



PLANNING COMMISSION REGULAR MEETING-July 11, 2023

IN ATTENDANCE

- 1 Gary Taylor, Chairman
- 2 Kurt McFarlane, Vice Chairman
- 3 Paul Anderson
- 4 Scott Bruno
- 5 Lisa Simmons
- 6 Jeff Peters
- 7 Trapper Burdick

OTHERS ATTENDING

- Kathy Hanna Smith
- Jarod Lessar
- Glen Thompson
- Steve Zorn

STAFF

- Todd Thorne, Planning
- Doris Johnston, Administrative Assistant
- Commissioner Larry Jensen

EXCUSED

- Richard Hackwell
- Bradley Marston

The meeting began at 4:30 pm

1) Call to Order and Roll Call

Gary Taylor took a roll call and a quorum was present.

2) Pledge of Allegiance

3) Meeting Minutes

Motion:

Scott Bruno made a motion to approve the meeting minutes from June 6, 2023. Paul Anderson seconded. By unanimous decision, motion carries.

4) Conflict of Interest on Agenda Items

No conflicts

5) PUBLIC HEARING on a request to change a portion of the Carbon County Zoning District Map from RR-2.5 to RR-1 located near 751 W 1000 S on parcel 2-1092 for Glen Thompson & Jarod Lessar

Motion:

Scott Bruno made a motion to open the public hearing at 4:32pm. Jeff Peters seconded. By unanimous decision, motion carries.

Jarod Lessar said he would like to trade an acre of land with Glen Thompson. The one acre that he previously wanted to use from his grandmother would have been over 100 K project due to the hydrant distance. Todd Thorne showed on the map the location of the new proposed one lot acre to be zone

35 changed at the southeast corner of Mr. Thompson's property. On the west side of Mr. Lessar's
36 property, they would do a lot line adjustment and Mr. Thompson's line would move down. The hydrant
37 will be closer to the new lot for Mr. Lessar.

38 Public Comment

39 Steve Zorn said he is adjacent to Glen Thompson's property. Mr. Zorn is very much in favor of this.
40 Mr. Zorn commented we want residential building in our county. This is beneficial to everyone in our
41 neighborhood.

42 Motion:

43 Paul Anderson made a motion to close the public hearing at 4:35pm. Trapper Burdick seconded. By
44 unanimous decision, motion carries.

45 Mr. Lessar had a question about the 50 foot easement for a road between this new proposed lot
46 and Mr. Zorn's property. Todd Thorne said he could use this, but this is not a county road, so not
47 maintained. This is a county right of way. Kurt McFarlane said a water line goes through this also.

48 6) Review and recommendation to the County Commission to change a portion of the Carbon
49 County Zoning District Map from RR-2.5 to RR-1 located near 751 W 1000 S on parcel 2-
50 1092 for Glen Thompson & Jarod Lessar

51 Motion:

52 Scott Bruno made a motion to approve for recommendation to County Commission the zone change
53 to RR-1 for Glen Thompson & Jarod Lessar. Paul Anderson seconded. By unanimous decision,
54 motion carries.

55 7) PUBLIC HEARING on a request to amend Section 3.3.38 of the Carbon County
56 Development Code for Kathy Hanna Smith

57 Motion:

58 Paul Anderson made a motion to open the public hearing at 4:40pm. Kurt McFarlane seconded. By
59 unanimous decision, motion carries.

60 Kathy Hanna Smith is requesting to change the code Section 3.3.38 to change the buffer to a 330
61 foot setback. It is now at 660 ft. Mrs. Smith said she is trying to sell the property and with that 660
62 foot setback, it takes up about 32 acres of ground. Mrs. Smith checked with other county setbacks
63 for gas wells and some were more and some were less distance. With the 330 foot setback it would
64 bring the buffer down to 7 acres.

65 Jeff Peters asked what the main reason for the 660 foot setback originally. Commissioner Larry
66 Jensen gave a background of this. As the River Gas project got closer to town, the question arose
67 how close should they get to homes to drill a well. At that point and time it was determined by the

68 County that a safe distance was 660 feet away from existing homes. Commissioner Larry Jensen
69 added this is an existing well and is in decline and will possibly be plugged and abandoned in the
70 future. Commissioner Larry Jensen felt the 330 feet is a very safe distance to build a home in this
71 development. Commissioner Larry Jensen added we may still want to hold that 660 feet as a
72 distance for new wells close to homes. If someone buys a lot near and existing well, it is a choice
73 to move this close to the existing well. Todd Thorne said we want to protect future property
74 owners and let them be aware of what is in their backyard. We want to eliminate as many issues as
75 possible. We need to keep a buffer around it.

76 Jeff Peters had concerns on the noise and asked if the gas company had leased 1 acre for spillage.
77 Commissioner Larry Jensen said there is a footprint for the drill pad but is not sure the size of this.

78 Todd Thorne explained Mrs. Smith has worked with her realtor on some of the requirements for
79 the different counties. Some of them are as low as 150 feet and some are as far as 1000 feet. Todd
80 Thorne said there is no good standard on this.

81 Trapper Burdick questioned how to stop developers from putting the lots closer on existing wells.
82 Lisa Simmons asked about the reason for the 660 feet. Commissioner Larry Jensen said it is a
83 combination of both a safety aspect and a reasonable distance. Commissioner Larry Jensen spoke
84 on mineral rights and the noise.

85 Paul Anderson said from a safety perspective; whether it is 330 feet or 660, on an existing well,
86 doesn't necessarily have many ramifications. Commissioner Larry Jensen suggested it would be
87 okay to shorten the distance, but for new wells being drilled they would hold that 660 feet in place
88 so we are not encroaching. After the fact, if somebody wants to develop lots, it could fall back to
89 an ordinance of 330 feet.

90 Kurt McFarlane asked if the noise requirement is 55 decibels at 150 feet at this time. Todd Thorne
91 said yes.

92 Jeff Peters asked about environmental restrictions. Todd Thorne said DOGM regulates this. They
93 do not have any buffers specified. The gas companies are willing to work with us, but if the gas
94 companies want to get to the minerals below, they can push the issue legally. Todd Thorne
95 discussed the perimeter of the gas wells footprint they are disturbing.

96 Mrs. Smith said it seems like a lot of wasted ground with the 660 buffer. Jeff Peters had concerns
97 on leaks and berms on the ground. Commissioner Larry Jensen explained well pads are built to
98 catch spilt water. Commissioner Larry Jensen added the berm was not required by DOGM. This
99 is a safety measure by the gas company. Gas wells seem to be at the end of life and we may see
100 them plugged and abandoned.

101 Scott Bruno asked if this is for an amendment to the entire code and not just an exception for this.
102 Todd Thorne said we are proposing to amend this section 3.3.38 and is County wide. Todd Thorne
103 reviewed the discussion and commented if it is a new well, stay at 660 feet, if it is an existing well,
104 it should be at 330 feet.

105 Scott Bruno explained he would like to maintain that a gas company cannot come in and put a
106 well within 660 feet of a home. Scott continued, with an exception by approval to allow 330 feet
107 for new homes. Scott had questions on Accessory Dwelling Units distance. Scott Bruno felt the
108 distance should be to the property line, not the home, because this will encroach on the home
109 owners land. Todd Thorne said ADUs require 10-12,000 square feet and this area is zoned 20,000
110 square feet minimum. Paul Anderson asked if using the property line causes too many issues.
111 Todd Thorne said if using the property line, potentially it would be farther than 330 feet due to
112 having larger lots. Todd Thorne said even with a 20,000 square foot zone, they can have bigger
113 lots so it will be even further back for the buffer. Coming from the house seems to be more
114 consistent. Legal issues with the gas companies were discussed. Todd Thorne commented this
115 proposal is only for residential dwellings. Commissioner Larry Jensen commented that 330 feet is
116 more than enough distance and the gas companies do have a way to reduce noise. Commissioner
117 Larry Jensen explained in more detail how the pump works.

118 **Motion:**

119 **Paul Anderson made a motion to close the public hearing at 5:16pm. Trapper Burdick**
120 **seconded. By unanimous decision, motion carries.**

121 **8) Review and recommendation to County Commission on a request to amend Section 3.3.38 of**
122 **the Carbon County Development Code for Kathy Hanna Smith**

123 **Motion:**

124 **Jeff Peters made a motion to approve for recommendation to County Commission the amendment to**
125 **the Carbon County Development Code Section 3.3.38 with the caveat that the 660 feet is maintained**
126 **for new pumps and allow the 330 feet for existing pumps. Paul Anderson seconded. By majority**
127 **decision, motion carries. 1 nay-Scott Bruno**

128 **9) Review and possible preliminary and final approval of Scofield Mountain Estates Phase V**
129 **located northwest of Scofield Reservoir for Matt Brown**

130 Matt Brown joined the meeting remotely. Mr. Brown explained he purchased the property
131 between Scofield Mountain Estates and Aspen Cove. He would like to do four smaller lots just
132 over an acre. Mr. Brown said this is already in the Mountain Range zone. Todd Thorne referred to
133 the map showing the back gate to Aspen Cove and said this access will remain but moved a bit.

134 Todd Thorne said Curtis Page is working on the hydrology review and should be done soon but
135 nothing major was noted by Curtis Page. All the utilities, water, power and the CCRs are done.
136 The bonding will be added to Phase V to the current bonding for Phase III and IV because there is
137 enough value in the property. Todd added they have enough well capacity to service 73 more lots.

138 **Motion:**

139 **Trapper Burdick made a motion to approve Scofield Mountain Estates Phase V. Jeff Peters**
140 **seconded. By unanimous decision, motion carries.**

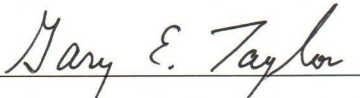
141 **10) Updates on Previous Items and Upcoming Projects - Todd Thorne**

142 Todd Thorne said the only item that may be coming is The Bluffs subdivision near Kenilworth.
143 Todd Thorne and Curtis Page are meeting with their engineer to go over the hydrology and land
144 profiles. They should have 90% drawings for the August meeting.

145 **11) Adjourn**

146 **Motion:**

147 **Trapper Burdick made a motion to adjourn at 5:27pm. Paul Anderson seconded. By unanimous**
148 **decision, motion carries.**

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151 _____
152 Carbon County Planning Commission Chairman/Vice-Chairman