

City of Green River

460 East Main Street, Green River, Utah

Planning Commission Minutes
Regular Meeting
Thursday, June 2, 2011

ATTENDING: Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash; Council Member Irene Daw; Employees, Conae Black, Bryan Meadows and Karen Smith, from the Association of Governments Michael Bryant

CONDUCTING: Chair, Robert Smith, the meeting began at 10:00 a.m.

ORDER OF BUSINESS:

1. Discuss Blue Castle informational meeting. Robert Smith reported that Blue Castle Holdings was in the permitting process and they show themselves in the time line of about halfway through that process. They will be applying for that permit next summer. There plans show two reactors and they will phase the construction of them about a year and a half apart. Once they receive their permit the construction will be ramped up and they will employ about 4,000 people during this phase for about one year and then slow back down to between 800 and 1000 construction employees. They said they would help with the planning and impact to the community and he requested they attend a planning and zoning meeting. Reed Searle from Blue Castle Holdings help with the IPP Plant in Delta Utah and Delta did not want a whole bunch of single men in town so they built a 1200 unit modular camp out near the plant with recreational facilities. When the construction was complete they took out all of the trailers and left a nice park. Katherine Brown didn't see the need for a park next to the nuclear power plant. Reed Searle told Robert Smith that he would attend a planning and zoning meeting within the next month or two. Blue Castle said one of the reasons for locating in Green River was because 75% of the operation of running a nuclear power plant is really no different than a coal fired power plant. They would like to do some training for the locals at CEU. They said they are trying to look forward at the impacts to the community. Robert Smith told them that Green River is already getting impacted now and asked Blue Castle to come and discuss it with the planning commission. FEMA has been here doing some training, there have been a lot of news reports and speculators have been looking at land and local land owners holding onto their land waiting for something to happen. Things are changing already because of them. There was some discussion on the proposed living area for the construction workers and whether they wanted water and sewer and how that would affect Green River City. Both Katherine Brown and Amy Wilmarth said if Blue Castle wanted city services then they would have to annex. Ben Coomer suggested that if the city supplied the services there should be an agreement not to make another town out there. There is a big difference between that and annexing a great big hunk of land that the city will now need to service. Amy Wilmarth asked if the water treatment plant would be large enough to handle that much impact. Bryan Meadows said yes. Ben Coomer said some of the things the planning commission needs to think about is the temporary water use Blue Castle needs to run all of the infrastructure and when they are finished they don't leave a community out there that we have outside of city services to. Amy Wilmarth asked what the role of the planning commission was. Robert Smith said whether or not the city council wants to annex or not. The planning commission will need to advise them on the annexation. Robert Smith wanted to bring up the sewer and that the city does not have the capacity to handle more sewage. He didn't think a perk test would pass in the Mancos Shale out there. Ben Coomer said they will have to collect the waste out there and take it somewhere else. Robert Smith discussed the request from Sarah Fields on the planning commission's actions taken for the nuclear power plant's water line. Ben Coomer said that all of the agreements are with State, Federal and private land owners. Robert Smith said with his comments on the planning commission not being in the loop on what is happening with the progress of the nuclear power plant Blue Castle's response was they have been in contact with the Mayor.

He had a letter from the Mayor addressing his concerns.

2. Discuss potential for flooding and preparations. Robert Smith read a news article quoting the Governor who basically stated that the flooding was a local issue and encouraged each individual to protect their own personal property. Ben Coomer felt that was a good position to take. Robert Smith said it impacted the planning commission if they allow anyone to build in the flooding area. Ben Coomer said people have been building in the flood zone for over 100 years. Karen Smith showed the members of the Planning Commission a map showing the height of the river at this time, where it has been in the past and the prediction of the height it will go to. She reported that the Emery County Sherriff's office has organized sand bagging efforts. She also said there is going to be lots of bugs. Amy Wilmarth noticed a foul smell from the water. Katherine Brown asked Bryan Meadows if this flooding affected the water and sewer systems. Bryan Meadows said the water and sewer systems will be fine. Karen Smith said Emery County wants all documentation on flooding issues.

3. Discuss/approve/deny Conditional Use form. Bryan Meadows said the form did not have a place to state which zone the property was in. Zone was added to the property location. Robert Smith said there is not a fee established. Conae Black said fees are set by resolution by the city council. Amy Wilmarth thought we could get examples of fees from other communities. Michael Bryant said Helper City more or less adopted Price City's fees. He said some of Price City's fees are high and gave an example of the conditional use fee is \$50 for a preliminary review and a \$150 fee for the final review. Helper City thought that was insanely high unless it was a large project. Helper City decided to set their fees at \$50 and if it has to have further review by public works, fire department etc. then the fee may be more. Ben Coomer asked if they could charge a \$50 fee. Michael Bryant said it still needs to set by resolution. Amy Wilmarth felt an additional charge should be set for anything over and above. Michael Bryant said that anything that requires the expertise of city services, additional meetings or the expertise of contracted engineers would require additional fees. Amy Wilmarth said they should set what those additional fees should be. Ben Coomer said they can't because they do not know what the engineers will charge. He said it should state that anything else is the responsibility of the applicant. Robert Smith felt a \$50 fee is too high of a fee for the one residential house they just approved in the commercial zone. Conae Black said a business license fee is \$25 which is based on the administrative cost to process that license. Michael Bryant said it would probably be about the same to process a conditional use permit. Amy Wilmarth said then if it takes more than processing a form there should be an additional charge. Michael Bryant said Helper City pays a part time Zoning Administrator to review the application. The Zoning Administrator is paid per application. The Planning Commission said that is part of Bryan Meadows responsibilities now. With Bryan Meadows time and Conae Black's time perhaps the reasonable fee should be \$35. Robert Smith asked the commission if they wanted to recommend to the City Council assessing a \$25 fee because Bryan Meadows already does plan reviews as the city zoning administrator. Ben Coomer said other than the form itself you already have fees established for everything else on the form. If you pay \$25 for the conditional use application you still have to buy a building permit for a single family home or a multi family dwelling. There are fees attached to a subdivision. You need to purchase a business license for a commercial business. All the conditional use permit application covers is just that. Anything else contained in it are more fees already in place. There are already fees established for a zoning change and a variance. Michael Bryant said you can even have fees for special meetings. Price City's fees for a special meeting are \$400 because all of their council and commission members are paid positions. Ben Coomer looked at the draft form and stated the Board of Adjustment approval section needs to be removed. Robert Smith mentioned the ordinance change that needs to be made so that the city council is not giving conditional use approval either. Michael Bryant said he thought that was illegal because it is undue process. If the planning commission is approving and then sending it onto another body to make an approval what is the point in the first approval. The planning commission can be an advisory body to the city council but what is the point in approving or denying. You have to have criteria to base your decision on. If you were going to send this onto the city council then you need to add to your conditional use ordinance a criteria that states something like on the valuation of the impact of land area of this magnitude or greater the city council will make that determination. Otherwise you are unjustly causing someone to go through the process twice. They have to go to two meetings to present the same thing and if they are denied in one and approved in the other then how does that work. Other than striking the board of adjustment approval and the discussion on setting a fee there were no other changes to the draft form. **MOTION:** Jack Forinash moved to approve the form with the changes just made. Ben Coomer seconded the motion. **VOTE:** Katherine Brown, Robert Smith, Amy Wilmarth, Jack Forinash

and Ben Coomer voted aye. The motion carried.

4. Discuss/approve/deny conditional uses revisions. Conae Black had prepared the updated draft with the latest changes and asked the commission to look at page 4 #11 under the home occupation section that deals with parking. Michael Bryant suggested it be stated "all parking associated with the business or residence shall be contained on the premises and not on the street. That way you can't park a truck with a logo on the street. Conae Black said on page 6 #12 under the neighborhood commercial occupations it needs to read the same. The planning commission agreed. She pointed out another change discussed at the February 2011 meeting. She directed the commission to another change discussed at the March 2011 meeting found on page 9 #8 Monopole bullet point iv. The antenna tower will be located no closer than two hundred feet (200') from the nearest residential structure or height of the tower shall equal to the frontage set back. Robert Smith felt the height of the tower should be less than the set back. Ben Coomer agreed. Ben Coomer felt that frontage was the wrong word and felt it should say property boundary. Amy Wilmarth asked if they wanted it stated, "or height of the tower shall be less than the property boundary set back." Ben Coomer asked for that to be read back. It read, "the antenna tower will be located no closer than two hundred feet (200') from the nearest residential structure or height of the tower shall be less than the property boundary set back." Ben Coomer felt they should get rid of the 200 feet. If the tower is 80 feet then it needs to be more than 80 feet from anything. Amy Wilmarth asked if they wanted it to say "the antenna tower will be located no less than the property boundary or the height of the antenna." Ben Coomer asked if they wanted to leave the 200 feet in the ordinance so there won't be any tall towers in the residential areas. That is a limiting factor, or do we just want to take it out and leave it for the height of the tower.

Robert Smith said this was for the residential zone but thought it needed to be in any area.

Ben Coomer said that is probably why the 200 feet is in there because it was for a residential area and thought it should be left the way it was. So it was decided to keep it the way they had discussed in March and have it state "the antenna tower will be located no closer than two hundred feet from the nearest residential structure." Ben Coomer felt the small wind energy systems section should have the same 200 feet limitations. He thought that it wouldn't affect the solar panels and they should try to separate them. Michael Bryant said they are almost the same thing. The only difference is they are saying the maximum height for the wind energy systems should be 100 feet. Amy Wilmarth said it also states for the wind energy systems the minimum lot size shall be 20,000 square feet. Ben Coomer was concerned about the set backs of the wind systems. Michael Bryant pointed out in the ordinance where it reads "setbacks for small wind energy systems shall not be less than the height of said small wind energy system. The setback is measured from the property line to the base of the monopole." Ben Coomer thought that was sufficient. Robert Smith said this wasn't just for residential area. Ben Coomer asked about the 200 feet interference. There is dynamo interference potential with the wind systems. If there was a 100 amp alternator that could cause some interference. Michael Bryant said this was taken from some other community that actually had small wind systems. He said the only problem he may see is the set backs are not from any structure and that could be added. Robert Smith said if it is from the property line then it has to be from anyone else's house. Michael Bryant said right but you still have your own house but then again that would be your own fault. Ben Coomer said he is an advocate for the private property owner but big tall towers and wind mills really ruin his day because it takes off the natural picture of your surroundings. Robert Smith agreed that it had a visual impact. Michael Bryant said there are other impacts such as they have done studies that they cause migraines and sleep disorders if they are too close to residences and they kill birds. The aesthetics have the worst impacts. Robert Smith mentioned the zero lot line development of the ordinance. Michael Bryant summarized that section by stating there is still the same set backs that go with the zone but you can go into that set back any portion of amount and that is called a zero lot line. If you go to the property line or beyond you have to do these additional things. As long as you stay on your property and contain your water or whatever then you are all right but if you are going into that set back area you have to build out of noncombustible materials and contain your water. If you go beyond it then you need a maintenance easement agreed upon by both you and the adjacent property owner. Robert Smith asked that in order for this to be acted upon and used doesn't it have to be as a conditional use in the zone. Michael Bryant didn't know the answer to that. **MOTION:** Jack Forinash moved to approve the conditional use revisions.

Amy Wilmarth seconded the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

5. Discuss/approve/deny subdivision ordinance changes. Michael Bryant asked the commission what their concerns were. Robert Smith said it hasn't been revised for a long

time and they didn't know if complied with the current State laws. Michael Bryant said State law allows you to build subdivisions less than ten lots without having to go through the same process as a larger subdivision. Robert Smith said the city has that in place. Michael Bryant said other than that there haven't been a lot of State law changes you really want to make sure that you are following the process that you want to follow. Some city's do a simple lot subdivision if a utility and road is not needed and is just vacant lots there and they need to subdivide to sell the lots then you can streamline it. Ben Coomer said it has come up that the size of the streets in a subdivision is too big. Michael Bryant said from sidewalk to sidewalk is five feet a typical park strip whether you have one or not is three feet then two feet from the edge of the curb to the asphalt. A total of ten feet on either side is twenty feet or thirty feet for a center. Bryan Meadows said that puts up back up to a 60 foot road. Michael Bryant said if you look at most residential streets you may have some car parked on the street and if you are driving down the street you slow down to make room for the other car to pass. It is a residence not a highway. You don't need to have all of that asphalt. **MOTION:** Amy Wilmarth moved to table this agenda item. Ben Coomer seconded the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

6. Discuss/approve/deny large-scale developments changes. **MOTION:** Amy Wilmarth moved to table this agenda item. Ben Coomer seconded the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

7. Adjourn. Ben Coomer moved to adjourn. Jack Forinash seconded the motion. The meeting adjourned at 11:55 a.m.

Robert Smith, Chair

Conae Black, City Recorder

Approved: _____