

# City of Green River

460 East Main Street, Green River, Utah

Planning Commission Minutes  
Regular Meeting  
Thursday, January 5, 2012

**ATTENDING:** Katherine Brown, Robert Smith, Ben Coomer and Amy Wilmarth; Employees, Conae Black, from the Association of Governments Michael Bryant

**ABSENT:** Jack Forinash and Kathy Ryan

**CONDUCTING:** Chair, Robert Smith, the meeting began at 10:06 a.m.

## **ORDER OF BUSINESS:**

1. Discuss/approve/deny minutes for September 1, 2011 regular meeting. **MOTION:** Katherine Brown moved to approve the minutes for September 1, 2011 regular meeting. Amy Wilmarth seconded the motion. **VOTE:** Robert Smith, Katherine Brown and Amy Wilmarth voted aye. Ben Coomer was not present for the vote. The motion carried.

2. Election of Chairman and Vice Chairman. Ben Coomer nominated Robert Smith for the Chair. Katherine Brown nominated Jack Forinash for Vice Chair. Robert Smith said he would be willing to be Chair for one more year only. **MOTION:** Amy Wilmarth moved to have all nominations cease. **VOTE:** Robert Smith, Katherine Brown, Amy Wilmarth and Ben Coomer voted aye. **VOTE on Robert Smith as Chair.** Robert Smith, Katherine Brown, Amy Wilmarth and Ben Coomer voted aye. **VOTE on Jack Forinash as Vice Chair.** Robert Smith, Katherine Brown, Amy Wilmarth and Ben Coomer voted aye.

3. Discuss term of members and meeting schedule for 2012. Katherine Brown and Amy Wilmarth's term ends December 31, 2012. Ben Coomer and Jack Forinash's term ends December 31, 2013 and Robert Smith's term ends December 31, 2014. Robert Smith and Jack Forinash like the first Thursday of the month at 10:00 a.m. meeting schedule. Robert Smith said there may be a chance the new City Council member assigned to the Planning Commission may not be able to meet at that time. Ben Coomer said it was important that a member of the City Council attend Planning Commission meetings. Amy Wilmarth was concerned about all members of the Planning Commission changing their schedules to meet the needs of just one person. Robert Smith suggested keeping the same schedule. All other members of the Commission agreed.

4. Discuss/approve/deny Final Conditional Uses Ordinance. Amy Wilmarth commented on 10-13-3, Preview Procedure. She stated that on D 2 changing the word shall to may to state "a record of the hearing may be forwarded to the City Council." Conae Black asked the planning commission why they had a problem with forwarding the record of the public hearing with a recommendation of the denial or approval to the City Council. Michael Bryant said because it should have been the decision of the planning commission and if the application request is bigger than they can handle then they will forward it to the City Council. Conae Black said in this section it is not asking for city council input it is forwarding the public hearing record to the city council. Conae Black read to the planning commission what they were intending to do, "a record of the hearing, together with a recommendation may be forwarded to the city council." The planning commission agreed that they misstated and not to change the word shall to may. Amy Wilmarth also stated that at the public hearing it was suggested changing in Preview Procedure under 10-13-3 C "not to exceed sixty days" for the planning commission to act upon an application. Ben Coomer said it should be 90 days after filing the application because we want two meetings. Michael Bryant told the planning commission the section they were referring to was the public hearing. If they are not going to hold a public hearing the planning commission needs to act upon it at the meeting it is on the agenda.

Amy Wilmarth moved onto day care and preschools. She stated the city does not license a day care. A day care is licensed through the state. Michael Bryant said the state does not license preschools. Ben Coomer said preschool is not a required before entering into public

school so why should we be setting conditions on them. Michael Bryant said a preschool creates similar issues as a day care facility the only difference is the number of children that could potentially be there and the amount of time the children are at the preschool. The law states something like if a child is at attendance longer than three hours then it is considered a day care. Ben Coomer suggested restricting the amount of children allowed to eight children in a residential area. Any group larger than that would create more traffic. Robert Smith said schools are a permitted use in residential zones. Conae Black said the definition of schools is where a preschool is addressed. Amy Wilmarth suggested allowing eight children per one instructor with a maximum of 16 children. Conae Black reminded the planning commission that this is for all zones and asked if they wanted those same restrictions for a professional preschool in a commercial area. Michael Bryant did think that conditions should be set for a commercial preschool. The planning commission discussed whether to restrict this to certain residential zones but concluded that it could be allowed with conditions in all the residential zones. The planning commission decided to title this section "Preschools in Residential Zones."

From the public hearing comments there was some concern with #9 on the Moving Buildings section. It states that a cash deposit is required. Ben Coomer suggested changing that to a \$5,000 bond.

After more discussion on camouflaging small wind energy system it was agreed upon again to strike ii from 10-13-5 J because i states the applicant shall take adequate measures to keep such devices from public view. The noise level was discussed. Michael Bryant suggested striking "create noise louder" and just stating "shall not measure greater than." Robert Smith brought up the hazards of a wind energy system and was concerned about setting set backs for safety reason. Some of the hazards could cause property or personal injury. He thought if a person did not want to have their energy system set back that far then they should have a 2 million dollar umbrella insurance policy for personal and property damage. After some discussion it was decided the set back shall be one and one half times the height of the wind structure with the blades being a part of the structure as measured from the blade at the highest point. In all cases the minimum setback should be thirty feet.

Under K Zero Lot Line Development Michael Bryant brought up easements. There may be a utility easement in the set back area. What if there were damages to utilities because the property owner decided to utilize the zero lot line development. Ben Coomer felt it should be the responsibility of the property owner. Michael Bryant suggested adding "all damages to private property in utility or governmental easement areas shall be the responsibility of the property owner to repair or replace."

**MOTION:** Katherine Brown moved to approve the conditional use ordinance with the changes that were discussed today. Amy Wilmarth seconded the motion. **VOTE:** Robert Smith, Katherine Brown, Amy Wilmarth and Ben Coomer voted aye. **MOTION:** Ben Coomer moved to send the Conditional Use ordinance to the City Council for approval pending Planning and Zoning Commissions approval of the final draft. Katherine Brown seconded the motion. **VOTE:** Robert Smith, Katherine Brown, Amy Wilmarth and Ben Coomer voted aye.

5. Discuss/approve/deny Subdivision Ordinance. **MOTION:** Amy Wilmarth moved to table this agenda item. Ben Coomer seconded the motion. **VOTE:** Robert Smith, Katherine Brown, Amy Wilmarth and Ben Coomer voted aye.

6. Adjourn. The meeting adjourned at 11:30 a.m.

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Robert Smith, Chair

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Conae Black, City Recorder

Approved: \_\_\_\_\_