

Boulder Town
Planning Commission
Meeting Minutes
January 10, 2019

Commissioners present: Matt Cochran, Colleen Thompson, Elizabeth Julian, Josey Muse. Perry Tancredi teleconferenced in. Also attending: Secretary Peg Smith, Zoning Administrator Curtis Oberhansly, and Town Council Liaison Peter Benson. Public attending: Scotty Mitchell, Donna Owen, Mark Nelson, Ray Nelson and Denise Pennington, Steve Cox, Pete and Cookie Schaus, Ron Julian, Scotty Aho, Tessa Barkin, and Brynn Brodie.

Colleen Thompson, Vice-Chair, called the meeting to order at 6:03 p.m. She asked for a motion to approve December 2018 minutes. Josey noted a few corrections. Colleen moved to approve the minutes with corrections, Matt seconded, and all approved.

Elect 2019 Chair and Vice-chair

Matt nominated Perry and Colleen, to continue as Chair and Vice-Chair, respectively. Colleen to close the nominations and vote and asked for a second. Matt so moved. Ayes: Josey, Colleen, Elizabeth, Matt, Perry. No opposed.

Open and Public Meetings Training

Peg conducted the annually-required Open Public Meetings training for the commission. Curtis reinforced the importance of the audio recording of the meetings as an official record of all regular meetings as well as public hearings.

Continue Discussion on Residential Short-Term Rental Draft

Copies of the proposed draft were available to commissioners and the public.

Matt: 1) Regarding first “whereas” clause, and does the General Plan push for growth of tourism? Might this be reworded. 2) Fourth “whereas” clause needs editing... “and the need for long-term rentals” The intent is for short-term rentals not to impact availability of long term rentals to house local people or businesses, or pricing of long-term rentals. 3) Under #1, and defined occupancy period. I like having a minimum stay so there isn’t a daily turnover. Josey brought out the comments from last meeting about not being much difference between one group traveling in and out and the daily turnover. Perry said we discussed last time that reducing total availability was not the intent. One night stay would be fine. Josey agreed, saying we didn’t want to make it harder for someone to collect income when a visitor might just want the one night.

Perry had a question: What about someone staying 29 days, leaving for a day, then coming back for another 20 days. Do we want to limit this loophole, or do we not care? Curtis said the 29 days limit is that you can’t regulate rentals after that (considered long-term rental).

Matt said his concern was keeping integrity of neighborhoods. If seven different parties are coming in over a week, I think that matters. Also, he questioned the definition of upper, middle and Lower Boulder areas, and is that fair, population-wise? It’s not defined, and we need to look more closely at the actual population. Matt questioned section 5 and obtaining written permission from a neighbor within 300 feet. Curtis picked up that number from the Hurricane statute. Matt suggested looking more at Boulder’s lot size and different densities. Finally, Matt

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said a clause under #6, Property Management was okay except for the fire stuff. He said people will want to barbeque on outdoor grill or open firepit. Perry thought it would be good to add a clause requiring an additional fire extinguisher for any outdoor fire.

The other commissioners were fine with the draft and wanted to hear public comment.

Update on General Plan

Josey said they met during the week and went through item by item on the assignments. The work group is meeting again Jan 14. The Planning Commission will be updated again in February. Elizabeth asked if the Planning Commission can be added to read-only access to see the docs as they evolve. Josey said it was OK to share on Google docs.

Conceptual Plan on Boulder Arts Center

Jacqui Smalley has approached Arts Council to partner with her to develop a conceptual plan involving use of some land near her red barn as a performing and visual arts space, with a stage, and available three seasons. She's now considering a freestanding building south of the barn, single story, seating for around 120 people, a generous stage, two bathrooms, small kitchenette, and maybe a small meeting space for a total of 4500 sq ft. It could double as a display space for exhibits, a suitable floor for dance classes and performances. It would be an addition to the community center that has been handling all this so far, but the new facility would be more conducive to the performing arts. Curtis said under current zoning, this use would fall under the "Recreational Facility" definition from the Table of Uses, and conditional in GMU and Commercial zones. Her property is zoned GMU. At present, there isn't even a drawing to show, but she may have something by the March meeting. This is more of a "heads' up" for the commission as Curtis won't be around in February.

Matt asked if it was a free community space or would be rented. Curtis said it would be a community space. The Arts Council or whomever could charge for something special, but the Arts Council tries to offer their activities free to the public or for donation only. This is for the community and not a paid space. He said if the plans come together, the Arts Council will probably try to do some fund raising for some of the elements. He added that Jacqui would like to break ground this spring.

Public comments

Scotty Mitchell: I think you've already taken care of the bad case of people just doing investment buying by restricting to living in the homes at least part of the year. I feel some of the other restrictions aren't productive. Putting a limit on the total number means I have to hurry up now to get my CUP so I don't have to worry about it in a few years when I really need to rely on that income. Also, a young person may have the opportunity to buy a house and use part of it for a RSTR, and I don't want them cut off from that opportunity. Regarding strangers in the neighborhood, yes, we will be seeing people who are "strangers." RSTRs could be considered an asset. It's also an asset for people to have a different experience of Boulder than just staying in a hotel. Look at them as positive as long as it's not investors coming out and buying all the houses. For people like me, older people might need RSTRs to support their living. The number restrictions doesn't help locals. Why limit to half a year? Why penalize people who are trying to make ends meet? Regarding requiring the owner onsite to meet the guests, if you've been there more than once, you don't need them to be there. It's not really a necessary idea. It should be required to have the necessary information available, but owners work too. They can't always be there.

Steve Cox: On 5b, #2, about two dwellings on a lot, are we talking about ADUs? I'm not in favor of using long-term rentals as short-term. My impression was we were doing ADUs to help with long term rentals. I'm also concerned about written permission from any neighbor within 300 feet (5F1 and 2). I'm concerned about neighbors determining what you can do on your property.

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I can see notification on the CUP, but this seems more than that. Colleen said the situation of two dwellings, you had to live in one or the other. Curtis said he was trying to get at the discussion of ADU and primary residence and how to state the requirements. Steve said he didn't agree with using ADUs as short-term rentals. Perry said we were trying to get the ADU ordinance first to set that definition. It was always my impression the council would allow ADUs to be allowed for that, but be controlled. Matt agreed the commission needs to clarify whether one can have an ADU and RSTR. Curtis: It was necessary to first define the structure—the ability to have two dwelling units on a lot. The use of those structures can be further defined in the RSTR or other ordinances.

Pete Benson: Regarding the comment about growth. Growth is going to happen. We can discourage, we can guide, but people are going to come. There are three categories of RSTR: 1) renting room in your house, 2) renting your house while you're away, 3) one is renting an ADU. We should make it least hard for renting a room, a little harder for renting your whole house out, and hardest for renting out an ADU.

Donna Owen: On Chapter 10, #1. Wording question on single family legal lot? How are you going to limit these to four in town? Maybe you'd need a lottery, or you'd have to track date and time of application. What about the existing RSTRs? Are those part of the four? Do the existing ones need a CUP now too? What about owners each having equal interest, even if not a company? #6: You might meet the property manager, but you already get the codes given to you, as well as rules listed on the site, and probably also in the house. These are standard practices. Maybe you need to spell it out for people not on Air BnB. Fire restrictions? County fire restrictions should be followed, and that will tell people whether they can have an outdoor fire or not.

Mark Nelson: I'm surprised, you've done quite a good job here. This is a good start. I don't think you'll satisfy everybody. You need to be more conservative upfront. I don't like RTSRs; I think they're an attack on our communities. I see them as a commercial use. I think it's good to meet the renters, at least you get vibes off them. This is a good start as a work in progress.

Scott Aho: I think RSTRs are nice things for communities. Air BnB is a good organization, and you get a lot of info about who you're renting to. It's hard to control tourists coming into town, and it's not fair to have all tourists stay in Torrey and Escalante. I'd rather see them spread out across the town, rather than have tourist ghettos. If they're all concentrated, that's a much bigger impact. RSTR money goes directly to people in the town. My experience in meeting tourists is I love to talk to people from all over. They enrich my life. The idea of restricting the number in the different areas is ridiculous. Let the market dictate how many there are.

Discuss Upcoming business: Feb 14

- Continue discussion on Residential Short-Term Rental; give comments to Curtis to re-draft for March and decide to schedule public hearing in April.
- Josey and General Plan update
- Upcoming business for March 14

Josey moved to adjourn, Matt seconded. All approved. Colleen adjourned the meeting at 7:20 p.m.