

Meeting Minutes
Boulder Town
Planning Commission
January 3, 2017

Commissioners present: Carla Saccomano, Colleen Thompson, Tabor Dahl, Perry Tancredi (calling in). Secretary, Peg Smith. Members of the public: Mark Nelson, Steve Cox, Mary Jane Coombs, Donna Owen.

Carla called the meeting to order at meeting at 6:02. She read the proposed town council resolution. Short term rentals seem to fall into certain categories: Residential short-term (Air BnB-type), commercial hotel/motel, and other (guest ranch, resort, RV park, campground, etc.)

Transient Room Rental

Perry asked what we gain with a separate definition for a guest ranch? Carla has the same opinion of “resort”. Is whatever it is something that is of value to the town and goes with the town’s General Plan. Colleen said a guest ranch is something that’s been used in the west for a long time to describe certain properties. Perry: do we gain by differentiating that from a hotel? Colleen: guest ranch is more commonly used in the West than resort. Perry: regardless of what we call it, do we need separate definitions for each; why not group. Carla said the more we can have definitions for a category of uses, the better. Other towns have used “commercial lodging” and “residential guest lodging” as a grouping. Maybe we end up with a couple other categories.

She said the state is saying you can’t ban short term residential uses completely. Some towns say you have to be in a certain district, other restrictions. It’s up to us to say what works best for Boulder. There are 30 now in Escalante, 37 in Panguitch. Other towns have set up some criteria, and this is place to start. Using your home as a rental for a source of income is a business, but it does have an impact on neighbors. In this town, there’s great value in knowing your neighbors, not locking your doors, not worrying about your kids. Hurricane regulates one Air BnB for a certain amount of square footage and you can’t have more than x per population. There’s no one way to do it. How do you balance owners’ rights with the community?

Currently, our Zoning Ordinance allows: Bed and Breakfast, conditional in all zones; Campground, conditional in GMU, low density residential, and commercial and not allowed in Medium or High density residential; RV campground, Hotel and Motel are conditional in Commercial zone only; RV and Campground Parks are conditional in all zones. [There is no use defined yet for Air BnB-type uses, therefore not permitted.] Carla said our current ordinances allow a maximum of five RV pads per one-acre lot, or in other words, 25 pads per 5 acre lot. This would have a definite effect on a neighborhood, on roads, traffic.

Tabor said he stayed in an Air BnB last month with a church group. It was definitely convenient for a big group that wanted to be together. They have their place, but what’s the right way? A downside is they can hurt existing motels. A large group isn’t going to stay in a motel, so you’re not taking that business away, but there could be a parking problem in a residential area.

Carla: In Kanab, they are looking at certain categories of options. You can allow them in all residential zones, across the board, and require registrations and licensing, so all homeowners have the potential of using that. The downside is to residents who are expecting traditional,

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stable neighborhoods. Second, prohibit them in all residential zones except bed and breakfast. Third, to allow them in residential zones subject to spacing restrictions, either requiring certain spacing around them to avoid a concentration, and fourth, encourage them in resort type developments and then allow them in single family zones with the spacing requirements, or put in limits on rental periods (17 rental periods per year, x consecutive days). In Boulder, maybe we identify a zone and a limit the number of applicants, with the rest on a waiting list.

Colleen: can we group these with regular bnbs? Carla: generally, Air BnB are generally not owner on premises, where BnBs are usually owner-present. Perry: that is one way to differentiate them. On premise air bnbs could be treated as bnbs. So then we focus on situations where the owner isn't present. Tabor: so if we did have them restricted, maybe we can put a sunset clause on it so we're not locked forever and see how it goes with them restricted, rather than wide open to begin with.

Perry: BnBs seem not to be a problem. So what do we say about someone renting out when they aren't there? Carla: you can put in safety restrictions, such as neighbors are notified, there's an emergency contact available 24 hours/day, etc. Perry: can we first define short term rental? A year is probably not short term rental; is six months short term? Tabor: say there's a group of people who come to work in the summer, they rent one for 30 days, then another person in the group changes the renter name, and the same group continues. What's to stop that. Maybe we don't care? Carla: So another requirement limits the number of rental periods/year. Perry: say I rent a house for a year, and then decide to sublet it. I hold the rental agreement. Do we have ordinances about subletting? It's a similar situation.

Tabor: the cost may be prohibitive. If I had a big house, renting for \$400/night, a long-term renter couldn't afford that. Maybe we should set it as short as 15 days; Colleen said seven days--most people are traveling through. Perry: we don't get a lot of people who'll be spending more than seven days but less than a month. Carla: I can get the data of an average stay. (Air DNA)

Mary Jane: I'm the caretaker/housekeeper for a VRBO. People generally don't stay more than a week, but there may be a few on a job who stay longer. Not longer than 2 weeks. The houses are better if there is someone staying in them. When I first started cleaning, there was every critter in the forest trying to make it home. When they're cleaned twice a week, it keeps it up. Owners have to keep it well-maintained if they're trying to rent it out. I'm a contact person in case of a problem, for either neighbors or renters. I have saved the owners a lot grief by responding to mishaps in the house. I'm also caretaker of a house in Salt Gulch (not a rental). I know I saved that house from being burned down by being right place at right time. Tabor: How about next door to you? The owner can work out rules--when do you have to be quiet. When you can have a party. You can't go on neighbor's property at all. Pets are allowed, and that's important just because of the pets being allowed--that's important. We have only had 2 pet problems in four years. Dogs have to be on a leash and taken indoors at night. Before renters arrived, they've received all the instructions.

Mark said he doesn't like the idea because of the tremendous waste of maintaining a house when they're mostly empty. That cost is passed on to us. The people getting involved don't live here, they aren't part of the community, maybe they pay some local people for upkeep, but it's not keeping money here. They're adding rooftops to a rural community. Our five acre minimum may help discourage some of these, being not worth it to maintain five acres. Perry: even in NYC, if you're going to rent out your house, you have to live in it for a certain portion of the year; otherwise, it's a hotel. Commissioners agreed with that idea. Carla, speaking to Mark's point, towns are trying to minimize building out as investment property: other towns limit VRBO-type properties to one per owner. Some towns ban corporate owners. Perry: Agree. You need to be an individual owner, you can only do on one per property, and need to live there some percentage of the year.

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Steve: similar to Mark, the problem is renting to visitors rather than someone who is helping the community. We need restrictions that make it harder than just buying up houses for this purpose. Mark: we're in a huge risk here because of where we live.

Mary Jane: Most in Boulder are absentee owners who still want to use it when they want, but they want someone in it when they're not. The house deteriorates when no one is there. This is a free market. Families enjoy staying in a house with a group; it's cheaper for them to share the rent. I thought we are trying to encourage tourism in our town. The business part makes sense too. Carla: People who have a home occupation are regulated. Even small businesses have an impact on traffic, sanitation, garbage. We need to be able to regulate it. We could do an overlay to define an area. Regardless, we're going to run into excluding some people from having them in order to regulate them.

Tabor: What about family members—the loopholes. Say someone leaves for a mission, and they have kids stay there to fulfill the obligation. Perry: The restriction would say for some percent of the time, they can't make money on it. It doesn't matter if it's the kids staying there or not. What are we trying to achieve with the residency requirement? If we're only making money for 3 months of the year, that limits the market. What are we trying to achieve? Encourage people to spend time in Boulder? Limit the business opportunity of it? What are we trying to accomplish?

Carla: Even with good restrictions, how do you enforce this, even with the license?

Tabor: It would provide some employment, and for them to be listed under a rental company, they have a lot of incentive to keep it in good repair. That's an opportunity for better looking housing and jobs for some people.

Mark: You have to measure what you're getting out of the jobs, and also the infrastructure cost that's passed on to us. They're a commercial operation. They need to require all adjacent landowners be notified as if they're being rezoned. Examine how this will affect the rest of your land use, talking about ADUs and letting them turn into Air BnBs. Perry: Think of me going away and paying a housesitter, or petsitter. These are the things that make it difficult to regulate, and Air BnB looks for these things and will point out the discrepancy. We either choose to put ordinances in place to restrict and control it now or try to prevent altogether. I'm not in favor or restricting it all together for two reasons: 1) you attract attention of Air BnB and have them coming after a place like Boulder with a lot of money, and 2) for the other reasons a homeowner would want to pay someone to live in their home temporarily

Commissioners agreed that most of the main issues for that type of rental are on the table. Tabor mentioned the Meg Ryan training where she sited the many conditional uses in Boulder's ordinances and need to try to minimize them. It's easier to work on definitions and then work on restrictions. There's a fine line between restricting and allowing people to take advantage of us.

BnBs: They are currently conditional in all zones. The current definition doesn't say anything about being owner occupied. In Escalante's definitions, they have six maximum guest rooms, food prep is limited to the common breakfast area and only for people staying there. Steve said one difference could be that meals *are* provided. Owner or manager lives on premises. Tabor wondered about employee housing where the manager might live; thinking we'd like to allow for that. One advantage of conditional use is that a BnB usage couldn't morph into something else.

Perry: There are some people who will rent out their place and stay on property but in another structure on their property. They're still not a corporate owner, they're still living here. If we actually had an ADU ordinance, we'd would have to look at it and not encourage it.

Tabor: maybe it's safer now to talk about employee housing and not accessory dwelling units.

Perry: if we maintain only renting out certain percentage of the year, but I'd want to avoid moving permanently into another structure and renting the main house as a full-time lodge.

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Once no longer sleeping under the same roof, it's no longer a BnB, it's a short term rental. Let's check state code. Carla: We can limit which zones they're allowed in.

Resorts

Carla: Do we need resort? We need to ask the town attorney whether we leave a definition in place and don't allow it, or delete it entirely. Guest ranch could cover "resort." Mark: The primary use of a guest ranch should be a ranch, and guests are secondary. You're not raising guests. It needs to be redefined with ranching as the primary use of the area. Carla said other towns say any existing ranching or ag work has to be maintained as it was, with the addition of guests.

Review: Carla will get data from Escalante on average length of stay, Utah law on Bed and Breakfasts, should have a live-in person (owner/manager), progress on AirBnB stipulations and finding a way to not just encourage investment property such as length of stay or number of visits.

Pick up next on guest ranch. January 25, Thursday. 6pm

Committee Names

New names: Kelly Roundy, Ray Gardner, Dell LeFevre, Steve and Marian Johnson.

Carla adjourned at 7:56.

Peg Smith, Planning Commission Clerk

Date