

City of Green River

460 East Main Street, Green River, Utah

Planning Commission Minutes

Regular Meeting

Thursday, February 7, 2008

ATTENDING: Ben Coomer, Robert Smith, Connie Copenhaver, Amy Wilmarth; Employees Conae Black, Bryan Meadows, from SEU Association of Governments Michael Bryant, from EcoDomaine Refinery Troy Dana, Les Thompson, Rodney Silliman, Don Peters, and Wayne Hefty.

ABSENT: Katherine Brown

CONDUCTING: Commission member Robert Smith, meeting began at 10:20 a.m.

ORDER OF BUSINESS:

1. Discuss/approve/deny minutes for January 3, 2008 Regular Meeting. Robert Smith said he had a problem with the last line in item #7 Reports where it states "Mayor Bentley asked that the agenda's be submitted to the Recorder a week prior to the meetings" he remembered that to be 10 days not a week. Conae Black said Robert Smith that he asked for ten days. Robert Smith said the Mayor asked for ten days. Connie Copenhaver said in the discussion it was decided that was asking a lot. Robert Smith said he asked for the minutes to be done within ten days. He thinks he heard the Mayor ask that the agenda be available ten days prior to the meeting dates. Conae Black asked Robert Smith what his point was. Robert Smith said the point is the Mayor asked for the agendas be submitted the Recorder 10 days prior to the meeting not a week. Conae Black said he did start with that then after some discussion it was decided to have it a week. **MOTION:** Connie Copenhaver moved that Conae Black go back to the tape and put in exactly what the Mayor said and they table this until the next meeting. Amy Wilmarth seconded the motion. **VOTE:** Amy Wilmarth, Connie Copenhaver and Robert Smith voted aye. Ben Coomer and Katherine Brown were absent. The motion carried.

Old Business

2. Discuss/approve/deny R-3 revisions. Connie Copenhaver said at each area within the zone where it states "same as required in R-1 zone" she inserted the actual zoning requirements. This way you don't have to refer back to that zone for the requirements. Robert Smith said the maximum height of 20 feet bothered him. He said that comes from the fire department because they have allowed larger buildings with sprinkler systems. Michael Bryant said you want to tailor your ordinance to what the fire department feels they can adequately facilitate because otherwise insurance will be too high for someone to actually build something three or four stories high if the fire department can't adequately save someone in case of a fire. Connie Copenhaver asked if our motels were 20 feet. Bryan Meadows said the measurements are to the square of the building so the trusses are not included in the 20 foot measurement. With eight foot floors that would mean only a two story building. Amy Wilmarth said Doug Wright wanted to put in a three story motel when he built the Holiday Inn Express but was not allowed. Robert Smith said the Fire Chief required the Ramada to put a sprinkling system in the attic. Michael Bryant inquired as to why the fire department did not want the building any higher than 20 feet. It was explained that they did not have the proper equipment to handle anything more than that. Bryan Meadows said there could be a basement plus two stories. Robert Smith felt it was pointless to limit the R-3 zone to a 20 foot height. Connie Copenhaver said right now we do not have any applications for multiple story building and the fire department can only handle two stories so she wanted to leave it at two stories. If we need to start building higher then we can change it. Michael Bryant said the whole purpose of the 20 feet restriction is for the protection of the health safety and welfare of the citizens. If the city can't adequately supply for higher densities then you have to limit it. Amy

Wilmarth said to leave it the way it is until it becomes an issue down the line. Robert Smith said he didn't know if that number actually came from the fire department and that is something that we need to know. Connie Copenhaver brought up the set back requirements in the residential zones and how they do not accommodate for small lots at all. She would like to revisit that and make some changes. It was decided to strike from the area requirements "for a single family dwelling" and "not less than seven thousand square feet for any main building other than dwellings" That will now read "The minimum lot shall not be less than seven thousand five hundred square feet plus six hundred additional square feet of lot area for each additional dwelling unit in the building."

3. Discuss/approve/deny RM zones. Due to the lack of time this agenda item was not acted upon.

New Business

4. Discuss/approve/deny request for zoning ordinance amendment from EcoDomaine Refinery. Troy Dana gave a brief history of the refinery. Wayne Heftye and Devere Bigelow purchased the old refinery in 2005. In April or May 2007 they met Todd Dana and pursued a business venture together. Together they made sure that all of the permits were valid with the State of Utah and other things. Todd Dana has now purchased the refinery from Wayne Heftye and Devere Bigelow. Todd Dana's main industry is called Red Leaf Resources who has about 25,000 acres in the Uinta Basin and anywhere from 1.5 to 2 million barrels of oil from shale. Red Leaf is financially backed and has a patent to distract oil from shale and is pursuing many avenues. Troy Dana said his background is real estate and development. Les Thompson, Don Peters and Rodney Silliman are part of the team. Wayne Heftye is Vice President of Development and will be consulting. They have a good team and a funding source behind them. They have a Board of Directors for this refinery. There are several people who are included with the Red Leaf, one of which is probably their biggest asset who's name is Vince Mennit who worked for Flying J his whole life and has recently retired and has joined Red Leaf and EcoDomaine's Board. Mr. Mennit oversaw Flying J's refineries and was responsible for several expansions of their refineries and knows the refinery business. Governor Huntsman's Energy Advisor whose name is Dr. Loren Neilson had to step down there and went to work for Red Leaf Resources. He still has a relationship with the Governor and other powers that be in the State of Utah. Governor Huntsman is on board and is aware that Red Leaf now has ownership of this refinery and that they plan on bringing oil shale back to market. They have met with the Lieutenant Governor and his staff several times. They feel really confident about their Board of Directors and who is on Board with them. He named other Board members. During the course of the last six months or so they have a permit that was issued by the State of Utah for 137,000 barrel's a year which is less than 2,000 barrel's a day. That is one of the smallest refineries in the Nation. There are probably only about 139 refineries and six of them are in the State of Utah with EcoDomaine being the sixth one. 2,000 barrel's a day is not big. They will be making gas a diesel. It is not difficult to sell that type of volume with all of the truck stops. They anticipate servicing all the Central Utah areas. One of his friends who is the owner of the Top Stop convenience store get their fuel from Vegas or Nebraska which makes it very expensive. They are in the process of finishing up their funding for this refinery which is \$16 million. All of that money is going into this refinery and come into this community. This will be nicer facility. They need to clean up the existing tanks and even at 2,000 barrel's a day they need to add tanks. They are excited for this town and this refinery. EcoDomaine is the parent name with a DBA called Green River Refining. Their branding is Green River Utah, Green River Refining. He and Wayne Heftye have already traveled throughout the country talking to people who have these local cruds and supplies and everything they are doing is Green River Utah. That helps with that marketing. They are here to address the nonconforming use of their facility. They want to find a way to move forward and are looking for direction. They are willing to put in new tanks and build new buildings. They are basically light processing not heavy manufacturing. They have a ½ million dollars that they are willing to spend immediately on building permits. Don Peters said they are looking to the town of Green River to bring in their work force. They are looking at those who were previously employed at the refinery. A lot of the people they are talking about are working outside of Green River who

are family people and are away from their families and they would like to bring those people back into town so they don't have to look for employment outside of the area. Troy Dana said that is correct. At the beginning of their operation there will be about 15 to 20 employees. As they get to full capacity what their permit allows they could employ anywhere from 20 to 45 people. They will have other opportunities along the way. They have talked briefly about a future rail facility. That adds a lot of value and brings a lot of things to this community. They are good paying stable jobs. Robert Smith asked how many trucks it would take for 2,000 barrel's a day. He is concerned about the condition of the road. Troy Dana said within two years they have to resurface the road from the turn off to their facility. They have it planned in their budget. they want this facility to be state of the art and look nice. They do not want to cut corners. They want it to look nice for this community and their company as well. Robert Smith said it didn't answer his question on how many trucks would be needed. Troy Dana said anywhere from seven to ten trucks a day. Ben Coomer said all of that is just semantics the concern is what the emission standards are going to be. He is shocked that this wasn't zoned in a zone that it is already being used for. This should be zoned I-3 for sure. The property was zoned for that use to begin with. He thinks that what the Planning Commission needs to hear is not how many barrels they will be producing a day but what is going to be the release into our air. There was some discussion on how the zoning on that property was changed. Troy Dana said there hasn't been a permit issued for a refinery since 1980. The reason they got a permit from the State of Utah is they went back on the permit that was issued in 1984. This permit was resigned to allow them to use it. They have investors to answer to. He feels that High Desert Refinery will not get a permit because they just don't give them. This refinery is small and all they are going to emit into the air is well under the standards. Wayne Heftye said this is a minor source for a distillation facility and all data they gave the State of Utah indicated that this refinery will be a minor source of pollutants into the air. A BBQ Restaurant will put out more emissions than this refinery. They are putting in advanced technology that was not available five years ago. What would be parts per million are now parts per billion if that. It is like having a giant hot water heater out there. As far as odors go there will not be any because everything is all sealed.

Les Thompson went over the equipment they have at the property now and the changes that will be made. The improved refinery will be a computer driven process. They are building a new control room and office. There will be a change room where the operators will be able to change out of their good clothes and into their work clothes so they won't take any of their work home with them. There is going to be a major upgrade on the process. They are going to begin on the seventeen acres for now. the tank farm was never finished. The tanks they have are not adequate especially if they bring in the rail. They are planning on expanding the tank farm area in the future. He plans on staying here in Green River and making it his home for the rest of his life. He feels the standard of living will improve for Green River. There are only going to be a few specialists' jobs that will be placed by someone outside of Green River. He asked the Planning Commission what could be done to quickly and efficiently move this process along. There was some discussion on where the property was that EcoDomaine owned and where the zoning boundaries were. It was decided that the EcoDomaine property is in the I-2 zone which does not allow for refineries. Connie Copenhaver felt the Planning Commission should give EcoDomaine a letter of nonconforming use so they could get started. She then said they should apply for a zoning change for all of their property they will be using. Ben Coomer and Robert Smith thought that was a good idea. Troy Dana stated for clarification that EcoDomaine would start with a permission letter from the Planning Commission for nonconforming use to allow them to do what they needed to do and file for a zoning change for their expansion parcels of land. Ben Coomer said yes and that was just a technicality because on the original parcel of land they are allowed to operate the refinery because the use has not changed. Connie Copenhaver reminded the Planning Commission that with this zone change that will eliminate the I-2 buffer area between I-1 and I-3. The Planning Commission discussed several different zoning options or a change in the ordinance. Troy Dana said there was one thing they haven't mentioned that may make a difference in the community. They are talking about putting in a million dollar natural gas line to the refinery. That is an expenditure that they will take on. Ben Coomer said if the natural gas line is that close then the City will probably talk about bringing the line into town. Troy Dana said you

won't be able to use that in your house their plans for the gas is to bring it to the refinery, take all of the wetness out of it.

Michael Bryant, Citizens Planner from the SEU Association of Governments, reviewed the I-2 zoning ordinance and commented that the I-2 zone is very vague and the oil refinery use should be permitted hands down. He quoted from the ordinance stating under permitted uses is says "Other uses ruled by the planning commission to be similar to uses specifically permitted in the zone, and which will harmonize with the objectives and characteristics of the I-2 medium industrial zone." He continued that if you read the Objectives and Characteristics section nothing that EcoDomaine is going to do will be deleterious to the zone. Connie Copenhaver said I-3 specifically permits oil and storage facilities and plants. Michael Bryant said the problem is that vague sentence in I-2 which allows other uses. If the Planning Commission feels that an oil refinery is a similar use for the land then there is no reason why EcoDomaine cannot be permitted. Connie Copenhaver asked what will happen when the next oil refinery wants to come into the same place. Michael Bryant said you need to amend your ordinance. Right now you can't limit them. He suggested the Planning Commission write a letter of recommendation allowing EcoDomaine to go forward with their plans because there isn't a reason they need a conditional use permit nor do they need a nonconforming letter. All they need is permission from the Planning Commission to grant that use. **MOTION:** Connie Copenhaver moved that the Planning Commission write a letter to EcoDomaine Refinery to proceed with their plans for an oil refinery. Ben Coomer seconded the motion. **VOTE:** Connie Copenhaver, Ben Coomer, Amy Wilmarth and Robert Smith voted aye. The motion was carried.

Connie Copenhaver feels Michael Bryant needs to help them get some teeth in our laws because she is really concerned about future growth in the industrial park area and we really need to decide what we want to do and make sure it is right. Conae Black said she agreed with Connie Copenhaver however didn't feel it was a priority. She feels there are other issues that need to be taken care of first. Robert Smith said they needed to finish up with the residential zones first. Amy Wilmarth said that it can be added to their list of things to do. Connie Copenhaver feels they need to take a look at the General Plan also.

5. Discuss/approve/deny request for zoning change from EcoDomaine Refinery. There was not any other further discussion or action needed on this agenda item.

6. Adjournment. The meeting adjourned at 11:55 a.m.

Katherine Brown, Chair

Conae Black, City Recorder

Approved: _____