

Meeting Minutes, Boulder Town Planning Commission

March 12, 2015

Commissioners present: Loch Wade, Tabor Dahl, Donna Jean Wilson, Caroline Gaudy, and Alyssa Thompson. Peg Smith, Secretary. Members of the public present: Mark Nelson, Mike Nelson, Colter Hoyt, Geogine Blaser, Haylee Haning, Garin Appelson, Dennis Bertucci, Brandi Hardman, Bethany Adams, Will Lanford, Josh Ellis.

6:30 Work Meeting to discuss “Heart and Soul” planning process

All commissioners were present.

Caroline started her review of the Feb 26 Heart and Soul presentation by Prof Tom Daniels, of the Orton Family Foundation. As the Orton Foundation grappled with development issues in their own small, Vermont town, they developed a process that they think can work for other small, rural towns across the country. Their process tries to project into the future, generally 5-10 years ahead, in how the town will be developed, where things will be put, logistics of development, what things are needed, what things might go away if the town shrinks, etc. Planning is oriented toward economic well-being, environmental quality, social harmony.

Their talk about a “comprehensive plan” is like our General Plan. It serves as the basis for zoning ordinances, capital improvements, etc. Regardless of what the end use of the process, it’s just a technique used to pull people together in a town, gently and comprehensively. It’s more than a survey. It’s going out to people who generally wouldn’t respond to a survey or are otherwise not typically involved.

Steps: Inventory what you have. Come up with goals and objectives. Make a plan. Monitor the action steps to implementing the plan, and adjust it. The Heart and Soul process is intentionally values-based; all the discussions, all the decisions are rooted in what the residents value about their town.

Caroline said the nice thing about Heart and Soul is that just going through the process can change a community in a good way. You sit down across the table with people you may not typically talk with, and you talk about things that are important to you all.

Discussion questions: Do you like what your town looks like now? What do you like about your town? What don’t you like? How do you want to work with changes coming?

Heart and Soul Field Guide: How do you get to what people agree on? Agreement is not the point; there’s an assumption that people won’t agree on everything. But what’s held in common? Brings the questions to people. Includes youth. One town used high school students to collect stories from people. The students were able to mobilize the whole process. So doesn’t necessarily require professionals or consultants. Focuses on shared interests, long term vision, avoiding the convenient quick fixes before learning what the whole community wants.

First step now is to see if this is something we’d consider using. If so, we’d make a roadmap of how to start. Go out to the community, identify community values, collect first person stories, walk around and identify our resources, then gather the data and then extract commonalities. Develop a plan, take it back

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out to the community. The whole process typically can take 1-1/2 years. It moves quicker if it has lots of buy-in. Alyssa said Leeds, UT used the Heart and Soul program and completed it in six months.

You can also use the process on a single issue, not only on the big, general plan. The most successful towns created resolutions that stated they would base all future decisions on the core values arising out of the Heart and Soul process.

From people who've been through the process: "It helped establish common ground we didn't have before." H&S is all about asking questions and talking to each other.

Loch asked the commissioners to hold their questions until discussion time after the public hearings.

Regular Meeting

Loch called the meeting to order at 7:10 p.m.. Caroline moved to approve the January 2015 minutes, Alyssa seconded the motion; Donna Jean said she hadn't read them, but everyone else voted to approve.

Loch introduced the topic of the two public hearings: first, to add Community Market and Farmstand to the Zoning Ordinance Table of Uses. Current wording is:

Community Market: A community market provides a venue for local growers, food and craft artisans to display and sell items to the public. Permitted in Commercial zones.

Farmstand: Farmstands 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 or convenience markets in agricultural and residential zones.

Food sales at a farm stand must be limited to the following: a) Produce and shell eggs, and B) Value added and farm products that were grown or produced in close proximity to the farm stand. Permitted use in all zones.

Alyssa had a couple comments--- strike wording "whole" in front of produce. Just produce. Also, not temporary use in all residential zones but a permitted use.

Loch opened the public hearing on these changes:

Public Hearing: "Community Market" and "Farmstand" to Table of Uses

Dennis Bertucci: asked about the definition of the farmstand's "close proximity." Alyssa said the intent is for the farmstand to sell goods from the property owner's own property.

Josh Ellis: I like "close proximity" in case of leased property next door that may not be your own property.

Colter Hoyt: I like "close proximity" too where a whole neighborhood, like Boulder King Estates, might want to do a single farmstand for all the neighbors together.

Brandi Hardman: I wonder about restriction to products grown on your property. What about goods you bring in to create your own product? Or jewelry created? Alyssa said the Community Market is something where more than one property owner sells something or want to sell a bunch of stuff. "Farmstand" intent is to allow people to grow what they sell. It's not really a bunch of people; that would be more of a community market. The farmstand intent is really to be able to sell what you yourself grow, whether it's on your land or someone else's. Brandi's question would deal more with retail sales and not part of this at all.

Caroline: This change is oriented toward supporting local agriculture.

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Loch clarified a question on locations: The Community market would be on commercial property; the farmstand could be anywhere on private property

Haylee: I agree about the temporary use changing to permitted use status, because many people have things to sell all year

Josh: I agree to permitted use.

Mike Nelson: To clarify, a temporary use is for 120 days versus being a permitted use all year long.

Tabor Dahl: Is there a value to putting a limit on the use?

Loch said that was a great segue to the Planning Commission discussion. There were no more public comments. Loch closed the public hearing and reopened meeting discussion at 7:25 p.m.

Loch: The temporary use does give the town a little more control over what is going on. In that sense, a TUP is a good thing to know what's going on. A permitted use would make it easy for people to set up farmstands, but it could have unintended consequences.

Alyssa: Read Temporary Uses, currently, on page 32 [and she read from the Table of Uses] I think a conditional use is better for this because is attached to the land. You still have to fill out a form, but the permit can be for much longer.

Caroline: I like Conditional Use Permits for this use and other things. It gives the town, and any interested parties, the right to ask questions and monitor activity. Alyssa: CUP gives the property owners a lot more freedom.

Donna Jean: I think CUP is better too. My concern is people putting a shack or shed up, then it's abandoned. The CUP allows town to have it taken down.

Alyssa: [read Conditional Use definition from the ordinance]

Loch: So do we want to make farmstands conditional in all zones?

Tabor: I'm unclear... how often is a CUP reviewed? Loch: if it becomes obvious conditions are being violated or there are complaints, then the CUP can be revoked. (Town Council is the body that would revoke a CUP.) Donna Jean said they are supposed to be reviewed every year, but they could go forever.

Loch: I'd favor making farmstands permitted in commercial zones and conditional in all residential zones.

Loch: Let's talk about Community Market. I think having it in a commercial zone is great.

Caroline asked about including services in the definition. The commission discussed that and decided leave out services.

Alyssa: Revise wording to this: "provides a venue for food, craft, and service artisan..." The Commission made a motion to accept the following wording:

Community Market: A community market provides a venue for local growers, and food, craft, and service artisans to display and sell items to the public. Permitted in Commercial zones.

Farmstand: Farmstands 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 or convenience markets in agricultural and residential zones.

Food sales at a farm stand must be limited to the following: a) Produce and shell eggs, and B) Value added and farm products that were grown or produced in close proximity to the farm stand. Permitted use in commercial zones and conditional use in all other zones.

Alyssa moved to accept the final wording, Caroline seconded the motion, and all approved. [This recommendation will move on to the Town Council for their public hearing and discussion.]

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Public Hearing: Adding Mobile Food Business to Table of Uses

Loch: read the current requested wording:

(Mobile Food Business to be added to Section 603, Table of Uses, Table 1, as a permitted use in Commercial zones.) Definition: A “mobile food business” serves food and/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.”

Loch closed the regular meeting and opened the public hearing at 7:39 p.m.

Dennis Bertucci: Does it have to be in a commercial zone? (Yes). What if someone wants to call her to provide food for their dinner? (Loch said catering on private property doesn't apply to this.) There's only one food cart here now. But they're prolific in other places. Say someone else comes in and wants to do it in a pull out somewhere. (Loch said that wouldn't be allowed.)

Brandi Hardman: Would the town council be the one to allow a certain number? Would that be set? (Loch said the commercial areas would be the limiting factor.)

Josh Ellis: It's a huge trend. 25 years from now there might be lots of demand. I wouldn't mind seeing it as conditional use. We could always change later.

Garin Appelson: As an operator, I think it's a tremendous community benefit. It's been very well received, it's given people a place to go throughout the winter. I think it's a positive. It gives the public another way to support their families and make some money in a community that's limited in that respect.

Mike Nelson: [read from the General Plan on Boulder promoting cottage industry on small scale.

With no other comments, Loch closed the public hearing at 7:45p.m. and opened discussion.

Alyssa: We have almost no permitted uses in town; everything is conditional. You can't operate a restaurant without a condition use permit, so CUP is the appropriate way to go with this.

Loch: I like that because of the concept of abandoned foodcarts. If the cart is closed for a certain length of time, it needs to be removed.

Alyssa: We have three licensed food cart businesses in town now: Stacy Davis and BJ too.

Tabor: Regarding CUP versus being outside commercial. For now we should stick with that because of safety things. If this is allowed just anywhere, maybe people would be pulling off the road, without adequate parking. Keeping it in a Commercial zones keeps it safer.

Garin: There are already guidelines based on language in the permit itself, regarding parking and so forth.

Loch read the final wording: *Mobile food business would be **conditional** in commercial zones. Definition: A “mobile food business” serves food and/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.”*

Alyssa moved to accept as read, Tabor seconded, and all approved.

Alyssa's Training Session on Conditional Use Permits

Intent is to allow a use that otherwise wouldn't be permitted as a land use in a zone, while recognizing the need to mitigate types of uses.

The process: An applicant fills out the CUP application and submits it to the town; the Zoning Administrator determines if that use is appropriate for that piece of property and if conditions can be applied that meet zoning requirements.

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If yes, it goes to the Planning Commission to see if the application fits in the appropriate zone. We'd have to hold a public hearing. Neighbors can show up to comment. The Planning Commission then decides what sort of conditions to be applied. An example was the borrow pit in a GMU zones. Neighbors were notified in sand pit CUP, conditions were determined.

The Utah League of Cities and Towns offers an 11-page document---"*Ins and Outs of Granting Conditional Uses.*" It's important to realize: a conditional use is tied to the land, once it's granted it's tied to that piece of property. Even if the business closes. It's not just to that particular business owner. It can be revoked by the Town Council if the conditions that were set on the permit aren't met.

Donna Jean: If I (as Zoning Administrator) don't approve it, my decision can be appealed by the Planning Commission. (Just talking about the application itself and the land use)

Alyssa: It's not true that Planning Commission has to grant a CUP if it's applied for. It can absolutely be denied. It shall be approved if reasonable conditions are proposed. If detrimental effects can't be reasonably mitigated, it can be denied.

One other important thing talking to other planners: they don't like to use them. They'd rather see something in their Table of Uses and just permit its use. For example: a golf course. If someone came to us with an application, generally we'd just say it's not an allowed use, and if we wanted it, we'd go through the process of adding it to the Table.

Loch: Public Meeting and Notices

Loch said he'd like to bring to the attention of the council a potential public meeting rule oversight: talking about a subject before us at a social gathering, in this case a dinner hosted by Jacqui Smalley on Feb 26. After the fact, he thought he'd overstepped the bounds of open meetings law. Caroline said she regarded it as a social gathering and did have conversation with various people on the Heart and Soul topic. However, it was originally intended to be a social meet and greet with Prof Daniels after his BCA presentation on Friday afternoon, so he'd have a chance to eat something and everyone would have the chance to chat with him informally.

Alyssa: I'm also aware of the open meetings procedures, and I recognize there were moments during the evening that could have been a little awkward. We will need to be more careful in the future.

Continuation of Work Meeting Discussion

Alyssa asked where do we go next?

Caroline: I have detailed notes from sitting in the class itself, and can describe in detail, how towns went about conducting their own projects. Also, Tom Daniels is happy to get on phone with us, or come down April 16 to get into detailed questions.

Alyssa: What I want to know if this is even a useful tool to integrate with our General Plan update and town survey? Caroline said many towns have used survey as a first step, but in a more hands-on, proactive approach of going out to talk to people, and also leaving room for more comments. People have used H&S directly for planning, or for a visioning process that precedes General Plan.

Alyssa: We've already gone through survey process and General Plan updates. We know how to do that. What are the benefits of the monetary responsibility and time and effort in addition to what we already know how to do?

Caroline: Some towns have used this to write ordinances or to figure out how to make sure the agricultural nature of their town doesn't get run over with development. The value in this is that it gets people talking, and then goes from the people back into the community. Net effect, rather than sending out a survey or even a meeting like this... it gets out into the community and gets people talking. "It pulled our town together. It didn't change their points of view, but was a powerful tool." I think this is a

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little different from the survey. For example, at the big meeting rolling out our last town survey, it seems only the people comfortable with talking in front of people tend to do the talking. This is a more gentle way to get everyone and not just those people talking.

Alyssa: Do you think this is something that could actually work in Boulder?

Loch: I think listening to the presentation, I just heard broad concepts, not the steps. I think the survey process was somewhat flawed. If we can get more accurate information on the sentiments of people, and if we need to hold more potlucks to get a sense of what people think, I'm for it.

Tabor: This is fluffy feel good, it's easy to get behind. About pulling people together... I haven't seen it a lot. Now how do you do that? I appreciate your taking the time to take the class and get Prof Daniels down here and be open to these sorts of things. But, we need to decide if we need to do anything, or just leave folks alone. Let the process work, like the food cart. Let the needs drive it, or people who show up to comment.

Donna Jean: I don't know about potlucks or doing surveys, but it should be more simple. Instead of 4-5 pages long, maybe five major questions. Plus we have 3 years before we need to renew the General Plan.

Caroline: My concern for us as a town is that the frequency and serious nature of the proposals that are hitting us. The frequency is increasing, the fundamental nature of the types of requests are only going to come in quicker and quicker. Things like that coming. I keep going back to the General Plan, I do think there's something to asking the community on what we do all agree on in this place. I think this is worth kicking around.

Loch agreed that having a General Plan that gives more guidance would be useful, but we still have time to keep talking about it.

Josh: My impression of it is that's it's more than just having a bunch of potlucks. It's a way to systemize what you're hearing in a way that will allow you to apply that information as the decisions come before you. Growth might get much more complicated than it's been up until now.

Caroline: We know what our own circle values. This gets different circles talking.

Alyssa: I'd like to propose an action item for a future agenda: taking an inventory of our goals with this and making an action plan, and start there at our next meeting.

Upcoming Meeting and Agenda

Next meeting is April 9, 7 p.m.

- Work on inventory of what we're looking at: set a few goals of our vision process, including General Plan and survey, then create action plan or no action plan.
- Note: the Scott CUP application is held up by the Zoning Administrator; an application for determination is required to move it along, so at this point, it's not on the agenda
- Determine other business for May 14

Tabor moved to adjourn the meeting, Alyssa seconded, and Loch adjourned the meeting at 8:25 p.m.

Peg Smith, Planning Commission Clerk

Date