

# Meeting Minutes, Boulder Town Planning Commission

## February 19, 2015

Commissioners present: Tabor Dahl, Donna Jean Wilson, Caroline Gaudy, and Alyssa Thompson. Loch Wade was out of town; Alyssa is chairing the meeting. Peg Smith, Secretary. Members of the public present: Breck Crystal, Mike Nelson, Cindy Wilson, Susan Heaton, Stephan Karlin, Kate McCarty, Amelia England, Colleen Thompson, Kathleen Wood, Farlan Behunin, Mary Behunin, Katie Austin, Angela Kirby, Dan Hitt, Samantha Hitt, Sam Stout, Judi Davis, Mark Nelson, Brynn Brodie, Randy Catmull, Josh Ellis, Steve Cox, Elizabeth Julian.

Alyssa called the meeting to order at 6:03 p.m. Caroline moved to approve the January 2015 minutes, Donna Jean seconded the motion, and all approved.

### ***Discussion: Town Envisioning Process***

Caroline has been auditing a planning class taught by a guest professor at the University of Utah, and Alyssa asked her to review it. The class is instructed by a professor who has used the “Heart and Soul” process in various communities’ envisioning processes.

Caroline said she’s not entirely sure how the Boulder Planning Commission would want to move forward, whether it’s using a survey or otherwise, to inform the information gathering for the General Plan update. Since last summer, the Planning Commission has been members of and had access to resources of the American Planning Association. Through that, she saw the U of U class being offered. She has arranged for the guest professor teaching that class to come to Boulder Feb 26 for a working meeting with the Planning Commission. (*Note: It’s a public meeting, and therefore the public will be notified. However, it’s a working meeting so only the Planning Commission will be participating directly.*)

Prof. Tom Daniels lives in rural community outside Lancaster, PA. He’s a practitioner of, but not looking to be hired for, the “Heart and Soul” planning process. Communities use this process to gather input, create a vision plan, revise a General Plan, to implement the ideas generated, etc. It’s a tool. Part of its appeal is that it is values-based--- you pull in every single person who will talk to you. They don’t have to answer a survey, you don’t need to worry about whether a survey reached everyone... the process is intended to touch everyone. In groups, or individually, people are asked questions that get at the root of what they like and want in Boulder. They get to express the details, not just survey check boxes. And ideally, they get to discuss ideas together.

The tool itself doesn’t require agreement and consensus, but it does try to identify common values. The next step from there is to develop community goals. People look at General Plan and figure out if it fits what was discovered. Every step of this process is designed to pull people together and get them talking to each other. The key is that this isn’t some wild idea; real towns have gone through this process. Two different towns will be sending speakers in to us to describe how it worked for them: one from Poulson, MT and the other from Cortez, CO.

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In one town, the high school students were the ones who went out and did the work. You don't need to hire a lot of people. It can be totally conducted at the community level. It looks first at identifying common values, then working toward community goals that support those values.

You can use this tool to address any type of issue. It's a tool that lets you gather input from the community.

One element that can be used is GIS software: You put in the existing town map, and then you can overlay that map with scenarios of development based on certain criteria you've included. This enables planners to see the virtual, visual effects of changes in zoning, development, etc.

Caroline said it's the first such tool she's looked at that seems geared toward a small community.

The working meeting with Professor Daniels will be Feb 26, 7 p.m., in the Community Center.

Boulder Community Alliance had also been looking at doing a similar visioning process to determine how they could best meet the needs of the community. Their board will also be meeting with Professor Daniels the following day. That's potentially useful, as the Heart and Soul process benefits from having all the volunteers the community can muster.

### ***Discussion: Adding Community Market , Farm Stand to Table of Uses***

Alyssa had submitted the application for these proposed changes. The Commissioners will review the proposed changes tonight, with a public **hearing** to be scheduled next month for public input.

The proposed new wording: "*Community Market. A community market provides a venue for local growers, food and craft artisans to display and sell items to the public.*" Community Market would be permitted in Commercial zones. "*Farmstand. Should be accessory to onsite agricultural operations. The intent is to encourage the sale of locally grown fresh produce, not the establishment of traditional retail stores on convenience markets in agricultural and residential zones. Food sales at a farmstand must be limited to the following:*

- a) *Whole produce and shell eggs*
- b) *Value-added and farm products that were grown or produced in close proximity to the farmstand.*

According to the application, Farmstand would be a Temporary use in a Residential zone, permitted in a Commercial zone.

Community Market discussion--- none of the commissioners had any problem with the proposed wording or usage.

Farmstand discussion --- Caroline suggested adding this usage to the existing Ag definition in the Table. "It would run into the 120-day temporary use limit, and I thought we wanted to allow farmstands year-round, so make it part of Ag."

Alyssa said the only catch is that retail sales are only permitted in commercial zones. Caroline said Ag is permitted in all zones. If permitted, and then decide what zones permitted in.

Donna Jean: "I can't see anything wrong with it. I have question about 'value added'? If jams, etc. would it be approved health department-wise? Alyssa said that would be the personal responsibility of the vendor, in their business license application. Tabor said this should be

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somewhat of a buyer beware. It should fit well tied with agriculture. If they're curing meats, tanning hides. Anything from an agricultural operation, so I like it.

Alyssa asked for a motion to approve the proposed wording changes to the Table of Uses: add Community Market, per the application; add Farmstand definition to the Ag definition, permitted in all zones. Caroline so moved, Donna Jean seconded the motion. The vote was unanimous.

A public **hearing** will be scheduled for March 12 to accept public comment on the proposed wording changes to the Table of Uses.

### **Discussion: Adding Mobile Food Business to Table of Uses**

Alyssa said the application to add Mobile Food Business to the Table of Uses was suggested following last month's meeting. Garin Apperson and Haylee Haning had originally submitted a Conditional Use Permit application to run their food truck business at Anasazi State Park. The Commissioners decided 1) the applicants didn't need a CUP to operate on state grounds, and 2) the larger issue of permitting mobile food vendors at all needed to be addressed to include any operator in the future. With Garin and Haylee out of town, Mike Nelson had agreed to represent their application. Questions from the Planning Commission will be addressed tonight; a public hearing will be scheduled for next month to take public comment. Proposed new wording to be added to the Table of Uses:

*"Mobile Food Business," permitted in Commercial zones. "Mobile Food Business. A business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location."*

Mike further read from both the Zoning Ordinance and the General Plan regarding promoting appropriate cottage industry and small business growth as being conducive to Boulder's goals and values. In his opinion, these food carts will be just that.

Alyssa asked for commissioners' comments. Caroline asked where the wording came from. Answer: SLC zoning ordinance. Tabor said he'd be interested in seeing if this is something people want. Donna Jean said that mobile food carts need to be removed if they aren't being used. "I guess it would be up to the commercial property owners, but I'd want it removed if it weren't occupied for a period of time." The Commissioners agreed to schedule a March 12 public **hearing** on the proposed changes

*(Note, Clarification of terminology: All meetings of the Planning Commission are "public meetings" by definition--- given 24-hour notice and always open to the public. A "**Public Hearing**" is a special form of public meeting, required of the Planning Commission prior to approval of any Conditional Use Permit or recommendation regarding an ordinance change being forwarded to the Town Council. A **public hearing** requires at least 10 days prior notice, notification within the legal pages of a local newspaper, and is explicitly intended for the purpose of obtaining and listening to public comment on a proposed action, prior to a vote.)*

### **Preliminary Discussion: Upcoming Application for Conditional Use for Light Manufacturing Business**

Alyssa: The application packet was received, but not signed off as completed, so discussion tonight is informal and will be related primarily to the application process itself. With the

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application being officially completed and approved as of this meeting, we'll add this application to our new business for March 12. We want to make sure we're approaching this the right way, in terms of what the application is for.

Alyssa had spoken with officials from each of the cities and towns in Utah that have distilleries, and also to the representatives from the distilleries themselves. There are currently four, soon to be five distilleries in Utah. She summarized:

High West Distillery, currently located in downtown Park City, will be expanding its operation into Wanship. In the Park City operation, they don't store grain, waste, or process onsite; that will be done in Wanship. They do have a still onsite that functions only as a liquid transfer site, with product already processed; they bottle it there, in association with a bar/restaurant. That operation is a permitted use in a Commercial zone. It's not directly comparable to the Boulder application.

Sugarhouse Distillery--- This is currently the only grain-to-bottle distillery in the state. Alyssa said the owner was speaking to her on the phone while the equipment was processing grain. He was outside the facility and there was "no more noise than a lawn mower," is what the neighbors had to say. Sugarhouse Distillery was made to relocate to South Salt Lake to a "heavy commercial" zone. Frank Lilly, head of planning and economic development, helped decide that distilleries would be permitted and licensed as a Title 5 package facility. This would be similar to what we'd need to look at. The Title 5 definition that the Utah Department of Alcohol and Beverage Control (DABC) puts on grain-to-bottle facilities means you have a package store where you do all the grain storage and processing onsite. In all other distilleries in Utah, the product is being processed elsewhere and put on a tanker.

With the Title 5 package facility you can't be within 600 foot proximity of schools, churches, parks, community centers, etc. --this is part of a long list of DABC requirements. When Sugarhouse Distillery first opened operations, they were first required to be an Industrial use due to Salt Lake County's laws saying that any alcohol production was "heavy manufacturing" akin to auto parts, airplane parts, etc. After a couple years of business in the industrial zone, they decided to add a package store, which is a liquor store that sells your product. You're licensed by DABC to sell that product made in that facility, adhering to regular DABC hours, all other business requirements, etc. It's now in an industrial strip mall, licensed as Manufacturing/Processing/Assembly in a Heavy Commercial zone. South Salt Lake does not consider this light manufacturing process because of the need to stay in line with a local consent document from the DABC. The document is All P and Z departments in the state who have distilleries refer to this consent document and the 56-page application. Their ordinances have to stay in line with and reflect this document in saying the town provide issuance of a manufacturing license to...the name, located at... Very simple. It's a very simple document, as proposed by Scott's at last month's town meeting, but it does mean the town would be granting a permanent manufacturing license to the business by so signing. The DABC has never had a conditional use permit in their system, and they would need to be sure that it's a permanent license before they granted permission.

This research was to see how other towns permit this and what the process is to make sure we're doing it the right way.

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Beehive Distillery, two others in Sugarhouse, High West, Ogden's Own, -- the others all have restaurants. The difference with an onsite restaurant without manufacturing product means you can be wherever. If you are manufacturing your product, you are stuck out in industrial areas.

"Distillery" is listed in all these town's Table of Uses as a specified use, also to stay in line with what the state requires. A couple years ago SLC redid their ordinance, adding distilleries, wineries, reflecting DABC's licensing permits, so the definitions match and everything is in line. Then the local consent can say "distillery" is in it. We can agree it fits in light manufacturing, but you still need to be in line with the state in having "distillery" and "liquor store" in the Table of Uses. We'd have to decide if it's an application for conditional use Light Manufacturing... don't think the DABC would accept that as a conditional use. It needs to be permitted in the Table of Uses.

Alyssa: We want to continue moving forward and we have to decide if Light Manufacturing is the way to pursue, or add "Distillery" and add to Commercial zone.

Caroline: The Town already told Scotts they wouldn't sign the consent document. I've also been doing more research regarding waste and fire control. I don't think this type of operation is light mfg. So far, I'd want more information. Most cities approach it as heavy industry. I like this application better than previous presentations; there's more information and it's a great start, but I'm not sure it can be regarded as light industry.

Alyssa: There is concurrence that it's an industrial use. Moab has many breweries (not distilleries)—that they love for the tax reasons--- but they also say it's industrial, even with a restaurant in it. If you're manufacturing it at all, no city in Utah is willing to call it commercial or light manufacturing. I like the possibility of bringing a local product into town. I think we need to focus on the application, if you want to push forward as it is, or try to follow what others in the state do.

Alyssa: Our ordinance states that light manufacturing is currently conditional in commercial zones. (Alyssa read the current definition of light manufacturing.) "I talked to gov officials and the distillery owners on all these points." They need a place outside to store materials, and the containment area would need to be 25% empty. Is that fair? (Continues reading... )

Alyssa asked commissioners for a recommendation on how to move forward next month.

Tabor: asked Randy is there's a plan for a restaurant there? "No" Down the road, if they said they'd like a restaurant, would that change? Randy: only to the town, not to me.

Alyssa: The building has been a good use for the community, it's employed a lot of people, it's a good gathering space. This is talking about a real change of use.

Tabor: I've wondered about distribution and shipping. It seems like Boulder is out of the way.

Tabor: It's something to keep in mind. It's not up to us to decide if a business is to succeed or fail, but I wouldn't want to see them fail.

Alyssa: The overall purpose of any Conditional use permit, or the conditions established, is to protect the integrity of the underlying zoning, and that's more of what we're getting at. This one is currently commercial. We could add a different definition of a manufacturing zone and go that route. I don't think it fits Light Manufacturing, the definition itself, the state definition. We could add it to the Table of Uses as a permitted use. I'm just presenting some different options that might make it easier and more aligned.

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Caroline: I think it would be better to call it medium manufacturing and go for a zoning change. [Regarding the time required to go through the process] I think this is a great application, but there are a lot more questions I'd like answers to. I'd also like the chance to research this independently of what we're being told. It's a complex process... the waste, the water table, the manufacturing, the fire, storage, other issues we don't even know of yet. You have to give people time to understand and get the answers.

Alyssa: [Regarding volume of production] The Sugarhouse Distillery uses less water than what the Scotts are proposing. .. I'm not necessarily proposing putting a manufacturing zone in that location. It just doesn't fit light manufacturing. It needs to be added to the Table of Uses with a distillery definition. If the commission would like to continue pushing forward on this application as is, I'm open to that too.

Tabor: I think what would happen if we did that, we'd have people's opinions on it, which might be beneficial. But I think there's a certain amount of industry standard, so I think it's unwise to veer away from that. Don't think we ought to charge out and do things different, without taking a hard look at what we're doing.

Tabor: That's what concerns me. These other folks are doing it in heavy industrial zoning.

Alyssa: The Sugarhouse Distillery is under 900 square feet, in a strip mall, and he's doing all the processes there. .

Tabor: maybe this doesn't fit in that location. Maybe out in a different area.

Alyssa: Do you want that to be considered heavy manufacturing tied to that conditional use on that piece of property? A conditional use is tied to the property.

Tabor: Would you want a tire recycling plant located there? I'd want to do things right and get the will of the people on this. It would be beneficial to talk to people about this... the application covers noise and odor, and if you can say it would be contained with noise and odor and no one would know what's going on in there.... Alyssa suggested talking to the other landlords about fumes and waste, ... then we have a picture.

Caroline: We need to step back and not look at this land and this request, but look at all possibilities of precedence in any commercial zone... whatever we call it has to work anywhere in a zone in town.

Alyssa: We need to look at the light manufacturing definition and determine if we want to pursue this application under that definition. Tabor said it wasn't fair to hold it up. Alyssa said we have the option to do more research and get more advice. Donna Jean agreed with that. So we're going to research this more.

Judi asked if the Scott were to submit an application to add a craft distillery to the Table of Uses, can that application happen concurrently? Answer: Yes, it might make sense to go forward with a definition that matches the DABC.

Donna Jean asked if Judi could talk to Bruce Parker; Alyssa would like to coordinate questions with Bruce.

Alyssa: We'll contact Bruce Parker, keep the application as is, and look for an additional application of adding "distillery" to Table of Uses by the Scotts. This will be on the agenda for the March 12 meeting, with a public hearing possibly following that in April.

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Caroline: We would be remiss if we didn't follow all the issues that need to be addressed.

Tabor: It's our job to help things move along. If you put in the Table of Use change, we can keep things moving.

### **Agenda Items:**

Next meeting is March 12, 7 p.m.

- Public **hearing** on the ZO changes on Farmstand and Community Market
- Public **hearing** on ZO change for Mobile Food Business.
- Regular meeting discussion on Scotts' light manufacturing CUP and a distillery addition to ToU.
- Training on CUP by Alyssa
- Other business for March 12

The Commission also decided to schedule a work meeting for **Wednesday, March 4, 6 p.m.** on the Heart and Soul presentation. Caroline added that anyone who has time to attend, there's a presentation on March 23 or 25 on towns that have followed Heart and Soul methodology.

[Read a letter from Boulder Mountain Lodge regarding the Scott's application.]

Tabor moved to adjourn the meeting, Caroline seconded, and Loch adjourned the meeting at 7:45 p.m.

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Peg Smith, Planning Commission Clerk

Date