

## Boulder Town

# **Planning Commission**

## **Meeting Minutes**

### **December 14, 2023**

Commissioners present: Tina Karlsson, Colleen Thompson, John Veranth, Elena Hughes, and alternate Nancy Tosta. Also present or on Zoom: Clerk Peg Smith, Town Clerk Jessica LeFevre, Zoning Administrator Erin Smith, and Consultant Lee Nellis. Tina called the meeting to order at 6:00 pm.

#### ***Approving Agenda***

Tina moved to approve the agenda; Elena seconded. John moved to table Item 4 on the agenda (Lee Nellis Boulder Matrix memo), Tina seconded. Discussion followed. Colleen voted no, Elena voted yes, John, yes; Nancy yes; Tina no. The item will be tabled.

#### ***Conflict of Interest Disclosers***

Elena noted her ongoing subdivision application.

#### ***Approving Minutes***

Nancy moved to approve Nov 9 minutes; Colleen seconded. Tina had previously submitted formatting corrections, which have been incorporated. All approved. Nancy moved to approve the Nov 30 work meeting minutes, Tina seconded. Tina, Nancy, and Elena voted aye to approve. (John and Colleen had been absent.)

Tina reiterated her plan for discussion protocol, which she will try to implement: Discussion items and action items will be noted on the agenda; discussions will be roundtable, with no interactive discussion; the chair will repeat the motion prior to a vote.

#### ***Initial Public Comments (10:25 on recording)***

Jen Bach commented on the new Boulder land use package and street design standards. “Affordable housing” has a distinct definition while “attainable” is not defined. Just removing development barriers to housing doesn’t necessarily address the “attainable” goal. Also under land use regulations, permitting employee housing is a good idea. Mark Nelson agreed with those comments on defining terms. On RV housing, there are reasons for the previous restrictions and maintaining distinctions between RV housing and mobile park housing. Boulder has been trying to avoid temporary solutions becoming permanent.

#### ***Lee Nellis and Elena Hughes Discussion on RV Housing Motions (17:22 on recording)***

Elena has distributed possible motions to be discussed, amended, voted on, with the idea of providing definitive direction tonight.

Colleen wants the ordinance cited in Motion 3 be retained, not repealed.

John wants the Commission to focus on motions as an opening, then discussion, then closing with a decision on it. Tina wants to put the discussion items out for public feedback before creating ordinance language.

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Elena: Move to delete the 90-day limit for owner or guest to live in an RV on private property. John amended the motion to create ordinance language deleting the 90-day limit. John seconded.

Discussion: Elena said if connection to water and septic is already required, what is the municipal benefit of limiting the time to 90 days. John said the visual impact is the same whether someone is living in the RV or not; the town is not willing to enforce the 90 day limit anyway so why have it; seasonal workers need more than 90 days. Elena said only the sentence in 153.201(a) stating the 90 day limit would be omitted. Nancy made numerous comments, among them questions about how many people are illegally living in RVs, questions about hooking to septic or not, agreeing with needs of seasonal workers. Tina talked about RV parks and duration of stay. Colleen wants both Motion 1 and Motion 2 to include the specific reference to current ordinances. Lee said the point is to arrive at a conceptual direction as presented by the motions.

Nancy moved to amend Motion 1 to substitute 180-day limit for the 90-day limit for an owner or guest to live in an RV on private property. Elena seconded the motion. John said the tourist season is closer to 270 days but still favored dropping any time limit without an actual municipal problem being addressed. Elena agreed that 180 days doesn't accommodate the full season but is open to some time limit. Lee said both federal and state law include clear definitions of RV versus mobile home. People will have made a significant investment if connection to water and septic are required. The main issue boils down to peoples' perceptions of RVs affects on property values. Subdivisions have the capability of making restrictions or covenants on RV usage. The public needs to have a discussion on use of RVs as housing, in some manner or another. But they need a clear statement to talk about. Colleen no, Elena no, John no, Nancy yes, Tina no.

Nancy moved to amend the motion that any RV used as housing must be connected to water and septic. John seconded. Elena aye, Nancy aye, John aye, Colleen aye, Tina aye. Vote on the full amended Motion 1: John aye, Elena aye, Colleen aye, Nancy no, Tina aye. Result is direction for Lee to produce this in ordinance language for public feedback.

Tina moved to open discussion on Motion 2; John seconded. 153.430(g), removing the 180-day limit on RV park stays. John: less than the full tourist season and telling park owners what they have to do. No other discussion. Elena aye, John aye, Nancy aye, Colleen aye, Tina aye.

Elena suggested skipping Motion 3, which can be handled between Lee and Elena.

Tina moved to open discussion on Motion 4; John seconded. Discussion: John said this would be vital to enable the school housing to move forward. Nancy agreed with the idea except for allowing that usage on another parcel elsewhere and how that relates with ADUs. Lee said it should stipulate that RVs can be used for "employee housing for commercial use." John moved to amend with Lee's suggested edit; Elena seconded. All aye. Full motion: allow RVs as employee housing on existing or future commercial uses, on the commercial property or other parcel owned by the employer. Nancy moved to amend to eliminate RV as employee housing on other property than the commercial property, Tina seconded. Discussion followed. John no, Elena no, Nancy aye, Colleen aye, Tina no. Amended motion failed. Full motion: John aye, Colleen aye, Elena aye, Nancy aye, Tina aye.

### ***Discuss Access and Street Standards (approx. 1:25:41 on recording)***

John moved to amend the agenda to move this discussion ahead of the subdivision ordinance discussion; Nancy seconded. All aye. John moved to adopt all 16 points in the Dec 7 memo version to send to Lee for ordinance language. John aye, Colleen aye, Elena aye, Tina aye, Nancy aye. Lee asked if he could coordinate with one or two Commissioners to work through a draft of the language. A committee member doesn't need to be a Planning Commissioner. John and Nancy are willing but may have schedule problems.

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## ***Discuss Steps to reach December 2024 Deadline for new subdivision rules***

Lee presented a slide summary of main points to consider. Chapter 152 will be rendered irrelevant. New state law forces all the big questions in the Zoning ordinance. Four major things will be required in the new subdivision ordinance, but only one item is fully the town's to determine: road access and street standards. Density, design of subdivisions, housing, zoning, etc. are to be addressed in the zoning ordinance. The most important thing will be how to support the zoning administrator who will bear the heaviest burden in implementing the new process. The starting place for zoning discussion needs to be the map and new matrix, the zoning districts, the density. Fundamental questions for a developer need to be answered in the Zoning ordinance: you're in zoning district X; that district's purpose is X; the density you're allowed depending on how you want to proceed is X. All this has to be contained in Zoning. How can the zoning implement the General Plan? Doing the Subdivision rewrite is not difficult. The difficult thing will be to get the zoning right, particularly if you want to implement some of the changes with housing and density that you've been discussing.

Tina called for a discussion on moving forward. Nancy would like the Town Council onboard with the idea of making zoning changes. John suggested getting a community forum together in January to start the discussion. Both Zoning and Subdivision ordinances will need to be worked in parallel. Tina would like to hear Planning Commission alternatives to Lee's matrix concept, if people have them. It will be important to communicate with the TC what the intent of the ordinance changes will be. John reviewed some points from a memo he'd submitted previously. Tina will table the rest of the discussion.

## ***Staff and Commissioner's reports (1:59:00 on recording)***

Erin announced that she's using a new email address: zoning @boulder.utah.gov. Peg said farewell to the Planning Commission at this last meeting of her 19 years as clerk.

## ***Final public comments***

Jen Bach asked about possible conflict with RV housing on an employer's private land. Mark Nelson said lack of enforcement is not an excuse to change an ordinance and he took issue with a comment that visual impact isn't as important as housing.

## ***Upcoming business for January 11, 2024 Regular Meeting (2:05:50 on recording)***

- Continued discussion on access and street standards
- Discuss schedule for regular and work meetings throughout 2024
- Discussion on moving forward on zoning/subdivision changes
- OPMA training
- New member welcome; election of chair and vice-chair (if necessary)

Tina asked for consent to adjourn. She adjourned the meeting at 8:10 pm.

Clerk: 

Draft submitted: December 28, 2023    Approved: January 11, 2024