

MEMO 24.1.29 RV Ordinances LN

TO: Boulder Planning Commission

FROM: Lee Nellis, FAICP

DATE: January 19, 2024 – Revised January 29, 2024

RE: Regulating Recreational Vehicles

This memo attempts to distill the PC's December discussion on RVs into ordinance changes.

REVISION: Defining “RV.” It has been suggested that “RV” should be defined as it is in state law in Boulder's ordinances. RV is already defined in §153.011, which is reproduced below. That language is not the same as state law. The definitions (state law splits RVs into at least four categories) in the statutes were not written to support local land use regulation. They were written to support vehicle licensing and taxation. I suggest that the Town stick with the current version, which seems adequate for the ZA to use in determining what is, or is not, an RV.

RECREATIONAL VEHICLE OR RV. A vehicular camping unit designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles include, but are not limited to, camping trailers, fifth wheel trailers, motor homes, park trailers, travel trailers, and truck campers that are in operating condition.

RV Parks? The PC wants to consider eliminating the time limit on stays in RV parks. This could be done by eliminating §153.430(G). It is not even necessary to re-letter that section because the codified version includes two (G)s. So, a fringe benefit of making this change would be to correct a typo. I have included the entire section in Appendix RV for context and in case there is any other change or clarification the PC wishes to discuss now that you have processed one application for a campground. The appendix also highlights other typos that could be corrected by adoption of the draft ordinance.

Employee Housing? The PC wants to allow RVs to be used as employee housing where employee housing is already permitted and, probably, on other properties owned by the business owner.

Employee Housing and ADUs? First, however, the PC should answer the questions that were raised about the relationship of employee housing to ADUs. Employee housing on the same property as the business is already defined separately from ADUs, internal or external, as “ADU, Commercial” in §153.011. The draft ordinance could extend this to other properties owned by the business owner, but upon reflection, if the Town allows RVs as SFDs, as discussed below, fairness requires that they also be allowed as ADUs. And if that change is made, a business owner could use an RV as an EADU for an employee without any additional change in the ordinance and without a potential enforcement issue that could arise if an employee moves out and the owner wants to rent to someone else? The

draft ordinance does propose minor amendments to the definition of “ADU, Commercial” for clarity and to be consistent with a policy of encouraging more workforce housing.

Temporary Employee Housing? It seems consistent with the PC’s discussions to allow temporary employee housing in self-contained RVs to the same extent that self-contained RVs are allowed on residential properties if they comply with the commercial development standards. I have included the possibility of a Temporary use permit for this purpose in the draft ordinance.

RVs as Single-Family Residences (SFDs)? After a lengthy discussion, the PC decided to propose that RVs can be used indefinitely as SFDs if they’re connected to an approved water source and on-site wastewater system. There were mixed feelings about this, and I expect the public will weigh in. Whatever is ultimately decided, proposing this in the draft ordinance is a good contribution to the ongoing discussion of housing needs. If the Town is not going to permit RVs as an affordable solution, what is it going to do?

Complications of RVs as SFDs. Permitting RVs as SFDs raises questions that the PC did not address, but that I have had to answer in the draft ordinance. The PC will have to decide if the answers I have proposed are the right ones.

“Dwelling” must be redefined as that term now specifically excludes RVs.

If an RV can be used as an SFD it will need a “project” permit as required by §151.01 and §153.216(A)(1). I don’t think those requirements should be changed at this time, though they do eventually need to be consolidated. What has to happen now is for the TC to adopt a specific fee for this type of permit.

Using an RV as an SFD is inconsistent with the building permit and code requirements of §151.02. But if conventional homes (the ordinances are not as clear as they ought to be on manufactured homes) must comply with construction codes, is it fair to exempt RVs? There is a set of standards for RVs, compliance with which is indicated by a seal that appears on the RV. The draft ordinance adopts that and also clarifies the standard that manufactured homes must meet.

The PC will have to address the question of whether an SFD that is an RV can have an ADU. RVs are not going to have IADUs, but to treat all owners consistently, I think an RV used as a SFD must be allowed to have an EADU.

The PC will also have to decide if an RV can be used as an EADU. If you are going to allow them as a principal dwelling, don’t you have to allow them as accessory?

It will be necessary to clarify whether an RV being used as an SFD can be an STR. Again, I think being consistent means that the answer is yes, if it complies with the requirements for STRs.

PC discussion centered on changing subsection (A) of §153.201. What about subsections (B)-(H)? Most of that language is redundant of and not necessarily

consistent with other provisions of the ordinances. The draft ordinance replaces the rules for self-contained RVs. Given the decision to propose that RVs can be used as SFDs, the rest can be eliminated.

RVs during Construction? If RVs can be used as SFDs there is no need to have a separate provision for their use while a home is being built. The only question is: How long can a self-contained RV be used during construction before it is connected to the water and wastewater disposal systems that will serve the home?

Self-Contained RVs? The current ordinance provides what it calls an “exception” allowing self-contained RVs on residential properties for two weeks. This draft ordinance allows more time, but requires a temporary permit after five days so that the length of stay limit can be enforced. This and adding the possibility of temporary employee housing require amendments to the table of uses and presents the opportunity to improve the ordinance language about temporary uses.

DRAFT ORDINANCE _____

AN ORDINANCE IMPROVING THE REGULATION OF RECREATIONAL VEHICLES IN ORDER TO PROVIDE AFFORDABLE WORKFORCE HOUSING

Whereas Boulder is experiencing a shortage of housing affordable to many present and prospective residents, including especially employees or potential employees of local businesses and emergency first responders;

Whereas the current costs of land and construction in Boulder make it difficult to build the housing needed;

Whereas much of Boulder's economy is seasonal and seasonal employees may prefer mobile housing;

Whereas Boulder Town's current ordinance language regulating recreational vehicles is scattered, redundant, and inconsistent;

Whereas recreational vehicles can provide a more affordable housing option and are generally compatible with Boulder Town's rural character;

NOW BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL THAT THE BOULDER TOWN CODE OF ORDINANCES BE AMENDED AS FOLLOWS.

Amend §151.10 ADOPTION OF UNIFORM CODES by adding two new subsections while keeping (A)-(F) as they are:

(G) Manufactured homes sited in Boulder shall comply with the Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development.

(H) Recreational vehicles used as single-family dwellings in Boulder must bear the seal of the Recreational Vehicle Industry Association (RVIA).

Amend §153.011 as follows:

ACCESSORY DWELLING UNIT, COMMERCIAL. A dwelling unit for an employee of or the owner that is on the same lot or parcel as a commercial use. It may be internal to a commercial structure or external. It must be approved as part of the CUP for a new commercial use or, where it is proposed to add an accessory dwelling to an existing commercial use, approved via an amendment to the existing CUP. ~~Nonconforming~~ Commercial uses within a commercial zoning district that existed at the time this language was adopted that do not have a CUP may ~~not~~ add an accessory dwelling by applying for a CUP.

ACCESSORY DWELLING UNIT, EXTERNAL. An accessory dwelling unit that is in a separate structure, but on the same lot or parcel as the primary dwelling to which it is accessory, and, when rented, is rented for 30 or more consecutive days. For the purposes of this definition, an ADU may be attached to the primary dwelling via a sidewalk and/or a breezeway, or through a garage, but must have a separate entrance.

~~**DWELLING.** Any building or portion thereof enclosed space designed or used as the more or less permanent a residence or sleeping place of one or more persons, but not including a tent, recreational coach, hotel, motel, lodging places, hospitals, or nursing homes, or other spaces that are regulated as commercial uses.~~

Amend the Table of Uses adopted at §153.117 by adding a “PC” to the “C” column in the first row.

Amend the Table of Uses adopted at §153.117 by replacing the row title “RV or mobile home as temp residence” with “RV as temporary quarters” and inserting a “T” under each column for a residential zoning district.

Amend the Table of Uses adopted at §153.117 by replacing “Single-family on a lot of record” with “Single-family dwelling.”

Strike §153.156. It will be replaced by new provisions of §153.201.

Amend §153.172 ALLOWED TEMPORARY USES (A) as follows while keeping the remainder of the section as it is:

The following uses and activities may be permitted by the Zoning Administrator with a finding that the temporary use will be conducted in compliance with all the requirements of this chapter:

- (A) ~~A Any use proposed to be established for a maximum period of one hundred twenty (120) days, such use being discontinued after the expiration of indicated by a T in the Table of Uses established at §153.117 that will continue for no more than one hundred twenty (120) days or a shorter period established in this code.~~

Amend §153.201 as follows:

§153.201 USE OF RECREATIONAL TYPE VEHICLES (RVs) AS A TEMPORARY DWELLING.

- (A) ~~RVs Connected to Water and Wastewater Systems. Any The owner of any real property that is located within the town limits or lot or parcel in a residential zoning district may obtain a zoning permit for the use of an RV family member, or guest of such owner may occupy as a dwelling as a single-family dwelling (SFD) or an EADU if that RV will be located on such property for a period of not more than 90 days accumulative in any given calendar year if one of the following conditions is met: (1) The RV has working bathroom facilities properly connected to both in-ground water and sewer which has been installed and inspected pursuant to the appropriate building permit for said water and sewer as authorized in the town’s Building Code and in accordance with state law and the provisions of a culinary water source and an on-site wastewater disposal system that have been approved by the Southwest Utah Public Health Department and/or the State and otherwise complies with this code.~~

- (1) An RV being used as an SFD as provided above may have an EADU in compliance with this code.
- (2) An RV being used as an SFD as provided above may be used as an STR in compliance with this code.

~~(2) The RV with or without working bathroom facilities is parked within 100 feet of a dwelling located on the property which dwelling has working bathroom facilities hooked to a septic tank and drain field, and the bathroom facilities are continuously open and available to the occupant(s) of the RV.~~

~~(3) The RV has working self-contained bathroom facilities and is parked or stored on the real property, and is occupied only on an “occasional basis” not to exceed 90 days cumulatively in any calendar year.~~

(B) RVs Not Connected to Water and Wastewater Systems. In addition to complying with one of the three requirements in division (A) above, the property owner must additionally comply with all of the following conditions. RVs that are not connected to both culinary water and wastewater disposal systems that have been approved by the Southwest Utah Public Health Department and/or the State are permitted only:

~~(1) If a generator is used for electricity, the generator must not interfere with the quiet enjoyment of any other property owner~~

~~(2) The RV and the surrounding property must be maintained in a manner that does not~~

~~(3) The RV must be occupied by the property owner, family members or guests of the owner strictly on a non-commercial basis.~~

~~(4) The owner has obtained a non-fee permit for said occupancy from the Town Clerk.~~

~~(5) Only two non-owner owned RVs may be located on the real property at any one time.~~

(1) in approved RV campgrounds;

(2) with a temporary use permit, as temporary employee housing, as provided by the commercial development standards of this code;

(3) as a Long Term Temporary Use, for no more than one year during construction of a single-family dwelling for which all necessary permits have been obtained; and

(4) as a Long Term Temporary Use on any residential lot or parcel for a period of no more than 120 days. The temporary use permit will be required only for self-contained RVs that will be on a residential lot or parcel for more than five days.

~~(C) Nothing herein shall be deemed to authorize private property to be used as an RV park or trailer park and the sole intent of this amendment is to allow property owners, their families and guests as described above to use an RV as a temporary means of inhabiting their property.~~

~~(D) As an exception to this chapter, any owner of real property may occupy an RV on the real property for a period of two weeks in any calendar year without obtaining a permit or complying with the provisions for sewer and water as required above so long as:~~

- ~~(1) The RV does not discharge any effluent onto the owner's land or other lands; and~~
- ~~(2) The two-week exemption is utilized by the property owners, the owner's family or other unpaid guests strictly on a non-commercial basis.~~
- ~~(E) All permits will be issued or renewed on an individual basis.~~
- ~~(F)~~
- ~~(1) The foregoing does not apply to mobile homes or any other dwellings occupied as permanent living quarters, all of which are classified as regulated dwellings.~~
- ~~(2) Any trailer of any type or motor coach incapable of locomotion on demand does not qualify as an "RV" for purposes of this chapter and cannot be used as a habitable dwelling without first complying with all provisions of the town ordinances and state law governing the health, safety and habitation of permanent dwellings.~~
- ~~(G) The foregoing does not apply to the exemption granted by § 153.156 of this chapter.~~
- ~~(H) A violation of this section constitutes a Class C misdemeanor. This section is also enforceable civilly by both a claim for injunction and damages.~~

Amend §153.203 as follows, with the rest of the section remaining as it is:

§153.203 ACCESSORY DWELLING UNITS. This section does not apply to Accessory Dwelling Units, Commercial, which are separately regulated by the commercial development standards of this ordinance.

Amend §153.415 as follows:

§153.415 COMMERCIAL DEVELOPMENT STANDARDS.

- (T) Can commercial uses include accessory dwellings? Yes.
- (1) Accessory dwellings for the owner and/or employees are permitted as part of on the same lot or parcel as a commercial use. RVs may be used as accessory dwellings for commercial uses if they are connected to a a culinary water source and an on-site wastewater disposal system that have been approved by the Southwest Utah Public Health Department and/or the State.
- (2) RVs that are not connected to a a culinary water source and an on-site wastewater disposal system that have been approved by the Southwest Utah Public Health Department and/or the State may be permitted as Long Term Temporary Uses accessory to a commercial use, but for no more than 120 days and only in full compliance with all standards of this chapter.
- (2) Provision of affordable housing for employees as part of a commercial development is encouraged.

Correct §153.430(B) by changing the "20" at the end of that item to "30."

Correct §153.430(E)(4) by changing "spaces" to "space."

Strike §153.430(G).

Appendix RV

§ 153.430 ADDITIONAL STANDARDS FOR CAMPGROUNDS, INCLUDING RV PARKS.

(A) *Are deeper setbacks required for campgrounds?* Yes, the requirements of Table of Development Standards are replaced by minimum front, side, and rear setbacks of 40 feet for campgrounds. The Planning Commission may reduce the requirement for side and rear setbacks to as little as 20 feet where there is existing or proposed vegetation or a break in terrain that effectively screens the campground from neighboring properties.

(B) *Is there a limit on the number of units that may be in a campground?* Yes. There may be no more than 30 units, including RV sites, tents, and cabins. One unit reserved for the use of the owner or an employee does not count toward the ~~20~~ 30.

(C) *How many campsites may be developed per acre?* The maximum number of campsites, including RV sites, tents, and cabins, per acre shall be ten.

(D) *Are there standards for safe access to a campground?* Yes. Because all campgrounds must be directly accessible from UT-12, an access permit from UDOT will be required.

(1) The minimum width of a campground access drive shall be 24 feet unless otherwise specified by UDOT.

(2) The depth of a campground access drive (distance from highway to first intersecting road or parking) must be at least 60 feet unless UDOT requires more depth.

(3) Turning radii of campground access drives must be suitable for motor homes and large trailers.

(E) *Are there standards for safe circulation and parking within a campground?* Yes.

(1) Campground drives, parking spaces, and RV pads shall have properly drained all weather surfaces. A stormwater management plan may be required (see § 153.415(Z) of the Commercial Development Standards).

(2) One-way campground drives shall be at least 12 feet wide. Two-way campground drives shall be at least 24 feet wide.

(3) Parking shall be limited to designated spaces and RV pads. Parking shall not be permitted along campground drives. "No Parking" signs or barriers shall be installed as necessary.

(4) Each tent site shall have at least one designated parking spaces within 200 feet.

(5) RV pads shall be at least 45 feet deep.

(6) A minimum of two common (not designated for specific sites) parking spaces shall be provided in every campground. An additional two common parking spaces shall be provided for each ten RV or tent sites.

(F) *What improvements are required in a campground?*

(1) *RV Pads.* Each RV pad shall have water, sewer, and power connections. RV pads may also have a fire ring or grill on a nonflammable surface. Fires shall be confined to that area. There shall be an approved garbage container within 300 feet of each RV pad.

(2) *Tent Sites.* Each tent site shall have access to potable water within 300 feet and a safe outdoor cooking area, developed with a fire ring or grill on a nonflammable surface. Fires shall be confined to that area. There shall be an approved garbage container within 300 feet of each tent site.

(3) *Water and Sewerage Systems.* Water and sewerage systems shall be designed, installed, and maintained in compliance with state law. Fire hydrants may be required by the fire code.

(4) *Restrooms and Showers.* Public restrooms, including toilets, sinks and showers, shall be provided in compliance with Utah law, specifically Utah Health Rules R392-301 or their successor.

(5) *Park Office.* Each campground shall provide a permanent or portable office structure. This structure may include restrooms and showers, as required by division (4), above. It may also incorporate a dwelling unit for the owner or employees. A separate dwelling unit may also be permitted.

(G) *Are there requirements for the continuing operation of campgrounds?* Yes.

(1) Every campground shall have an attendant or host. A landline and phone number at which the attendant or host may be reached shall be prominently posted on the exterior of the office and in each separate restroom or shower building.

(2) All fuel dispensing equipment and its use shall comply with the currently applicable fire code.

(3) Wheels and axles shall not be removed from vehicles in the park except for emergency or temporary repair.

(4) Since power connections are required, the operation of generators is prohibited.

(5) Garbage containers shall be resistant against animals, tipping, and wind, including the provision of fenced enclosures if required by the Planning Commission. No garbage container may be placed within a required setback.

(6) There shall be regular solid waste removal. The Planning Commission may require submission of a solid waste service contract as a condition of continuing compliance with the CUP.

~~(G) *Is there a limit on the duration of stay in campgrounds?* Yes. Occupancy shall be limited to no more than 180 days in any 365-day period. A single campground host may be exempt from this limit.~~

(H) *Is continuing maintenance required?* Yes. Continuing maintenance of all campground improvements, including landscaping, is a condition of CUP approval. Failure to maintain the campground as approved may result in revocation of the CUP.

(I) *Can a campground be subdivided?* No.