



MINUTES OF THE CARBON COUNTY PLANNING COMMISSION MEETING
-November 12, 2024

IN ATTENDANCE

Gary Taylor, Chairman
Kurt McFarlane, Vice Chairman
Jeff Peters
Lisa Simmons
Paul Anderson
Oran Stainbrook
Scott Bruno

STAFF

Todd Thorne, Planning & Zoning Administrator
Doris Johnston, Administrative Assistant
Commissioner Larry Jensen

EXCUSED

Trapper Burdick

ABSENT

Bradley Marston

OTHERS ATTENDING

Darrel Huntsman, C02 Sync
Matt Brown
Nick Kiahtipes
Kenny Parcell
Ben Grimes
Other Interested Parties

1 The meeting began at 4:30 pm

2

3 **1) Call to Order and Roll Call**

4 Chairman Gary Taylor took a roll call and a quorum was present

5 **2) Pledge of Allegiance**

6 **3) Meeting Minutes**

7 **Motion:**

8 *Jeff Peters made a motion to approve the minutes from October 1, 2024. Paul Anderson seconded. By*
9 *unanimous decision, motion carries.*

10 **4) Conflict of Interest**

11 No Conflicts

12 **5) Review and possible approval of a Conditional Use Permit for a Biochar Plant located near Ridge**
13 **Road on parcel 02-2215-0000 for CO2-Sync LLC/Carbon County**

14 Darrell Huntsman of C02 Sync gave a PowerPoint presentation of the project. Mr. Huntsman explained
15 C02-Sync is based in Heber City and added he is originally from Castle Dale. Mr. Huntsman added he
16 went to BYU for Chemical Engineering. C02-Sync's vision is in making advanced carbon products. Mr.
17 Huntsman is working with Kip Apostle who had a large timber framing business in 1987 and did all the
18 work by hand. Mr. Apostle then founded a company in Germany to automate and speed up the process

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19 with CNC saw machines. Also, with the machines, he was able to develop wall systems from the beetle
20 kill forest, but he had a lot of wood chips leftover. In Germany, they made Biochar from them and that
21 was the start of C02-Sync. Mr. Huntsman explained the process of how this works. They harvest beetle
22 kill timber and chip it up and bring it into a hydrolysis reactor and heat up to 6-700 degrees in a reduced
23 oxygen environment. There is no additional energy needed once it is up and running. It is basically left
24 with carbon at the end. Mr. Huntsman spoke about the revenue sources in detail. Mr. Huntsman said
25 Biochar is a very porous carbon product and will retain water and attract the right microbes. Mr.
26 Huntsman gave the science in detail behind this.

27 Mr. Huntsman said Europe is about 4-5 years ahead of the U.S. in using Biochar. C02-Sync is planning
28 on hooking up a turbo generator to the system and are working with Rocky Mountain Power
29 interconnect and then selling that power back to the grid. Scott Bruno asked if there is a current
30 interconnect in place. Mr. Huntsman said no.

31 Mr. Huntsman said for the carbon credits, they need to go through the full auditing process.

32 Mr. Huntsman explained the County has given permission to acquire the property on Ridge Road. Mr.
33 Huntsman added they are looking at two phases. Phase I will be 10 acres with Unit 1 and Unit 2. Unit 1
34 will be commissioned in April 2025 and Unit 2 in September 2025. Pre-construction should begin in
35 January 2025. Mr. Huntsman said they would like to manufacture most of the power plants locally. Mr.
36 Huntsman showed the site plan for Phase I with the units and turbine.

37 Lisa Simmons asked where the biochar will be sold. Mr. Huntsman said they want to sell it as locally as
38 possible.

39 Scott Bruno asked if all the feed stock is wood. Mr. Huntsman said yes and they are working with some
40 private land owners and the Forest Service on the timber.

41 Scott Bruno asked if they are connected on the grid in Heber City. Mr. Huntsman replied they are not on
42 the grid and work with Heber Light and Power. Scott Bruno also asked if the gas is contained within the
43 unit itself or are there emissions. Mr. Huntsman said they are negative emissions and the gas is
44 combusted in the chamber.

45 Chairman Gary Taylor asked if it is a continuous char. Mr. Huntsman said this is continuous feed.

46 Lisa Simmons asked what the initial ignition was. Mr. Huntsman said it is gas.

47 Todd Thorne went through some of the requirements for the Conditional Use Permit and the building
48 permit that include:

- 49 • Comply with all local and state laws and regulations
- 50 • Obtain a building permit
- 51 • Engineering

- Load study and the interconnect agreement from Rocky Mountain Power
- Storm drainage plan
- Purchase agreement with Carbon County and subdivision
- Property maintenance, noxious weeds, and trash management

Scott Bruno asked Mr. Huntsman how many people this could employ. Mr. Huntsman said this project could employ around four to run the system.

Motion:

Scott Bruno made a motion to approve the conditional use permit for C02-Sync. Jeff Peters seconded. By unanimous decision, motion carries.

6) Review and possible Concept approval for Scofield Mountain Estates Phase VI for 8 lots located on parcel 2A-0058-0000 for Matt & Jared Brown

Matt Brown explained this is an expansion of their subdivision to add 8 lots. Mr. Brown added they have done the drainage plan and most other requirements are completed. Mr. Brown said this is not in a flood plain area.

Todd Thorne said the biggest item needed is to work with DEQ on the water system. They are getting to the point where they are becoming a public water system due to the number of connections and they will have to meet all the requirements. Todd Thorne said a lot of the infrastructure is already there from the other phases. There are no issues with the drainage plan.

Jeff Peters asked what makes it a public water system. Mr. Brown said it is 25 connections and they are at 20 cabins. The number of allocations is important also and they are working on a well. This will give them 73 new connections and they have 22 left.

Lisa Simmons asked about lot size. Mr. Brown said they are just above 1 acre. Todd Thorne said this is the minimum requirement and they also have open space offset throughout the development.

Scott Bruno asked if this is the same property that shares the road with Aspen Cove. Todd Thorne said yes, and the road has been rerouted and the fence was moved back. This allows them to develop these lots. Mr. Brown said the agreement is in place.

Motion:

Jeff Peters made a motion to approve concept for Scofield Mountain Estates Phase VI. Lisa Simmons seconded. By unanimous decision, motion carries.

7) PUBLIC HEARING to hear public comment on a change to the Carbon County Zoning District Map from M & G (Mining & Grazing) to RR 2.5 (Rural Residential 2.5) located on Parcels 02-2369-0000; 2A-1706-0000; 02-2373-0001 for Circle K Ranch

85 **Motion:**

86 Jeff Peters made a motion to open the public hearing at 4:55pm. Paul Anderson seconded. By
87 unanimous decision, motion carries.

88 Nick Kiahtipes addressed the board. Mr. Kiahtipes explained the application for the rezone is for 220
89 acres. The Kiahtipes family purchased 500 acres in this area with 280 acres already zoned RR 2.5/Rural
90 Residential 2.5. Mr. Kiahtipes said we are seeking the remaining 220 acres be zoned at Rural Residential
91 2.5 as well. Mr. Kiahtipes referred to the map on the monitors. Todd Thorne showed where the parcels
92 were on the map. Todd said everything around this is zoned RR 2.5.

93 Mr. Kiahtipes said his family is looking at the options of subdividing and working the majority of the
94 farm. Part of the acres are along Lower Miller Creek Road and is where we would look at building lots if
95 feasible. There is an 8-inch water line there and power. Mr. Kiahtipes said this is down the road before
96 we get to this point.

97 Lisa Simmons asked about the lot requirements. Todd Thorne said they need 2.5 acres for each lot if
98 they choose to subdivide.

99 **Public Comments:**

100 Amanda Godin asked where they would develop first. Todd Thorne explained it is further down from
101 7250 S where they can front Lower Miller Creek Rd. Todd Thorne said the utilities are already there at
102 the lower area. Miss Godin asked if the road would have to be widened. Todd Thorne said the County
103 requires a 50 ft right of way and they would need to deed over 25 feet on their side of the road. Todd
104 added for the number of homes there we would not require to them to widen the road. Miss Godin asked
105 about drainage. Todd Thorne explained when a subdivision is applied for, they must do a drainage study.
106 They cannot negatively impact any others by doing a new development.

107 Richard Godin commented he has drainage issues from the property above them and has concerns on
108 this also. Todd Thorne said the drainage study takes in the predevelopment flows and post development
109 flow. They must retain the water, so it does not increase drainage. Mr. Godin added they also have an
110 electrical problem out there. Todd Thorne said Rocky Mountain Power does this evaluation and would
111 address this. Mr. Godin asked if this will be on sewer lines or septic. Todd Thorne said if they are within
112 300 feet of a sewer line, they must connect to a sewer line. If not, they will be on septic systems. The
113 Health Department would do the analysis on this.

114 **Motion:**

115 Paul Anderson made a motion to close the public hearing at 5:05pm. Kurt McFarlane seconded. By
116 unanimous decision, motion carries.

8) Review and recommendation decision to County Commission on a change to the Carbon County Zoning District Map from M & G (Mining & Grazing) to RR 2.5 (Rural Residential 2.5) located on Parcels 02-2369-0000; 2A-1706-0000; 02-2373-0001 for Circle K Ranch.

Motion:

Kurt McFarlane made a motion to recommend approval to County Commission for the zone change from M&G to RR2.5. Paul Anderson seconded. By unanimous decision, motion carries.

9) Discussion of possible use on parcel 2A-0012-0000 located in East Scofield for Kenny Parcell-7 Scofield LLC

Kenny Parcell explained his property is in Madsen Bay east of Scofield. Mr. Parcell said the lines are messy there. Mr. Parcell asked to make the zoning a 6000 square foot (sf) lot. Mr. Parcell added the plan is to put some affordable tiny cabins in. Mr. Parcell also wants to change the minimum size of home from 600 sf to 400 sf.

Scott Bruno asked if Mr. Parcell is the owner. Mr. Parcell said yes he recently purchased the property. Scott Bruno commented that the lots were created before zoning and asked about the timeline of when the shoreline regulations were adopted. Todd Thorne said he thinks 20 plus years ago. Todd Thorne added they are very small lot sizes and have a lot of boundary issues. Todd Thorne said from staff perspective the existing lots are on average 6500 sf. The code for the Scofield Lakeshore zone is 12000 sf. Todd said the only way to change this is to change the lot size requirement down for the Scofield Lakeshore zone.

Scott Bruno asked if we are being asked to make an exception for one individual. Todd Thorne said the process would be to work with them and change the code, so it fits what they want to do, or they could ask for a variance. There are 5 criteria to develop the property outside of what the County regulations are. The reason they want to go smaller is not because of something that is limiting them, it is because they want to maximize their benefit. The Planning Commission cannot grant a variance and there is a different officer that does this.

Todd Thorne asked as a County if we want to consider changing the Scofield Lakeshore zone. A concern from staff is if we go that much smaller, it is much denser. Todd said as the Bolotas area sits now it is not to current standards.

Paul Anderson asked if there are some disputes on road ownerships in Bolotas and is this above the B.O.R (Bureau of Reclamation) line. Todd Thorne said yes to both questions.

Mr. Parcell said they are trying to clean up this area for the County and for the property owners.

Jeff Peters asked if this was on septic. Todd Thorne said it is a community septic system.

Ben Grimes, land surveyor, said he did some statistics up there. There are approximately 200 lots in

151 Bolotas and Madsen Bay. The average lot size is 0.15 acres or 6534 sf. There are some larger ones also.
152 Mr. Grimes continued with more statistics and examples of the lot sizes. The majority of the lots are
153 very small, and this new development will match the existing structure of the area. Mr. Grimes added
154 Mr. Parcell has enough property including the road to put in 4 lots @ 12,000 sf each. If we can go with
155 smaller square footage, we can put 6 lots in @ 8,000 sf., or 8 lots @ 6,000 sf. Mr. Grimes talked about
156 the B.O.R restrictions on building below it.

157 Scott Bruno said proof of ownership of their lot would be required due to the issues in this area. Mr.
158 Grimes commented that the B.O.R restrictions do not apply to Mr. Parcell's property.

159 Kurt McFarlane asked what the plan is for parking for smaller lots. Mr. Parcell said they would have
160 garages and the tiny homes would allow for more room for this.

161 Lisa Simmons asked if the 81% of the lots that are less than 6600 sf were before zoning regulations.

162 Todd Thorne said yes, and Todd calculated it at 72% not 81%.

163 Mr. Parcell explained they still need to go to the adjoining land owners to work on the property lines and
164 agreements to correct them.

165 Todd Thorne commented that there is nothing for approval today, just discussion today. Todd added the
166 only way to get what they are asking is to change the Development Code and it will go through a
167 process. If this gets changed, it impacts all of Scofield Lakeshore zone throughout the area. We have no
168 mechanism to change just this one parcel. At this time, they can possibly get 4 lots out of the property he
169 owns but they want to have more. Todd asked if that is something the Planning Commission wants to
170 consider and understand it is not just for this parcel and is for the entire Scofield Lakeshore zone.

171 Jeff Peters asked how they came up with 12,000 sf size. Todd Thorne said he does not know but they
172 may have done analysis on the lots and density but does not know why. Todd Thorne said he can look at
173 the 1981 Development Code.

174 Mr. Parcell asked if there was a way to get a variance on his property due to the situation. Todd Thorne
175 replied that the situation is Mr. Parcell wants more lots than the zone allows to sell more lots. Todd
176 continued that the zone is not set up for that. From the staff perspective, we do not want lots that small or
177 density like that. Todd Thorne added if the Planning Commission wants to change this and then it gets
178 approved by the County Commission, this would be the process. Mr. Parcell added the County would
179 benefit with more property tax.

180 Jeff Peters asked if there are any other safety issues to reduce it to that size. Todd Thorne said there are
181 potential off-street parking issues, but it will not make it worse that it is.

182 Mr. Parcell asked for the background history on why the size was 12,000 sf in this area.

183 Mr. Grimes spoke on the parking issues in Scofield Campsite Subdivision.

Mr. Parcell said he appreciated the questions and consideration on this project and asked about the timeline on this. Todd Thorne said he can get the background information for the December meeting. Todd Thorne explained there are provisions for Mr. Parcell to petition to have the code changed. This would not be a change the Todd would recommend. There is a process to do this if they like. There would be a public hearing, a recommendation from Planning Commission, and final decision by County Commission.

Scott Bruno said we do not have a mechanism to approve this. Todd Thorne restated it would have to be a petition to change the Development Code at a future meeting. Todd Thorne explained he will get the background information to the Planning Commission.

Oran Stainbrook asked if they can apply for a variance. Todd Thorne said they can apply for a variance, but it is very unlikely to be approved because they cannot meet the 5 criteria. From Todd Thorne's perspective, they just don't like only having 4 lots and want more.

Commissioner Larry Jensen said from the County Commission point of view; the challenge is it can become a nightmare for future applications due to making an exception on one. This subdivision was some of the very first challenges that the County came up against and we cannot fix them. This is why there are so many rules now. Commissioner Larry Jensen said it would be tough for the County Commission to reduce the size here.

Mr. Parcell asked about the 5 variance issues. Todd Thorne said the biggest one is that you have created your own problem. The zoning is very clear and you want to go smaller. Variances are not granted when you create your own problem. Mr. Parcell asked to get the information on when the zone size was changed and will decide if it is worth wasting his time in December.

Scott Bruno explained there is a clear process to appeal the zone change. Scott added even if we get that information, there is no mechanism for us to make this change. Jeff Peters added this would also go to a public hearing that may cause much concern to the public. Jeff commented with this you open a pandoras box for the entire area.

Todd Thorne reminded Mr. Parcell that he met with him and understood the issues with this property. There was discussion on doing condos on this property and Mr. Parcell said he could do condos but didn't think this is what the County wanted.

10) Review and discussion of annual amendments to the Carbon County Development Code-Todd Thorne

Todd Thorne spoke on the affordable housing subdivision or infill lots. The setbacks would be 5 feet and this would be its own zone. Todd added the idea of possibly going down as low as a 30-foot frontage on these. This would be a smaller size zone. This is a discussion to move forward on in the next months.

Todd Thorne said we need to also update our drainage requirements for subdivisions.

Jeff Peters asked if the minimum size of home would be 600 square feet (sf.) Todd Thorne said this is what it is now and can be changed. 400 sf is considered a tiny home. Todd Thorne said we can put in the code anything below 400 sf must follow the tiny home building code requirements. Jeff Peters agreed with having parameters and delineations set on this. Todd Thorne said this will not be on the December public hearing and we will keep working on this.

Jeff Peters asked if there was any connection to the mother-in-law homes on this. Todd Thorne said no connection but any home can have a mother-in-law dwelling on it and we limit it to 1000 sf max of living space. Todd Thorne said more requirements can be added to this new zone if needed.

Paul Anderson asked about the lot size on this. Todd Thorne said 3000 sf. The idea is to reduce property costs and it is an understood development with small homes and lots. Kurt McFarlane asked if there are any areas that want to do something this small. Todd Thorne said not yet and it is just in discussion right now with groups he is a part of. Many communities on the Wasatch front have very strict requirements that drive up the cost. Scott Bruno said we also need a way to protect existing home values within this. Todd Thorne agreed and we need to have some visioning and provisions and compatible areas for zone changes. Jeff Peters agreed with having some protections for current home owners. Todd Thorne explained ultimately zone changes rests with the County Commission and if they like the zone in an area they can change it. Todd Thorne explained it can be suggested where these zones should be but the Planning Commission cannot tie the hands of the County Commission. Commissioner Larry Jensen commented that we need something here less expensive and smaller and to look outside the box to make a difference. Todd Thorne asks for any ideas and keep the discussion going on this.

Todd Thorne said we will hold the public hearing on the other items in the code in December.

11) Updates on Previous Items and Upcoming Projects - Todd Thorne

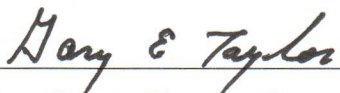
Todd Thorne gave the updates.

The Amazon building is moving forward. There are no new proposals at this time.

12) Adjourn

Motion:

Scott Bruno made a motion to adjourn at 6:00 pm. Jeff Peters seconded. By unanimous decision, motion carries.



Carbon County Planning Commission Chairman/Vice-Chairman