



PLANNING COMMISSION
REGULAR MEETING-January 5, 2016

IN ATTENDANCE

Chairman Richard Tatton
Reed Phillips
Don Torgerson
Tom Paluso
Danny Blanton
RD Campbell
Dave Levanger, Planning Director/Building Official
Christian Bryner, County Attorney
Doris Johnston, Administrative Assistant

EXCUSED

Commissioner Jake Mellor

OTHERS ATTENDING

Tami Ursenbach, Director, Economic Development

The meeting was called to order at 4:33 PM

- 1) **Call to Order and Pledge of Allegiance**
- 2) **Review and approval of previous meeting minutes**

Tom Paluso made a motion to approve the minutes from December 1, 2015. Danny Blanton seconded. By unanimous decision, motion carries.

Chairman Richard Tatton noted that he has a conflict of interest on some items of the Development Code as he is a member of the PRWID board. He also noted that at our next meeting, we need to elect a Chairman for the Planning Commission.

- 3) **Review of past developments and upcoming projects**

Dave Levanger has spoken to an engineer hired by UDOT about the plan of widening Highway 10 from Price City limits to 4 mile hill.

Dave also informed all that there is a Public Hearing on January 6, 2016 in Wellington on the proposed coal to liquid facility and invited Tami Ursenbach, Director Economic Development, to speak on this.

Tami Ursenbach explained that Revolution Fuels has applied for an Air Permit for this coal to liquid facility. They advertised in the paper as required and after the two week wait, we received a request for public hearing from public and two environmental groups with concerns on air quality.

Tami explained we have many qualified speakers coming to speak on the air quality. Tami also read a comparison done on the Carbon Plant vs. this coal to liquid facility showing the Coal to Liquid plant would be much less.

<u>Carbon Plant</u>			<u>Revolution Fuels Coal to Liquid Plant</u>
Tons of coal use-	1800 tons a day	vs.	550 tons a day
Sulphur Dioxide-	8000 tons a year	vs.	0.9 tons a year
Nitrogen Oxide-	3342 tons a year	vs.	23 tons a year

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Tami stated this is a new process that is very clean and only the natural gas will be burned. Tami explained that the Division of Air Quality is doing this public hearing and it will just be for public comment. It will be at Wellington Elementary at 6PM on January 6, 2016.

Tami added this facility will provide construction jobs and after up and running about 60 jobs and then up to 200-300 jobs. Tami commented this will be good for the community. Tami added they have everything in place except the air and water permits and then the Conditional Use Permits.

Danny Blanton asked where the proposed site is. Tami said it will be right off Ridge Road.

Don Torgerson asked about the timeline. Tami explained once they get the approvals it should move quickly. The hope is to start by March, 2016. Tami explained this has been in process for about 2 ½ years with a few issues along the way.

Tami stated the area that Revolution Fuels want to build is in the same property where the Price River Terminal is. Tami explained we are working on putting that area and the surrounding property into a community development area to help to incentivize from a state level.

Tom Paluso asked where the coal would come from for this facility. Tami explained they would like to use local mines if possible.

Tami also commented that SUWA (Southern Utah Wilderness Alliance) has read the document concerning this facility and they did not oppose it and found no problems. Tami added DAQ wants to be sure they comply with requirements of the EPA and new regulations but also this is a “minor” source not a major source.

Tami added the hope is to have 600 jobs by March, 2016 with this and other companies coming into the area.

Dave Levanger presented photos of a storm drainage pond. The overflow pond feeds out of Westwood and Gardner Gate Subdivisions. Chairman Richard Tatton stated this is something that the Building Department has been pushing for and now it has come to fruition. Dave also reviewed photos of the Brook Meadows Subdivision showing the completed adjustments to the road and ditch that the Planning Commission requested.

4) Review and possible approval and recommendation to the Board of County Commissioners of proposed amendments to the Development Code of Carbon County. The code has been revised from Public Hearing Comments.

Christian Bryner verified that what this board wants to do is to have some time to discuss what was presented at the public hearing and make some decisions and direct Dave Levanger and himself to make the changes to the Code. The Code has not been revised at this time.

There was some confusion on Chapter 5 of the Development Code and which version was presented at the public hearing. This will be reviewed.

Planning Commission members referred to the staff notes that Dave Levanger prepared.

Dave Levanger spoke on Chapter 5 and CUP's and approval authority and the intent to break it into 3 levels of approval.

Level 1-Zoning Administrator

Level 2-Planning Commission

Level 3-County Commission

Dave reviewed the staff comments he prepared on the Public Hearing comments from Dec 1, 2016.

1. *New definition for water pressure, insurance rates going up.* Insurance rates are set by the ISO, and by our simply changing our definition to match the State of Utah's definition, no change is likely to occur.

Chairman Richard Tatton commented PRWID's view on water pressure is determined by elevation, and pumping is required in some areas. This user pays for this pumping.

The Planning Commission discussed the options of raising the water pressure from the State standard as requested by Mike Milovich at the public hearing. Don Torgerson explained there are times when we should have stricter standards to protect the community, but felt the State puts a lot of science into this and it is well thought out.

Christian Bryner explained there may have been some confusion at the public hearing on which State standard Mr. Milovich was referring to at 40 psi. Dave Levanger explained that the **Building Code** standard is 40 psi and the **Street** standard is 20 psi. If more psi is needed, an auxiliary pump would be required at the user's expense.

Christian Bryner asked who sets this State standard. Dave Levanger stated it is set by the Utah Division of Water Quality.

Don Torgerson suggested stating on the document that "as a County we are adopting the Utah Division of Water Quality's standard" and also state what the standard is on the date of adoption.

Planning Commission members agreed that this was a good idea.

2. *Commercial zone on Haycock Lane in Spring Glen.* Dave Levanger gave a history of this property and the zone change that was done in 1986 after review by the Planning and County Commission for a legal conforming business for a truck stop. The traffic mentioned was already on the road.
3. *Temporary Uses.* Don Torgerson explained the concern was having too much authority on one person. Don suggested having a mechanism to review and override the Zoning Administrator if necessary. Planning members liked this suggestion.

Christian Bryner suggested also to grant the Zoning Administrator temporary approval authority and the item be put on a consent agenda. Don Torgerson suggested a short window (15-30 days) to object and go to a larger body. Don commented that any area of the code that we are committing to one single position should have a review mechanism if it is requested, but it should be a short review so we can streamline the process. If the worry is giving too much authority to one person, you remove that worry if we have a process that is fair for review.

Christian Bryner summarized the process. Zoning Administrator would review and approve or deny. If approved, public notice would be posted with a time limit (15 days) for objections. If there are objections, the Planning Commission would review it at the next meeting.

Don Torgerson also suggested having a place on the website for Zoning Administrator approvals with a link to community rights and the process for objections. Christian Bryner reminded all that we are still reserving major projects for Planning Commission and County Commission.

4. *Truck Terminals/Not enough foam on fire trucks.* Dave Levanger stated the low foam issue was a valid statement brought up at the public hearing but did not think this was a subject for the Development Code.

Don Torgerson explained some of the issues brought up at the public hearing were more enforcement issues and not relevant to adopting the Development Code. Don commented the concern for the Development Code is whether we want to put trucking terminals into certain zones. Dave commented that a trucking terminal is no more dangerous than a gas station, which are in commercial zones.

Chairman Richard Tatton commented that the trucking terminals would also need a Conditional Use Permit where all the questions on safety are asked.

Don Torgerson asked what the Municipality standard is on truck terminals and it may be a good idea to check on this with other cities. Don felt that a truck terminal is slightly more of a problem than a gas station when it comes to community satisfaction. Chairman Richard Tatton reviewed that what the Planning Commission is requesting is for Staff to check on the zoning for trucking terminals in municipalities.

There was much discussion on truck terminals and how some view Commercial zones as a buffer between Industrial and Residential zones

Dave Levanger added he does not see a difference between truck terminals and truck stops.

Dave explained that he spoke with Brent Bateman, Utah Private Property Rights Ombudsman, concerning the specific Spring Glen trucking terminal issue. Some of the questions asked were:

- Is it a different use? Mr. Bateman did not think we could now ask for a CUP unless each use was defined for trucking. Our code does not differentiate between types, trucking is trucking.
- This use is located on a State Highway and the County cannot regulate.
- Also since no CUP was ever issued, no conditions can be imposed.
- This was a permitted use for the zone at the time of approval. (grandfathered)

Christian Bryner commented on the status of the County Commissioner on the Planning Commission. Dave Levanger added that, according to Mr. Bateman, a County Commissioner should not vote on the Planning Commission and also on the County Commission. Planning Commission members agreed the County Commissioner needs to be as an Ex-Officio member (non-voting)

Christian spoke on the objection by Mr. Milovich at public hearing on disposal and injection well locations in residential zones. In the new draft, it states they are allowed in rural residential, 1 acre or more with the distance of 660 ft. away from existing structure. Don Torgerson worries about a developer coming in with a large parcel in a residential area and putting a well in. Don suggested we

need to draft this out so the wells go where they are best.

5. Approval of the meeting schedule for 2016.

Tom Paluso made a motion to approve the meeting schedule for 2016. Don Torgerson seconded. By unanimous decision, motion carries.

6. Adjourn

Tom Paluso made a motion to adjourn. R.D Campbell seconded. By unanimous decision, meeting adjourned at 5:48 PM.


Richard Tatton, Chairman