rentals. If you're here for labor and looking for a place to stay, it's not guaranteed they'd get that. There are people coming in here with money and what's to stop them from getting them? Once we do something like this, it's entrenched. There's no changing.

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Caroline Gaudy: I want to point out that whatever we decide to do, is not happening in a vacuum. Lots of other ideas are on the table. Not any one thing is going to fix the whole housing problem. Keep in mind to push forward on more than one idea.

Pete Benson: It's hard to make something more restrictive after you started. Start restrictive, then loosen if needed.

Colleen: I remember coming to a meeting a long time ago when AJ Martinez told us we'd have a new government park here and we'd be another Moab. That was 20 years ago, and we still have the same number of people. I see you are also looking at other possible solutions. Maybe I wouldn't fit into this solution, but maybe I'd fit into something else.

Blake Spalding: I want to reiterate my big support of this. Echoing Pete, we never know the unintended consequences. We try to make decisions based on what's happening now, not based on fear of what might come or mistakes made in the past. The 5-acre minimum has created a lot of headaches. It's lots of land to buy and lots to manage if you just want to have a house. Like our staff house, we're not going to grow hay there, and it's a nightmare to try to take care of and is too much land for what we need. I think the ADU could solve a lot of problems. I don't like restrictions that much; I like to do what I want to with what I have. So it's painful to hear that I couldn't rent out my 750 ft place for a week to help pay the mortgage just because it falls outside the restrictions. It's hard to know what you're going to want to do with your property. A lot of people in this room are living in our staff house and are willing to live with roommates. But that's not so good for older people or people with children, who want or need their own space. It's expensive to build. The going rental is \$500 or under. I think [ADUs] is a very appropriate move. I appreciate the work.

Colleen: We're dealing with group of people who live in this community that we recognize and who are really important to the community. The businesses aren't going anywhere. The people aren't going anywhere.

Lisa Varga: Anyone who reads pegboard knows there's a problem with housing for workers in this community. My heart goes out thinking we could lose this person because there's no place for him to stay, or who is integral to business. There's a cascade of effects for people not able to find housing here. These are our friends and neighbors. It's a timely issue.

Mark Nelson: Go slow. If you took away every rule in this town there would always be a housing emergency. Go slow.

Loch closed the public hearing at 7:14.

Planning Commission Discussion on ADU Comments

Loch asked the Commissioners for their thoughts on the comments and the proposal.

Alyssa: ADUs are already allowed in tow. But they are super restrictive and don't work for everyone. For example, Tabor lives in an ADU at the Robison ranch; the restriction is that he has to work for the owner of the property to be legal. What we have doesn't encompass all that we need. I agree should add a sunset clause on it, and start out restrictive, the longer rental period, close the VRBO loophole. We can ask the town attorney to help us with the wording. I'm about to lose two, maybe three employees for lack of housing. So yes, this affects all of us.

Caroline: [This proposal] is a start. However, I also notice half the town isn't here. I'd really like to reach out to the people who aren't here to hear how it impacts them. Rather than take a vote today, much as I generally like the proposal, I'd like to hear from more people.

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Donna Jean: I agree with Caroline. The people here mostly are the business owners and workers, not the general population. No matter how you cut it, there still would be two family dwellings on a lot, not one. We need to survey the whole town to see about changing the ordinance because that's what we'd have to do.

Caroline: We been kicking around ways to do outreach in the community for over a year. There are processes out there----Heart and Soul, for example---- that has been used repeatedly for much larger communities than ours. Pieces of that process could work for Boulder. If they can reach 15,000 people, we can certainly find out what 200 people think. Many people aren't comfortable speaking out in a meeting. That's why someone may not come to a meeting and not speak up at a meeting. But I'd like to give a shot at gathering more opinion.

Loch: We should try for more input. We seem to have quite strong support for this idea. It seems like there's a need for something to be happening around this topic. One of the unintended consequences is that working people can't afford to buy in Boulder, and properties are being bought out by out-of-town owners to rent out as Air BnBs, kicking out workers. So if we leave things as they are, we're looking at scenario when housing capacity erodes. That's an unintended consequence right there. If we do need more input, need to do fairly quickly. So do we want to get more input?

Tabor: Thanks for coming. It's great you all have taken the opportunity to come and express what you thought about this. I've learned a lot about situations in the community. We've talked about housing since I've been on the Planning Commission. I see the need. I think we need to be open to how we get it. The rule has been only one dwelling on five acres. This change doesn't necessarily blow it wide open, but it is a wedge. Maybe that's the will of the town to change it, but the five acres has been a strong standard here. We need to look at the best way to go about it. We definitely need more housing options. This is pretty straightforward as a way to get there rather than open up the 5 acres. We should make sure we get what we intend to.

Donna Jean mentioned lack of mention of quality of living quarters. ... You would have to get a building permit and have the building inspector approve it. Loch said Boulder Farmstead's rules might have to be looked at. At some point, we need to take a vote on this, though.

Angela Kirby: the people here tonight are the ones interested. I'm in favor of this. It won't change anything quickly, but it's a start.

Caroline: There are a lot of other people not here. Some people aren't back yet who live here most of the season. It would be worth soliciting their opinions too.

Sylas Nyvar: I'm in favor of ADUs or some other solution. My personal story is we came here, tried to find housing, but quickly realized how tough it was. We were in a position to buy land; lots of people aren't. People are already living in paltry conditions because of lack of housing. This is a way to promote housing that is healthy and beneficial. The permitting process ensures you have to do a lot of stuff to make sure the house is solid and clean. But I do support getting a larger query from the community so everyone is making an informed decision. Over-restricting something at the beginning makes it harder to make changes down the road. Address the need right now with reasonable restrictions that help protect the community and but still allow the people who want to be here to be here.

Amelia LeFevre: I agree with the ADU proposal and Keith's idea of a 5-year plan and reevaluate then. I think we need a broader spectrum of opinion. I'd be willing on behalf of BCA to help with survey or summary of discussion, and the main topics up for vote. It gives them the opportunity to know about the meeting and come to the discussion.

Alyssa: It's nice to go to everyone's home, but we shouldn't exclude landowners who don't live here. They may be interested too.

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Tabor: We do want to get more opinion. I could talk to specific people who aren't here. We may not get every single person but we can get a larger cross section. Any way you want to weigh in, but next month we're going to make a decision. I don't want to rush a vote on this. Do some more research. Let's try to get the word out. Alyssa said she would hold another meeting as an education meeting on what this application is about, not the grand plan for all housing issues.

Lisa: You need to put out a notice saying please, we're soliciting your opinion. If you can, please come to the meeting, or send your comments. It's everyone's responsibility to weigh in, if they're interested.

Mark Nelson: Because this is a land use issue, I think every landowner should be notified in writing. If they're interested, they'll comment.

Keith: I think you're darn close. Post that next meeting there will be a vote on this.

Alyssa: Tuesday March 15, 6 p.m. ADU meeting here.

Loch: To summarize: 1) the next ADU meeting, 2) Pegboard notice, 3) Post continuation of public hearing, 4) Talk to as many as possible and tell them to show up, 5) advertise in the newspaper. No time for a survey right now.

Donna Owen: Commercial property should also be involved. Right now, one unit of employee housing is allowed, but situations change. That person may not continue working for the business, which means they can't legally continue living in the rental. If a commercial dwelling could just have one allowed unit, that should be considered.

Conceptual plan for subdividing Bevin's property (Alyssa)

Mike and Alyssa are looking at the Bevin Taylor property for purchase. They are requesting input from the Planning Commission as to legalities for subdividing. She briefly described the property, which is a nonconforming lot. Can you divide a legal, nonconforming lot? There is also a deed restriction of one dwelling unit per 10 acres, regardless of zoning. Could there be a cluster subdivision with leaving half of land open space and calling the two houses clusters? Donna Jean said if everyone in a subdivision agree, the deed restrictions can be removed.

Creating a subdivision on this property is problematic. Even if they bought all three parcels, the l-w ratio would still be wrong. There's no way to bring the lots into compliance. The subdivision was created in 2002, under our own subdivision ordinance. A lawyer will need to figure this out. Vacate the entire subdivision, it's not legal. Return it to a single lot.

The idea of clustering was brought up. Clustering has been neglected and that's the direction to go. You leave 50% of acreage in open space. Minimum lot area may be less, but not less than 50% of what's in the zoning district. (2.5 acres)

Upcoming business for April 14 meeting

- Open meetings training
- Public hearing on ADUs
- Discussion and vote on ADU

Tabor moved to adjourn, Caroline seconded, motion carried. Loch adjourned the meeting at 8:18 p.m.

Peg Smith, Planning Commission Clerk

Date