

## Grand County Planning Commission Minutes

April 26, 2006

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, Marcus LaFrance, Dave Cozzens, and Tom Shellenberger. Ed Bridges, Jean Binyon and Charley Every were excused.  
County liaison - Judy Carmichael.

**Others Present:** Mary Hofhine, and other concerned citizens.

**The meeting was called to order at 6:00 PM** by the Chair, Marcus LaFrance; the Chair read through the items on the agenda and asked the Commission if there were any conflicts of interest or ex-parte communications between the applicants and the Commission. There were none.

**Approval of minutes:** No minutes were available for review.

**Moab Springs Ranch Phase IV** – McKay Edwards applicant. The Moab Springs Ranch PUD Final Plat, Phase 4, is submitted by McKay Edwards of Club Utah Resort Group L.L.C. (Applicant). This final plat includes 2 lots to be developed with 2 attached dwelling units (duplex), and 288 square feet of common area.

Water is provided by the City of Moab, the City has promised sewer service to Moab Springs Ranch later this year (2006), but in the meantime the development is served by on-site septic systems. The applicant completed a second 2-tank septic system (3,000 gallons) early in 2004 to temporarily service 10 units. The 10 units on the septic system service includes or will include: the 4 lots in Phase 2, the 3 lots in Phase 3, and 3 more in Phase 4.

A letter from Jim Adamson, Southeastern Utah Environmental Health Specialist, submitted with the previous Phase 3 plat, verifies that the existing on-site septic and drain field system is approved for up to 10 additional units (after Phase 1) into the existing drain field.

All required open space was dedicated as part of Phase I, in accordance with County requirements at the time. A small amount of additional open space is dedicated in this current plat.

The County Engineer didn't have any concerns at this time.

Comments of the City Engineer are not available as of the time of this writing.

The Phase 3 plat is substantially consistent with the Preliminary Plat approved in November of 1999. 12-month extensions were granted in November of 2001 and 2002. Staff takes no exception to the continued validity of the Preliminary Plat since the project remains active.

Chairman stated that this is an administrative decision not a public hearing the Chairman called for a motion.

Tom Shellenberger moved to approved the Moab Springs PUD Final Plant, Phase 4 without conditions, D.L. seconded.

The Chairman asked if there was any discussion by the Commission, being none the Chairman repeated the motion and called for a vote. All voted in favor.

**Public Hearing – Desert Wind Development combines Sketch and Preliminary Plat** – Staff read into the record the Land Use Code as amended to date, the General Plan as amended to date and the staff's memo.

This sketch/preliminary PUD subdivision plat application is submitted by Tim Keogh on behalf of Burakorn (Noy) Kasavadhana (Applicant). The Applicant proposes division of 2.4 acres of land into 20 footprint lots. The property is zoned HC, Highway Commercial and is located on Highway 191 Government Lot 72. The HC, Highway Commercial District is designed primarily to accommodate commercial uses, but residential uses are allowed.

The site plan includes the required 20 percent "open space", plus additional common areas. The site plan includes a perimeter trail system. An HOA will be formed to be responsible for maintenance of common and open space areas.

The dimensions of the proposed building lots are designed to comply with the requirements of Sec. 5.2.

Proposed Desert Wind Drive as a private street in accordance with the street standard of the LUC. An HOA will be formed to maintain the private street. UDOT has provided an access permit from the Highway.

Connectivity has not been addressed. So, if the development is approved as proposed, residents/ guests of the development to need to re-enter Highway 191 in order to reach property on any side by vehicle.

A trail has been proposed around the perimeter of the project; Sec. 5.4.3 includes required standards for construction of the trail.

Utilities are proposed to be installed along the edges of the new road. The LUC requires utility easements along property lines in residential and nonresidential districts, unless otherwise approved by the Planning Commission. The Commission may waive the requirement where other definite and assured provision is made for service access consistent with and adequate for the uses proposed.

A technical, engineered drainage study is submitted with the application; the County Engineer reviewed the plan and found them to be acceptable.

Letters from GWSSA, Fire District, UP&L, Questar Gas and Frontier Phone, have been provided by the applicant, and confirms their ability to provide service.

Open space dedication equal to 20% of the total property is proposed, common area is 44% of the PUD. Plat note #2 should make it clear that the HOA will be responsible for maintenance of the Common Area and Open Space.

The Chairman opened the public hearing – the applicant was given the floor. Mr. Kesavadhana presented each Commissioner with a binder of information. Tim Keogh addressed the connectivity issue stating that this project is a private road and neighborhood and doesn't feel it needs the connecting roads.

The Chair asked for public comment – there was a question about private or public trial.

The public hearing was closed and the Chair called for a motion. Tom Shellenberger moved to recommend approval to the Council with the following conditions:

1. A complete Site and landscaping Plan shall be submitted prior to Final Plat,
2. Outdoor lighting shall comply with the requirements of Sec. 4.6;
3. The entrance sign shall comply with the sign standards Sec. 4.5;

D.L. Taylor seconded

The Chair opened it up for discussion. Dave Cozzens felt the connectivity issue is problematic. The Chair explained that connectivity is a requirement of the LUC and is more than that; it's the movement of people and vehicles through the areas. Potential for future development is high on either side and should provide for the flow of traffic.

The Chair asked the applicant why they are using the PUD process since the HC district is not a mandatory PUD district. The applicant stated that due to the minimum lot size variation, common amenities and private roads the PUD format was needed.

Tom Shellenberger stated that this is self contained and the cul-de-sac is adequate.

D.L. Taylor asked about the special circumstances regarding the power line and pipeline easements at the back of the property that there would be problems getting easement to cross them. Good arguments for not requiring the connection to the back, but lateral connections are still required.

The Commission had considerable discussion about connectivity including a frontage road on the UDOT easement and a need to change the code. The Chairman reiterated that the connectivity requirement is not a discretionary item; it's a standard in the County that is required except in unusually cases. The fact that the developer will lose lots is not a decision or should the Commission consider, it is not a taking it is a code requirement.

The Commission reiterated that the development is classified as a residential development not a commercial enterprise and should be reviewed only as a residential classification.

The trails are a trade off for sidewalks pursuant to Sec. 5.4 in the code and will require the developer to provide trails to the county standards in lieu of sidewalk.

Jean Binyon had written her concerns to the Chair, which were as follows; proper public notice, good planning or leap frog development, and standards for the architectural development, and available water. The Chair addressed the concerns.

The Chair read the motion on the floor, staff asked if the motion could include; Plat note #2 should make it clear the HOA will be responsible for common area and open space. Tom Shellenberger amended his motion to include that condition, Dave Cozzens seconded.

The Chair called for a vote for the motion on the floor, voting aye, Tom Shellenberger, Dave Cozzens, and D.L. Taylor. Marcus LaFrance opposed, motion died for a lack of the required 4 votes.

D.L. Taylor stated that it is a good point that the connectivity is required by the code, but there needs to be some flexibility in the decision.

The Chair said that is a future item for considering the change, but until then, we have the current requirement.

The Commission discussed further the connectivity requirement and the reasonable access and/or development of adjacent lots and the change of character a subdivision brings to the area.

D.L. Taylor moved to reconsider the motion and recommend approval with the previous conditions and to preserve a right of way east and west for connectivity at the discretion of the developer, and Dave Cozzens seconded.

The Commission discussed and felt the right of way is reasonable to the southeast and the northwest. A question of clarification was asked, does the developer need to provide that before going to the Council? The Commission agreed that the connectivity should be shown on the plat before going to the Council.

The Chair read the motion on the floor as follows. D.L. Taylor moved to reconsider the approval of the Desert Wind Development and recommend approval to the Council that the following conditions be submitted prior to scheduling for review by the County Council:

1. A complete Site and landscaping Plan shall be submitted prior to Final Plat,
2. Outdoor lighting shall comply with the requirements of Sec. 4.6;
3. The entrance sign shall comply with the sign standards Sec. 4.5;
4. Plat note #2 should make it clear the HOA will be responsible for common area and open space; and
5. Connectivity shall be provided to the Southeast and Northwest sides of the development; locations to be determined by the applicant.

All voted in favor.

**Lance Minor Subdivision review** – Dina and David Lance applicants. This application is submitted by David and Dina Lance (Applicants). The Applicants are 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 1.01 acres and is located at the end of the LaSal Ave. cul-de-sac. Lot 1 is proposed to contain 0.51 acres, and Lot 2 will include 0.70 acres.

The subject property is zoned SLR2, Small Lot Residential 2, which has a minimum lot area of 9,000 square feet per dwelling, prior to subdivision, and a minimum lot width of 50 feet – the proposed lots comply with these requirements. Minimum side setbacks are 10 feet. Lot 1 is already improved with a single family dwelling and complies with required setbacks.

The Chair called for a motion – Dave Cozzens moved to recommend approval with the addition of the required plat note 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. 4.8A, Drainage Detention Basin.

D.L. Taylor seconded and all voted in favor.

**Continued Public Hearing Code amendment** – a proposed amendment to the Land Use Code Sec. 3.22.6 to clarify and allow greater flexibility where a PUD is approved over lands in two districts.

The Commission discussed the current wording and asked staff to make the changes and bring back to the next meeting.

**Work shop discussions** – Planned Development standards were reviewed and other ideas for improving quality development. The Commission would like staff to research for connectivity regulation and put the discussion on the agenda for the next meeting.

**Adjournment:** The meeting was adjourned at 8:00 PM.

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Marcus LaFrance, Chairman