

**Grand County Planning Commission
Minutes
Corrected**

June 9, 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: Chairman D.L. Taylor, Tom Rees, Kevin Wright, David Everitt, and Susie Harrington. Tom Shellenberger and Dave Cozzens were excused
County Council liaison; Joette Langianese.

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

The meeting was called to order at 6:00 PM

Continued Public Hearing - Sunny Valley Estates PUD – Preliminary plat, Dan Pyatt applicant: Staff read into the record reference of the General Plan as amended to date, the Grand County Land Use Code as amended to date and staff's memo to the Planning Commission with today's date.

The Grand County Planning Commission reviewed this application at their regular meeting on May 26, 2004, and while agreeing to support bonus density per *Land Use Code*, Sec. 3.22.9A, in consideration of the applicant-proposed excess open space, reduced height, extended trail right-of-way, and more restrictive outdoor lighting covenant, the Commission TABLED the Preliminary Plat pending the following [ITEMS NOT COMPLIED WITH NOTED]

1. Addition of a plat note to the Preliminary and Final Plats accurately describing the severity of the floodplain and noting finished first floor elevation requirements for each lot, per County Engineer's prior recommendation;
2. Incorporation of flood easements on plat, street designs and grading plans that plan for relief flood waters entering the site; [NOT DONE – A FINAL PLAT REQUIREMENT]
3. Add a 50 foot setback (to the Plat) applicable to Lots 1-7, from the center of the creek (drainage channel) to the closest projection of the principal or accessory building; [NOT DONE – RATHER 50 FOOT SETBACK FROM PROPERTY LINE IS PROPOSED]
4. Dedicate a 15-foot non-motorized trail right-of-way from the North end of the property through the open space on the South, to the edge of the property; [NOT DONE – INSTEAD AN EASEMENT IS PROPOSED, CODE REQUIRES A RIGHT-OF-WAY]
5. Designation of "open space" as Common Open Space, to be deeded to a Homeowners' Association and owned in common by the property owners -- such open space should include the 8 acres proposed at the south end of the property, plus the drainage detention area at the northwest corner, the Pack Creek drainage channel and 15-foot wide public trail consist with PUD requirements and County trail standards, and sufficient for public trail construction, maintenance and access purposes; [NOT DONE – OPEN SPACE IS NOT DESCRIBED AS "COMMON OPEN SPACE". THE DRAINAGE CHANNEL AND THE PUBLIC TRAIL RIGHT-OF-WAY ARE NOT INCLUDED IN COMMON OPEN SPACE TO FACILITATE MAINTENANCE AND TO COMPLY WITH PUD REQUIREMENTS]
6. Plat notes to be added to the plat:
 - a. The maximum building height for all structures shall be limited to 18 feet, measured in accordance with Land Use Code, Sec. 3.4.9, Maximum height. [NOT DONE – PLAT NOTE (TABLE) PROPOSES DIFFERENT METHOD OF MEASURING HEIGHT. THIS WILL CREATE AN UNNECESSARY PROBLEM FOR THE BUILDING DEPARTMENT.]
 - b. Open space designated on this plat shall be preserved from development for a period of at least 40 years, any change in the use of such open space shall require the written approval of all property owners in the PUD and approval of a zoning map amendment pursuant to the requirements of Sec. 6.2 of the Grand County Land Use Code. [NOTE IS SORT OF ON THE PLAT, BUT THE OPEN SPACE TOTAL IS GREATER THAN 7.5, BECAUSE IT MUST INCLUDE THE TRAIL RIGHT-OF-WAY AND THE DRAINAGE CHANNEL.]

7. Specify in the protective Covenants to provide that those portions of such documents pertaining to the creation of the homeowners' association and to the use, operation, maintenance and/or supervision of common facilities may not be amended without the prior written consent of Grand County, as follows: [NOT DONE]

Amendments Requiring County Approval. Amendments to these Covenants, Conditions and Restrictions or the bylaws of the property owners association relating to creation of the homeowners' association and to the use, operation, maintenance and/or supervision of common facilities, such as changes in design standards, private roads, drainage cleanouts, sewer and water, open space and other matters which the County has direct decision-making authority, must be approved by the County prior to finalization.

The Commission discussed the following:

- If the Detention Pond, Pack Creek Channel and Trail are to be maintained by the HOA, these areas need to be clearly identified as Common Open Space, because these areas will contain improvements and are to be maintained by the HOA.
- The large lot shall be open space, the developer plans on using it as an agricultural property.
- Developer of the property will maintain the property and will provide for dust control.
- The back set back was determined to be from the property line.
- Change plat notes appropriately.
- Remove reference of vacation of the cul-de-sac.

Susie Harrington moved to recommend approval to the Council with the following conditions:

The County Planning Commission supported bonus density per Land Use Code, Sec. 3.22.9A, of 4 lots, (21%) in consideration of the applicant's proposal:

- Reduced height of the buildings to 19.5 feet as measured in accordance with Land Use Code, Sec. 3.4.9, Maximum height,
- More restrictive outdoor lighting covenant with a note on the final plat,
- An increased setback on Lots 1-7 (along the creek) of 50 feet.

The Commission's recommendation is subject to the following condition:

1. Dedicate a 15-foot non-motorized trail right-of-way trail consist with PUD requirements and County trail standards, and sufficient for public trail construction, maintenance and access purposes; from the North end of the property through the open space on the South, to the edge of the property. The trail right-of-way and the detention pond shall be dedicated Open space to be deeded to a Homeowners' Association and owned in common by the property owners;
2. Designation of the 7.5 acre parcel on the South end of the property as open space and shall be preserved from development for a period of at least 40 years through the use of a recorded deed restriction and zoning designation. Thereafter, any change in the use of such open space shall require the written approval of all property owners in the PUD and approval of a zoning map amendment pursuant to the requirements of Art. VI.B. of this Code. The Protective Covenants shall include language regarding long-term maintenance and dust control.
3. Remove the reference that the cul-de-sac shall be automatically vacated, this could leave a gap in the road when the road way is extended.
4. Specify in the protective Covenants to provide that those portions of such documents pertaining to the creation of the homeowners' association and to the use, operation, maintenance and/or supervision of common facilities may not be amended without the prior written consent of Grand County, as follows:

Amendments Requiring County Approval. Amendments to these Covenants, Conditions and Restrictions or the bylaws of the property owners association relating to creation of the homeowners' association and to the use, operation, maintenance and/or supervision of common facilities, such as changes in design standards, private roads, drainage cleanouts, sewer and water, open space and other matters which the County has direct decision-making authority, must be approved by the County prior to finalization.

5. Include in the Protective Covenants a restriction of outdoor lighting from dusk to dawn.

Plat notes to be added to the plat:

- a. The maximum building height for all structures shall be limited to 19.5 feet, measured in accordance with Land Use Code, Sec. 3.4.9, Maximum height.
- b. Open space designated on this plat shall be preserved from development for a period of at least 40 years, any change in the use of such open space shall require the written approval of all property owners in the PUD and approval of a zoning map amendment pursuant to the requirements of Sec. 6.2 of the Grand County Land Use Code.
- c. All individual lots shall have a 10-foot front and rear, and a 5-foot side yard utility easement, as required by the Grand County Land Use Code.
- d. Plat note #2 should be modified to read – the erroneous plat reference to Sec. 3.4 refers to setback requirements rather than utility easements:
All individual lots shall have a 10-foot front and rear, and a 5-foot side yard utility easement, as required by the Grand County Land Use Code.
- e. Plat note #10 should be modified to read:
Non-motorized, multi-use, public trail shall have clear and unobstructed, 15-foot wide right-of-way for maintenance and access.
- f. Plat note #8, the word “should” shall be replaced with “shall” – “should” is not a regulatory word. Otherwise, the note is unenforceable.

Tom Rees seconded and all voted in favor.

PUBLIC HEARING – Zone Change request from RR to MFR – Oliver and Roberta Knutson applicants:

Since this is a public hearing staff read into the record as reference, the Grand County General Plan, the Grand County Land Use Code and the Commissions staff packet dated June 9, 2004.

This application is submitted by Randy Day, on behalf of the owners, Oliver T. and Roberta H. Knutson Trust (Applicant). The subject property consists of approximately 3.5 acres, located on the corner of Holyoak Lane and Arnel Lane. The property is currently zoned RR, Rural Residential and has one existing home with accessory structures the application seeks to rezone to the MFR, multi-family residential zone district.

If rezoning of the proposed lot to the MFR district were approved, the lot could be used for any of the land uses allowed in the MFR district.

The applicant has requested the zone change to accommodate a single family lot affordable housing project. In addressing the issues for consideration the applicant states that there is existing MRF, SLR-2 and HC zoning which are high density zone districts. All public facilities are adjacent to the parcel; this area is not within a scenic corridor or in an environmentally protected zone. There is a need for affordable housing, which would benefit the community. The County Engineer does have concerns with the roads and increased traffic, which will be addressed at development.

The Commission cannot make a determination based on a proposed use, once rezoned all uses and densities within the zone district will be permitted.

Many of the neighboring property owners had the following concerns:

- Volume of traffic and drainage,
- Keeping the rural character of the neighborhood,
- Proposed new roads and increase of traffic,
- Quality project in compatible space.

The Commission had the following concerns:

- Serious need for affordable housing, the difficulty will be in maintaining rural character and affordable housing,
- Quality project in the neighborhood,
- Mitigation of traffic volumes.

After a lengthy review and public comment the Chairman called for a motion.

Susie Harrington moved to deny the rezone, David Everitt seconded. The Chair called for the vote, Tom Rees, David Everitt and Susie Harrington voted in favor of the motion, D.L. Taylor and Kevin Wright voted against the motion.

It takes a vote of four (4) to pass a motion – the motion dies for lack of an affirmative vote of at least 4 of the members in attendance, *Sec. 6.1.C.5 Grand County Land Use Code*.

The Commission suggested that the applicant discuss the rezone with the neighbors and workout an agreed on the proposed subdivision plan.

Site Plan Review - Eastern Utah Community Credit Union - Mike Milovich, (“Applicant”,) and Jim Dressler, Agent for the applicant, submitted the attached application for a change of use at the above referenced business. The subject property consists of approximately .25 acres. The Applicant intends to convert the existing 3,821 square foot retail store into a credit union. There are no plans for expansion of the floor area of the building, but there will be a 1,224 square foot drive-through teller canopy. The surrounding properties are all zoned GB, General Business.

The Commission reviewed the site plan to the County’s standards and concluded the following:

- *Parking, Loading and Refuse Areas* -- The plan proposes a total of 20 spaces, 1 will be accessibility parking. Off street parking shall be provided on site in accordance with, Sec. 4.2. of the land use code, one space per 250 square feet. The building has 3,821 square feet, the required number of stalls is 15, there will be adequate parking available. Refuse areas will be fenced in accordance with the requirements of the LUC.
- *Driveways and Access* – All driveways and accesses are from Highway 191; a highway access permit will need to be obtained from UDOT before a building permit is issued. **provided**
- *Sidewalk or Trail* – Trails or sidewalks are required if the property is more than a mile from the city limits. **N/A**
- *Fences and Walls* – LUC. requires the plan include a six (6) foot perimeter fence adjacent to the residential zone. **N/A**.
- *Landscaping and Screening* –The LUC requires the front landscaping feature be 15 wide and parking spaces be screened. **This does not apply to the applicant pursuant to section Sec. 4.4.2**
- *Signage* – Signage is subject to the requirements of Sec. 4.5. **The plan shows a sign planned in the planting strip, all requirements will be met prior to the issuance of a permit.**
- *Outdoor lighting* – Any addition of lights will meet the requirement of Sec. 4.6. **Will be in accordance of the City’s dark sky ordinance, which will meet all requirements of the LUC.**
- *Drainage and Floodplain* – A drainage plan will be required before a building permit is issued if more than 5,000 square foot of impervious area. **N/A**
- *General Site Planning Standards* – No building permit will be issued until the County Engineer has reviewed and approved a drainage plan for the lot and the County and UDOT accept all easements and drainage features. **N/A**
- *Compatibility Standards* – The applicant has provided a landscaping plan between the drives which meets the requirements of the landscaping screen for the parking area.
- *Operational Performance Standards* – These are a continuing obligation of all uses, applicant should get a copy of the standards before issuance of a building permit.

Dave Everitt moved to approve the Eastern Utah Community Credit Union site plan subject to the following conditions:

1. Full cut off exterior light fixtures;
2. Wall signs are allowed only on the front of the building.

Kevin Wright seconded and all voted in favor.

Public Hearing – Conditional Use – Co-location on three towers – Solitude Wash, Thompson Springs, Moab Site at Sandflats – Nextel Communication is the applicant. Staff read into the record as reference, the Grand County General Plan, the Grand County Land Use Code and the memo to the Commission with today's date. This is an administrative review of an expansion of a Conditional Use permit for a telecommunications tower and facilities on behalf of Nextel Communications, Inc. (Applicant). The Planning Commission's task is to review the application against the adopted standards of the underlying zoning district and the use-specific standards applicable to Telecommunications or Microwave Towers.

The Applicant seeks approval of a Conditional Use Permit for co-location of an antenna and an construction of an addition of a 200 square foot mechanical building on three existing telecommunications tower sites located at; Solitude Wash site, Thompson Springs site, and the Moab Site located on Sandflats Road.

The proposed site is zoned RG, Range and Grazing District, which has a minimum lot size of five (5) acres per principal use. "Telecommunications or microwave tower" is listed as a conditional use in the RG District, and may be permitted subject to the use-specific standards of Land Use Code.

Specific elements of the existing towers include the following:

1. All three towers have future placement capacity for up to four (4) carriers.
2. The proposed leased site contains five (5) acres. The project site occupies an area of 75 ft. by 75 ft., or 5,625 sq. ft., within the leased site.
3. The applicant is requesting additional mechanical equipment shed on concrete pads at the tower base within the fenced area.

Susie Harrington moved to recommend approval to the County Council of the Conditional Use Permits for the co-location antennas and construction of an addition of a 200 square foot mechanical building on three existing telecommunications tower sites located at; Solitude Wash site, Thompson Springs site, and the Moab site located on Sandflats Road, with the following condition:

That the proposed mechanical building at the Moab Site located on Sandflats Road is constructed so that no portion of the building extends above or beyond the existing screening wall.

Kevin Wright seconded and all voted in favor.

Stow Minor Subdivision - This application is submitted by, Mary Wright and Charlotte Stow, (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 2.60 acres and is located at 3271 So. Roberts Drive. The lots are proposed as follows; Lot 1 contains 1.20 acre, and Lot 2 contains 1.20 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 – one dwelling and accessory uses has been permitted on lot 2.

The County Engineer had concerns of a large drainage on the property and suggested tabling by the Commission until the issue is resolved.

Kevin Wright moved to table the applicants proposal pending a drainage analysis per the County Engineers request. David Everitt seconded and all voted in favor.

PUBLIC HEARING – Fence Standards Code Amendment - Staff read into the record as reference, the Grand County General Plan, the Grand County Land Use Code and the memo to the Commission with today's date.

At the Planning Commission meeting on March 10, 2004, the Commission directed staff to draft Land Use Code amendments to clarify fence standards consistent with historic interpretation and allow security fencing higher than 6 feet by special exception in commercial zone districts. The Commission reviewed the draft and made minor changes. Essential the changes to the code are that barbed wire will not be allowed in the residential districts unless on a 6 foot high fence and that the commercial zones, with special exception will be 6 foot high fences in the front and side yards.

Kevin Wright moved to give a favorable recommendation to the Council for the proposed amendment with the changes discussed. David Everitt seconded and all voted in favor.

PUBLIC HEARING – Oil and Gas Code Amendment - Staff read into the record as reference, the Grand County General Plan, the Grand County Land Use Code and the memo to the Commission with today's date.

At the Planning Commission meeting on March 10, 2004, the Commission directed staff to draft Land Use Code amendments relative to Oil and Gas Drilling that would have the effect of "exempting" such uses from Grand County's Conditional Use Permit requirements when such uses are on federal or state lands. Other amendments include a new Use-specific Standard requiring that all such uses comply with applicable federal or state requirements.

Discussion of the Commission included disposal sites for pit sludge, noise, light pollution, and restoration.

Jimmie Walker and Ron Steele were in the audience and encouraged the County to adopt regulation to promote oil and gas drilling due to the economic benefit to the County.

Kevin Wright moved to send the proposed amendment of the County Land Use Code to the Council with a favorable recommendation, Tom Rees seconded and all voted in favor except Susie Harrington who opposed.

Motion passed.

Workshop discussion – the Commission had asked to have the planner draft an amendment to the MFR zone district so that it will be a mandatory PUD district. There is a draft and it will be advertised for public comment at the July 14th meeting.

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