

Community Center, 351 North 100 East, Boulder, UT 84716 Phone: 435-335-7300

MINUTES TO BE APPROVED AT MARCH TOWN COUNCIL MEETING

Boulder Planning Commission Work Session Meeting

Thursday, February 22, 2024 6:00 PM

Meeting Minutes

Planning Commission Members present- Tina Karlsson, Elena Hughes, Shelly Price-Gibson, Colleen Thompson, Nancy Tosta

Town staff present or on Zoom- Town Clerk Jessica LeFevre, Deputy Clerk Lacy Allen, Zoning Administrator Erin Smith

Meeting was called to order at 6:01 pm

Colleen Thompson explained how the meeting would be conducted as it would be a little bit of an unusual meeting. She stated the meeting would be focused on discussing the use of RVs around town.

Colleen stated there was a limited amount of time and that comments need to be kept direct and that by the end of the meeting she hoped they would have something that could be sent to Lee Nellis.

The discussion about item number 1a from the memo regarding whether or not RVs should be considered as permanent residences. Commissioner Tosta stated that RVs were for recreation and not residences and most definitions defined them as temporary residences, not permanent, and did not understand why Boulder as a town would want to do something different. She acknowledged the housing crisis and stated that Grand County had put an experimental project into place about utilizing RVs and other types of temporary housing as long-term housing that were intended to provide housing that aligned with the values in the community and thought that this was something that Boulder should explore. She stated that she did not think that RVs should be considered as permanent housing.

Commissioner Fuller stated that he was in the process of building his home and had been living in a 1985 Winnebago and that RVs were not permanent solutions for housing and that should be recognized. He stated that converting an old RV into an office would be different than using them for permanent housing and there were safety hazards that should be considered. He commented on seasonal worker housing and that consideration should not be ignored.

Commissioner Hughes stated she did not have a problem with permanent RV housing. Chair Karlsson stated this has been a difficult issue because they had a situation where an RV had been suggested as temporary employee housing and she could go either way on this item.

Commissioner Thompson stated that she was concerned with RVs being used as permanent and not temporary dwellings. She opened up the item for public discussion. John Veranth stated this was a distraction for what they were trying to do which was focus on the seasonal need for housing for seasonal workers. He stated the distinction from RVs being permanent was something that the RV manufacturers had come up with which was putting a label in the RVs that stated it was not for permanent use. He stated that since RVs were moveable on demand and not taxable which was different from real property.

Mark Nelson stated he was very frustrated with the idea of RVs for permanent residences and that he had been following Boulder planning for 35 years and that one of the things they wanted to avoid was allowing RVs for permanent use and that as they deteriorated they were to be removed. He stated that he was against the idea of using RVs for permanent residence.

Commissioner Thompson cut off Mr. Nelson to clarify that this meeting was to determine whether or not people were for or against these concepts and that these items would go to a Public Hearing for deeper discussion. She asked that as the public, would they like to see RVs as a permanent residence and to indicate their opinion by raising their hand. 2 hands were raised in favor of and 3 hands were raised for against. Commissioner Thompson moved onto item 1b.

Commissioner Fuller stated that it would not be as necessary because there were portable septic systems available and he did not think it was as big of a requirement but he was not a big fan of using them as permanent housing. He thought if they did allow them as permanent though there should be some leniency.

Commissioner Tosta was also not a big fan of using them as permanent residences but if they did allow it then they should be required to have septic and electric hookups. Commissioner Hughes stated that she thought that what she had discussed with Lee Nellis was that per state requirements, RVs were required to dispose of their wastewater appropriately. Chair Karlsson agreed.

Commissioner Thompson called for Public Comments.

Jen Bach stated that if RVs were to be considered as permanent residences, which she was against, then they should be required to be connected to appropriated connections.

Peg Smith stated if RVs were used for permanent residences then they should be connected to appropriate hookups and that she was for permanent residences but there should be stipulations.

Commissioner Thompson called for a hand-raise vote on item 1b. 5 hands were raised in favor of requiring hookups.

Commissioner Thompson moved onto item 1c.

Commissioner Tosta stated this was one of the challenges as allowing RVs as permanent residences then an additional RV could be added as an ADU because of the way that the state law was written which was one of the reasons she did not think that RVs should be considered as permanent residences.

Commissioner Fuller stated he was not in favor of year round use but he was okay with seasonal, temporary use.

Commissioner Hughes stated that as long as the waste water was taken care of she did not care if people lived in RVs.

Chair Karlsson stated if they did allow permanent use of RVs then this was going to be an issue.

Peg Smith stated that she did not think there should be a plethora of ADUs and that everyone was allowed one ADU.

Jennifer Geerlings asked for clarification that if an RV was considered a permanent residence then how many RVs could there be. Commissioner Thompson explained that if RVs were considered permanent then they could have an ADU that was also an RV. Commissioner Tosta stated that there could be up to three RVs on a property if there was one that was used as a recreational vehicle, one that was considered a permanent residence, and one that was considered an ADU.

Commissioner Thompson clarified on how the way the meeting was to be run. Jennifer Geerlings stated she did not understand how they were to make statements on these items without any context and deeper discussion.

Commissioner Thompson reread the opening statement from the memo. John Veranth stated that he has emphasized the importance of following definitions from the state law and that RVs could not be considered permanent residences because of the definition of the State code and Boulder town ordinances could not override that. Commissioner Thompson asked if there was a different term they should be using. Mr. Veranth stated that Grand County used the term alternative housing and that 'permanent' was different from indefinite duration and it was on wheels and could be moved on demand then there were tax implications.

Commissioner Hughes stated that she thought they should be using the term from the working document that had been submitted by Mr. Nellis.

Commissioner Tosta suggested skipping the votes because the public input gave them the information they needed.

Commissioner Thompson moved onto item 2a.

Commissioner Tosta stated that it should be stated that this term could be renewed since most houses were not finished within one year and that the time should be extended despite being allowed to renew because a renewal would require more bureaucratic hassle.

Commissioner Fuller stated they should consider allowing living in an RV for as long as a building permit was active until the permanent housing was finished. Commissioner Hughes commented it was an interesting idea to attach it to a building permit and if they did not do that then they should extend it to 3 years.

Chair Karlsson thought the period of time should be extended.

Dan Pence stated he liked the idea of attaching the time to the building permit and that one year was nowhere near enough for Boulder.

Katie Coleman stated she thought it should be one year with the option to extend but not start off with three years in order to show progress on the building site because there have been projects in the past that had been dragged on for 20-25 years.

Dave Mock stated that he supported what Ms. Coleman had said in order to encourage progress on construction.

Clerk LeFevre stated that if renewal was to be considered she needed to know what renewal looked like.

Mark Nelson stated he thought one year was fine for now and that a renewal could be applied for but the town needed a reasonable way to define what improvements were and he was all for an extension as long as reasonable improvements were shown but they needed to be clearly defined.

Peg Smith stated she would be in favor of having the period allotted being longer than a year and she would be interested in hearing from people who had had building projects in the past few years about how long it had taken them to complete their permanent residences and basing the number off of that reality.

Commissioner Thompson stated that most of the people that lived in Boulder had seen the construction company in town complete projects within 1-2 years. Chair Karlsson stated that the reason they were having this conversation was because of affordable housing availability and that construction of a new home was a different discussion than the use of RVs as housing in general.

Clerk LeFevre stated that item 2c was not the same consideration as 1c and should be discussed.

Commissioner Thompson opened discussion for 2c.

Commissioner Fuller stated that flexibility should be required based on the nature of the job being conducted. Chair Karlsson agreed.

John Veranth stated that because of complications with BLM and Garkane easements it took him one year to get power onto his property and putting the hookups in themselves was part of the construction itself and there needed to be flexibility as long as the main concern was municipal sanitation and it did not hurt the town about the type of power that was being used.

Deputy Clerk Allen stated that builders preferred to put septic in later and depending on where your RV was situated you might not be able to hook up to septic and did not think they should require being hooked up to septic because of this.

Katie Coleman stated that there could be a porta potty required and that in regards to power, they could do without it but having an RV not hooked up to power there is the potential for noise pollution because of generators which could be a problem.

Dave Mock stated the real issue was how the black water was going to be dealt with and if the RV could not be hooked up to a permanent septic system then there needed to be some sort of requirement to handle black water appropriately.

Clerk LeFevre stated that construction companies were required to provide a porta potty on site but with owner builds it was not required. Commissioner Fuller stated that technically owner builds were required to have one but he did not know if it was enforced.

Mark Nelson commented on the noise pollution from generators and that there should be flexibility because of issues with easements but only if there was an extenuating need. He stated that regarding the septic issue there was concern with RVs and black water and that porta potties would be the way to go but it was a hard enforcement issue.

Commissioner Thompson moved onto item 3a.

Commissioner Tosta thought it made sense to remove this because it would potentially provide an option for someone to live in an RV park if they wanted to and she would like to see the 180 day limit removed from the ordinance and leave it up to the RV park owner.

Commissioner Fuller stated that 180 days seemed arbitrary and he was in favor of giving more flexibility. He stated that this had a big effect on the town because there were a lot of children in the school who had lived in or currently live in RVs and they could potentially see a drop in school attendance.

Commissioner Thompson commented that she had driven to Colorado City a few times and that she had seen the RV parks closing along the way for the winter and she

thought people in RVs moved out seasonally organically because it was hard to live in RVs over the winter.

Jen Bach thought this was the best solution they had at this point and that the RV park owners should have the discretion to limit the time allowed.

Commissioner Thompson moved onto item 3b and stated that it was redundant and so moved onto items 4a and 4b.

Commissioner Tosta stated that as an interim measure she would support the idea of allowing businesses to seasonally house employees until they came up with a better idea but she did not want to attach ADU commercial because that implied some sort of permanence and would like to call them something like 'seasonal temporary housing'.

Commissioner Fuller asked for clarification on what ADU commercial meant. Commissioner Thompson stated that it meant that the temporary residence would be located on the commercial property. Commissioner Fuller stated that he was in favor of quite a bit of flexibility on this.

Clerk LeFevre clarified that the school was institutional and not commercial. Mr. Nellis stated that by definition the school was commercial.

Chair Karlsson thought that 4b was the best option.

Jen Bach agreed.

Dave Mock stated he had a lot of interest regarding this issue and the real issue in hsi context was not just the convenience of having housing on site for temporary employees but it had cost them revenue in the long run because it was difficult to get employees without having a place for them to live and it caused the few employees they did have to be overworked and unable to accomplish all the tasks required.

Commissioner Thompson moved onto item 4c.

Commissioner Tosta stated she did not support it being permanent but did support it being seasonal or called an 'alternative dwelling' but she did not want to consider RVs as permanent because they would have to change all of the definitions regarding RV.

Commissioner Fuller stated that the concern about appearance would solve itself on commercial properties because the appearance of the property would affect the business and he was a fan of greater flexibility here. Commissioner Tosta stated it was not just about how it looked but RVs were not designed to be permanent housing and they were taxed differently so they needed to be considered differently.

Commissioner Thompson stated that if there was no business then the staff was limited in the winter because of the reduction in business so temporary housing would not be required over the off-season.

Susan Heaton stated they needed more help at the lodge in April-October because of the influx of tourists and an extra one or two people would help drastically.

Clerk LeFevre commented that the school could be considered seasonal as well but it had a different season and that needed to be considered. She also stated how many commercial ADUs would be allowed on these commercial properties.

Dave Mock stated that temporary seasons shift based on different industries and they could shut things down in the winter but he wondered if he would still be able to store the RV on his property when it was not being used in the winter off-season. He commented on the density of temporary housing and thought there had to be some reasonable allocation of how many RVs would be allowed on site and that each individual business had different situations and should be considered individually.

Commissioner Hughes commented on the Grand County project and she thought that something like that would be good and they could consolidate in the commercial district in town.

Commissioner Tosta commented on the Grand County project as explained more of how the project worked and commented that there needed to be deeper consideration about how many RVs would be allowed on the property in order to keep it from becoming an RV park.

Clerk LeFevre asked if the land in Grand County was public or private. Commissioner Tosta stated that the property was private.

Commissioner Thompson moved onto item 4d. Commissioner Tosta commented that rather than allowing public comment on this it should be worked out in conversations with Lee because of the nature of discussion of definitions.

Commissioner Thompson moved onto item 4e.

Commissioner Fuller said he did not think it should be required. Commissioner Tosta said she would encourage water and power and that most commercial businesses would want to connect to septic.

Commissioner Hughes stated she was unsure how she felt about this and needed to think about it more.

Dave Mock stated he was in a better situation than most of the other commercial properties because they had septic set up already and one of the concerns he had was where he would place a trailer on his property discretely and it would take time to put in the work because it had to be done during the warmer months but they also had access to the shower and bathrooms at the lodge. He stated he would need at least a year to consider where they would establish this dwelling.

Jen Bach stated that commercial properties had the advantage of offering more adequate facilities which made it more flexible as long as the municipal concern was addressed.

Commissioner Thompson moved onto item 5a.

Commissioner Thompson stated that several business owners in town had property in town and that she would consider that with all of the conditions that had already been discussed.

Commissioner Tosta stated she would rather see the town explore the alternative long-term camp parks than allowing this because this would open a can of worms regarding ADUs and employee housing.

Commissioner Fuller stated this could become a can of worms and there would need to be conditions considered.

Commissioner Hughes thought this was a good idea because some commercial properties did not make sense to have dwellings on whereas the owners have property which made more sense to establish employee housing.

Chair Karlsson stated not using permanent but using more temporary situations was the better option. She commented they had agricultural employee housing as an option in the ordinances already.

Commissioner Hughes encouraged the Commission to be careful when discussing these things because

Clerk LeFevre clarified that they needed to establish a number for how many of these dwellings they would allow.

Katie Coleman also commented on being careful about the terminology being used because of the legal aspects and they needed to be careful with what they allowed and not consider just ownership but zoning.

Dave Mock commented on his personal situation and stated he would have no desire to allow for a trailer to be used for anything other than seasonal housing.

Dan Pence reinforced what Commissioner Hughes said about being careful about talking about what looks trashy.

Mark Nelson commented this was going to be a tough issue to resolve and encouraged the Planning Commission to take the time they needed to make the right decisions.

John Vernath stated that some people's trash is another person's treasure and that this was not a squeaky clean high end subdivision and that regarding alternative housing

parks they had some good models to work with. He referenced the Grand County pilot program and stated that he had spoken to some people in Grand County about these projects and the biggest problems they had were financing and access to the highway. When he asked the commissioner of the Grand County project if he regretted allowing the ordinance he had said no.

Transcriptionist Heidi Sola commented that as a seasonal employee who faced the difficulties of understaffed conditions it was important to resolve the seasonal housing issue. She also asked the Commission to consider the issue of if seasonal employees brought their own RVs how and where they would be allowed.

A five minute break was taken.

Meeting restarted at 8:03.

Commissioner Thompson stated that she wanted to establish how they wanted to move forward and asked for final comments from the Planning Commission to compile something definitive for the March 14 meeting.

Commissioner Hughes stated she was grateful for all of the comments and was glad that there seemed to be some progress on the issue. She would like to see more things pass that allow people to make their own decisions regarding their long-term fate.

Commissioner Tosta thought there was a lot of good discussion and that they take the time and use the notes taken from this meeting so that they could determine a consensus about where the public was at and determine some direction for the March 14 meeting in a logical way to approach ordinance changes.

Commissioner Fuller wanted to reiterate that Boulder was not an easy town to discuss and there were logistical concerns because of the rural location and to make sure that the community was thriving and families were supported was important because everyone's situation was different and this was a difficult place to carve out a life. Chair Karlsson hoped they could get some broad direction for the next meeting and there have been a lot of comments and it would be nice if the Commission could broadly share where they were headed for the March 14 meeting. She commented there would be other business to discuss at the March meeting and wanted to be prepared to have this conversation. Commissioner Thompson stated that based on the notes taken from this work session they could establish a direction.

Commissioner Tosta stated that she felt the general consensus was that RVs should not be considered permanent but there needed to be further discussion. She also thought the discussion regarding living in RVs while a permanent residence was constructed brought up a couple options that needed to be discussed and that the time limit for RV park stays was generally agreed to be left to the discretion of the RV park owner. She stated that regarding employee housing on commercial sites seemed to also have been

generally agreed on but employee housing on private property would still open a can of worms. She thought items 1 and 5 needed further discussion.

Clerk LeFevre stated they did not need to open up the discussion on all of these items all at once and they could take the time they needed on the more controversial issues but they should make decisions about the items that seemed to have a general consensus and that affected the summer seasonal concerns sooner than later. Commissioner Thompson asked if they could have motions prepared for the next meeting. Chair Karlsson thought that was a great idea. Commissioner Thompson asked Mr. Nellis how he felt about the evenings discussion.

Mr. Nellis stated that some of the things that had been discussed had been addressed in the draft ordinance he had sent to the Planning Commission and that he had intentionally left the word permanent out. Mr. Nellis asked if the Commission wanted help with this issue or not. Commissioner Thompson asked if the Commission was going to continue to look at the RV issue or if they were going to let this issue become a part of the zoning discussion. Mr. Nellis stated that Boulder would not meet the deadline for SB-174 if the RV conversation continued. Mr. Nellis stated they could take what they heard tonight and change the length of stay in RV parks and if the town wanted his help then he could draft that into the ordinance but any sort of change to commercial use required a conditional use permit. He stated there was not enough clarity regarding allowing employee housing on private property and he would like to see a motion eliminating length of stay in RV parks and a motion about allowing accessory dwellings on commercial premises and set the rest aside to address SB-174 compliance.

Commissioner Tosta commented on the motions she presented at the previous meeting which would satisfy the motions he suggested minus the issue of allowing employees on commercial sites which could be presented at the following meeting. Mr. Nellis thought they could tie the living of RVs while permanent dwellings were being constructed to building permits but he urged the Commission to set a hearing and the items that had some clarity and support and put the rest aside to focus on the subdivision ordinance in order to meet the deadline. He stated he would be happy to use Commissioner Tosta's motions to put together an ordinance for adoption and move forward from there but he was not clear that the Commission actually wanted his help on this. Commissioner Tosta stated she was happy to tweak this and bring forth the three motions at the next meeting if it meant alleviating him of this task when he could be focusing on the subdivision ordinance and complying with SB-174.

It was decided that Commissioner Tosta would focus on the motions necessary regarding RVs for the March 14 meetings in order for Mr. Nellis to focus on the subdivision ordinance. Mr. Nellis stated that it would require at least 4 motions and they would need a comprehensive set of motions that he and Commissioner Tosta could communicate about in order to present them appropriately. He clarified that there would also need to be a motion to move this to a Public Hearing.

Commissioner Thompson asked if they wanted to discuss the motion drafted about changing the definition of RV in order to align it more with the state definition. Chair Karlsson did not think this was necessary. Commissioner Tosta explained the reason for the motion. Commissioner Thompson stated there was a party of her that wanted to go with the state definition. Chair Karlsson thought the Town's definition applied to how they were dealing with RVs and the state had many definitions of RVs. She thought that whatever definition they had identified what they wanted RVs to be identified as was what they should go with. She had read them both and it did not really matter to her and there was nothing in the Town's definition that she disagreed with.

Commissioner Fuller stated he would have to look into this further because he was unclear of what all was considered an RV.

Commissioner Thompsom asked for any final comments and stated that with the information they had received at this meeting they would draft motions for the March 14 meeting agenda.

Chair Karlsson stated when they were reviewing these motions they should review the draft ordinance. Commissioner Tosta asked for clarification on that comment. Chair Karlsson stated they would pass motions that they wanted in the draft ordinance that Mr. Nellis had already set up. Commissioner Thompson clarified that they were discussing motions that would lead to a Public Hearing.

Meeting adjourned at 8:36.