

**PRICE CITY PLANNING AND ZONING MEETING  
MINUTES OF OCTOBER 7, 2019**

**PRESENT:**

Commissioners:

Nancy Bentley  
Dale Evans  
Jade Powell  
Todd Thorne

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

**EXCUSED:** Commissioner Black, Commissioner Beacco, Commissioner Root, Commissioner Young, and Commissioner Holt-Alternate

1. In the absence of Commissioner Young, Vice Chair Thorne called the meeting to order at 5:00 P.M. He led the Pledge of Allegiance.
2. Roll was called with the above Commissioners and staff present.
3. SAFETY SECONDS – Commissioner Bentley reviewed eye protection. You should wear eye protection when doing fall yard work and always when using weed eater equipment. You should also wear proper sunglasses when working outside.
4. MINUTES OF September 9, 2019

**MOTION.** Commissioners Bentley moved to approve the minutes for September 9, 2019. Motion seconded by Commissioner Evans 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 operation of the Price City Water Treatment Plant by Plant Manager, Ron Brewer.  
Ron Brewer reviewed the operation of the water treatment plant.

Vice Chair Thorne called for a motion to discuss Item 7 b. before 7 a. due to the length of 7 a.

**MOTION.** Commissioner Powell moved to discuss item 7 b first and 7 a second. Motion seconded by Commissioner Bentley and carried.

7. CONDITIONAL USE PERMIT
  - a. SOLAR DISTRIBUTED GENERATION FACILITY - Consideration and possible approval of a solar distributed generation facility at 1080 E Airport Road within the combined Commercial 1 and Manufacturing 1 zoning district, Prasad Reddy.

A Conditional Use Permit (CUP) application was submitted by Prasad Reddy to establish small solar generation land use at 1080 East Airport Road within the combined Commercial 1 (C-1) and Manufacturing 1 (M-1) zoning districts. The general land use evaluation criteria are listed in Section 11.1 and 11.5 of the Price City Land Use Management and Development Code (Code), the specific land use evaluation criteria/land use checklist is identified in Section 11.1.m of the Code. The land use(s) are Electricity-Substations and Facilities, identified in Section 11.3.12.2.2 of the Code, a conditional, Distributed Generation, identified in Section 11.3.12.2.1 of the Code, a conditional use and the General Industrial/Commercials Development of the site, identified in Section 11.3.11.5.2 of the Code, a conditional use.

The Commissioners thoroughly discuss the application, land uses, restrictions and conditions of approval with the applicant. Commissioner Thorne read the following conditions of approval:

- Must comply with Carbon County issued Conditional Use Permit requirements, dated February 5, 2019, finding that the project spans County and City jurisdictional boundaries and joint permit compliance protects the community interest of all area residents.
- Comply with all laws, regulations and restrictions of applicable City, County, State and Federal regulatory agencies finding that compliance with all applicable laws and regulations mitigates potential negative impacts from development that may be created.
- No land uses or construction, not specifically applied for or contemplated herein authorized finding that additional and uses or construction may require additional permitting and licensing.
- Comply with all laws, codes and ordinances of Price City, as they may relate to this business and land use, finding that compliance with local laws, codes and ordinances reduces potential violations of laws, codes and ordinances.
- Completion of a franchise agreement between project owner and Price City, if providing or selling any generated energy to physical locations within the boundaries of Price City, identifying the terms and conditions of operation of an electrical generation facility and use of produced energy. Must be completed prior to operation. Submission of franchise tax payment to Price City in the percentage/dollar amount identified as the Price City franchise tax assessment amount. Installation of equipment and metering at the site to ensure an accurate calculation of energy produced/used and franchise tax to be paid to Price City.

- All construction and installation activity to be completed under the auspices of a Price City Building Permit and inspection to ensure the safety of the location. Fully engineered and stamped construction plans to be submitted to the Price City Building Department for review, correction and issuance of a Price City Building Permit. Must submit specifications for all equipment placed on the property. Must comply with all site safety directives and requirements from Price City.
- No interconnection to, or use of, the Price City electrical system and all equipment and/or installation on the site shall not have any negative impact on the Price City electric distribution system finding that protection of the Price City electrical distribution system is a primary duty of Price City. All equipment and/or installation on the site shall not have any negative impact on the bulk electrical system owned and operated by Rocky Mountain Power and shall only be interconnected where, how approved by Rocky Mountain Power and pursuant to applicable load and impact studies. Solar panel installation to be a minimum of forty feet (40') back from the Airport Road right-of-way boundary finding that a 40' setback from the Airport Road right-of-way boundary is consistent with requirements of adjoining property development.
- Solar generation, collection and distribution equipment to be installed using isolation disconnects to each bank of panels finding that isolating the panels in the event of an emergency protects the health, safety and welfare of emergency responders.
- Maintain garbage can capacity and service frequency in such a manner to accommodate all adjacent building occupancy as well as service and maintenance on the solar panel site and prevent accumulations of garbage, rubbish or debris and wind scatter of garbage, rubbish or debris finding that controlled, serviced and maintained garbage service protects the community aesthetic.
- Maintain exterior lighting such that the site is fully visible during dark hours finding that lighted solar production sites mitigate thefts and unauthorized site access. Exterior lighting to be high efficiency LED fixtures. Exterior lighting to be angled, shielded, etc. to prevent light transference to neighboring residential structures. No reflection from installed solar panels to impact any adjoining property owners finding that reflected light mitigations protects the property enjoyment rights of adjoining property owners. No reflection of light from solar panels into the Airport Road right of way finding that restricted reflection of light into the road mitigates the potential for vehicles accidents and visibility problems.
- No site ingress/egress from Airport Road finding that restricted ingress/egress points along Airport Road mitigates the potential for vehicle and pedestrian conflicts and accidents. All site access to be maintained from and through parcel #02-1520-0005 located to the immediate east of the subject property. Exception: emergency services access point and gate identified below.
- All site interior access ways (roads) to be a minimum of twenty feet (20) in width and constructed/maintained to support the full weight of emergency services apparatus and include such facilities (turn abounds) within the site to allow emergency services unimpeded ingress and egress from the Airport Road gate identified below and from and through parcel #02-1520-0005 located to the immediate east of the subject property. Build of interior access/ways to be coordinated with the Price City Fire Chief.
- Installation of a Code compliant six foot (6') non-sight-obscuring fence along the project boundary of the development to separate the development from the undeveloped adjoining area finding that separated development areas mitigate development creep, provide site security and protect the community aesthetic. Install an emergency services access on Airport Road frontage with a locked gate. Gate to be a minimum of twelve feet (12) in width. Keys or equivalent to be provided to all emergency services finding that properly maintained and secured emergency services access protects the health, safety and welfare of the community.
- No Price City water, sewer, electrical, utility connections permitted to property finding that utility connection plans and studies have not been generated or submitted to Price City by the applicant. Exception – water line placement/extension for fire hydrant as required. Service water for solar panels to come from existing building water service.
- Completion of a public infrastructure development agreement and submission of the associated financial surety, finding that properly agreed, secured and protected public infrastructure installations protect the health, safety and welfare of the community. Public infrastructure including roadway restoration along frontage required. Surety to be determined by the Price City engineer upon review and concurrence of the public infrastructure installation plan provided by applicant. Must install curb, gutter, sidewalk, roadway extension/restoration, fire hydrant(s), storm water management and control, and street lighting as required. Shall install any other public improvements required by the Price City Engineer. Completion of storm water management plans and controls to address a 100-year storm event, completed by a qualified provider, concurred with by the Price City Engineer and compliant with all direction received from the Price City Engineer finding the properly controlled storm water flows mitigate flooding and damage. Details and calculations to be provided to the Price City Engineer.
- Completion and submission of a geotechnical study and report by a qualified provider to the Price City Engineer and compliance with all direction provided by the Price City Engineer based on the geotechnical study regarding development of the site and placement of the solar panels.
- Completion and submission of a hazard communication and mitigation plan to Price City regarding any chemicals, materials located on the site finding that property known and understood chemicals and materials protect the health, safety and welfare of the community. Any run off, spills, etc. must be contained on-site and the respective regulatory authority notified of any such run off, spills or accidents.
- Installation of a minimum of 5% of the site project area in landscaping finding that 5% area landscaping is the Code minimum. Landscaping to be water wise.
- Installation of contact and safety signage at two (2) locations on each fence side (north, south, east, west) and on the emergency services access gate identifying the facility owner and contact information and providing safety warning of hazardous equipment within the fenced boundary finding that signage, as such, serves to protect the health, safety and welfare of the community. Signage minimum size of fifteen inches (15") by 15".
- Project owner/developer must provide for (pay for) all financial impacts and arrange all site restoration and project decommissioning in the event of project abandonment or project end of service life finding that contemplated, arranged and funded project decommissioning and site restoration protect the financial interest of the community. Project owner/developer shall prepare and provide a bona-fide decommissioning and site restoration plan, prepared by a qualified professional, to Price City. Decommissioning shall include, but may not be limited to, at a minimum, the following: removal of all solar panels, arrays, inverters, transformers, conduit, electrical equipment and systems, fencing, lighting, structures and other apparatuses located on the site. Project inactivity or lack of continuous service for a period of six (6) months or more shall be considered abandonment and facilities shall be immediately decommissioned and removed and site restored at owners' expense. Site shall be fully mitigated, decommissioned, restored within three (3) months of removal/abandonment/end of life of solar generation project. Owner shall provide a current qualified engineer estimate of site decommissioning and restoration including an end of life cost estimate that includes inflation. Provide a financial surety, in a form acceptable to Price City, at Price City's sole discretion, in an amount equal to or exceeding the estimated end of life decommissioning and restoration cost. Inasmuch as not site construction cost was indicated by applicant on the Conditional Use Permit application,

the amount shall not be less than \$214,192.51<sup>1</sup> Submission of qualified remediation cost estimates by applicant may require minimum deposit amount to be amended.

- No development beyond the development boundary identified on the submitted site plan finding that potential future development may necessitate additional restrictions or conditions of approval.
- No conditions at the property or structure that violate the Price City Property Maintenance Code or identified nuisances finding that properly maintained properties and structures protect area property values and improve the community aesthetic. Includes undeveloped area to the west on the same parcel as the solar panel installation. Development area shall be maintained weed free at all times. All abandoned vehicles, storage containers, debris shall be removed from the balance of the property to the west of the develop portion of the parcel. No dust or mud track out conditions allowed from property. No storage of any items, materials or other items on the property.
- All required plans and documents to be submitted and accepted prior to any development of the site. Site grubbing and earth work allowed prior, dust must be controlled.

<sup>1</sup> CUP application indicates installed cost of \$1.1 million, 25% x \$1.1 million = \$275,000; cost of reclamation/decommissioning based on electric generation industry standards. 25-year end of useful life time value of money at 1% inflationary rate = \$275,000.

**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 Evans moved to approve a solar distributed generation facility at 1080 E Airport Road Within the combined Commercial 1 and Manufacturing 1 zoning district. Motion seconded by Commissioner Powell and carried.

**b. EATING PLACES-FOOD CONSUMED ON SITE (RESTAURANT) LAND USE -** Consideration of a restaurant land use at 40 W Main Street, Juniper Pizza, Sherry Nehl.

A Conditional Use Permit (CUP) application was submitted by Sherry Nehl to establish an eating places (restaurant) land use at 40 West Main Street 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), the specific land use evaluation criteria/land use checklist is identified in Section 11.1.m of the Code. The land use is Eating Places – Food Consumed on Premises, identified in Section 11.3.4.14 of the Code, a conditional use.

The Commissioners discussed the application, land uses, restrictions and conditions with the applicant. Commissioner Thorne read the following conditions of approval:

- Install fully lighted front and rear building ingress/egress finding that fully lighted ingress/egress mitigates the potential for accident and injury. Exterior lighting to be high efficiency LED fixtures.
- Ensure garbage service capacity and frequency to prevent the accumulation of garbage, rubbish and debris finding that controlled garbage, rubbish and debris enhances the community aesthetic and prevents wind scatter of garbage, rubbish and debris.
- Ensure use of a grease trap, property serviced and maintained, to protect the Price City waste water collection system (sewer) from blockages of grease finding that protection of the public sewer system infrastructure is a priority and in the financial interest of the community.
- Maintain employee and owner parking in mid-block parking areas maintaining on-street parking in an open condition for customers in the downtown area finding that open on-street parking increases commercial activity in the downtown area.
- Installation of business signage consistent with that contained in the CUP application finding that properly reviewed and approved signage promotes consistency in the community and increased potential for business activity.
- Installation and maintenance of a minimum of 5% of the area in landscaping finding that 5% landscaping is the minimum standard identified in the Code.
- Completion of qualifying building renovations under the auspices of a Price City building permit finding that properly permitted and inspected building renovations protect the health, safety and welfare of the community.
- Coordinate any necessary easements for placement of outdoor items within the public right-of-way, if any, such as bike racks, stationary furniture, etc. finding that easements protect the placement of equipment as well as ensure safe pedestrian passage.
- Obtain a Price City business license prior to operation of the business finding that properly licensed businesses protect the health, safety and welfare of the community. Obtain and comply with all other permits and requirements as may be necessary for the successful operation of the business.
- No conditions at the property or structure that violate the Price City Property Maintenance Code or identified nuisances finding that properly maintained properties and structures protect area property values and improve the community aesthetic.

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

**MOTION.** Commissioner Bentley moved to approve a restaurant land use at 40 W Main Street, Juniper Pizza. Motion seconded by Commissioner Evans and carried.

8. UNFINISHED BUSINESS – Mark your calendar for the October 30, 2019 mandatory and required Anti-Harassment and Anti-Discrimination Training and the December 11, 2019 Price City Planning and Zoning Commission Training Retreat.

Meeting adjourned at 6:27 p.m. pursuant to a motion by Commissioner Bentley. Motion seconded by Commissioner Powell and carried.

APPROVED: \_\_\_\_\_  
Vice Chair, Todd Thorne

ATTEST: \_\_\_\_\_  
City Recorder, Sherrie Gordon