



PLANNING COMMISSION
MEETING MINUTES – April 7, 2015

IN ATTENDANCE:

Chairman Richard Tatton
Tom Paluso
Reed Phillips
Danny Blanton
R.D. Campbell
Dave Levanger, Planning Director/Building Official
Christian Bryner, Deputy County Attorney
Doris Johnston, Admin

OTHERS ATTENDING:

Dale Wright-Citizen

EXCUSED:

Don Torgerson

The meeting was called to order at 4:30 PM

- 1) **Pledge of Allegiance**
- 2) **Review and possible approval of the meeting minutes from March 3, 2015.**

Tom Paluso made a motion to approve the minutes from March 3, 2015. R.D Campbell seconded. By unanimous decision, motion carries.

- 3) **Final Review and recommendation to the County Commission for amendments to the Development Code of Carbon County. Christian Bryner and Dave Levanger**

Dave Levanger provided to members an updated version of the proposed changes to the Development Code.

Christian Bryner spoke on *Section 2.2- Appeals and Appeal Authorities*. There would be two different kinds of Appeal Authorities.

- 1) **Administrative Hearing Officer-** Person that would hear the most common types of appeals and variances, such as setback requirements. This person would have some experience with land use issues and be appointed by the County Commission
- 2) **Board of Adjustment-** Board that would hear all other land use appeals that would not go to the Administrative Hearing Officer. Board consisting of three members chosen by the County Commission.

Christian Bryner reviewed some of the *Appeal Hearings guidelines, 2.2.5.*

- 1) Written decision shall be issued

2) Public Notice will be given 10 days before hearing

3) Cases can be heard informally. Appeal Authority shall not be bound to follow Rules of Evidence

Christian Bryner spoke on *Standards on Variances.2.2.9*

Christian Bryner explained there would also be a **Geologic Hazards Administrative Hearing Officer** that would hear appeals pertaining to geologic hazards such as slope issues, soils, cliff issues, etc... This person will be a geological or structural engineer, geologist or someone who is an expert in the geological sciences.

Christian Bryner commented that meetings will be heard quicker and decisions will be entered more quickly and people will get more expert consideration with the Administrative Hearing Officers.

Christian Bryner referred to *Section 3.3.30, C3, Temporary Uses*: This line was added stating:

The zoning administrator shall have the discretion to set the times for which the temporary use may be in effect. However, the following uses may only exceed the time periods set forth if the zoning administrator makes a finding in writing that good cause exists to grant additional time.

Pod type storage units were discussed and more on the time frame for temporary uses.

Christian Bryner gave Planning members a printout and went through Section 5 pertaining to *Conditional Use Permits*. Some items discussed were:

- *5.1.3 Permit is required*
- *5.1.4 No Presumption of Approval*
- *5.1.7 Land Use Authority*

The Zoning Administrator will handle most CUP's except for the ones listed, such as large scale industrial projects, mines, industrial in a water shed zone, correction facilities, major utility projects, etc.. (*see 5.1.7 Land Use Authority*) These major CUP's will be handled by the Planning Commission and County Commission for the extra levels of review needed.

Christian Bryner explained what we are trying to do is acknowledge that certain zones with certain projects are already a fit for those zones. We just need to make sure it is done in a clean manner and taken into consideration the neighbors thoughts on it.

Chairman Richard Tatton and Christian Bryner discussed if a State or Federal Authority such as DOGM is regulating the particular use and has approved it, we are not required to go beyond this and ask for more, but proof of this State/Federal permit could be required.

Christian Bryner spoke on a common provision in Carbon County on wells, stating we require it be 660 ft. from a residential structure. There was discussion on whether this provision was added in the Code after being passed. Dave Levanger stated he would double check and make sure this was included in the latest version of the Development Code.

Christian Bryner explained what we want the Planning Commission to be doing is not so much worrying about the small particular details as much as looking at the bigger issues, such as where the Industrial &

Commercial zones should be for the County, and periodically review the bigger purposes of the Master Plan. Christian stated we want the Planning Commission to have a good handle on where zones exist in the County and what the purpose is of those zones and be out in front of those issues instead of reacting to them.

Christian Bryner spoke on *5.1.8.iv.a Standard Provisions* and *5.1.9 Types of conditions which may be imposed*

5.1.8.iv.a will be a list of standard, basic provisions that list basic good neighbor conditions that are required for all CUP's such as trash, lighting, noise etc...

Tom Paluso shared an example of how Helper City does their CUP approvals.

Dave Levanger presented an Interim Policy on Manufactured Home additions. Dave explained that a Manufactured home is built to the Federal HUD standard and a Modular home is built to the Building Code standard, the same as a stick built home. These are two different codes and standards. Dave explained you cannot put additional weight onto a Manufactured home. A structure can be built right next to it, but they have to be two different buildings. This Interim Policy explains everything needs to be supported per the code and be finished in roof covering and siding to match the finish of the existing home. Members felt this was a good policy.

Christian Bryner suggested the next step to finish amending the Development Code would be to have a Public Hearing, per State Law, at the next Planning Commission Regular meeting on May 5, 2015 along with presenting the final document to make comments and make any proposed changes. The Planning Commission can then make a recommendation to approve or not to the County Commission.

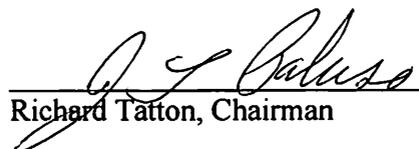
Chairman Richard Tatton asked if there are any time constraints with holding a Public Hearing. Christian Bryner stated not in this case, but will check to be sure.

RD Campbell had comments on the Conditional Use Permits and the fact that the State regulates these constantly.

Members felt this CUP approval process will help the public get through the process faster.

4) Adjourn

Meeting adjourned by common consent at 5:00 PM


Richard Tatton, Chairman