

**Meeting Minutes**  
**Boulder Town**  
***Planning Commission***

**July 12, 2018**

Present in the room: Commissioners Matt Cochran, Colleen Thompson, Tabor Dahl, and Perry Tancredi. Josey Muse was attending by phone. Secretary Peg Smith; Town Liaison Pete Benson; and Zoning Administrator Curtis Oberhansly. Members of the public: Steve Cox, Pete and Cookie Schaus, Tessa Barkin, Mark Nelson, Troy Julian.

Chairperson Perry Tancredi called the meeting to order at 7: 00p.m. Matt moved to approve the June minutes, Josey seconded, and Matt, Colleen, and Josey approved.

***Discussion on Additional Dwelling Unit Draft Ordinance***

Perry wanted to clarify a few items: parking requirements based on number of bedrooms or occupancy? Yes, two additional parking spaces are required. Clarify whether a conditional use permit (CUP) can be required based on tenancy. Curtis said it was used in other localities as a means of controlling commercial use of the ADU. What about enforcement, and starting with one intention, then changing to desire to rent it out? Curtis said the point of entry is the building permit. Perry said an alternative is to have everyone get a conditional use permit. Josey: what would the motivation be to NOT get a CUP? Purpose of the CUP is data so the town understands the use. There is no bearing on tax collection, which is based on square footage, not usage. Curtis thinks would be easy to write a letter to a landowner that they need to get a CUP (if they change to a rental usage.) Perry suggested mentioning CUP as an option for the town council to consider. Colleen said the perception is that people seem afraid that applying for a CUP means they may not get it. And what about enforcement? Steve said there is an enforcement officer, or the neighbors report them. Pete Benson said the current situation is that ADUs are in use now and it's not enforced at all. The consequence to that complaint is being told "it's not allowed." The consequences after an ordinance gets approved is simply to apply for a CUP. Perry favored requiring a CUP for any ADU usage. "We'd be filling out more permits, but it would be nice to have the same permitting required for any use." Curtis said he didn't know if CUP could be required if the usage is only as a guesthouse. Matt said sometimes if a rental moves in next to you, and there's dog issues, noise, etc., there's no recourse. Curtis said a CUP starts the conversation. Everyone knows what's required, it's upfront, and when the permit comes up for renewal, complaints work against the applicant. Perry said it's a high bar to deny a CUP. Yes, it would give people an avenue to address issues. We can only control what we have ordinances to enforce. I want to make sure we're not giving ourselves an administrative headache.

Tabor: At Meg Ryan's training, she was concerned about the number of CUPs Boulder has. She'd recommended having the ordinance itself identify requirements and not rely on CUPs. CUPs should be the exception, not the rule. Curtis: Springdale got rid of 90 percent of CUs and put things into zones. But they kept CUPs in these types of cases because they can be valuable as an intake thing--- easy to get, but is still a control thing. Perry is going to reach out to Meg to get her opinion.

Josey: I think there's value in using CUPs on rentals to collect data for future planning on available rental. I don't know how else we'll get these data.

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Perry said Troy brought up clustering and how this affects that? Does this encourage dividing into as many lots as possible and as many units as possible? My feeling is our clustering ordinance requires green space, so maybe not. Matt said he mentioned requiring an ADU being in a certain proximity to the principal house, based on acres. Stipulations of footage from home would aid in clustering. That's one way to address this. Josey and Perry liked this idea. Matt suggested smaller building pads based on acreage.

Tabor: I think having an ADU on one acre is getting pretty tight. Josey: Yes, on small lot it would be attached, and need to attach to the same septic. Curtis said requiring the same septic system would be a motivation to locate close to the principal house. Matt: thinking about a covered walkway (which is considered attached), so on LDR 1000 sq feet and proximity to principal house being 100 ft; MDR, 800 sq ft building and 50 foot proximity, and HDR would have to be attached.

Tabor: Potentially there's still a lot of building on one acre. The septic situation is permitted and inspected by Southwest Public Health anyway. Curtis said SWPH would be involved anyway to determine septic requirements for that site.

Perry: how do ADUs fit in vacation home rentals? Let's do this next, because the same questions will come up.

Curtis: I would urge you to make changes you want on a draft form and then make a recommendation to the town council. It's important for you to devise a system so you can move changes you need to the town council. Perry said he would definitely send this to the town council to get feedback on it, but maybe not enact it until they get info on the vacation home rentals. Tabor: I like the idea of having it drafted, but not send it on as complete right now.

Perry: My hope is to make progress without rushing it. As soon as we have something that incorporates all our concerns, we send it to the town with a recommendation that we'll soon be sending them something about vacation home rentals as well. If they see this and see the vacation home ordinance, it will make public hearings go easier.

Perry reviewed the changes: Add proximity in the different zones, add maximum sizes, present this to town council with options on the CUP-- or remove CUP requirement entirely. A final discussion on parking resulted in leaving at two spaces, dependent on use submitted.

Curtis will get the revised draft back before next meeting. The CUP matter can be handled in a cover letter to the town council.

### ***Discuss Action on Corrective Re-Zoning Proposal***

This introduces a new zone: Public and semi-public zone. Curtis won't have an ordinance drafted until September. This zone would cover town park and grounds, state park, church, school, Garkane property and South Central property. Perry: to summarize, these properties don't really fit in the zones they're in (residential), nor do they fit as commercial. So this is creating a new zone for these public uses. Curtis said there is some commercial activity allowed as a secondary usage (like Post Office or state park). Perry: would we adjust the other zones, like schools in a residential zone? The Table of Uses may need to be adjusted for other zones and usage. Curtis: Town Atty. McIff would have to go through and make the appropriate adjustments.

Curtis: I have to get legal descriptions of each piece of property and give McIff time to address this. Matt, Colleen, and Josey were ok with the current wording as a solid start. Perry said a public hearing has already been held, but once this is at the final stage, we should have another one. Curtis will deliver a draft in September.

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### ***Discuss General Plan Work Committee***

Perry asked if the idea was to create a committee? Josey had been volunteered to head up a work group, it's time to move forward on it. As far as selecting the committee, she'd look to the PC and maybe some of the work group volunteers. Perry asked her if she'd come up with a skeleton plan to talk about next meeting.

Steve said he was interested in looking at Lee Nellis as a great next step to springboard to the recommendations and help narrow the scope. Scheduling will be discussed next month.

### ***Discuss Upcoming Business and Next Meeting, August 9***

Likely topics for the next regular meeting are:

- General Plan update committee action
- Recommendation on ADU to town
- Short term residential home rentals (the term agreed upon)

Comments from the public:

Mark Nelson: I'm uncomfortable with the whole thing. Zoning the whole town this way is not a good idea. ADUs will crash on us, you can't enforce them, it will be a giant circus. You need to consider ADUs and short term rental together. It's extremely seductive to take a dwelling out of the rental market and go to short term rental income. I like at least narrowing down the size of the buildings. Allowing ADUs on 1 acre lots, not sure about it being a good thing, but at least you adjusted the size. You've talked about septic, but not about water, and I think Boulder Farmstead will require a separate water hookup. That's going to be another plumbing issue, meters, money. I feel a little better seeing the draft, but it's still creating more problems. When you make a plan you have to figure worst-case scenario, not the best case scenario. If people start making money off it, watch out. If this becomes a real estate sales technique, that'll heat up shortly. I don't see you get out of this if it doesn't work.

Troy Julian: I'm satisfied with the concern about the clustering thing, but still have some issues with possible double standards in the sizing. If I have two buildings of different sizes, is my house the larger one or the ADU? Perry said you can live in either the primary or the ADU. Troy: If something is already regulated by a higher law, an ordinance doesn't have to be written, does it? Doesn't this make the septic requirements irrelevant? Perry: it's our way of encouraging residents to do the right thing and to inform them. Matt: you're required to get a Certificate of Occupancy for your ADU. Tabor: if you're building another dwelling, this says you should put in another septic system. The building code requires it. Troy: Another thought is on parking spaces: if it's legal to park in the road, it doesn't matter how many spaces I create. I don't know if having the language in the ordinance changes the behavior if someone wants to park in the road. Colleen said she'd like designated parking spaces included in the ordinance. Is this an enforcement issue or a planning issue?

Perry moved to adjourn, Tabor seconded. Matt moved to adjourn, Josey, seconded the motion, and all approved. Perry adjourned the meeting at 8:07 p.m.

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Peg Smith, Planning Commission Clerk

Date