CARBON COUNTY UTAH
PLANNING & BUILDING DEPARTMENTS

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PLANNING COMMISSION
MEETING MINUTES – May 5, 2015

IN ATTENDANCE:
Reed Phillips
Tom Paluso
Danny Blanton
Don Torgerson
R.D. Campbell
Dave Levanger, Planning Director/Building Official
Christian Bryner, Deputy County Attorney
Doris Johnston, Admin

OTHERS ATTENDING:
Kevin Callahan
Carla Saccamano
Zane Nielson
Dale Wright
Lynna Topolovec
Citizens of Carbon County

EXCUSED:
Chairman Richard Tatton

***Tom Paluso served as acting Chairman for this meeting**

he meeting was called to order at 4:30 PM

1. **Pledge of Allegiance**

2. **Review and possible approval of the meeting minutes from April 7, 2015.**

   R.D. Campbell made a motion to approve the minutes from April 7, 2015. Danny Blanton seconded. By unanimous decision, motion carries.

3. **Discussion on possible conflicts with agenda items by Planning Commission Members and a recommendation from staff**

   Dave Levanger explained why this should be on the agenda. Dave stated any time there is a conflict of interest, a member should abstain. Christian Bryner added it should be declared and if your vote is going to be affected by what you know, you should abstain.

4. **Review and possible approval of the concept of Brook Meadows Subdivision in Carbonville, 1 lot, Carla Saccamano**

Dave Levanger gave a background on this application and explained recently the zone was changed to ½ acre lots. There are some issues such as the road is only around 16ft wide. Dave stated according to the survey, Mrs. Saccamano owns the road. The minimum width for this type of subdivision is 50 ft. "right of way" and the "roadway" width required is 24 ft. of asphalt. Also required would be an upgraded 8 inch water line to provide adequate pressures and fire protection.

Dave Levanger stated he has had conferences with the County Road Supervisor, County Engineer and one of the County Commissioners and suggested that Mrs. Saccamano apply for a 1 lot Subdivision in the north end that has frontage on Carbonville Rd. Dave added it doesn't depend on frontage to get to the lot from the smaller road. Dave explained details on the water line and has spoken with Jeff Richens from PRWID who is going to do some research on fire flows on the hydrant and the availability of water for a new lot. Mr. Levanger stated if all this turns out correctly, he feels it is appropriate to approve one new lot.

Public Comment

There were public comments made, although the meeting was never officially opened for public comment. Some of the comments and concerns were:

- If the water line is in the utility easement. (Dale Wright)
    - Dave Levanger explained that the utility easement issue will be looked at in due time
- Questions on the water line that is currently being dug and where the water would come from.
    - Carla Saccamano explained the water line that is being dug, as it sits right now, does not come into play with this 1 lot subdivision. It is too small and as stated by Mr. Levanger, the water line would have to be upgraded. Mrs. Saccamano added she would possibly get her water from Carbonville Rd
- Questions on survey lines (unnamed citizen)
    - Dave Levanger suggested talking with him after the meeting and he could print out the survey he had available and reminded all this is not that far yet and this is only concept approval.
- Roads and access
    - Dave Levanger suggested putting a stipulation on this 1 lot Subdivision requiring that the driveway needs to come off of Carbonville Rd.

Citizens also expressed their concerns and questions about having the ability to give input at meetings and on this issue before it goes to Commission.

Chairman Tom Paluso validated the public's concerns on being informed and other Planning members explained the process.

Dave Levanger added that the reason this item was put on the Planning Commission instead of the Site Plan Review Committee was this was a little deeper issue that would normally go onto the SPRC and it was important to get this information out there. Dave also commented that we need to be talking about the item presented, not other things.

Don Torgerson added that we were getting ahead of ourselves as a Planning Commission. The question is whether or not this meets our code requirements for a 1-lot subdivision and reminded all this is only concept as of now. Don Torgerson reminded and advised all that this is ***not*** a "Public Hearing" and it has not been ruled open for public comment at this point. Comments may be made if it is ruled open for comments. The Planning Commission needs to move forward and discuss from their standpoint the concept and what the issues are for this 1 lot subdivision.

Christian Bryner explained the difference between Public Meetings and Public Hearings. Christian also explained how the process works with concept and final approvals and also Public Hearings at the Commission Meetings, where public can be heard. This process follows the statewide guidelines. Dave Levanger added the public needs to ask the Chairman if they want to make comments at this Public Meeting.

Dave Levanger stated according to State Code, if a private land owner brings in the proper application, and they do all that is required under the code we have adopted, they have a right for approval of that project.

Christian Bryner explained there has to be a compelling, countervailing public interest as to why a development cannot be approved and the evidence has to be presented.

Don Torgerson made a motion to approve ***the concept of a 1 lot Subdivision remaining in the current zone*** for Carla Saccamano. R.D. Campbell seconded. By unanimous decision, motion carries.

5. **Review and possible approval of an amendment to Fiechko Subdivision No. 1, Lot 12, for Marilyn Brady.**

Dave Levanger reviewed the parcel owned by Marilyn Brady and explained it is bisected by the Carbon Canal with a roadway beside it. This is in part of The Fiechko Subdivision No. 2 approved in the 1970's. At the original time this lot was platted it was 10 acres. Mrs. Brady wishes to divide the home off with a

2.5 acre lot and sell the rest of it as agricultural land to her neighbor, Zane Nielson. If a positive recommendation is received, a plat will be created and then go to a public hearing to amend this subdivision and to create a lot. The balance of land would possibly be abandoned out of the subdivision. This will be up to the parties involved.

Zane Nielson is representing Mrs. Brady and is purchasing the property. Mr. Nielson stated the bottom half that is at the north of the canal will eventually be put back into hay/farmland with the 10 acres he has already purchased. There was discussion on the balance of the land being part of the Subdivision and making it a 2 lot. Mr. Nielson asked how the utility is affected on the land. Dave Levanger stated it would not be affected and be farm service. Mr. Nielson verified this application will be for the 1 lot.

Reed Phillips made a motion to approve an amendment to Fiechko Subdivision No 1, Lot 12 for Marilyn Brady. Don Torgerson seconded. By unanimous decision, motion carries.

6. **Review of staff revisions and recommendation to the County Commission for amendments to the Development Code of Carbon County, Christian Bryner and Dave Levanger**

Dave Levanger was advised by Christian Bryner that all *Residential Treatment Facilities* for persons with a disability, need to be Permitted Uses anywhere a Residential building is allowed. Dave Levanger stated more work needs to be done on this area in the Development Code. Dave added that Christian Bryner rewrote Section 5 to comply with State Law. Dave Levanger asked the Planning Commission to approve today, but allow Christian Bryner the latitude to make the changes to the Residential Treatment Facilities

Chairman Tom Paluso asked Planning Commission members if they had any questions.

Don Torgerson asked for verification that the Residential Treatment Facilities is being changed from a Conditional Use Permit to a Permitted Use. Christian Bryner verified this.

7. **Public hearing to receive public comments regarding the proposed changes to the Development Code of Carbon County, with further possible consideration by the Planning Commission.**

Chairman Tom Paluso opened up the Public Hearing at 5:02 PM

Lynna Topolovec had comments and concerns on:

- *Exploratory wells and production wells* are listed as both Permitted Use and Permitted Conditional Uses in many zones.
    - Dave Levanger stated this is a typo and he will make the corrections.
- Some conditional uses are listed in permitted uses and need to be in correct list *example*-Pg.10, Item 23; *Motion picture theaters, outdoors* should be in the CUP list.

- Grammar correction on Pg. 16; *Mountain Home Range Subdivision Zone*, ***signs*** *not to exceed 302 sq. ft.* Lynna felt this should read **sign**, not plural and need limitation on number of signs.

Lynna Topolovec also has concerns about how the *exploratory wells and production wells* are listed in every zone now including Residential. The noise factor will have to be looked at. Dave Levanger commented to his knowledge, he did not add exploratory wells to any zones that did not have them already and this was possibly done in error.

There was discussion on the standard conditions on Pg. 31; *Standards governing conditions to be imposed.* Lynna Topolovec was not sure that these standards were as applicable as before if the gas wells are in the Residential zones. There was also a question on which version of the Development Code draft Lynna had received.

Lynna Topolovec commented on the changes to the approval process. Lynna recommended that the ordinance require a public hearing on any final application decision so the public will have input.

Christian Bryner explained that this new approval process would give the Site Plan Review Committee or Zoning Administrator/Dave Levanger some authority to approve minor, simple items without a public hearing.

Chairman Tom Paluso explained we want to do things correctly, but also want to make sure we don't slow things down.

Christian Bryner referred to Section 5.1.7 *Land Use Authority*; it states that large scale industrial projects will still require public hearings. Dave Levanger explained he would not be approving these types of Conditional Use Permits. Dave added he will go back through the errors Lynna has brought up and make sure all is written correctly.

Don Torgerson explained there are certain administrative functions that should be given to people who are educated to handle those functions. The Planning Commission should not be micro-managing every single project but we can vote on what each item should have and pass on to staff.

Planning Commission Members felt it was necessary to schedule another meeting to make the changes and corrections to the Development Code with a final complete copy before recommendation to the County Commission.

Don Torgerson made a motion to schedule a Working Meeting for The Planning Commission and once document is finalized and ready for recommendation to County Commission, schedule it for a Public Hearing. Reed Phillips seconded. By unanimous decision, motion carries.

Chairman Tom Paluso asked if there were any other comments from the public.

Tom Paluso closed the Public Hearing at 5:18 PM and asked for a motion to adjourn.

Planning Commission Members scheduled the Working Meeting for Wednesday, May 13, 2015 at 4:30 PM at the new Carbon County Administration Building.

8. Adjourn

R.D Campbell made a motion to adjourn. Reed Phillips seconded. By unanimous decision meeting adjourned.

Meeting adjourned at 5:20 PM.

Richard Tatton

Richard Tatton, Chairman