

# Continuation of Town Council Hearing on RV Ordinance

## Comments from Councilmember Veranth

I want to thank the Planning Commission for their extensive deliberations on this ordinance recommendation since October. I also thank the members of the public who spoke at the work meetings and previous public hearings before planning and town council.

The role of the Planning Commission is advisory, and the Town Council can accept modify, or reject the planning recommendations. Last month I made substantive motions that were not explicitly presented for public hearing. I agree that full discussion is important and leads to better outcomes. Below is a narrative explaining my April motions, with an attached markup showing these proposed amendments to the March 2024 Planning Commission draft. The "markup" is dated 2024-04-22 and indicates in red the changes from the document posted on the town website for the April TC meeting.

When the Planning Commission began work on possible revisions to the RV ordinance there were four issues:

- 1) The maximum length of stay in commercial RV parks of 180 days is less than the season for local workers. The planning commission has recommended deleting this restriction. However, during the PC deliberations additional typographical and language changes were recommended to Section 153.430.
- 2) The limit on using an RV as a dwelling while building a permanent home did not reflect how long construction takes, especially for owner-builders. The Planning Commission has recommended an indefinite period provided there is an active building permit.
- 3) Allowing use of RVs on commercial and institutional property as temporary / seasonal worker housing. The PC recommended allowing this as a temporary use, but there are questions about exact language.
- 4) The current ordinance allows a property owner or guest to live in a RV on their property for 90 days in a year provided conditions pertaining to sanitation are met. This time restriction precludes using an RV on private land as seasonal worker housing. The PC did not propose modifying the time restriction, but also did not identify specific problems that would result from allowing a longer stay.

As a council member my concerns and proposed alternatives related to these four issues are as follows:

- 1) Rules for Campgrounds and RV Parks: I do not believe it is appropriate for a town to micro-manage the design and operation of private businesses. The ordinances should be limited to addressing problems that are legitimate municipal concerns. Size of campgrounds is an issue affecting traffic and nearby properties. The existing state health code for RV parks adequately addresses the other health and safety concerns.

I propose that the TC adopt the changes recommended by the planning commission in March as an interim measure. In a subsequent motion I will recommend that the Town Council request the Planning Commission to reconsider the appropriateness of the design and operation provisions currently in section 153.430 and make a recommendation on more limited alternative provisions.

2) Using an RV While Building a Permanent Home. The consensus discussion at the April TC meeting was to make this a temporary use with a duration coincident with an active building permit, and to require access to water, sanitation, and power. This language eliminates the current one-year but renewable language. However, the proposal does not address Boulder-relevant situations like time required to install utilities on the property prior to obtaining a building permit or legitimate reasons to suspend construction. Public comment on alternative language is solicited.

3) Use of RV for worker housing. There was general PC support for allowing employees to live in an RV on commercial or institutional property. The main issue was the language defining who and where. Also, there was a contradiction between the working season and the duration of temporary permits in the current code.

In April I proposed motions to exempt workers living in RVs from the 120-day temporary permit limit in 153.172.

In April section 153.173 (3). was discussed. The term "local worker" was changed by amendment to "employee of a local business" which does not unambiguously include school employees. In the markup I propose changing to include institutions.

Given the general plan goals it is appropriate to allow temporary / seasonal worker housing on agricultural land and I have added this to the markup.

4) Owner or Guest Living in RV on Private Property. This code section was extensively discussed by the PC and has been mentioned in previous public hearings before both the PC and TC. No consensus has been reached. This is an important question because such use is occurring unofficially, and RVs on private land can provide an immediate solution to seasonal housing needs. I recommend that the TC discuss and vote on deleting or modifying the current 90-day limit in 153.201 (A).

Alternatives include:

- a) Retaining the current 90-day limit.
- b) Changing the limit to match the March to October tourist season to accommodate seasonal workers - a limit between 250 and 300 days per year. This is shown as an alternative in the markup.
- c) Deleting the time limit from 153.201 (A) but adding explicit "temporary or seasonal" wording.

## **Additional Issues**

5) Since the April meeting concerns have been expressed by Councilmember Ellis regarding the logic of a "permanent temporary" use under either 153.176 or 153.201.

Several approaches can be considered to make clear that an RV is not a "permanent dwelling."

a) Add explicit "temporary or seasonal" words. This has been done in the markup.

b) Any RV used as temporary living quarters must be capable of being moved on demand. This is already a requirement in 153.201 (F).

c) Adding language that temporary permits issued under 153.176 and 153.201 are annual permits that automatically renew provided there is ongoing compliance with current ordinances. This makes it easy to rescind a permit for code violations and prevents a temporary use from becoming grandfathered.

6) Additional issues may be raised by staff, the public, or by the TC especially regarding consistency of the substantive changes currently being considered with regard to RVs as temporary housing and other legacy provisions in the town code that need correction.

