

Sevier County Planning & Zoning Commission
June 12, 2013

Minutes of the Sevier County Planning Commission meeting held on the twelfth day of June 2013 in the Commission Chambers of the Sevier County Administration Building, 250 North Main, Richfield, Utah. Those present included: Chairman John Worley, Evelyn Nielsen, Brenda Malmgren, Mike Miles, and Caryl Christensen

Kelly Alvey, and Ralph Brown were excused.

Others present included: Zoning Administrator Larry Hanson, Deputy Clerk/Auditor Barbara Crowther, and others listed on the attached roll. County Attorney Dale Eyre joined the meeting later.

Minutes tabled:

Minutes of the May 8th Planning Commission meeting were considered, then tabled as there was not a quorum of the members in attendance at that meeting.

Zoning Administrator Update:

Zoning Administrator Larry Hanson said he only had one item, noting that the Grow family is back and are hoping to continue work on the Carmel Canyon Subdivision, which was withdrawn in 2009. Discussion followed concerning the location of the subdivision, that they would need to start the application over again with the exception of the fee, and that their current project with the rail cars is not yet completed. Mr. Hanson reviewed the law and what the Commission had agreed to in the minutes on the project.

The Planning Commission then requested an update on the Power Plant and Power lines projects. Mr. Hanson said that the latest appeal on the power plant was denied, but could be appealed to a higher court. He then noted that the other large conditional use permit for rock crushing may change hands.

Conditional Use Permit approved for Road and Highway Builders:

Kelly Ballow of the Road and Highway Builders met with the Planning Commission requesting a Conditional Use permit to operate a hotplant site on Riverbottom Road. Mike Miles recused himself from this application as his name is on the documents, and they are working with UDOT. The Planning Commission noted that the application was well done, and asked Mr. Ballow about the plans to alleviate smells, dust, etc. Discussion followed concerning the measures he will be taking to capture fugitive dust, that the Company does have an air quality permit for the hotplant site, and proposed hours of operation. Mr. Ballow explained that they would be bringing the liquid oil into the plant at 4 a.m. with the plant starting up at approximately 6 a.m., and with worst case scenario having the plant shut down at 7 p.m. noting that the long hours allowed him time to unload the oil and clean up the plant after their workday. Further discussion followed concerning the length of time for the project, when he would be setting up the plant, the length of time required to tear it down, the number of times the oil tankers would come in, and the number of tankers. Mike Miles, representing UDOT, explained that last summer the project was not completed with the optimum conditions, specifically that the area was not put back to its prior

condition, and there are legal issues involved at this time. He said UDOT is working on getting the mess cleaned up, and noted that a letter from the County would help him make progress in getting the matter taken care of. Mr. Ballow then explained that this was a small project for his company, and that the only reason he gave himself extra hours was for worst case scenarios.

Chairman Worley then opened the meeting for comments from the public regarding the application.

Lynette and Calvin Christensen expressed concern because due to the changes made last year, they were flooded from the rainfall. Ms. Christensen said that the County came out and installed a small culvert, which was more like a drainpipe, but they needed a larger culvert. She then said that there was dust the entire summer, that they had been running their equipment in the middle of the night, and complained that the area is still not cleaned up.

The Planning Commission asked whether or not the County had been notified that FlatIron had not fulfilled the conditions on their Conditional Use Permit. Zoning Administrator Hanson said that when Flat Iron Construction asked for an extension, or when an issue had come up, it was not brought to a meeting, rather Mr. Hanson had addressed the issues.

Ed Story expressed concern about hauling aggregate in and compound out which will bring twice as much traffic to the road as what they normally experience, and the road is currently in poor condition. He said that the previous company used the same water truck in the pit that they used on the road, so they couldn't keep up the road. Mr. Story asked that a water truck be dedicated to spraying the road, and that the bond be big enough to ensure that the area be cleaned up after the project. Mike Miles reported that this is a good company who will do what they say they will do. Discussion followed concerning the current condition of the road, that it needs to be re-graveled, who is responsible for the road, and that the residents would like the road watered from pavement to pavement.

Joe Packer said he owns property just north of the site and the roads were crap last year. He asked that the road be kept up. He also noted that he is NOT okay with the 4 a.m. start time. Discussion followed concerning the start time and whether or not it would be okay to stretch out the length of the operation versus allowing the early start time. Chairman Worley asked that the hours be changed to 6 a.m. as a start time. Mike Miles then reminded the Planning Commission that it takes a while to heat up the oil, and it will restrict their working hours for the project which will make the project take longer.

Mr. Ballow said that he would like the asphalt truck at the project site (Clear Creek road) at 7 a.m. and the oil will need to be loaded by about 6 a.m. to do that. Discussion followed concerning other possible areas that could be used for staging. Mike Miles indicated that this location would be helping the County cut costs so that the product is not shipped as far as it would be from other project sites.

Discussion followed concerning the start time, what the process is for starting up the hotplant, that start time would be unloading and heating up the oil and not when the first truck leaves the

plant, the noise level of the oil trucks, the noise level of the haul trucks, whether or not the trucks are subcontractors of this company, number of asphalt and haul trucks, that this is a small operation compared to other sites, whether or not the bond from the last contractor was released or could be used to upgrade the road, whether or not the County was ever contacted with the problems and complaints. Zoning Administrator Hanson said he has visited the site and spoken with the Flat Iron Construction representatives. The neighboring land owners to the proposed site reminded the Planning Commission that Flat Iron had made promises, but had not kept them and they are now left with a mess. Mr. Hanson said that the bond from the last company had probably already been released because the road is no longer in use by Flat Iron, and that the road issues would fall under the jurisdiction of the Road Department. County Attorney Dale Eyre said that although something needed to be done to the area, the matter would need to go before the County Commission. After discussion, Evelyn Nielsen moved to approve the Conditional Use Permit for Road and Highway Builders for a Hotplant site on UDOT property at 1263 N Riverbottom Rd. to provide asphalt to the Clear Creek Road project for the County with the following conditions: truck speed be limited to 20 MPH with no engine brakes to be used, that the start-up time be as late as possible but not before 4 a.m., and that the dust be totally controlled during all hours, with a note that the starting time be moved to 6 a.m. if there are complaints, second Caryl Christensen. Chairman John Worley, Evelyn Nielsen, Brenda Malmgren, and Caryl Christensen voted aye, with Mike Miles abstaining. Motion passes.

John Worley asked to be excused as he had another obligation. He turned the chairmanship over to Evelyn Nielsen.

Planning Commission urged to update ordinances:

Dale Eyre met with the Commission concerning the accessory dwelling ordinance. Zoning Administrator Larry Hanson said that there have been several requests for accessory dwellings, but that our current ordinance requires a dwelling be built first which inhibits the ability to build just a garage or a storage area. He also said that there have been several complaints that the process to get a permit is too lengthy, and lots of discussion about grading the conditional use permits so that staff can handle some of these Conditional Use Permit requests. County Attorney Dale Eyre suggested that the Planning Commission begin to update the ordinances and make them more specific so that staff will be able to handle the majority of the requests, noting that lawsuits come because decisions are made based on public clamor and not on written ordinance or policy. Discussion followed concerning creating more than one classification of Conditional Use Permit which would allow for a first tier that staff would handle, and a second tier for the major Conditional Use Permits or Planned Unit Development applications to come before the Planning Commission, and that the number of staff could be increased if the need was there. County Attorney Eyre said that at this time he would like to see the accessory dwelling ordinance re-written as the County does not have an adequate definition for accessory dwellings. Zoning Administrator Hanson then briefly reviewed SB153, noting that it addresses the improvements and deadlines that should be involved with some of the applications.

There being no further business to come before the board, meeting adjourned at 7:35 p.m.