

Meeting Minutes, Boulder Town Planning Commission

January 14, 2014

Commissioners present: new Commissioner Tabor Dahl, Caroline Gaudy, Loch Wade, and Alyssa Thompson. Also present, Secretary Peg Smith and Town Council Liaison Tom Jerome. Members of the public present: Scott Brodie, Judi Davis, Rod and Pauline Torgerson, and Dennis Bertucci.

Loch called the regular meeting to order at 6:06 p.m. Loch welcomed Tabor Dahl to the first Planning Commission meeting of 2014.

Continuation of Public Hearing on Zoning Ordinance Table of Use definitions for Major Home Occupation and Retail Sales

Loch read the proposed new definition for Major Home Occupation: “*Major Home Occupation: Must meet all the requirements listed under Minor Home Occupation, and may allow for one non-family member employee; may allow for limited outside activity and/or storage. A major home occupation can only be conducted after issuance of a CUP*” and he read the new definition for Retail Sales: “*The sale of goods to an end user.*” These are the definitions proposed for recommendation to the Town Council, pending public comment. Loch opened the public hearing.

Scott Brodie: The Planning Commission had previously talked about two tiers for retail sales: one for locally produced goods to avoid the complications with state regulations.

Loch said the proposed definition, with a temporary use permit, shouldn't discourage people from selling goods. Alyssa said we are just trying to simply define retail sales (which was missing before). What we wanted to achieve actually already exists in the ordinance.

Loch asked for a motion to close the public hearing: Alyssa so moved, and Tabor seconded the motion. Loch closed the public hearing. Alyssa moved to recommend approval of the proposed definitions to the town council, Tabor seconded, and Loch, Alyssa, Tabor all approved. The recommendation moves to the Town Council.

Discuss Conceptual Plan for subdivision, Fay Jepsen Property

[Secretary's note: The printed version of the agenda incorrectly identified this as the Fay Haws property, instead of the Fay Jepsen property. These minutes correctly state the proper name.]

Rod Torgerson has been retained by the Jepsen family to represent them in the subdivision process. Rod submitted an electronic version of the map for Commissioners to examine prior to the meeting. The intent of the Conceptual Plan discussion is to describe the plan and allow the commissioners to determine if there are issues or requirements to be addressed ahead of preparing a preliminary subdivision application. Rod displayed the map and described the three parcel division.

The subdivision consists of three parcels: Lot one, six acres, is the existing home, formerly occupied by Fay Jepsen; Lot 2, six acres, is also served by the existing entry road with water hookup and septic installed; and ; and the remaining parcel would remain an undeveloped lot of

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27.98 acres, with no current plan to develop it. Rod said if that third piece is determined to be a separate lot, it would require the infrastructure set up, something the owners do not wish to do at this point.

The commissioners discussed options for future development: would future buyers of that lot need to pay for the infrastructure themselves or would the current owners be responsible for that? Would the third parcel need to be jointly owned by other two owners, a third party, or other? Would it need to be identified on the plat as “not buildable” and later vacated? What are the requirements of the legal recording if two lots are defined out of a single parcel, with the remainder unidentified. (Rod said it’s not uncommon to do this; the question is whether Boulders SD ordinance allows this.)

[Caroline joined the meeting at this point, arriving from SLC.]

Rod said another possibility would be a phased development, with the first two lots as phase 1 and undeveloped lot as phase two. The phase approach is common in other entities.

Alyssa thought the ordinance required the remainder parcel to be called a lot (Lot 3). Loch wanted some indication on the plat regarding future development plans of the owners. The town has asked other subdividers to provide bigger picture plans on their parcels, not wanting large chunks of land to be chopped off for development one piece at a time. That ends up being something very different from planned, coherent development.

Rod asked if the remainder does end up being designated as “undeveloped Lot 3,” would the owners have to provide the usual topographic mapping, contours, drainage, etc. (The answer was “yes,” but this represents a significant additional expense to the owners.)

Tom Jerome said if you come back [to the undeveloped parcel] later, you still have the requirement to do the infrastructure development, etc. It seems appropriate for the clients to at least lay out an entry road that would go to the third lot. Later landowner would otherwise get saddled with the infrastructure costs. Another recommendation would be that the parcel is designated with a caveat about the buyer needing to pay for the infrastructure itself.

The summary is that the Planning Commission needs legal advice as to whether the client needs to provide the topographic mapping, to somehow ensure the buyer understands whatever infrastructure responsibility he/she has, whether the entire current plat needs all parcels identified.

Alyssa offered to call the town attorney.

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With the commission quorum present, Caroline moved to approve the November minutes, Alyssa seconded the motion, and all approved.

Temporary Use or Conditional Use for Red House (Scott Brodie)

Scott had a request: RHF has a town business license for their farmstand, it has a commercial kitchen certification, and they’ve expanded their parking area. He wanted some official recommendation from the Commission on how to move forward. He doesn’t want to proceed without having sanction.

Caroline had done some homework on a definition for farmstand.

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Loch: If you're operating a business, you need a business license. To get a temporary or conditional use permit, you need a business license. Alyssa asked about whether he had a wholesale or retail sales license.

Tom: A foodstand that's going to go somewhere in town is a business, operating on a TUP. That takes care of the question. A farmstand that sells unprocessed items isn't covered by state regs. The town can make restrictions beyond those of the state if it wants. Sale of any processed foods fall into category needing commercial kitchen. If retail is allowed in any zone, then OK. If we're still questioning whether we allow retail sales in residential areas, then we haven't addressed this.

Loch reviewed where the commission is: working on crafting a two-tier temporary use permit. I'd like some of these questions like retail sales in residential zones to be addressed in the TUP process. Right now, it's very specific about commercial zone. We're trying to craft something that fits farmstands.

Tom: I'm concerned about TUPs that can undermine our zoning.

Caroline offered a definition: *Agricultural Farmstand Sales (or Retail sales) Sales to individuals of agricultural products permitted under the definition of Agriculture. Permitted in GMU, LDR.*

Words could be added like "produced on the property where the farmstand is located." The intent would local sales only; no directional signs pointing visitors to the property. No one would have to worry about a temporary use permit. We're withdrawing our objection to the farmstand sales.

Loch: We need to revamp the temporary use permit process, even if the farmstand sales wording works for Red House. Alyssa would prefer having the Planning Commission handle the temporary use process. A farmstand can be a year-round thing; it's not necessarily a temporary use. Scott said the entire RHF operation needs a definition that's either broadbased or will cover their operation. Zoning for farmstands? Consider traffic in a residential area; permit under GMU, LDR and conditional under MDR and HDR?

Loch told Scott that right now, yes, Red House Farm is covered for its current operations. It has its licenses, it has a temporary use permit. The Planning Commission is going to sort this out over the next several meetings. We may be able to come up with conditional use wording that can work for the whole community. Scott wondered if they should continue along with the temporary use permit? To get a conditional use permit, a new definition would have to be added.

Alyssa recommended continuing to work with the PC on amending the Table of Use to encompass what RHF is doing, then to pursue the path of conditional use permit. Loch suggested amending our permitting process.

Tabor asked if it would be reasonable for Scott to come up with his own use and definition, as long as it's broad enough to cover the whole community. Multi-use center?

Tom had a different recommendation: Sort out what's directly related to agriculture in one category and what's educational or entertainment in another category. If the entertainment things don't fit into an LDR, use the Community Center "sponsored by RHF" to host them. Keep ag stuff at RHF.

Scott: So we're back on the same direction we started several months ago. Loch said yes, and we'll continue working on this.

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Decision on 2014 schedule

After some discussion it was decided to continue meeting the second Tuesday of the month, starting at 7 p.m. Ending at 9 is late, but most meetings will require about two hours. Alyssa moved meet at 7 p.m. on the second Tuesday of the month, Tabor seconded. All approved.

Discuss Upcoming Business and Next Meeting Agenda

Upcoming business for the February 11 meeting will include:

- Definition for Agricultural farmstand sales
- Temporary use permitting
- Other ToU definitions and zones

Tabor moved to close the meeting, Caroline seconded the motion. Loch adjourned the meeting at 7:55 p.m.

Peg Smith, Planning Commission Clerk

Date