

City of Green River

460 East Main Street, Green River, Utah

Planning Commission Minutes
Special Meeting
Thursday, March 17, 2011

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

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

ORDER OF BUSINESS:

1. Discuss/approve/deny minutes for March 3, 2011 regular meeting. Katherine Brown asked for better sentence structure on agenda item# 2. Instead of incurred state "that may incur."

MOTION: Katherine Brown moved to approve the March 3, 2011 minutes as amended. Jack Forinash seconded the motion. **VOTE:** Robert Smith, Katherine Brown, Ben Coomer and Jack Forinash voted aye. Amy Wilmarth and Ben Coomer were not present for the vote. The motion carried.

2. Discuss/approve/deny proposed new overlay zone. Robert Smith and Conae Black had prepared a draft ordinance to work on. Robert Smith said the soil that was concerning was the Mancos Shale west of the canal but added in the fine-grained clay which is also a problem in the old river bed areas. This draft states that these are suggested guidelines and reports should be prepared but it also states the zoning administrator may require additional tests or information. If the report looks bad it will allow the zoning administrator to require more from the property owner. Michael Bryant suggested changing the word should to strongly recommended in #3 where it is addressing the rain and irrigation water to be directed away from the foundation and special landscaping considerations. Robert Smith was not sure if the term "special landscaping considerations employed" was the best term. Michael Bryant said maybe you could put "such as low to zero water usage in and around the structure and moderately increasing as it gets farther away." Robert Smith said in the example of the Price City ordinance it says small trees should be ten feet away from the structure and larger trees should be even further. Jack Forinash suggested having separate material that gives the property owner ideas with pictures that shows the best practice for the landscaping in the overlay zone.

Ben Coomer addressed the sentence which states "if you rent your structure it would be in your best interest to share these guidelines with your tenant." Robert Smith said this sentence is saying that if you rent your property out then you should tell your tenants to follow these guidelines. Ben Coomer said "then they will come back and say you came into your renter's space and told him to do something and we are going to sue you." Katherine Brown asked Ben Coomer who was going to sue. Ben Coomer said anybody and asked if it was necessary. Amy Wilmarth said if she was renting property in the special overlay zone she would be telling her renters these guidelines. Ben Coomer felt it could be handled in the rental agreement. Amy Wilmarth said that is basically what this is saying that it should be forwarded onto the renters in a rental agreement. Ben Coomer said he had a problem with government telling him that he has to tell his renters something. Jack Forinash said it doesn't say that you have to tell them. Amy Wilmarth said it is just a recommendation. Robert Smith said it is saying that it would be in your best interest. Ben Coomer said he sees the protection of the landlord but it is just one more thing to dumb down the people of America.

Amy Wilmarth brought up the discussion on having the property developer sign something stating that the zoning administrator or building inspector has gone over the guidelines outlined in the overlay zone. Robert Smith felt that was a good idea but did not include that into the ordinance but it does state the zoning administrator or building inspector may require tests or

additional information if, in their opinion, the conditions or materials are such that special design of the foundations is necessary. Michael Bryant said you could state that the zoning administrator may recommend special landscaping watering techniques. Ben Coomer felt it is important to have designs for every part of these expansive soils that does not require engineering. He didn't think that it was good to require engineering. Amy Wilmarth said they are recommending it. Ben Coomer said if you are going to recommend it then demand it if you are not going to recommend it then just give them a packet with the guidelines. He felt they should be specifically addressed in the ordinance what codes we are going to follow. Expansive soil testing is very expensive. Try not to have ordinances that require engineering. A lot of the floating pier designs do not require engineering. Robert Smith thought that would be difficult to put in place within the next week. Conae Black said it would be better to get this done right rather than quickly. Ben Coomer said we are looking at this area to be moderately low income housing. Amy Wilmarth asked if this was something that this board needed to do or if the building inspector should take care of it. Ben Coomer felt that it should state something in there about some designs that do not require any engineering. Robert Smith suggested stating floating adjustable piers do not require engineering. After working out the wording it was decided to state "floating adjustable piers are suggested and normally do not require site-specific engineering." Jack Forinash said that could be in the work sheet provided by the zoning administrator.

The changes made were adding the floating adjustable piers, in #3 changing should to strongly recommended and in #2 adding "additional information shall be obtained from the zoning administrator." It was decided to title this new ordinance Sp-1 for Special Overlay Zone.

MOTION: Ben Coomer moved to approve the text for the Special Overlay Zone as amended and discussed. Amy Wilmarth seconded the motion. **VOTE:** Robert Smith, Katherine Brown, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion was carried.

3. Discuss/approve/deny revised expansion area map to be included in public hearing. Conae Black said it has to go to a public hearing. Amy Wilmarth said it didn't matter if the motion included that they are just getting it completed to send to the City Council. Conae Black said two public hearings need to be held, one from the Planning Commission and one from the City Council. She feels that it would be best for the Planning Commission to submit their recommendation of the amended expansion area to the City Council to review and let them look it over and discuss it. Once both the Planning Commission and City Council agree on the boundary lines then hold the public hearings. **MOTION:** Amy Wilmarth moved to submit the revised expansion area map to the City Council for approval. Ben Coomer seconded the motion. **VOTE:** Robert Smith, Katherine Brown, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

4. Discuss/approve/deny C-1 zone changes and add to public hearing if required. Robert Smith stated in 10-7A-3, Conditional Uses, it states that conditional uses need to be approved by the city council. This has been discussed before. Some of the discussion was why were the city council approving conditional uses when that should be the responsibility of the planning commission and another part of the discussion was the city council should review and approve any large scale conditional use. Right now the ordinance reads "other uses not described in section 10-7A-2, Permitted Uses, of this article shall be considered as conditional uses, and may be presented to the planning and zoning commission for approval and recommendation to the city council." Robert Smith felt the planning commission wanted to allow recommendation to the city council. Michael Bryant said for the larger scale development perhaps something could be said like all conditional use applications that require significant alterations to a building or structure or development of a new structure shall come to the planning commission for their recommendation and approval by the city council. Robert Smith thought the planning commission may submit it to the city council for approval. Katherine Brown and Amy Wilmarth didn't like the word may. Ben Coomer said it is either may or shall. Michael Bryant asked what they thought of adding the planning commission may consult with other professionals, city staff or other city entities if necessary. The planning commission needs to make the decision or otherwise they are convoluting the process of appeals. Amy Wilmarth said the concern is that depending on the scale of the development it may need to be brought to the city council. Ben Coomer said if it gets

to that point then the planning commission should deny the conditional use request and then give them the necessary information to go forward. Amy Wilmarth thought that was a good idea.

Robert Smith wondered what the best setbacks would be for a conditional use single family dwelling in a commercial zone. Should they use the R-1 or R-3 setbacks? Michael Bryant said that is a problem because if the setbacks are different in the two zones people will generally follow the least stringent ruling. You probably would want to pick which one to follow. He thought if the commercial zones setbacks are zero then you could ~~have~~ follow the least stringent setbacks for the single family dwelling. You are already allowing the commercial building come to the street what would be the difference in allowing a house to be a few feet back verses 25 feet back? Robert Smith said there are a number of residential homes and if someone wants to build a new house in that same area then they would like to keep it with the same setback. Ben Coomer said they need to pick which zone it is going to be. Is it going to be residential or commercial? Michael Bryant suggested since a single family dwelling is a conditional use to look at the adjacent properties and use the same setbacks as the surrounding area. If there are homes on the adjacent properties then use the same setbacks if there are businesses on the adjacent properties then they follow those setbacks. Robert Smith thought that would mean the commercial business would need to follow the residential setbacks if there were homes in the commercial zone. Ben Coomer said that Green River is an old community just like many others around the country. When you walk into an old community onto the main through fares you will see that at one time the population was small, there was mixed commercial, farming, industrial and residential all together because it was such a small area to start with. Then roads change which changed the complexity of what is farming etc. As you walk down the street you will see a home then maybe two or three businesses and maybe a home business. All of these structures are either right up to the street with a commercial set back or set back further. They are integrated architecturally. In some of these old towns there are brownstone lots just like Green River which are small and deep with buildings built right up to the sidewalk. He does not have any problem with that because you can do parking and the yard in the back. Amy Wilmarth concern is that they will not park in the back but on the street. Ben Coomer said everything in this zone is conditional and if they don't have off street parking they can't build. They will have to park in the back if they build up to the sidewalk. Amy Wilmarth asked if this should be added to the ordinance or stipulated in the conditions set. Ben Coomer said they need to decide what this is going to be. What do they want this to be? They way they are doing it now it is never going to be any real thing ever because there is not a way for them to set architectural guidelines, setbacks and requirements so that the mixed uses flow together. Jack Forinash said if you are building in a commercial zone it is already a commercial and you will have plenty of time to have these discussions then. Ben Coomer said the problem is what they think may not carry over to the new board members in the future and their visions are lost with the new members and it can be a mess. Robert Smith suggested stating that new construction shall match the surrounding area. Michael Bryant said that would depend on what you want to do and you are getting into another area of planning. It is called Form Based Zoning verses Euclidian Zoning. With form based zoning you don't care what goes on in the building you just want it to look like this or that and that is the difference. You can limit it to some degree but generally you don't have much control with form based. The point here is if it looks acts and feels like a commercial building then who cares. Ben Coomer said since this is conditional use and if you want to make a change then the condition that should be set is nothing in this area can be visible on the street. Certain things should not be on the street such as kennels or stables. If you have a dwelling then a front yard is alright but maybe you don't want to have a flea market in front of the house. Michael Bryant felt Green River's commercial zoning ordinance is fairly good. It would be a whole new thing to go into the form based zoning. While it is glorified by some people it hasn't been tested as well as some of the other zoning regulations and you may end up with something that you don't want. Ben Coomer said the real thing that we are trying to address is whether to allow residential homes in the commercial zone. Michael Bryant said a single family dwelling in the commercial zone is not a good idea anyway. You have increased in traffic, pollution, noise and a lot that is far more valuable for commercial use than housing. If you can build two or three units with a business below then it is far more valuable and attractive. The ideal vision of a single family home was started back in the 50's where the home is set back a long way and there is this huge

grassy yard. Jack Forinash felt the residential zone encourages exactly what Michael Bryant is saying. Michael Bryant said that is fine but a residential home in the commercial zone should encourage the commercial aspect. The conditions set can follow the surrounding area. He brought up the set backs in the commercial zone which there are no set backs and how the all of the buildings may be set back differently. Ben Coomer said the real limiting areas are not the set backs but the off street parking, refuse containment and drainage water from a yard is a problem. Conae Black felt that there didn't need to be any more requirements added to the ordinance all of this is how you set the conditions. This led to the need to complete the revision of the conditional use ordinance. Michael Bryant said to refer to the objectives and characteristics of the commercial zone. It states "the commercial zone has been established for the primary purpose of providing a location where retail, commercial and service facilities can be provided to residents and to the traveling public in the area. The zone is characterized by a mixture of dwellings and commercial uses however, as assurance that the goods and services will be made available without undue detrimental effects upon the surrounding dwellings, certain requirements have been imposed upon the use of land and buildings within the zone," This gives you a frame work to work from and you can say that precedence in this zone is given to commercial enterprise and if you want to build a home here then these are the guidelines that you need to follow. He is feeling from our board that you can just come up with whatever you want for your conditions and that is not entirely true. It needs to be based on what you have written. The conditional use is not as much control as you think it is. You must allow them to meet the conditions and the conditions have to be credible. Michael Bryant said in the conditional use ordinance you can specific criteria for single family dwellings in the commercial zone. Amy Wilmarth asked if there needed to be any changes made to the commercial zoning ordinance. Ben Coomer and Robert Smith said Caretakers dwellings should be stricken as a permitted use and should also be a conditional use. Also 10-7A-4D pertaining to caretaker dwellings should be stricken. Robert Smith suggested that the area requirements in the commercial zone for all uses should be conditional.

MOTION: Amy Wilmarth moved to approve the discussed changes to 10-7A-3 of the commercial ordinance and remove caretaker dwellings as a permitted use and strike 10-7A-4D. Ben Coomer seconded the motion. **VOTE:** Robert Smith, Katherine Brown, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

Robert Smith asked if this could be ready for the public hearing on the overlay zone and zoning map amendments. Ben Coomer said no, it would be best to not include this and keep it separate.

5. Chairman's report on FEMA REP (Radiological Emergency Preparedness) training. Robert Smith reported on the FEMA training that he attended for the proposed nuclear power plant.

6. Discuss/approve/deny conditional uses. **MOTION:** Amy Wilmarth moved to table agenda items #6, 7 and 8. She would like to make this the primary focus for the next regular meeting. Ben Coomer seconded the motion. **VOTE:** Robert Smith, Katherine Brown, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

7. Discuss/approve/deny subdivision ordinance. See agenda item #6.

8. Discuss/approve/deny large-scale developments changes. See agenda item #6.

MOTION: Amy Wilmarth moved to send the overlay zoning ordinance and revisions to the expansion map to the City Council and hold a public hearing for the overlay zoning ordinance and revisions of the zoning map. Ben Coomer seconded the motion. **VOTE:** Robert Smith, Katherine Brown, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

9. Adjourn The meeting adjourned at 11:47 a.m.

Robert Smith, Chair

Conae Black, City Recorder

Approved: _____