

Grand County Planning Commission Minutes

January 14, 2004

A regular meeting of the Grand County Planning Commission convened on the above date at 6:00 PM in the Council Chambers of the Grand County Courthouse.

Members Present: D.L. Taylor, Tom Rees, Kevin Wright, David Everitt, Dave Cozzens, Susie Harrington, and Tom Shellenberger.
County Council liaison; Joette Langianese.

Others Present: Planning Staff; Richard Grice, Mary Hoffine, and other concerned citizens.

Approval of December minutes: Tom Rees moved to approve the December minutes as corrected, Kevin Wright seconded and all voted in favor.

Staff Comment – need for findings of fact: Richard discussed with the Commission the need to be very accurate in making motions. The County's insurance attorney has warned us to make findings of fact in required motions. Administrative actions are not discretionary and need to be applied against the written standards, (LUC). Legislative items are discretionary and the findings should be documented with purpose. This is a procedure land attorney's in Utah are advising all legislative offices to follow, not only for approvals but for denials as well.

Stewart Minor: (cont. from 12-4-03) This application is submitted by Tim Keogh, Keogh Land Surveying, on behalf of the property owner, Terry D. Stewart (Applicant). The Applicant is requesting approval of a 2-lot minor subdivision, pursuant to the *Grand County Land Use Code*, Sec. 6.9, Minor Subdivisions. The subject property includes about 2.40 acres and is located at 3311 S. Roberts Road. Each of the 2 proposed lots are approximately equal in size – about 1.20 acres, each.

The subject property is zoned RR, Rural Residential, which has a minimum lot area of 1 acre and a minimum lot width of 130 feet. Minimum side setbacks are 15 feet. The proposed lots and improvements comply with these requirements.

The Grand County Planning Commission reviewed the referenced application at its regular meeting on December 3, 2003, and tabled the application pending:

(1) Addition of the required drainage plat note to the plat, as follows:

Note: No building permit(s) shall be issued for a structure(s) on any lot(s) in this subdivision prior to the completion of a drainage detention basin, drainage swell, dry well, or similar facility in accordance with the requirements of Grand County Land Use Code, Sec. 4.7A.

(2) Payment of the outstanding liens to GWSSA in the amount of \$5,741.18, or arrangement for payment satisfactory to GWSSA;

(3) Demonstration that each of the 2 existing dwellings will be located on its own lot, and that each dwelling is setback at least 15 feet from the new lot line ;

(4) Correction of the plat title to read "Stewart Minor Subdivision Survey Plat" [NOTE: Merlene Moser requested that the plat be 24" by 36", but the Ordinance requires 11" by 17"]; and

(5) Resolution of the impact fee issue .

[NOTES ON #5 ABOVE: (a) Staff to contact County Attorney regarding questions of "applicability"; that is, should the County be collecting the impact fees as a condition of Subdivision approval if they were not collected at the time the Building Permit was issued; (b) Applicant should submit any evidence he has that such fee was not due and payable at the time the Building Permit was issued.]

Kevin Wright moved to give a favorable recommendation to the County Council without conditions since the applicant has satisfactorily resolved all the outstanding issues, Tom Shellenberger seconded and all voted in favor.

Stock Minor Subdivision: This application is submitted by Bryan K. Hurley, P.E., Keogh Land Surveying, on behalf of the property owner, Bonnie Stocks (Applicant). The Applicant is requesting approval of a 2-lot minor subdivision, pursuant to the *Grand County Land Use Code*, Sec. 6.9, Minor Subdivisions. The subject property includes about 2.40 acres and is located at 2730 S. Roberts Road. Each of the 2 proposed lots are approximately equal in size – Lot 1 contains 1.21 acres, and Lot 2 contains 1.19 acres.

The subject property is zoned RR, Rural Residential, which has a minimum lot area of 1 acre and a minimum lot width of 130 feet – the proposed lots comply with both of those requirements. Minimum side setbacks are 15 feet. Each lot is already improved with a single family dwelling – two dwellings were permitted on the existing lot in 1992. Conformance with the required setbacks is illustrated on the plat. According to the application, “all roads and utilities for current use are presently in place.”

GWSSA advises that they were unaware that they are currently serving two dwelling on the subject property, as there are not 2 meters on the property. Applicant needs to make arrangements for service by GWSSA and provide the required certification.

The subject property is located on a County-maintained Road, Roberts Road. The plat includes dedication of 56 feet (from centerline) of right-of-way for Roberts Road – this more than satisfies County requirements.

The Applicant’s engineer, Bryan Hurley, visited the site and reported that current development “increased surface flow, though of an insignificant quantity”. He recommends that, “if any future construction is planned further evaluation is recommended (prior to any future construction).”

The County Engineer also noted that the plat should be modified to include the required drainage plat note, which defers compliance with County drainage requirements to the time of building permit.

Susie Harrington moved to table the Stocks Minor Subdivision application pending the following:

(1) Addition of the following (drainage) note to the plat:

Note: No building permit(s) shall be issued for a structure(s) on any lot in this subdivision prior to the completion of a site specific drainage study to quantify the potential change in drainage run-off (pre- vs. post-development flows), and a detention basin, drainage swell, dry well, or similar facility on site designed to detain such run-off; and

(2) Completion (construction) of water and sewer connections to the second dwelling consistent with the requirements of Grand Water and Sewer Service Agency.

David Everitt seconded and all voted in favor.

Moab Springs PUD Final Plat Phase 2: The Moab Springs Ranch PUD Final Plat, Phase II, is submitted by McKay Edwards of Club Utah Resort Group L.L.C. (Applicant). This final plat includes a single lot (Lot #2), to be developed with 2 duplexes and a total of 4 dwelling units (condo units). This is the second final plat filing in the PUD.

The Phase II plat is substantially consistent with the Preliminary Plat approved in November of 1999 and the Moab Springs PUD Phase I Plat approved in November of 2000. Twelve-month extensions were granted in November of 2001 and 2002.

David Everitt moved to recommend approval to the County Council without conditions, Kevin Wright seconded and all voted in favor.

PUBLIC HEARINGS: All public hearings had the following read into the record by reference; the General Plan as amended to date, the Land Use Code as amended to date, and the specific memo to the Planning Commission with all attachments.

Rio Colorado at Dewey – PUD rezoning and Exemption Plat: Tom Shellenberger recused himself from discussion; he represents the owner as the real estate agent.

The Rio Colorado PUD is located on the north side of the Colorado River at the Dewey Bridge, and includes a total of 107.20 acres. County Council approved the Rio Colorado Preliminary PUD with Resolution #2367 on December 30, 1997. The approved PUD provides for development of 20 single family lots, a Camp Store and RV Park, and Common Open Space. Plans for the Common Open Space include an Equestrian Center, among other recreational and maintenance facilities for the benefit of the homeowners. The first Final Plat for the Rio Colorado PUD was approved by the County Council on May 18, 1998.

Recently the entire property was sold to Ground Centry Company, Inc. (Applicant). The Applicant wishes to vacate all previously approved subdivision lots lines and the PUD, and to otherwise return the property to its natural state. The Exemption Plat will serve to vacate the lot lines. Additionally, rezoning of the property back to the original RG, Range and Grazing District is necessary to effectively vacate the PUD. All structures previously constructed on the property have been removed, including a quality residence.

Significant features of public benefit associated with the Rio Colorado PUD, which are preserved by the proposed Spears Exemption Plat, include:

- The dedication of a 20 foot easement for the Kokopelli Trail through the PUD;
- The dedication of a 10 foot easement to the historic Dewey Bridge.

Susie Harrington moved to recommend approval to the County Council subject to the following conditions,

1. correct spelling of owner's name to "SPEERS";
2. correct trail easement for Kokopelli Trail from "2 feet" to "20 feet".

Tom Stocks seconded and all voted in favor.

Island Home Orchard Subdivision Replat discussion: The Grand County Planning and Zoning Commission discussed at length the referenced application. At that time, the Commission found that while there is a substantial property right that should be preserved via a replat of the 23 lots in the referenced platted subdivision, there are also a number of outstanding issues, which are potentially detrimental to public interests and to the interests of potential buyers of the subdivision.

David Everitt moved to table pending amendments to the Plat designed to prevent the proposed Replat from being detrimental to the public interest and subjecting potential lot buyers to unanticipated costs and/ or hazards to life and property due to the absence or lack of the following:

(1) Plat notes alerting potential buyers to the absence or lack of:

(a) Water system or demonstration of water rights availability;

(b) Soils suitability for septic systems;

(c) Utilities necessary to serve development and that all extensions will be the buyers responsibility;

(d) Roads meeting County standards, and that the County will not maintain roads that are not completed to County standards; and

(e) Provisions for the maintenance of roads and any common open space; and

(2) Delineation of the floodplain boundary relative to the locations of new lots;

(3) Wetlands delineation and definitive determination of the question of Federal wetland jurisdiction over lands within the subject property;

(4) Conclusive demonstration that the subject property is all in Grand County; and

(5) Legal description of the entire property and inclusion of the entire property associated with the platted subdivision or owned as result the platted subdivision; that is, given the potential for accretion and avulsion pursuant to Utah Law associated with the historic movement of the Green River.

Susie Harrington seconded and all voted in favor.

SEE ATTACHED LETTER FROM THE COUNTY ENGINEER REGARDING THE REFRENCED REPLAT.

PUBLIC HEARING – Schools in RG District Code Amendment and Day Star Academy Conditional Use Permit. Jerry Harris, President of the DayStar Adventist Academy (Applicant), has submitted a letter of application to build a new cafeteria on the Academy's property in Castle Valley. The subject property includes approximately 300 acres and is zoned RG, Range and Grazing. The application indicates that the Academy will be hosting religious retreats that will use the proposed cafeteria for a meeting hall and eating facility; the cafeteria structure will also include a "country store" to provide food goods and other necessities for employees and guests.

A site plan submitted with the application identifies the current uses and structures; however, no specific information is available regarding the size, capacity, and number of housing units.

To fairly and reasonably apply County Land Use Code regulations to the subject property, it is first necessary to understand and classify the unusual combination of uses on the property. A review of the Land Use Code does not indicate there to be a single Use Type or a reasonable combination of Use Types that exactly describes the DayStar Academy. Possibilities for rectifying this situation include considering the Academy to be an "agricultural use", a "church", a "college", or a "destination resort". While the use includes elements or characteristics of each of these uses, clearly none these uses accurately describes the DayStar Academy.

Therefore, Staff suggests that this dilemma be resolved by finding that the DayStar Academy most closely constitutes a "Private School" or simply a "School", as Private School seems to most closely describe the combination of uses and activities that commonly occur on the site. However, since Schools are not allowed in the RG District, it will first be necessary to amend the Land Use Code to add "Schools" to the list of uses allowed. Then, a Conditional Use Permit may be approved allowing existing and proposed uses.

Vegetable and fruit stands in the RG Zone District are allowed by State Statute and the Commission recommended making the Land Use Code compliant by listing the use in the RG zone District regulation as permitted.

The Commission discussed the amendment and felt that private schools should be listed as Use on Review. The Day Star Academy has been in existence for many years and the use is compatible with the surrounding uses and found that;

1. The combination of land uses currently existing on the DayStar Adventist Academy site in Castle Valley most closely constitutes a "School";
2. "Schools" may or may not be appropriate in the RG district, depending upon compatibility with surrounding land uses, and other factors; and
3. The DayStar Academy, as existing and proposed, is consistent with the general purposes of Use-of-Review Permits as listed in Land Use Code, Sec. 6.12.1, General, and does not pose compatibility problems relative to surrounding land uses.

Susie Harrington recommended approval to County Council of an amendment to the Grand County Land Use Code, Sec. 3.11.5, by the addition of:

1. "Schools" to the list of uses that may be allowed in the RG District by Use-on-Review Permit; and
2. "Fruit and vegetable stands" to the list of uses to be allowed in the RG District as a Permitted Use.

Tom Rees seconded and all voted in favor.

Secondly, Susie Harrington recommended approval to the County Council for a Use on Review Permit for the Day Star Academy conditional on the County's adoption of the amendment to the Land Use Code. Tom Shellenberger seconded and all voted in favor.

PUBLIC HEARING: Streamlining Procedures for (1) Site Plan Review, and (2) Conditional Use Permit Review

The County Council has indicated its interest in expediting land use review procedures to the extent practical. While *Grand County Land Use Code* procedures were initially established with that goal in mind, some further streamlining is possible. Staff has identified the following specific opportunities to further expedite the following land use review procedures;

1. Subdivision Procedures
2. Conditional Use Procedure
3. Site Plan Review Procedure

The Planning and Zoning Commission reviewed the drafted amendments in a public hearing on January 14, 2004, discussed each drafted procedural amendment, and ultimately decided to recommend approval of only one change. The Commission recommended that final authority for Conditional Use Permits be delegated to the Commission, thus eliminating the requirement for a public hearing before the County Council.

Additionally, the Commission recommended that the Council modify its long standing procedure and custom with respect to hearings. The Commission notes that all procedures involving public hearings could be shortened by at least 2 weeks if the Council would make its final decision at the close of each hearing, rather than waiting the customary 2 weeks.

David Everitt moved to recommend to the County Council only one change to the procedure in the Land Use Code: Conditional Use Permit review process be reduced to a single step: review and final action by the Planning Commission, all other discussed items stay the same. Tom Rees Seconded and all voted in favor.

PUBLIC HEARING – Waste Management Amendment - At the Planning Commission meeting on November 5, 2003, the Commission directed staff to draft amendments to the Land Use Code relative to the Waste Materials Management land use classification. The Commission found that there is a need in the County for additional and expanded waste management facilities. The drafted amendments will have the effect of:

1. Removing the nonconforming status of existing waste materials management facilities,
2. Providing a procedure for the future expansion of such facilities as necessary to meet community needs, and
3. Adding screening requirements to mitigate the impact of such uses on surrounding areas

Dave Everitt moved to recommend approval to the County Council that the drafted amendment to the Land Use Code for Waste Management, Tom Shellenberger seconded and all voted in favor.

Adjournment: Meeting adjourned at 10:00 p.m.