

Wind Turbine public hearing Oct. 15, 2009

Commission in attendance: Jess Brown, Renee' Christensen, Joy Ball, Steve Hawkes, Ray Barney, Vaun Waddell, Brian Hawkes.

Others in attendance: Larry Lovell, Jan Gallup, and KaraLee Ricks.

Brian opened the meeting declared the public hearing on the wind turbine ordinance a Legislative hearing.

Brian asked if there are any conflicts from the commission, the commission reported no.

Brian explained how and why we came up with the wind turbine ordinance. We hoped to give the citizens flexibility in putting up wind turbines. The main reason for having the wind turbine ordinance is so we can do it in a way that promotes the orderly construction and operation, and we can continue to enjoy our city.

Brian asked the commission if there are any clarifying questions:

- Steve made a comment that with technology there will probably be windmills come out that we have never imagined, technology will change and we tried to include that in the ordinance.
- Jess Brown made the comment that there currently is a moratorium on windmills.

Any members of the public that would like ask questions?

- Karalee wanted to know if we are talking about companies or personal wind turbines?
- Brian responded that there is not too much of a possibility of a company coming in because of our location. (We are not on a hill) There is not much in the ordinance to prevent companies other than the wind turbine can't be within so many feet of a property line, which will restrict the size of the wind turbine.
- A special use permit will be required, which in turn will allow neighbors to voice their opinion on the wind turbine.
- Larry Lovell wanted to know what type of pole is required, and can it be attached to the side of a home.

Those who signed up to speak at the public hearing:

For- -none

~~Natural~~ -Jan Gallup; 309 S. Austin. Sugar City.

Neutral

Commercial Wind Farm

- Jan only has one concern and that is the cost for certified letters that will be required to be sent out to neighbors, she thought that it was a little bit extreme, because we don't require that for any other special use permit, nor does state statute require a certified letter. She thinks that a mailing within 300 feet of the property would be sufficient.
- Steve commented that last time he checked it was about a dollar more, and the commission did not feel this was a burden
- Jan also wanted to know if this would apply in the impact area ^{the ordinance}
- Yes it will, once the county commission adopts our ordinance.

Against- -none

No closing comments by the commission

Brian adjourned the hearing at 7:20 p.m.

Planning and Zoning meeting Oct. 15, 2009

Commission in attendance: Renee' Christensen, Joy Ball, Jess Brown, Steve Hawkes, Ray Barney, Vaun Wadell, Brian Hawkes.

Others in Attendance: KaraLee Ricks, Jan Gallup, Bruce King, Nathan Sutherland.

Steve moved that we amend the agenda to add KaraLee Ricks discussion on the gravel pits; add the discussion on the Joint planning and zoning meeting on the fifth Thursday of this month; and add a discussion of Craig Cobia's apartment. Joy seconded the motion. Vaun ask a clarifying question about the Craig Cobia apartment.

Commission voted the motion, the motion passed.

Vaun moved that we accept the minutes of Oct. 1st, Ray seconded the motion. The motion passed.

KaraLee Ricks is working on a committee with other citizens of Madison county, she wanted to inform us about what is going on with the county and the gravel pit, share with us information of the proposed ordinance that they are working on, and ask for some input from Sugar City planning and zoning. KaraLee discussed the different ideas for the ordinance. Items discussed; dust, noise, truck traffic, set backs, and reclamation requirements. Brian ask what Karalee would like us to do. She wants us to think about set backs, which are the most pressing issues right now.

Bruce King discussed the City Council business.

Discussion on wind turbine ordinance public hearing.

Steve commented on Jan's concern about sending the mail certified. The last time that Steve sent a certified letter it was about \$1.25 extra. The commission did not feel this was an excessive amount to ask.

Jess had some concerns about commercial wind turbines, and although the possibility is remote are we leaving ourselves opened for something.

Commission discussed the possibilities. Brian felt that we are protect because the ordinance does require a special use permit before you can have a wind turbine, thus allowing for public comment, and also the wind in Sugar City is not such that companies would want to come in and build a wind farm.

Vaun moved that we recommend to city council the wind turbine ordinance to be codified as Title 8 Chapter 5. Joy seconded the motion. The motions passed.

Oct. 29th there will be the joint planning and zoning meeting in Rexburg. Renee', Brian and Ray will not be in attendance because of conflicts.

Craig Cobia apartment—last meeting Craig came and asked if he could still have the apartment in his garage with the new proposed zone change, we said that should not be a problem. Joy remembered that there was a previous issue with this. She ask Sharon Bell to look into the problem and this is information that we received.

- May 9, 2006 a \$5000 building permit for a bedroom remodel only one inspection slip in the file.
- June 1, 2006 \$25,000 building permit, for a foundation and garage, no inspection permits in the file.
- Sept. 12, 2006 \$16,000 building permit living area above the garage, no inspection slips in the file.
- A note in the file date 8/29/06 states not to be used as an apartment, and an additional \$8,000 added to the building permit
- July 13, 2006 letter from Harold Harris to Craig Cobia about getting the construction site cleaned up.
- July 14, 2006 letter from Craig Cobia to Harold Harris the construction material has been removed and cleaned up.
- Aug. 7, 2006 Letter to Craig Cobia signed by Harold Harris, Craig Cobia, and Chantel Cobia stating that there is an existing apartment in your home, which will be grand-fathered in, however it does not extend to any additional new construction. The letter was signed stating that the apartment over the garage will not now nor in the future be used for an apartment for those other than family members. No certificate of occupancy has been issued for any of the permits.

Going from old R2 to the new proposed R2 does not prevent him from having an apartment above his garage- -which is the question that we answered last meeting. The second question is, is he allowed to have renters above his garage, that question is beyond us, that is a city council question. Craig has agreed with the city not to have renter above his garage, he can have family members. This issue will be on the agenda for the city council meeting.

Chris Murphy called Brian about selling cars from the business park on Hwy 33. He needs a letter from us stating that he can sell cars in this zone. This would not be a car lot, but Chris would be more of a car broker. The area is zone Highway commercial. This is something that would be permitted in Highway commercial zone.

Discussion and changes on Title 9.

Vaun moved that at 7 p.m. on Nov. 19, 2009 we conduct a public hearing for revised chapters of Title 9 the zoning title; for revised Chapter 1 Administration; chapter 2; Definitions; Chapter 4 Annexation; Chapter 5 Reclassification; Chapter 6 Special Use Permit; Chapter 7 Variance Permit. Steve seconded the motion. The motion passed

Brian adjourned the meeting at 11:00 p.m.

Brian Hawkes

5 Nov. 2009