

**Planning & Zoning Commission Meeting**  
**August 17, 2010**  
**Victor City Hall**

Present: Mike O'Neil, Jeremy Besbris, Lynn Bagley; absent Zack Smith and Pete Linville

The Meeting Minutes for 20 July 2010 were reviewed. Lynn Bagley made a motion to approve the minutes, Jeremy seconded; the motion carried.

General Business Licenses:

Review summary:

Administrator Bill Knight presented a draft of the revised Chapter 3, General License Provisions. Bill highlighted the changes which include a definition of seasonal in the Title 10 Definitions section which specifies a season as one-fourth of a year. The business fees are to be specified by resolution of the city council with the term of the license running one year and renewable at end of the calendar year. Temporary licenses are good for eight months. Bill pointed out the recommendation for a 30 percent fee discount for applicants applying after 30 September of a given year as recognition of the appropriateness of equity and proportionality in fee schedules.

It was pointed out that the most important change in the licensing policy is the elimination of the planning commission's review and signature for applications. It was noted that this placed an unjustified procedural step for what is otherwise a straightforward decision.

Discussion:

Lynn Bagley asked for clarification on annual re-licensing process. Bill explained the term of the licensing and need for annual review and fees. Lynn felt that the discount for a late year applicant was appropriate and a recognition of the need for fairness in fee payments. Mike O'Neil agreed with the principle of the discount. Jeremy Besbris further offered his agreement.

Mike O'Neil stated his view on a higher fee requirement for seasonal businesses based on their need for a higher level of operational supervision and lack of property tax contribution to cover this expense.

Lynn Bagley didn't see seasonal produce peddlers as a regulatory impact to the city.

Mike O'Neil offered the case of a temporary furniture peddler causing downtown congestion with its attendant impact on established local businesses. Bill offered that a municipality cannot discriminate on the basis of unfair competition to existing permanent businesses, but can regulate on the basis of impacts to health, safety, and welfare. Mike agreed with Bill's comment on a legal connection to business impacts and any proposed regulations.

Mike felt that there were levels of impact to the city with temporary businesses operating at events such as Music on Main being a lower impact than a temporary street-side operation. Mike offered that there should be a higher fee for transient businesses.

Jeremy indicated his concern with the disparity in requirements and community commitment between that of permanent businesses and established location businesses. Jeremy cited his knowledge of Portland, Oregon's temporary business licenses being substantial in their cost as

justified by their impacts to entire areas and the unfettered windfalls being generated by temporary businesses with no real investment in the community.

Mike O'Neil stated that regardless of the debate points, he would like to see a level playing field between established and seasonal businesses.

Bill said that he would research the Portland policy and others. Bill further stated that the sharper definition of a seasonal business, one fourth of a year, gives us the ability to reduce seasonal business operations to a truly seasonal operational term. Jeremy offered that a season seemed more reasonable than the current eight month term. He further stated the abundance of performance criteria required under the Portland regulations. Bill stated that our staff resources would sharply limit our ability to police such highly evolved regulations and that Portland would surely have full-time enforcement staff. This was acknowledged as a consideration.

Instructions were given to Bill to research this question and present recommendations.

Bill gave a briefing to the commission on the Tiger II, mobility grant application: the Area Sustainable Communities grant being prepared with the Yellowstone Business Partnership and Teton County and Driggs; and the Community Challenge Grant. Bill outlined the transit orientation of Tiger II, and the sustainability and livability principles associated with the other two grants. Bill offered his opinion that there could be few communities of our size that could have generated a more thorough and comprehensive application than that of our region.

Jeremy made a motion to adjourn the meeting with Lynn seconding. The motion carried unanimously. The meeting was adjourned.

bk

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