

City of Green River

460 East Main Street, Green River, Utah

Planning Commission Minutes
Regular Meeting
Thursday, February 3, 2011

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

CONDUCTING: Chair, Katherine Brown, the meeting began at 10:00 a.m.

ORDER OF BUSINESS:

1. Discuss/approve/deny minutes for January 6, 2011 regular meeting. **MOTION:** Robert Smith moved to approve the minutes for January 6, 2011. Ben Coomer seconded the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

2. Discuss/approve/deny conditional uses for a residential home in the commercial zone. Kathy Ryan represented her son Brad Ryan who is asking for the conditional use. Katherine Brown questioned as to why this was on the agenda as a conditional use because this property is already in a platted subdivision. It was explained to her that the property is zoned for commercial use and according to the commercial ordinance a single family dwelling is not a permitted use but a conditional use so therefore the planning commission is to set and grant the conditions. Ben Coomer said there is an awning on the west side of the house next to Brad Ryan's property. The lot is not legal size for the R-1 zone. He continued that under law the property cannot be granted a variance because the property doesn't show any special circumstances. There is not any physical characteristic of Brad Ryan's lot that is different than any other lot in the subdivision. Since this property is in the commercial zone and a single family dwelling is a conditional use the planning commission has the option of recommending that this can be a small lot size for this home as long as the setbacks are met. Robert Smith said the conditions would be to meet the setbacks in the R-1 zone. Kathy Ryan thought the setbacks could be met. Bryan Meadows questioned whether the carport on the property next to Brad Ryan's is part of the structure. It is an open carport and Ben Coomer said that would be considered a porch. Robert Smith said if an accessory building is attached to the house then it becomes part of the house and you need 16 feet between the structures. There was some discussion as to whether the carport is considered an attached accessory building. Jack Forinash pointed out that Brad Ryan could have 16 feet between the two structures on one side and his house can be six feet from the property line on the other side you only lose six feet and the size of the house could not be any bigger than 59 feet wide. That is still a good size home. Ben Coomer said the standard size for a trailer would be 42 feet wide. Kathy Ryan asked if a building permit would be needed to tear out the old foundation. No one was sure and said she would need to contact the county. **MOTION:** Ben Coomer moved that the Planning Commission write a letter to the City Council stating that the home can be placed on the nonconforming lot in the Ross subdivision in the commercial zone as a conditional use. The conditions set are the maximum size of the house is 42 feet wide and the side set backs are to be 16 and 6 feet. Robert Smith seconded the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

3. Discuss/approve/deny election of officers. Katherine Brown said she has served as Chair of the Planning Commission for a long time. She would like to step down as Chair. She also would like to see a Vice Chair position in case the Chair is unable to attend the meeting. It was

discussed on how to set policy on how to elect officers. **MOTION:** Ben Coomer moved that Robert Smith serve as Chair and Katherine Brown as Vice Chair. Amy Wilmarth asked if either one of them was opposed to the motion. Neither one was opposed. Amy Wilmarth seconded the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

4. Discuss/approve/deny revision of subdivision ordinance. Robert Smith said Mayor Brady asked him if the Planning Commission would revise the subdivision ordinance and the annexation expansion area.

5. Discuss/approve/deny expansion area. Ben Coomer asked why the Mayor would like the annexation expansion area revised. Robert Smith said it was because of the Emery County Industrial Park and the possibility of the nuclear power plant. Ben Coomer said the city cannot annex just for the tax benefits. The city will be responsible for maintaining the roads, water and sewer lines. Robert Smith said only if you annex that area into the city limits but it cannot be annexed unless it is included in the city's expansion area. Amy Wilmarth suggested that the board be brought up to date on what happened last time they proposed the expansion area. Robert Smith came prepared with a map of the expansion area the planning commission proposed when the city updated the annexation code to meet State law. Michael Bryant explained to the planning commission that the expansion area is the area that could potentially be annexed into city limits. The area of influence is within the surrounding area of the community that can affect the community and they would like to know what is happening in that area. It was discussed as to whether this should be acted upon at this time. Conae Black suggested they look up the State law again and follow the procedures outlined in the law. **MOTION:** Ben Coomer moved to follow the proposed map for the annexation expansion area that was previously outlined by the planning commission. Amy Wilmarth seconded the motion. Robert Smith felt this could be approved with the stipulation that if there are any changes that need to be made they should be allowed to make those changes. Ben Coomer agreed and asked that his motion be amended stating that. Amy Wilmarth seconded the amendment to the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye.

6. Discuss/approve/deny zoning map. Robert Smith took the working map to Emery County IT department to prepare a draft map for the City Council and the public hearings. The map is now prepared with all of the proposed zoning changes. Katherine Brown would like to see the overlay zoned prepared that will show the areas not suitable for landscaping and basements due to poor soil conditions. Ben Coomer felt that would be taken care of by the engineers who would give those guidelines. Katherine Brown agreed and felt it should be stated in the overlay zone. Robert Smith suggested it be kept very simple with a statement that in this area special consideration should be taken due to the nature of the soil. Ben Coomer agreed with Robert Smith. Michael Bryant said they should be able to get geological maps. Ben Coomer said the overlay could be everything west of the canal. Robert Smith asked if it needed to include downtown. Ben Coomer said he would include everything west of the canal. Robert Smith said he thought there would be some areas where it wouldn't be a problem. Michael Bryant said you could have some stipulation where they needed to prove that it wasn't problem soil. Jack Forinash said that is going to be an expense to someone trying to build a house in that part of town where the soil is not an issue to pay an engineer to prove that it isn't a problem. Ben Coomer said that was right but didn't feel that it would be any worse that putting in a septic system. He didn't think there needed to be an overlay zone and that people should know better than to build in that area without the extra engineering. Robert Smith was concerned that if the builder had problems he could sue the city and gave the example of Draper City and their landslide area because they didn't have any stipulations. Draper City ended up paying half and the engineer paid half. Michael Bryant said they should have written in the overlay zone that in this region there is a possibility of the expansion of soil such as Mancos Shell etc. and soil samples are required before a building permit can be issued. While it is an extra expense it is not as much as litigation. Ben Coomer said there are not very many places west of the canal that don't need a soil sample. Jack Forinash said the warning would be fine and that would leave it up

to the property owner instead of requiring a certain test. It was decided to get a soil map so they could conclude where the problem soil would be to better define the overlay area. **MOTION:** Katherine Brown moved to recommend an overlay zone based on the geological survey map. Ben Coomer seconded the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. Robert Smith said he needed to make a few corrections on the proposed map that the county did not pick up on. He pointed out the errors to the planning commission. **MOTION:** Robert Smith moved to have the county make the corrections as discussed based on their decisions in previous meetings. Katherine Brown seconded the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye.

7. Discuss/approve/deny conditional uses. Conae Black said she has to retype this ordinance and she did not want to go any further until she was sure that the planning commission wanted to add in the extra things because this would be a lot of typing. Katherine Brown had a question on 10-13-3D which makes a statement on holding a public hearing. She said you don't necessarily need to hold a public hearing on conditional uses. Michael Bryant said you may have a hearing if you want to because some things you may want to have a hearing. Most conditional uses you probably won't but this gives you the ability to hold one if necessary. Then if you have the hearing then you can take action on it later. Robert Smith suggested adding the "if held" to the ordinance. It would then read "a record of the hearing if held." Ben Coomer said on page 7 of the draft under moving buildings, the last sentence in the second paragraph did not make sense. It says "except when being moved from outside the City into a manufactured home park within the City." Robert Smith said that should be stricken from the ordinance because all manufactured homes should follow the same rules. Conae Black said with the conditional use ordinance that Michael Bryant provided for them she came to section J. Minor Telecommunications Facility and Amateur Radio Antennas and stopped because that was a lot of typing and did not want to go further unless they wanted that in the ordinance. It was decided put that in. She asked if they wanted to add into the ordinance Small Wind Energy Systems, Solar Panels And Other Energy Creation Devices. Michael Bryant said there is State law that says you cannot hinder renewable energy resources but thinks they can be restricted to a degree. There was not any action taken on this agenda item.

8. Discuss/approve/deny home occupations. The planning commission discussed the size of truck allowed for a home occupation. It was suggested to change that to single axel truck and not a one ton truck. Restricting a one ton truck would eliminate UPS delivery service to your home. It was stated that delivery trucks are exempt from this because they are not the home occupation. They are licensed differently. Katherine Brown asked if limiting the home occupation to one truck was too strict. In that discussion it was said that if the home business needed more than one truck they needed to be in a commercial zone. One truck protects the residential area. Jack Forinash asked if a home occupation in a commercial zone would need to follow the home occupation guidelines. It was said they would because they are still a home occupation. Robert Smith posed the question as to whether ADA requirements should be required. Ben Coomer said it would depend on what type of business it was and federal law would determine that. There was not any action on this agenda item.

9. Adjourn The meeting adjourned at 11:55 a.m.

Katherine Brown, Chair

Conae Black, City Recorder

Approved: _____