

Planning and Zoning Commission Meeting Agenda

March 25, 2021 6:00 pm -In Person & zoom

1. Roll Call

In Person:

Mickey Wright, Jeri Austin,
Adus Dorsey, Carrie Torrey,
Richard Jensen, Jordan Pace(TC),
Doug Robinson, Travis VanOrdin,
Gary Hallows, Susan o'Connor Wright(IT)

Zoom:

Danielle Rodier, Leslie's ipad,
Bill Barrett & Diane Barrett,
Barry Morgenstern, Matt Buram?,
Pearl Thorndal-Stewart,
Michael's iphone, Diane Hamilton,

2. Call for Conflict of Interest

Mickey Wright stated he had a conflict of interest in Saddlery proposal and could not vote. It was brought up that Carrie Torrey also had conflict of interest due to husband's employment. But can she still vote? This brought up a discussion on procedures of conflicts of interest and having a P&Z quarum. Susan googled and Jeri found League of Cities & Towns info. It was confirmed Mickey's conflict was greater and would not allow his vote, Carrie's was a lesser conflict and once declared she could still vote.

3. Approve Minutes from Feb meeting

Jordan asked if Duties & Powers Books had been recieved(not yet) he will look into this more

It was motioned by Carrie seconded by Richard to approve minutes from Feb P&Z meeting(Passed)

4. Approve Minutes from Joint Town Council work meeting

This was tabled for April meeting as they were not completed

5. Approve Minutes from Mar 18 P&Z work meeting

Motion to approve minutes from P&Z March 18 work meeting made by Jeri seconded by Carrie(Passed)

6. Approve Eduardo and Karina Nava's modification to current Outdoor lighting plan -Mickey Wright will be there representative

After a review of the information presented Motion was made by Jeri & seconded by Adus to approve the additional lighting(Passed)

7. Approve Miller (58 W Sleeping Rainbow) setbacks and lighting plans

After

a review of information presented Motion was made by Carrie & Seconded by Richard to approve the Building Plan's setbacks and Lighting plans(Passed)

8. Approve Wild Rabbit, Gallery 24, Coffee Bean Roasting sign size increase -They want to add 18" to the existing pylon sign to add Gallery 24

After review of information presented Motion was made by Carrie and seconded by Jeri to approve the new signs for the existing pylon sign(Passed)

9. Approve Asava Juice & Smoothies Signage

After review of information presented Motion was made by Jeri & seconded by Adus to approve Asava's signage(Passed)

10. Approve Saddlery Expansion Permit -This is adding a convenience store and gas pumps

Debate was had whether this should go for a public hearing before decision is made because it seems very controversial. Travis made his argument. Jeri motioned to approve expansion of Saddlery. Adus seconded(Passed 3for 1 against, 1abstaine for conflict)

Public in attendance questioned the legality of how the motion was made. Jeri tried to reword motion to include Conditional Use. Questions still had about this motion...

11. Discussion Draft Ordinance Updates

Discussion was had about Appendix F: Where Standards come from -EPA?, State & Fed regulations?

Should state you will remain in compliance with EPA standards, perform annual leak tests, must have lots of insurance

What are the guidelines and then what is above and beyond?-EPA "you are secure until a spill and once there is a spill then you are wrong"

FHA & VA loans no go if within 300ft, Health @500ft, School @1000ft

Discussion about tanks-Distance, horizontal vs vertical, double walled tanks, containment wall?

Reference lighting ordinance in Appendix F, because lighting ordinance calls out the gas pumps canopy lighting

Table of Uses adjust Conditional in MU after HO removed

Discussion was had about Standards appendix needing cleaned up -took out J, take away b. Materials- leave F change wording

Grade in site plan?-addressing water run off ect.

Draft is missing table use entry for Gas Station, & motor fuel definition

This is still rough do we have a short work meeting? Motioned was made to have zoom work meeting Wed March 31st 5pm just to finalized the draft to send to TC (Carrie, Jeri)Passed

12. Discussion Draft Sign Ordinance Update

Mickey wanted to table this. Carrie questioned why putting this off again when it has been ready to go to public hearing for a while. New P&Z members aren't up to date on this. It is tabled until April P&Z meeting.

13. Comments from the Public (2 minutes each)

Bill Barrett: reminder under current zoning its only RR all business activity is conditional use. Did Travis apply for conditional use? No-Mickey thought yes...10-8-4 ConditionalUse P& Z may require a Public Hearing in best interest of neighborhood or community by a broader public use.. When you have 6people in support & 60 people opposed to gas station I think you have controversy! 10-8-4 in authorizing any conditional use the Planning commission Shall impose such requirments and conditions as are necessary for the protection of adjacent properties and the public welfare. The plannign commision shall not authorize a conditional use permit unless evidence is presented. Evidence from Travis. Evidence to establish that such use will not under the sercumstances be detrimental to the health & safty, the gernerel welfare of the persons

residing or working in the vicinitythe proposed use location is necessary or desirable for the general wellbeing of the neighborhood and the town. i think you have just approved something that was illegal. You did not follow your own ordinance! Carrie," I would have to agree with him I don't think we did!"

Michael Zimmerman had to disconnect but tried to insert that it was his opinion that the entire proceeding here tonight was illegal because of how it had been conducted. I think that this coming from the former Chief Justice of Utah Supreme Court said something worth considering.

You have to require a hearing and you have to require conditions and you are allowed to under the current ordinance not the new one. Sorry to be so angry.

Barry Morgenstern: I have to agree with Bill! There should have been a public hearing. FHA has guidelines because a gas station it devalues property.

Matt Buram?: i agree with everything Bill said. There should have been a public hearing. I am within 300ft on River Rd. I do appreciate you are taking into account FHA guidelines because it will affect me when I sell.

Harry Ubanks: This happened in Salmon Id. Started with a Gas station lead to stop lights. Changed the whole feel of the town. Fast food moved in, small businesses went under. Ace & 2 Dollar stores came in. It is still a small town! One dollar store closed and is still closed and empty it is the towns white elephant. Salmon is not growing Torrey is! It is crushal the town uses extreme precautions if you like the feel of our little gateway to National Park Town. And the light tonight just went on at the Saddlery..I believe that is breaking our towns lighting ordinance since he is not an open establishment, &/ nor a hotel Rv park a place where people can get accomodations. Utah has one of the loosest state laws for above ground tanks. So i think it IS a wonderful reason to go above and beyond fro the town of Torrey. To protect us! Gas spills without cement underneath where you pump gas-It happens everyday! This seeps into where? Into The Ground! Then when it rains where does it go? Into Torrey's most precious resource, Our water. So I am opposed to this gas station! And i think there are a lot of conditions being overlooked as well as this being illegal tonight. Thank you

Micheal Zimmerman: It maybe that the criteria in the exsisting ordinance is not clear. As i think was observed, but it does say 'neighborhood businesses consistent with the residencial neighborhood" and i think that is a criteria you are entitled to construe. And I think that throwing your hands up in the air saying, "there is no criteria -therefore everything is permitted" is abandoning your job! And that is not what the ordinance provides. That was an issue that was raised when they gave permission for the storage sheds to go up. And its apparent that the town council is not applying any criteria. Now the long run danger as our Lawyer told the town council months ago is that you may want to allow Travis to put a gas station in. And if I wan to put in an Asphalt Plant on my Zachers you cannot stop me! So if you construe that ordinace that way it is Meaningless! And if it is meaning less than you dont have a zoning ordinance! This requires a conditional use permit if not a variance.The Procedures for a conditional use

permit & for a varioance have not been followed. That is my view of it as an advocate and a lawyer. And its the same thing i said 6months ago. And i know no body wants to upset their neighbors and no body wants to deny anybody anything but a zoning ordinance is about planing. And planing is not about what everyone wants to do and anyone wants to do.

Bill Barrett Draft comment: I know you were considering requiring liability insurance and that is great. Maybe it is to late but have you considered requirement of liability not just in current but some sort of bonding for the removal of a gas station in the event it closes. A plan for who takes it appart after its gone out of business.

Barry: If I may speak to Bills point. A gas station is a dieing business. Several automobile manufactures pledge to 100% electric. So longterm not 5 or 10yrs more like 15 or gas cars gone that is going to be a defunct business. And the town is going to be left with that hazard.

Carrie Torrey: i am speaking as a resident not P&Z now. Planning & Zoning did a big no no in aproving this tonight. The motion was not made in a manner in which it should have been. This is so controvercial! And the reason the moritorium was put in place was to prevent this up roar and have things defined. I feel the process of having the ordinace done was drug out by Town Council. Because members of Planning and Zoning as well as members of the citizens research group met with Town council members individually to get feed back on this draft. Planning and Zoning asked & requested a joint meeting with Town Council prior to draft going to vote. That did not happen. Town council didnt agree to have Joint meeting until after it was to late to make changes and have it done in the 6month moritorium period. And I feel like what Planning & Zoning just did tonight opened Torrey Town up for lawsuits. Lawsuits we will not be able to recover from. If TorreyTown is sued by what continues to happen & i hate to bring up the storage units but everything about that was done wrong. And now here with the gas station- it just seems like Torrey Town keeps going & opening itself up to lawsuits that we would not win. And in order to recover Town would have to bankrupt itself and if town is bankrupt it will have to unencorporate..that is my understanding. A lawyer like Michael Zimmerman maybe able to correct me on that but huge laws suits Torrey could't recover from them. And I feel we have opened ourselves up to that by not requiring a public hearing on this issue.

Diane Hamilton: I would love to move the converstion out of the relm of gas station and really assert that ofcourse Torrey needs a good supportive business atmosphere. But what I think maybe what the public is feeling is that we have seen so many places we have grown up loving in the state of Utah- take Moab for instance a place that actually had something unique to it. Now once the corporate entities of gas stations and convenince stores started to move in the entire quality has changed. And in some ways the real asset this town has to offer to this generation & to our children is the tremendous senic coridor. The minute there are more gas stations & stop lights as Harry was saying generally it is one thing after another. And so the whole point is Torrey Town has rippeden to the point that is needs a zoning ordinance. It needs a good zoning ordinance that supports businesses and also supports the preservation of values that

once they are gone cannot be restored. And there is something around how this is happening in this tiny little window between the moritorium and the adoubtion of the new the new ordinance that feels very disinjenuous to the public and feels a little like insider baseball. And i think that is what Carrie is speaking too. There are different constituencies in town with very different interests but as one collective the business and the freedom to create economic reality and desire for preservation and for beauty together is a complete set of values. So i have to say and register with you all that its not the planning commision. It in the way you guys are set up right now, I think this little window in which you a ramming this through are going to create problems. I'm sorry to say that. I appreciate the planning commision and all the work you have done to get to where you are and the new members inheriting this now. But this one week window is kindof insanity just my perspective.

14. Motion to Adjourn

Motion made by Richard, seconded by Jeri

Zoom meeting details:

Topic: Planning & Zoning Work Meeting

Time: Mar 18, 2021 06:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83624241153?pwd=MWFFLSzM2TTYwL0J3dHVxSUpISE9zUT09>

Meeting ID: 836 2424 1153

Passcode: 780608