

Meeting Minutes
Boulder Town
Planning Commission
August 9, 2018

Present in the room: Commissioners Matt Cochran, Josey Muse, Colleen Thompson, and Perry Tancredi. Tabor Dahl was absent. Secretary Peg Smith; Town Liaison Pete Benson. Members of the public: Steve Cox, Tessa Barkin and Julie Lesser, Don Montoya, Mark Nelson, Bill and Judith Geil, Donna Owen, Mary Jane Coombs.

Chairperson Perry Tancredi called the meeting to order at 7: 00 p.m., and all stood for pledge of allegiance. Perry moved to approve the June minutes, Matt seconded, and all approved.

Discussion on Additional Dwelling Unit Draft Ordinance

Perry thought the current ADU draft is in pretty good shape with the changes added from last time. He'd just received comments from Meg Ryan (Utah League of Cities and Towns). She said, if you have to go to conditional use, ask yourself 1) do you have a really clear process, 2) is the fee fair, 3) are the criteria present to allow you to determine. "If you want to encourage, make them permitted use." He was in favor of a more restrictive ordinance to start with. We don't necessarily want to encourage, we just want to allow them. His own comments included allowing only primary residence owners to have an ADUs; it's easy to determine a primary residence. Requiring the CUP to be renewed each year--- agree that if conditions aren't being met at any point, the permit can be revoked. Only one ADU allowed per landowner. What does "occupy" mean. And let's clarify "primary" and secondary."

Matt agreed with Perry on starting with a CUP in order to gather useful data, and also on allowing primary resident, not secondary. His ongoing concern always falls back to maintaining Boulder's character. Perry said the county tax break that is significant for primary residences is a clear way to identify them. Josie said she was neutral about the primary/secondary question; she liked the flexibility in parking definition provided in the sample SLC ordinance; the concern will be seen in the neighborhoods and how these might impact them. Another point in favor of secondary residences could be ADU as a living space for a local caretaker. Colleen suggested starting with primary residences only, that they can be changed later. She was curious about finding out what happens over the next few years.

Perry said the commission could either remove the secondary residence option, or else send it as is to the town council with an explanatory note about the commission's reservation about the secondary residences. Colleen wanted to hear one more input from town before sending it on. **Perry made a motion to amend the current draft to remove secondary residence owners, and amend the parking language to allow people to apply for a waiver if they need more than two additional parking spots, and hold a public hearing at the next meeting on this draft. All approved this motion.**

Discuss Short-term residential rentals

These are short-term rentals of residential property, basically Air BnBs--- we're calling these

Review: It's beneficial to provide rental options, income enhancement... good place to start, and does that fit the character of the town? Consider short term rentals that already exist and how they impact the town, and should they be allowed or prohibited or just controlled.

Matt: To maintain character of Boulder, I'm leaning toward allowing them, but with conditions. Some things I've heard: they'd reduce the opportunity for long term rentals; it seems we're trying to make this work for us in town and prevent outside person from benefitting and town's expense. How to benefit us as residences? Ideas: owner has to be onsite. Basic town rules such as noise past certain time, fires and barbeques, things like that that make it restrictive and that a person has to think clearly through these issues and neighbors don't get bad end of deal. Also require a yearly-reviewed CUP so neighbors can weigh in. We don't want to pull business from local hotels, so maybe a minimum stay of two or three days? Maybe have a limited number of rentals, set apart geographically, only x many in town--- this limits traffic and also allows long term rentals to be available as housing for residents.

Josey: Tourism has definitely already affected the character of Boulder. Taking the tourist culture into our neighborhoods is unacceptable to me. I lived next to them in Escalante and I didn't feel real safe. The loss of long-term rentals is critical for our work force. Plus, we want to support our motel businesses. But things are moving that way and maybe we can't completely limit them--- maybe put a yearly limit on the number? First come and a waiting list? Colleen said Torrey has a new ordinance limiting the total number. We do want to know what's going on with them.

Perry: I'd like to think about our intentions, that we do not want to encourage having more short than long-term or commercial businesses. What does a Boulder-style short-term rental place look like? Ag-type place? Why would someone want to stay three nights in Boulder? Josey said there are 35 in Escalante now. Colleen: One thing to our advantage is that we don't have neighborhood streets like Escalante; very few people live right next to anyone else.

Perry ideas: We impose the same tax as there is on commercial rentals—to keep level playing field. We first decide what we want, then find out what we can actually do. We should consider some people who are rent out a room in their house, which doesn't really impact the long-term rental as much. We don't want Boulder to be a place where it's attractive to set up an ADU and rent it out as short term. To limit the number of days per year might be useful. If we construct the ordinance so it's less hassle and the same basic income to rent out a place as a long-term rental versus a short-term, then we've done our job. If we do separate STRRs into neighborhoods, we could limit amount of time per year they can be rented based on density of STRRs. For example, if there are 10 of these in Lower Boulder, they can only be rented out 20% of the year, but if there are 15 of them, they can only be rented out 15%. The more units you have in an area, the less total time you can rent them out, so it becomes less attractive to put up more. Also, only rent out primary dwelling unit. He liked the idea of the owner/caretaker to be onsite: if you have one dwelling unit, you're only renting out a room. If you have two dwelling units, you're staying in one and renting out the other.

Perry: It would be most useful to have something concrete, starting with the "whereas" clauses, and then do public hearing. Perry will do those, expressing all the things we've talked about expressed as such. Look at the Torrey ordinance.

Discuss General Plan Work Committee and Lee Workshop

Setting workshop dates: Josey will do a doodle poll.

GP Working Committee: Josey said there was a lot of good work out of working groups. She wants to create some SMART objectives (specific, measurable, achievable, relevant, and time-oriented—we're not there yet.) I hope that's what we're getting out of this workshop. She passed out a proposed schedule for the work committee timeline. She'd like 3-5 people total: maybe two PC and two community members. 3 months to assess needs and produce draft; then two months for the Planning Commission to work with the draft, one month to finalize, then to the town council--- about a 6-7 month timeline. Would like to be done by next March/April.

Perry said at each of the Planning Commission meetings, they can check in with the committee.

Discuss Upcoming Business and Next Meeting, September 13

Likely topics for the next regular meeting are:

- Public hearing on final ADU ordinance
- Whereas clauses for short-term residential rental ordinance
- Review Gen Plan revision schedule—put out call for members at the workshop

Public comments:

Peter Benson: There's no big hurry on the short-term residential rentals or even the ADUs.

Don Montoya: Castle Valley has an ordinance that prohibits Short Term rentals as well as ADUs.

Steve Cox: The County is already in the process of identifying all STRRs to collect Transient Room Taxes. The ones currently in town already have been dinged to pay tax. And Garfield County is working on an ordinance.

Mary Jane Coombs: "I'm a housekeeper and caretaker of a STRR. We have rules and regs for noise, staying on property and off other people's property and private roads, and a limit of minimum stay of 3 nights. This is my income to supplement social security, so this is my livelihood." Mary Jane is employed there along with one other person; it provides employment. The owners come maybe 4-5 times per year, so this is mostly to pay their mortgage. Sometimes their families come and they receive no rent for that. I think there is a need for the tourists. They love the privacy of a house, and our house allows pets, and there's a need. We don't have neighbor problems. We have a lot of rules, and our rules may be a good pattern for any others that are allowed. I think our people are quiet. We allow 7 people in a 2-bedroom house. People love the restaurants, they hike in the whole area and parks. They like the peace and quiet they find. I live next door to the big house. There's noise, traffic, late-at-night noise. I'm not complaining, it's just a fact. It already exists as far as I'm concerned, and we don't always know who they are. It just depends on how it's run. Yes, we have repeat guests. Perry said we do need to also consider the income option for non-owners too.

Donna Owen: Is there a moratorium on short term rental? Perry said we're only talking about STRRs in residential zones. Donna said she feels it's a property right, and it's income to Boulder. Plus, it creates income for someone to clean and manage. You can have restrictions without saying no completely.

Perry moved to adjourn, Matt seconded. Perry adjourned the meeting at 8:05 p.m.