

# Meeting Minutes

## Boulder Town

### *Planning Commission*

## September 13, 2018

Present in the room: Commissioners Matt Cochran, Colleen Thompson, and Tabor Dahl. Perry Tancredi and Josey Muse were out of town. Secretary Peg Smith; Town Liaison Pete Benson. Members of the public: Tomas Robinson, Dave Conine, Autumn Peterson, Randy Catmull, Elaine Lott, Tina Karlsson, Jimmy and Vicky Catmull, Colter Hoyt, Scotty Mitchell, Steve Cox, Tessa Barkin, Alyssa Thompson, Mark Nelson, Conrad Jepsen, Adam Winters, Troy Julian, and Donna Owen.

Vice-chair Colleen Thompson called the meeting to order at 7: 07 p.m. Colleen asked Matt to introduce the Accessory Dwelling Unit draft ordinance. Matt reminded all this is a draft, it was crafted into something that fits Boulder. Colleen then gave the basic guidelines for conducting the public hearing. Colleen moved to close the regular meeting, Matt seconded, and all three approved. Colleen moved to open the public hearing, Matt seconded, and all approved.

### ***Public Hearing on Draft Accessory Dwelling Unit Ordinance***

Scotty Mitchell: I have questions. I've lived here over 20 years and have tried to figure out how I can stay here and I'll need more income. There are lot of different combos, one of which is to rent out my studio as a short term rental. It's the right for me to rent out my studio. The idea of a one year CUP is crazy if you're setting up long term rental. It has to go hand in hand with short term rental. They have to be together to be able to commit to anything or to proceed with building anything. I will have to have short term rentals to keep living in Boulder. We need to back something that's short and long-term together. I don't object to this, but the two are too intertwined to address. And why do we have to redo a permit every year?

Alyssa Thompson: What's the intention of this ordinance? Is it for those who have or don't have property? I don't see it supporting people who don't have property in Boulder. There are too many rules that don't make sense--- the one-year CUP... so many conditions to follow...ADUs and (short term residential rentals) STRRs go hand in hand and have to be addressed together. There are three needs in town with ADUs: 1) The small family or couple who wants to buy/build; 2) Boulder has a resort town classification, which the town continually supports. How do we keep the number of beds (residence to rental) in the right proportion without STRRs? and 3). Opportunities for current businesses to thrive by people staying in town longer. I'd add deed restrictions to ADUs so they can't be sold off independently. Other towns have done this... tourism is better with STRRs and ADUs than big family gatherings. Slow down. No hurry. What are you going to do it it's a room inside the house. How is this defined? Is it a duplex or an ADU? Add an occupancy permit. ..What about use as guest house or assisted living. What does that mean. I agree this and short term rental needs to be addressed together.

Tina Karlsson: Thanks for trying. The Planning Commission is a positive thing and you've gone beyond in doing all the workshops. I was involved in the community workshops where ADUs came up, and we need to address them. I looked at Bed and Breakfast requirements, and they are allowed in all areas as a conditional use. In reviewing the ADU, it's an issue of regulating ourselves. What one person does with his property does have an impact. The fear factor of that is very broad. I agree that the ADU is a positive thing in this community. From conversations, that

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maybe thinking of an ADU as a possible way to deal with housing problem might not be the total solution. Maybe possibly part of it. We could possibly look at housing that's more community supported on a government level. There's a lot of support at the government level for communities to deal with housing problem. They exist in a lot of communities because property is so high.

Alyssa Thompson: I don't agree it needs to be owner-occupied. There are people in town who can build in hopes of paying for that building. Requiring the owner to occupy and not allow STRR, that's really difficult. I'm not supporting second homeowners and vacant homes. And what is the plan for current ADUs in town? I support ADUs in commercial zones. Most of our commercial zones have ADUs on them. Why not? There's already parking, and then what when ownership changes?

Troy Julian: Thanks and I appreciate that I can stand here and say things without being run out of town. Appreciation for freedom of speech. Most of my comments have already been said. I agree on the bottom line, I want to know who owns my property. I'm under the impression that I do. If that's the bottom line, a lot of this seems like an overreach to me. It sets a precedent of rights being infringed upon. The argument – and I don't think we can really separate ADU and STRR--- setting a minimum length, all the concerns I've heard, could be taken care of by the Conditional Use Permit itself and not have to limit what you can do with the ADU. I'd encourage movement in that direction and owner having the responsibility for renters, no matter how long they're going to be there. I do agree with the owner occupancy. There's a very real danger of people coming in and buying massive properties, following rules to the letter, but overtaking town and setting up everything for STRRs. Maybe there's a different solution.

Curtis: A couple comments to help people sort things out here: The reason ADU stands alone is because you're talking about a guest house or separate part of house with separate entrance, in a single family zone. You're allowing something in single family zone that currently isn't allowed. You're making an exception to provide housing for employees – that's the whole point. The STRR is separate because ADU by definition is a separate dwelling entirely. The STRR can be a bedroom, a studio. Under this ordinance, if you build an entirely separate unit, then you'll rent it out for 30 days or longer, providing housing. What if you want to rent your house out when you go on vacation? That's different from the ADU discussion. The other reason is there are guest houses in town. The Commission is trying, initially, to clean up existing guest houses. Then if you want to rent that guest house for money, the CUP is to say who's doing it. I'm hearing people say they don't want a bunch of investors coming in taking advantage. If it's to be rented, they come in, it's owner occupied, certificates, etc. Later, the Planning Commission may decide don't need CUP or it's staff administered only.

Randy Catmull: You're talking about secondary dwellings only? What is the intent overall? Tabor said the intent is for long term housing. This is intended to give housing to people who live here and work here, year round.

Mark Nelson: I think this whole issue got confused. About CUP. That's reviewed every year. It's just a permit. You've done a fairly good job of trying to differentiate this from STRRs. It's just about as good as you can get. A couple rough spots--- required parking. You've got to have that no matter what you do. My problem with waivers or exceptions in general is they're absolutely no good unless it's spelled out in advance, exactly what it would be. I'd require the parking and no waiver, unless you can spell out in advance in the ordinance. The enforcement issue of ADUs does solve some problems like guest housing and potential housing for other people and the extra income for people, and that's those are the good parts. If there's any potential for abuse, that's human nature. We need to come up with some enforcement apparatus because it could be chaos. I've watched for years when we rewarded bad behavior and punished good behavior and that's supposed to stop. I like your firewall of #9 and separating it from STRRs. We've got to review our philosophy of what kind of town we want to have. Are we just one that's hungry for

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tourist dollars. We'd give up lifestyle for that? We need to talk about philosophy. You're on the right track.

Dave Conine: I'm only a part-time Boulderite, but I'm trying to solve that. My whole career has been in community planning. There have been good public comments here. Other communities are discussing the same issues, and this is remarkably civilized. Accessory Dwelling Units first emerged as "granny units" so elderly parents could be housed with their kids in a separate unit and still be independent. Then it evolved into affordable housing and short term rentals in vacation areas. It's important to keep ADUs separate from STRR types of things. The type of regulations you need with transient units is quite different from ADUs. It's not the only solution for affordable housing, and there are others being worked on now. I'm on the board of Community Rebuilds.. we are in the process of trying to find ways to acquire land that people could build units they would own. I think Boulder is underserved in that. The STRR has a set of unique issues and if you don't separate those, your ADUs become STRRs and you start having those compete with ability to house local workers. You probably want to do both, but they are separate issues. The work to keep them separate is a good idea. You're headed in the right direction.

Donna Owen: I need clarification. I went to look for notes on the website and couldn't find anything. I'm not sure how to separate; I'm confused. ADUs would stay residential, right? That we're allowing a second residential house?

Colleen moved to close public hearing, and Matt seconded. All three voted to close. Colleen moved to open the regular meeting, Matt seconded, and all approved.

### ***Commission Discussion on ADU Draft and Hearing Comments***

Tabor said our idea with this wasn't to tie up every housing issue in Boulder. I understand the concern and worth of considering all things at once. But in the interest of getting things finished, we started working on this. It is to allow for permanent quarters for people to live in, and not be in competition with STRR. Right now there aren't any ordinances for and ADU, for or against, even though there are some going on. We want to make sure if you are renting to someone, you have to provide these basic things....a decent place to live, and not taking advantage of a renter. We already have ordinances for employee housing. This isn't changing that. People have guest houses where you're not necessarily charging rent. This may not be the best fit for everyone. Maybe you don't want to clean after someone every night, so you rent long term. Other things: the reason we talked about the owner living there is because this isn't a STRR. The owner is there taking care of the property. As far as the hurry to do this... we've heard we need to hurry, people need housing. Then the same people are concerned about being too loose. We'd rather have it spelled out so this doesn't turn into wreck down the road and we wish we'd tightened things more. We recognize the potential of enforcement issues, we'll always have those. We're trying to close some loopholes.

Matt: The enforcement issues are really an issue for the Town Council. I'd like another meeting with the full council back.

Colleen: I feel the same way and I appreciate comments. As soon as we finish this, we're going right into short term rentals. We do feel an urgency to get something because things are happening so fast. I'd like to see Josey and Perry here.

Curtis: Let's say you have a lot with a home, your primary residence. Right now, let's say you want to build this second unit. Current ordinance does not allow for any dwelling. You come in and say you want to build a little dwelling and rent it out. I can't sign off on that because the ordinance doesn't allow me to. You can't even build a small guest house and not rent it out. Right now, you can't do it. We were trying to solve a problem. To clear some of that and give more latitude on large lots of Boulder, this is the answer a lot of people do. It's not in a multiple

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family zone, it's in a single family. It has been talked and talked and talked. I recommend sending it up to the town, not necessarily tonight. Colleen closed the discussion.

### ***Discuss Short Term Residential Rental (STRR)***

Colleen read from Perry's draft "whereas" clauses for STRR ordinance, that describe the purpose of an ordinance. (see attachment)

Matt: This is just general context framing for reflecting what we do and don't want, it's not the nuts and bolts. I'm pretty good with this except for #7 and 8, but it's a good start. Tabor said each point needs a lot of discussion. Colleen said next month the discussion will continue.

### ***Report on Drones***

Matt said he's been hearing from residents who are wondering if anything can be done about the increased presence of drones. Matt acknowledged drones' beneficial uses, but said, generally, residents do not like the idea of surveillance or the noise factor of drones. After doing a little research, he found that neither Planning Commission nor Town Council can do anything because drones are regulated by the FAA. Utah state law does cover drones not flying over someone's property without permission. Anyone with an issue should contact the FAA.

### ***Announce General Plan Workshop and Upcoming Work Committee***

Colleen: There will be a planning workshop with Lee Nellis, Oct 10, 8:30-2:30. All these discussions started last year to deal with updating the General Plan. We'd identified the four subjects the committees discussed. This is where the ADUs came up, the STRRs, and other concerns. We know we have these issues now that we need to talk about now. This workshop will be to learn how to take all this information and put it into a framework for general plan.

Curtis: Lee Nellis has a lifetime of experience in town planning. He's developed a system he feels can assimilate your input and produce what you all mostly agree upon.

### ***Discuss Upcoming Business for Oct 11; Commentary***

Likely topics for the next regular meeting are:

- ADU continuation and discuss public hearing comments
- General discussion of STRR... Curtis provide a couple sample ordinances. (Everyone look up examples from around area)

Tabor announced he is moving on at the end of the month to work on the Sooner Ranch in Oklahoma. He and his family have appreciated being part of the community. He said people here care a lot about the future and they work together. Everyone wished him well and thanked him for his service on the Planning Commission.

Tabor moved to adjourn, Matt seconded. Colleen adjourned the meeting at 8:20 p.m.

[The meeting was adjourned before Elizabeth Julian could make her comment: She'd been expecting being able to make public comment at the end of the meeting. This needs to be officially included on the agenda. She wanted to say that the schedule for this workshop excludes people who work. Hearing the meeting and hearing rumors of the meeting are two different things. ]

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Peg Smith, Planning Commission Clerk

Date