

City of Green River

460 East Main Street, Green River, Utah

Planning Commission Minutes
Regular Meeting
Thursday, April 7, 2011

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

CONDUCTING: Chair, Robert Smith, the meeting began at 10:04 a.m.

ORDER OF BUSINESS:

1. Discuss/approve/deny minutes for March 17, 2011 special meeting. **MOTION:** Ben Coomer moved to approve the minutes for March 17, 2011. Amy Wilmarth seconded the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

2. Discuss/approve/deny proposal from Habitat for Humanity of Castle Country (HFHCC) for Conditional Use. Jack Forinash serves on the Habitat for Humanity Board and presented this to the Planning Commission. Habitat for Humanity owns property on South Solomon Street within the commercial zone 125 feet wide and 130 feet deep. The house plan is for a three bedroom two bathroom home approximately 1048 square feet. He submitted two site plan options. Because of the discussion at the last meeting of dense residential housing in the commercial zone he decided to provide an option of subdividing the lot for another home. Habitat would like to see two homes on the lot but if that is not decided they will still be building the single home on the lot. With the two homes the lot size would be 6800 square feet instead of 7500 square feet. There are already two driveway cut outs on the lot. When you look at the two houses site plan it may look crowded compared to the houses next to them. The front set backs match the house to the north. The side and rear set backs met residential zoning requirements. Robert Smith said one consideration of allowing the two houses on the lot is the conditions must be met within one year or they expire. Amy Wilmarth asked Jack Forinash how long it would take to get the second house started. Jack Forinash said the most difficult thing was to acquire the land. Already having the land will make the process go a lot faster for the second house. Winter is a bad time to pour concrete so Jack Forinash felt they could begin this time next year on the second house if they can get all of the funding in place. Katherine Brown asked how much square footage the second house would be. Jack Forinash said about the same square footage as the other house. Katherine Brown asked if there would be enough room for parking. Jack Forinash said there would be as much parking as any other house. Ben Coomer said with the single home option there would be enough parking spaces as you want and enough room for a garage later if you wanted one. With the two house site plan he thinks that it doesn't provide enough off street parking. There will be old cars parked along the street and in the front yard. Jack Forinash said that would be a violation of the nuisance ordinance. Amy Wilmarth said they can't base their decision on something that might happen. Ben Coomer pointed out the alley between the lots that has not been abandoned by the city. There is a motel and other structures on that alley and he felt that from a legal stand point the city will not be able to get that land back. He also thought that it would be ideal to use that alley to access the back of the property and work really well with the two houses but didn't think there would be enough room for two houses. He said these lots were subdivided for one single family dwelling per lot unlike the old bankers lots that allow for a smaller house. Katherine Brown felt it would be more aesthetically pleasing for one house on the lot. Jack Forinash said he didn't disagree however in this area the houses are far apart and expansive with no trees. The issue for Habitat is where to site the house. If there is only one

house then the house will be in the middle of the lot if there are two houses then they will be sited north. With only one house it will look smaller. Jack Forinash said they have the opportunity to change this the way they want it to be. You already have the entire infrastructure. It makes sense to consolidate to the core of the town to survive. Ben Coomer asked Jack Forinash what his reasons were for putting two houses on the lot. Jack Forinash felt this town needs to incorporate more dense housing. Michael Bryant said despite the way the property has been subdivided a commercial zone is meant for dense compact development. In theory it should be sales and services but if residential housing is allowed to build in the commercial zone he didn't see why you couldn't have denser lots. It may be subdivided for single family homes but as Green River grows it is going to become denser and the property will be more valuable. Ben Coomer said the Planning Commission has discussed dense mixed use for South Broadway. Amy Wilmarth said there are other areas that can be denser also. Ben Coomer felt that adding another house on the Habitat property would change that area and not help out the downtown area. He feels this would move further away from the goal of making South Broadway a dense mixed use area. Jack Forinash said the property that Habitat owns already has the entire infrastructure in place. To stop the spider effect you need to make the core denser. Ben Coomer said he would be more comfortable if it can be shown how the yards in the back can be used and the landscaping around the two houses would be. Amy Wilmarth said who is to say that the person living in those houses even want a yard. Jack Forinash said an example would be where he lives and the houses next to him. The lots are 50 feet wide and there is still access to the back yards because the houses are narrow. The buildable area shown does not mean the house will take up the whole frontage. Ben Coomer said one of the conditions that he would set for these houses is you must have vehicle access to the back. Robert Smith said before two houses can be put on the lot the lot needs to be subdivided therefore the conditions set cannot be for the two houses. Jack Forinash asked the planning commission if they were potentially recommending building the single house to the edge of the property. Ben Coomer said they can give Habitat a conditional use to build a single family house on the lot as it is right now and Habitat can build it the size they want and locate it where they want as long as it has the proper set backs. Then when Habitat is ready to build the second house they can come back and subdivide the property. **MOTION:** Amy Wilmarth moved to allow Habitat for Humanity to build a single family dwelling in the commercial zone with all of the applicable set back requirements in the R-1 zone. Ben Coomer seconded the motion. Amy Wilmarth amended her motion to include that the conditional use form needs to be filled out and signed once the city has created the form. Ben Coomer seconded the amendment to the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer and Amy Wilmarth voted aye. Jack Forinash abstained from voting. The motion carried.

3. Discuss/approve/deny Book Cliff's Lodge proposed housing. Paul Simms addressed the Planning Commission. He stated that in order for the Book Cliff Lodge to get their building permit for affordable housing units they needed a zoning clearance and conditional use permit. They are going to phase out this project. For phase one they are proposing renovating the 19 unit motel rooms on the southwest side of the property. The second phase they propose to renovate the 40 room two story unit behind the phase one site. There were two options submitted for phase one of the housing units. Option one is for eight one bedroom one bathroom units and one two bedroom two bathroom unit. Option two is for six one bedroom one bathroom units, one two bedroom two bathroom unit and one three bedroom two bathroom unit. In their minds the best choice would be option one because the clientele is high school graduates, seasonal workers and young families coming home. Jack Forinash said the University of Utah is working on a housing needs assessment for Green River that will hopefully be complete within one month. He has been working with Sonjay Ahir to help quantify the need and what they need to do to get through this process.

MOTION: Ben Coomer moved to approve Book Cliff Lodge proposed housing. Jack Forinash seconded the motion.

Robert Smith said the R-3 multiple housing zoning requirements for the size of dwelling is the first unit shall be 850 square feet and each additional unit shall be 600 square feet. If the planning commission is trying to follow that then it limits it to two bedroom units as the smallest

size. The planning commission is not limited to that but they would like to stay with those guidelines. Ben Coomer said first we want density and now we don't want density. The Book Cliff Lodge location is the perfect spot for dense housing. If it were new construction then they would follow the R-3 guidelines but he felt the existing building lends itself to the proposed layout. This board will set conditions on the historic value of the property. It is going to cost a lot of money to bring these units up to code and how will less units be viable for them? Michael Bryant said with the intent to create low to moderate income housing you could reduce the minimum unit size in this circumstance. Ben Coomer said this is a perfect example of how it could help Green River. New condominiums are not going to help Green River. Michael Bryant said since this is in the commercial zone you are not held to the R-3 requirements and you might as well get the maximum benefit to this development and improve the property. In your conditions you could state that you are not going to follow the R-3 zoning requirements because these are meant to be low to moderate income housing units in the commercial zone.

MOTION amendment: Ben Coomer amended his motion to include that since these low to moderate housing units are in the commercial zone the planning commission is not going to follow the R-3 zoning requirements. Jack Forinash seconded the amendment to the motion.

Robert Smith said he would like to see other conditions set for this property such as parking. Ben Coomer said that is where the conditional use application would come in place.

MOTION amendment: Ben Coomer moved to approve option one for the eight one bedroom one bathroom units and one two bedroom two bathroom unit or option two for the six one bedroom one bathroom units, one two bedroom two bathroom unit and one three bedroom two bathroom unit with the submission of a conditional use application form. In those conditions the planning commission will address parking, area lighting, landscaping, and square footage of the units and as it relates from R-3 to a commercial zone and why the planning commission is making it more flexible. Jack Forinash seconded the second amendment. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

4. Discuss electronic correspondence and compliance with Utah Public Records Management Act (Title 63A-12). Robert Smith wanted to address this with the recent email conversations that the planning commission had. He found a definition of a public record which stated anything prepared, received or retained by the government or any political subdivision. A record does not mean a note or internal memorandum prepared as part of the deliberative process by a member or any body charged by law performing a quasi judicial function. Ben Coomer said a memorandum alone is not a problem but when it is passed around and built upon then it becomes a meeting. Amy Wilmarth said if it is just an electronic discussion and no approval is made until a public meeting is held then it should be alright. Ben Coomer said if he and Amy met and had a discussion then Amy and Jack met and had a discussion and then Jack meets with another member of the planning commission that is illegal to not have that public record. Any citizen should be able to come into city hall and ask for any discussion within the last 24 hours and be provided that information. Robert Smith said as long as the City Recorder is receiving the messages then it can be a public record. If each of them has to keep track of our public records then it gets to be really messy. Amy Wilmarth asked Conae Black if that were true. Conae Black said yes, electronic records are difficult to handle because she does not have any control over their personal computers. Amy Wilmarth said she does not want someone going through all of her personal records on her computer but does not have a problem with anyone viewing what she has in her planning commission file. Jack Forinash said he didn't see anything wrong with the email messages that were passed back and forth just recently because they were just explanation. Ben Coomer agreed but felt this was a great discussion so they don't get into trouble. Michael Bryant said as soon as someone suggests an action and you already come to the table with your decision then that decision is biased. Katherine Brown said when they were discussing the overlay zone they were then making decisions on line. Michael Bryant said the overlay zone discussion was different because this zone did not exist and the discussion was brainstorming ideas in an informal work session. There were not any decisions made on it yet and the planning commission is not responsible for approving that ordinance. When you have the power to make a decision and you are making that decision elsewhere out of the public then it

becomes a problem. You should try to keep as much communication as you can public. Ben Coomer said a good guideline is to be able to speak the same with just two people in the conversation as you would in a public forum. Michael Bryant said if you are sincerely concerned that he would suggest seeking legal advice on it but as long as you can follow the intent then he feels that you are probably alright. Robert Smith asked Michael Bryant if getting a copy of the emails to Conae Black would be sufficient. Michael Bryant said he was not going to answer that but as long as you are following the intent of the law to the best of your abilities then you probably don't need to go any further. Ben Coomer felt the email conversations that the planning commission held was acceptable. There was not any legality discussed in that forum.

5. Discuss/approve/deny revised expansion area map to be presented to City Council. Robert Smith said this was already approved but he was confused by the name of the map. If you look at the annexation part of the law it states that you will use the annexation map. Conae Black said it is an annexation expansion map. Currently it is labeled expansion area map. Robert Smith said our ordinance uses annexation map. Michael Bryant said to appease Robert Smith it could be titled the annexation expansion map. The problem with titling the map annexation map is the public was confused that it meant the city was going to annex all of that area in on annexation. Michael Bryant said the only other thing to do then is to change the ordinance to state expansion area map instead of annexation map. Robert Smith said as long as it follows state law then that would be correct. Jack Forinash said that sounded like the best idea. Robert Smith said in the presentation of this map to the council and public the planning commission could state that the expansion area map is what they will use for the annexation map. Ben Coomer said if that is what you mean then say what you mean. Irene Daw suggested stating an annexation area map. Ben Coomer said as soon as you say annexation everyone thinks that whole area is being annexed. Robert Smith said changing the title of the map is not that easy because it is done by Emery County. Conae Black said this map has not even been approved by the city council let alone gone before the public to view so the title can be changed easily. Michael Bryant said to just call the map the expansion area map and if you have any problems with the wording matching the ordinance then just state the expansion area map is the annexation map. There was no action taken on this agenda item.

6. Discuss/approve/deny deny C-1 zone changes and if it is to be presented to City Council. Conae Black asked the planning commission for a final decision on 10-7A-3. She asked if the amendments they wanted were to strike and recommendation to the city council and add, "The planning commission may consult with other professionals, city staff or other city entities if necessary." The planning commission said yes that was what they wanted. The planning commission wanted to strike "caretaker dwelling" from the Permitted Use section and the Special Provisions. She also said that in a previous discussion Robert Smith commented on making the Area Requirements conditional. Katherine Brown asked who was going to decide the conditions. Robert Smith said there are guidelines in the Supplemental Ordinance and asked if that was enough to cover what was needed. Michael Bryant asked if the criteria were there. The setbacks are only if they need them. There is a schedule for off street parking. They are going to know what they will need for loading and unloading which will depend on the kind of vehicular trucks they use. Robert Smith said this is addressed in the Supplemental ordinance also. Michael Bryant said if the loading and unloading is on the State road then that may need to get the state guidelines and permissions. Ben Coomer felt that it was important to keep "vehicular access shall be provided and maintained." Robert Smith pointed out that the width, location and height requirements all say they are conditional but the area requirements does not. He feels it should be conditional to be consistent with the others. Even a permitted use will have conditions set for the width, location and height and asked if a permitted use should be conditional. Michael Bryant said you can waive width, location and height to a degree. If you don't require set backs then what is the point of making it conditional. Ben Coomer said this ordinance is so skeletal and not looked at by an attorney so he wasn't sure this could be defended. Michael Bryant said these are requirements that could be conditional on the property based on the unique nature of each individual property. Ben Coomer said the use of the property is already determined. It is conditional on what we say but it is permitted. Michael Bryant felt that Robert was hung up on the

word conditional and maybe that should be addressed. These things would be determined based on the plans that were submitted. You would know if the set backs and such based on the knowledge you have of the area. If you make it conditional then you are saying it is allowed if you do it this way provided they eliminate the detrimental effects of that. There is a wording problem there that could get messy. Robert Smith said do we need all permitted uses to come to the planning commission to set conditions on the width, location and height requirements. Michael Bryant felt in the width, location height and size requirements they should strike "conditional on the use of the property." All of these can still be determined by the planning commission but not as conditional. The planning commission questioned if that was still conditional. Michael Bryant said you are telling the applicant not to have a building any higher than two stories or the problems with the drainage etc but not actually conditional. Conditional is saying yes but do this, this and this. Robert Smith was still concerned about each application coming to the planning commission. Michael Bryant asked who signs off on the permitted uses. The answer was the Zoning Administrator. The planning commission felt the zoning administrator should be able to handle the decisions for width, location height and size requirements for the permitted uses without having to come to the planning commission. Robert Smith suggests changing it to read "the width, location height and size requirements will be determined by the zoning administrator for all permitted uses and the zoning administrator may refer to the planning commission." Ben Coomer agreed with that but added that if for some reason the zoning administrator makes a decision they don't like they will just have to accept it. He suggested amending this giving the zoning administrator the authority. Michael Bryant and Robert Smith felt the area, width, location, height and size requirements could be under one title. It was not determined what to title this section. Michael Bryant said it could state "the zoning administrator shall approve all permitted uses within this zone and have the power to determine the area, width, location, height and size requirements. The zoning administrator may consult with other professionals, city staff and/or other city entities if necessary." Michael Bryant then suggested titling this the Permitted Uses Area Requirements. **MOTION:** Amy Wilmarth moved to approve the changes as discussed and have it go forward to present to the City Council and go forward with all of the necessary requirements before approval. Ben Coomer seconded the motion. **VOTE:** Katherine Brown, Robert Smith, Ben Coomer, Amy Wilmarth and Jack Forinash voted aye. The motion carried.

7. Discuss/approve/deny conditional uses revisions. Robert Smith stated that in the current ordinance under 10-13-4, Determination, it states, "the planning commission may deny or permit a conditional use to be located within any zone in which the particular conditional use is permitted. In authorizing any conditional use, the planning commission shall impose such requirements and conditions necessary for the protection of adjacent properties and public welfare." The draft of the revised conditional use ordinance does not include this. Michael Bryant felt the determinations were addressed in the planning commission's powers and duties ordinance. He would like everyone to go through the current conditional use ordinance and the draft ordinance and determine what to include and exclude and then come to the meeting with suggested changes to the draft. He had a suggested change to the draft under 10-13-4 B to add "and complimentary" to that sentence structure. There was some clarification between home occupations and small neighborhood commercial occupations. They are basically the same however a small neighborhood occupation allows for two non family member employees.

8. Discuss/approve/deny subdivision ordinance changes. There was not any discussion or action taken.

9. Discuss/approve/deny large-scale developments changes. There was not any discussion or action taken.

10. Adjourn The meeting adjourned at 12:08 p.m.

Robert Smith, Chair

Conae Black, City Recorder

Approved: _____