

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF MARCH 21, 2022**

PRESENT:

Commissioners:

Judy Beacco
Kyle Heffernan
Errol Holt
Todd Thorne
Jan Young

Sherrie Gordon, City Recorder
Nick Tatton, Community/Human Resources Director

EXCUSED: Commissioner Black, Commissioner Root and Commissioner Swinburne

STAFF/OTHERS: See Public Meeting Sign-In Sheet

1. Chair Young called the meeting to order at 5:00 P.M. She led the Pledge of Allegiance.
2. Roll was called with the above Commissioners and staff present.
3. SAFETY SECONDS – The Commissioner assigned Safety Seconds was excused.
4. MINUTES OF February 22, 2022
MOTION. Commissioner Thorne moved to approve the minutes for February 22, 2022. Motion seconded by Commissioner Beacco and carried.
5. PUBLIC COMMENT ON AGENDA ITEMS - No public comment was received on any item.
6. GENERAL BUSINESS:
 - a. PLANNING COMMISSION TRAINING. Presentation regarding the building permit and inspection process, issues and topics. Ryan Monson, Carbon County Building Inspector.
Todd Throne, Carbon County Building Inspector, reviewed building permits and inspection processes on behalf of Ryan Monson.
 - b. PUBLIC HEARING. Public hearing to receive input regarding the proposed Ridgeview 66-lot residential land subdivision and associated development, located at approximately 300 E to 500 E and 900 N to 1300 N.
MOTION. Commissioner Thorne moved to open the public hearing at 5:09 p.m. Motion seconded by Commissioner Heffernan and carried.
Pete Kilbourne and Jason Olsen commented on the following:
 - Lower lots may be in a flood plain. There may be drainage issues.
 - Upper lots contain rough soil. This could damage foundations.
 - Will the gas line easement be maintained?
 - Will access still be open to the public for recreation?
 - How will the roads to get in and out of the subdivision be oriented?Riley Vane with Jones & DeMille Engineering addressed the comments:
 - Foundation design is addressed in the flood plan and the geotechnical study.
 - FEMA flood plan addresses run off.
 - Detention ponds will be created.
 - Public access to the area has been addressed. There will be a lot of open space designated. Prior access and possible trespassing on private property for access may be restricted now that development is occurring.
 - Homes are one story with limited basements.
 - Dominion Energy has approved the plan regarding the pipe line.**MOTION.** Commissioner Heffernan moved to close the public hearing at 5:23 p.m. Motion seconded by Commissioner Beacco and carried.
7. CONDITIONAL USE PERMIT
 - a. LAND SUBDIVISION. Consideration and possible approval of a 66 lot residential land subdivision, called Ridgeview, located at approximately 300 E to 500 E and 900 N to 1300 N. Russ Fowles
The Commissioners reviewed the 66 lot residential land subdivision with Mr. Fowles. Two pages of pictures were handed out showing the styles of the homes. Mr. Fowles stated approximately half of the homes would have basements and approximately half the homes would not have basements. Homeowners need to maintain all storm control ditches on the individual properties and that will be part of the HOA . They are planning to build one home per month. The homes will be built in phases. A plan is in place to minimize traffic, dust and noise disturbances in the neighborhoods. They have a very efficient plan to build these homes in this subdivision.

Pete Kilbourne asked about water for this subdivision. There is not a lot of water. He also addressed landscaping. Mr. Fowles said they will comply with the landscaping requirements and are planning toward xeriscape. Robert Teny was provided an opportunity to bring up an additional concern. He addressed the subdivision and the retaining wall near his home. The home behind his has been condemned due to foundation and soils issues. What will be the process if there is damage to his foundation/property from semi-trucks going back and forth and the building of homes. His foundation could be damaged. Earth work can also damage his foundation. Mr. Fowles said they will work with all the neighbors. If issues arise during construction they will be addressed. It was recommended that Mr. Fowles provide certificates of insurance from all of the contractors and sub-contractors working on the project to Price City. Price City can then provide them to any homeowners if there are any liability issues that come up during construction.

ACCEPTANCE: The applicant acknowledged that he is aware of the conditions of approval, understands the conditions of approval and intends to comply with the conditions of approval including the comments presented in the public hearing and during the approval action.

MOTION. Commissioner Thorne moved to approve the 66 lot residential land subdivision called Ridgeview, to be located at approximately 300 E 1300 N to 850 N 500 E within the Residential 1-8 (R1-8) and Residential R1-12 (R1-12) zoning district(s). Motion seconded by Commissioner Holt and carried.

b. DEVELOPMENT APPROVAL. Consideration and possible approval of the development of the Ridgeview subdivision located at approximately 300 E to 500 E and 900 N to 1300 N. Russ Fowles.

A Conditional Use Permit (CUP) application and associated information was submitted by Russ Fowles for a multiple lot land subdivision and development to be located at approximately 300 E 1300 N to 850 N 500 E within the Residential 1-8 (R1-8) and Residential R1-12 (R1-12) zoning district(s). The subdivision is called Desert Canyons. The subdivision of the land and the development are conditional uses listed in the Price City Land Use Management and Development Code (Code). The land subdivision is a conditional use pursuant to Section 10.3.13 of the Code and the PUD itself is conditional based on Section 10.3.1 of the Code. General evaluation criteria are listed in Section 10.1 of the Code and the specific evaluation criteria is listed in Section 10.1.m of the Code.

This is a large and complex subdivision and development project. The Commissioners thoroughly discussed the project with the applicants and ensured understanding of all development conditions. Of particular note, they discussed nuisance control (dust, noise, etc.) during construction, construction access neighborhood disturbance mitigations, time frames for building the public infrastructure, which lots actual home construction will begin with, etc. Chair Young read aloud the following conditions of approval:

- Specifically understand and acknowledge that approval of the land subdivision and development project is predicated upon the successful obtainment and recording of a variance regarding lots size due to hillside slopes and undevelopable property. It was noted that the variance has been approved and recorded.
- Acknowledge that all developed infrastructure including but not limited to roads, street markings and signage, curb, gutter, sidewalk, water utility, sewer utility, storm water utility, electrical utility, fire hydrants, street lights to be installed as indicated in the submitted plans, meeting all Price City minimum requirements and approved standards, and direction provided by Price City during construction and inspected by the Price City Public Works Department finding that quality development of long term infrastructure protects the interest of Price City and is consistent with the Price City General Plan.
 - All public infrastructure within the entirety of the identified development (existing and new lots) shall be fully installed as indicated on submitted and accepted development plans. Partial installation(s) shall not be dedicated, considered or accepted by Price City. All public infrastructure shall be fully installed throughout the entirety of the subdivision (existing and new lots) within not more than twenty-four (24) months of this approval. All public infrastructure shall be installed in compliance with Price City minimum standards or better and pass inspection by the Price City Public Works Department. **REQUIRED PRIOR TO DEDICATION ACCEPTANCE BY PRICE CITY:** Infrastructure dedication agreement between development/developer and Price City Public Works detailing and identifying which infrastructure is private (see HOA item below), which infrastructure is public and public or private maintenance of individually identified infrastructure components, including maintenance standards, thereof for privately owned and operated infrastructure.
- Submission of a Public Infrastructure Development Agreement or amendment(s) thereto along with requisite financial surety to Price City guaranteeing the installation and functionality of the public infrastructure prior to the commencement of construction.
- Non-compliance with any aforementioned requirements shall negate Price City acceptance of the dedication of any public infrastructure within the subdivision/development. Price City shall not unreasonably withhold approval of, and acceptance of the dedication of the public infrastructure to Price City if all is in compliance. May require submission of a financial surety to Price City.
- Submission of full qualified civil engineered development plans to Price City for acceptance and concurrence and development in compliance with plans and any direction from Price City prior, during or subsequent to this approval finding that development compliant with approved plans protects the health, safety and welfare of the community.
- Submission of a qualified geotechnical study to Price City for acceptance and concurrence, development in compliance with the study and any direction from Price City finding that development compliant with qualified geotechnical studies protects the health, safety and welfare of the community.
- Submission of a qualified storm water management study to Price City for acceptance and concurrence, development in compliance with the study and any direction from Price City finding that development compliant with qualified storm water management studies protects the health, safety and welfare of the community.
- All developed housing shall have installed (or installation in confirmed and bona-fide progress) lot landscaping pursuant to Section 10.13.17 prior to provision of construction Certificate of Occupancy (CofO) and any individuals residing in any of the housing unit(s), as completed. Lot landscaping to be water wise.
- All residential home installation shall be of the size, orientation and type presented to Price City by developer during development consideration and concept approval and be installed under the auspices of a valid building permit.
- Provision of a copy of homeowners' association (HOA) covenants, if any, to Price City for reference. Price City will not enforce private covenants. No covenants in conflict with public / private infrastructure and dedication agreement identified above.

- No conditions at the development site in violation of the Price City Property Maintenance Code finding that properly maintained property and construction sites mitigate negative impacts on the surrounding properties.
 - i. Dust control, traffic congestion control during construction required. Construction access negative impact mitigations required (noise, odors, etc.) to surrounding neighborhoods. Primary heavy equipment and large delivery access from 300 E at North end of development site; secondary light construction and delivery access from 500 E to finding controlled heavy equipment access mitigates negative impacts on smaller roads and neighborhoods.

ACCEPTANCE: The applicant acknowledged that he is aware of the conditions of approval, understands the conditions of approval and intends to comply with the conditions of approval.

MOTION. Commissioner Thorne moved to approve a Conditional Use Permit (CUP) submitted by Russ Fowles for a multiple lot land subdivision and development to be located at approximately 300 E 1300 N to 850 N 500 E within the Residential 1-8 (R1-8) and Residential R1-12 (R1-12) zoning district(s). Motion seconded by Commissioner Holt and carried.

- a. **MULTIPLE LAND USES.** Consideration and possible approval of multiple land uses including short term rentals, residential apartments, restaurant, retail, interior storage closets and mixed use commercial / residential at 41 W Main Street within the Commercial 1 (C-1) zoning district, The Golden on Main, Guillaume Belgique and Jess Brinkerhoff. A Conditional Use Permit (CUP) application was submitted by Guillaume Belgique (G) to locate and establish the several land uses identified below at 41 W Main Street in an existing building(s) within the Commercial 1 (C-1) zoning district. The general land use evaluation criteria are listed in Section 11.1 of the Price City Land Use Management and Development Code (Code) and the specific land use evaluation criteria/land use checklist is listed in Section 11.1.m of the Code. The aforementioned applicable land uses are:
- Short Term Temporary Rental Units (Air BNB), Code Section 11.3.2.1.3.1.5, a conditional use.
 - Residential Rental Apartments, Code Section 11.3.2.1.3.1, a conditional use.
 - Restaurant Eating Space, Code Section 11.3.4.14.1, a conditional use.
 - Interior Storage Lockers/Closets, Code Section(s) 11.3.9.1.1.8 and 11.3.9.11, conditional uses.
 - Retail Sales Space, Code Section 11.3.4 and 11.3.4.44, permitted uses.
 - Mixed Use Residential and Commercial, Code Section 11.3.2.1.12, a conditional use.

The Commissioners thoroughly discussed each of the respective land use(s) with the applicant and specifically address issues that mitigate potential negative impacts of the land use both during construction and renovation as well as during normal occupancy. The Commissioners queried the applicant regarding construction time-lines and expectations. Chair Young read aloud the following conditions of approval:

Specific to Short Term Temporary Rental Units (Air BNB):

- Limited to not more than three (3) units as identified in submitted plans. Primary parking to be in the mid-block lot to the rear of the property finding that open on-street parking promotes commercial activity. Compliance with all requirements of Code Section 11.3.2.1.3.1.5, including the following: Short term rental not to exceed ten (10) days in total per transient occupant. Signage only as approved, Annual building and fire safety inspections of structure and property required, Maximum occupancy not to exceed the safe capacity of the short-term rental portion of the structure, Located more than 650 ft from other short term rental location, No advertising restrictions imposed by Price City.

Specific to Residential Rental Apartments:

- Limited to not more than thirteen (13) units as identified in submitted plans. Primary parking to be in the mid-block lot to the rear of the property finding that open on-street parking promotes commercial activity.

Specific to Restaurant – Eating Space:

- Completion of a Price River Water Improvement District (PRWID) waste water survey and compliance with all recommendations and requirements stemming from the survey, including installation of sampling manhole and grease trap, finding that property protected public waste water systems mitigate long-term problems and costs within the community.

Specific to Interior Storage Lockers/Closets:

- Limited to not more than forty (40) units as identified in submitted plans. Compliance with all necessary fire and building safety requirements as indicated by the Price City Fire Chief and the Building Inspector in regard to fire safety / fire loading of units and human access, including secondary egress. No placement of materials that may be considered hazardous in the storage areas finding that restricted storage materials protect the health, safety and welfare of the community.

General Requirements and Restrictions:

- Front and rear exterior areas adjacent to building(s) lighted for parking lot safety and unit ingress/egress safety during all dark hours finding that lighted areas mitigate nefarious acts and increase personal and vehicle safety. All exterior lighting to be high efficiency LED fixtures.
- Garbage dumpster to be in an enclosure with hard surface finding that dumpsters in an enclosure with a hard surface mitigate the potential for contamination from garbage, rubbish and debris and prevent wind scatter of garbage, rubbish and debris. Garbage dumpster to be serviced at a frequency that prevents accumulations of garbage, rubbish or debris outside of the container. Dumpster location to be placed to not negatively impact and to accommodate artistic mural on business wall south of rear parking lot.
- Installation of a minimum of 5% landscaping as required by the Code and as the site may accommodate.
- No Main Street parking by owners and employees of businesses operating from the location, parking to be in the mid-block lot to the rear finding that open on-street parking promotes commercial activity. Mid-block parking to not infringe upon Price City Community Development Agency (CDA) lease to maintain open public parking in the mid-block area (no placement of restricted or no parking signs).
- Obtain a Price City Business License(s) and registration of the business(es) with the State of Utah for general sales tax collection (as applicable) and for transient room tax collection (Air BnB) prior to use and occupancy finding that properly licensed businesses have an increased likelihood of success.
- All building renovations to be completed under the auspices of a Building Permit finding that properly permitted and inspected commercial building improvements and renovations for the identified land uses herein protect the health, safety and welfare of the community. Including all requisite fire safety.

- All building utility connections to be coordinated with the respective utility providers finding that properly planned and installed utility services mitigate the potential for personal and property hazards. To include separate fire line as required or necessary.
- Business or other site signage to be submitted and reviewed and approved by the Price City Planning Department prior to installation finding that properly reviewed and permitted signage serves to increase commercial activity.
- No land uses or occupancy not specifically contemplated or identified, considered or approved herein shall be authorized.
- No recreational vehicle overnight parking at site.
- No outdoor storage or long-term parking of vehicles and equipment or outdoor storage of other items or materials.
- All ongoing site deliveries and construction access, to include construction staging, to be in the mid-block area to the rear (south) of the subject property finding that restricted Main Street deliveries and construction activity mitigates the potential for personal or property hazards. Construction and construction staging materials to be secured via temporary fencing to prevent unauthorized access.
- Written notification provided via hand delivery or certified mail to all property owners / businesses within five-hundred feet (500') of the center point of the subject property. Notification to include a description of the project, expected project development schedule and contact information for owners and contractors. Copy of notice and delivery list to be provided to Price City.
- Repair or replacement of any and all public infrastructure damaged or destroyed during construction to minimum Price City standards, and at the direction of the Price City Public Works Director, finding that public infrastructure in proper operating condition mitigates the potential for safety problems.
- No conditions at the property or structure that violate the Price City Property Maintenance Code finding that properly maintained properties and structures mitigates impacts to area property values and is consistent with the Price City General Plan. Removal and mitigation of any current Property Maintenance Code violations from the property and/or structure.

Both property owners, Guillaume Belgique and Jess Brinkerhoff, were asked to sign the CUP Agreement.

ACCEPTANCE: The applicants acknowledged that they are aware of the conditions of approval, understands the conditions of approval and intends to comply with the conditions of approval.

MOTION. Commissioner Holt moved to approve a Conditional Use Permit (CUP) to locate and establish the several land uses identified below at 41 W Main Street in an existing building(s) within the Commercial 1 (C-1) zoning district. Motion seconded by Commissioner Beacco and carried.

8. **UNFINISHED BUSINESS** – Nick Tatton notified the Commissioners that Jade Powel moved out of Price City. Therefore, he has submitted his resignation. The Commissioners thanked him for his service. Chris Wood will be joining the Planning Commission and will be sworn in at the March 23 2022 City Council meeting. Nick Tatton informed the Commissioners it is time to review and update the city housing plan. Price City will hold a workshop meeting with the Commissioners to review the updates and make recommendations to City Council.

Chair Young called for a motion to close the regular Planning and Zoning meeting.

MOTION. Commissioner Beacco moved to close the regular Planning and Zoning meeting. Motion seconded by Commissioner Thorne and carried.

Chair Young stated that the regular Planning and Zoning meeting was adjourned at 6:15 P.M.

APPROVED: _____
Chair, Jan Young

ATTEST: _____
City Recorder, Sherrie Gordon