

Grand County Planning Commission Minutes

April 11, 2007

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: Vice Chairman D.L. Taylor, Marcus LaFrance, Dave Cozzens, Ed Bridges, Charley Every and Jean Binyon.
County liaison – Gene Ciarus.

Others Present: Richard Grice, Mary Hofhine, applicants and other concerned citizens.

Regular meeting was called to order at 6:00 PM

Acceptance of Minutes – The Commission accepted minutes from March 14th, 2007 as written and March 28th as corrected.

Krist Subdivision – sketch - This application is submitted by property owner Ethel Krist (Applicant). The subject property is zoned according to the Rural Residential (RR) District, which has a one acre minimum lot size; and includes a total of 4.6 acres located at 3128 Spanish Valley Drive. The Applicant proposes division of the subject property into 4 lots – the lots may be used for residential uses specified in the RR district.

A private access tract is proposed to serve the four lots, however private access tracts may only serve up to 3 residential units. A Public or Private Lane is required. The access road from Spanish Valley Drive “must be continued to the (rear) boundaries of the tract subdivided, so that other subdivisions may connect” (LUC, Sec. 5.3).

No information is available regarding fire protection.

A Drainage Report will be submitted as part of the preliminary platting process. This sketch plan does not show planned drainage facilities or easements.

The Grand County Planning Commission recommended the following items be addressed prior to review for Preliminary Plat;

1. The access road to be redesigned so that all the lots access from a single road (Private Lane) not Spanish Valley Drive.
2. A drainage study is required at Preliminary-- post development storm drainage flows must not exceed predevelopment flows. Drainage detention must be on-site.

Letters are needed from each utility providing a specific service commitment and commenting on the adequacy of the easements proposed. Easements should also be provided along all outside lot lines to serve adjacent uses, unless the Commission finds otherwise.

Irish Acres - Sketch - This application is submitted by property owner Dale and Wilda Irish (Applicant). The subject property is zoned according to the Highway Commercial (HC) District; and includes a total of 2.4 acres located at 2800 South US Highway 191. The Applicant proposes division of the subject property into 8 lots – the lots may be used for residential or nonresidential uses specified in the HC district

We have no information regarding the availability of utilities. Utility easements are shown along the front lot lines only, and no rationale is provided for the absence of such easements along all lot lines. All utilities must be installed underground. Letters must be submitted with the application to indicate the availability of water and sewer service, gas and electric service, and the adequacy of easements proposed.

An easement is proposed for part of the proposed dead-end road offered to serve the 8 lots. Sec. 5.3 of the LUC requires all to be dedicated public rights-of-way. The access road from Highway 191 “must be continued to the (rear) boundaries of the tract subdivided, so that other subdivisions may connect” (LUC, Sec. 5.3). A UDOT access permit is required, and applicant will be required to comply with any requirements of UDOT.

Sidewalks are required along both sides of all roads. Where the average lot size is less than ½ acre sidewalks are required.

No information is available regarding fire protection.

Screening fencing is required along the lot line adjacent to residential uses and residential zone district.

The County Engineer has concerns with access; the applicant stated that he is working on a frontage road; that he will work with BLM and the State to acquire the needed right of ways.

The Planning Commission recommended the following items be addressed prior to review for Preliminary Plat;

1. The access road to be redesigned as a through road and build at the Applicant's expense to County standards. The road must be either built or bonded prior to final plat.
2. Sidewalks are required along both sides of all roads.
3. A drainage study is required at Preliminary-- post development storm drainage flows must not exceed predevelopment flows.
4. Drainage detention must be on-site and an entity needs to be formed to maintain the common facilities in perpetuity.
5. Letters are needed from each utility providing a specific service commitment and commenting on the adequacy of the easements proposed. Easements should also be provided along all outside lot lines to serve adjacent uses, unless the Commission finds otherwise.
6. Site Plan submittal, Sec. 7.17, which will include screening fencing as required along lot lines adjacent to residential districts and uses, landscaping requirements, signage and lighting.

Hacienda PUD Preliminary Plat – This preliminary PUD subdivision plat application is submitted by Jared Rasmussen (Applicant). The Applicant proposes division of 5.87 acres of land into 37 twin home sites – 4,215 square foot average lot size. The property is zoned SLR-2, Small Lot Residential 2. It is located on Mill Creek Drive (the old drive-in theater). The MFR-8 District is designed to accommodate residential densities based on a Master Plan, the submitted master plan is still incomplete.

The plat shows 1.04 acres of common areas, which includes everything but the footprints of the buildings (all yards, roads, parking, pool/clubhouse and sidewalks). A HOA will be formed to be responsible for maintenance of common areas. Additionally, the applicant has proposed a rezone of the property to MFR, Multi-family Residential, to be developed with an MFR-8 sub-district and a conventional subdivision. This property is within the MFR, Multi-family Residential district mapped areas adopted by the County in 2005.

The Grand County Planning Commission reviewed this application in a public hearing on January 10, 2007, and tabled the application to their next meeting, to allow time for a referral to and comment by the City of Moab as required by Utah Code, Section 10-2-402.

In the interim, the matter was referred to the City of Moab for comment and, in response; the City issued the following summarized Statement of Objections:

1. The project should be subject to a pre-annexation agreement as part of the development process and the applicant should proceed immediately with the City to negotiate such an agreement. Further approvals from Grand County should be suspended until the agreement is in place.
2. The project as submitted to Grand County does not meet the requirements of the Grand County Land Use Code. The following issues should be addressed:
 - a. At a minimum any projected slated for the Count's MFR District must submit a Master Plan and have approved a Master Plan that shows the following (per Sec. 3.10.2):

[Plat title has been change to Preliminary Plat and Master Plan, but the application is lacking:

 - A. The required statement describing how the proposed development provides greater benefits that the underlying zoning and development regulations]
 - E. Identification of site planning features designed to ensure compatibility between ... the surrounding neighborhood and uses.
 - F. A statement of how the proposed development is consistent with the General Plan.

Voluntary commitment to the dedication of trail easements for the Mill Creek Trail continuation (requested by City).

Voluntary commitment to restriction the use of the units in the development from short-term rental (requested by the City)]

b. Given the County's own Land Use Code (LUC), short term rentals as a use is not allowed in the zone contemplated for the Hacienda project and the allowance of said use is in potential conflict with surrounding uses and the uses permitted in adjacent city zones, as well as the apparent intent of the overlay.

STAFF COMMENT: *Staff agrees that the apparent intent of the overlay is for affordable housing and that short term rentals are in conflict, but we do not agree with the interpretation that finds the short term use of dwelling units use is not an allowed us in residential districts under the LUC. The use is not "short term rentals" as the City supposes, but various types of "dwelling units". The LUC does not include a use classification system, rather it relies of definitions and the definition of dwelling unit speaks solely to the intended occupancy, i.e. by a single family. The definition does not address the term of occupancy. The new zoning contained in the new Code which the Commission will be discussion on the same agenda resolves this problem by containing a use classification system.*

3. If a pre-annexation agreement is not negotiated, the County should not only ensure that the development meets all applicable County codes, the County should also ensure that the proposed zoning is compatible and interconnected with surrounding uses and zones, with special consideration given to the existing zoning in the area.

Charley Every moved to table the project pending resolution of the following matters before getting on a Planning Commission Agenda;

1. Resolution of any reasonable issues/concerns identified by the County Engineer; (attached letter)
2. Submission of a complete Master Plan as specified in Sec. 3.10.2; to be used as an exhibit to the adopting ordinance;
3. Front setbacks for the garages should be increased to 20 feet;
4. Perimeter screening need to be addressed on the Master Plan pursuant to Sec. 3.10.8 C.; and in addition (in the interest of true compatibility) lot sizes along the perimeter of the development project should be reduced to match the minimum lot size applicable in the surrounding City zoning district or the appropriate City zoning district;
5. ADA sidewalk standards shall apply and be shown on final construction plans;
6. Provide documentation for the off-site drainage easement signed by the property owner;
7. Provide a mailbox cluster at the common area (requested by Post Office);
8. Submission of a pre-annexation agreement approved by the City; and
9. Addition of a plat note to the preliminary and final plat stating that
Residential occupancy of all dwelling units shall in all cases be a single household on a month-to-month or longer basis.
10. Submission of draft declaration of covenants addressing maintenance of common facilities as required by Sec. 6.8, and a prohibition of short-term rentals.

Ed Bridges seconded and all voted in favor.

Pueblo Verde PUD Final Plat – Phase I - This application is submitted by Jim Farrell, on behalf of the property owners, SLI Real Estate, Howard Kent Manager, and Doug Carroll (Applicant). The property owners submitted written statements authorizing Mr. Farrell to represent them in this public process.

The County Council approved the referenced application following a public hearing on November 21, 2006, with the following stipulations:

1. Comply with the recommendation of the County Engineer, including provision of a turn lane on Spanish Valley Drive from the Northwest;
2. Street improvements should be made on the extension of Alejandro Drive to county road standards and dedicated as a public right-of-way;
3. The applicant shall bond for Street improvements on Chapman Road within the subdivision to the county road standards and dedicate the half street right-of-way;
4. Submission of encroachment permits from the Road Department for the proposed trail on the County Road

R.O.W., or modify the development plan so as to located the proposed trail on private property;

5. Commitment to form a Homeowners' Association to be responsible for maintenance of common area and open space, as well as any amenities to be provided; and
6. Building envelopes should be designated on the final plat for Lots 11, 12, and 13 due to the narrow road frontage.

The applicant proposes division of 28.2 acres into 28 lots, including 4 large lots with an average lot size of 2.43 and 24 lots with an average lot size of 0.34 all for single family dwellings.

Access to the property will be from Spanish Valley Drive, interior roads will be built to the County's local road standard. A turn-lane is to be provided on Spanish Valley Drive.

Sidewalks and Trails, requires sidewalks along both sides of all streets adjacent to building sites in all residential zone districts except where the average lot size is more than ½ acre. Thus, sidewalks are not required along streets in those portions of the subdivision with an average lot size of more than ½ acre. Sidewalks may only be required in front of lots smaller than ½ acres. The applicant has offered to build a trail along Spanish Valley Drive – the applicant has a verbal agreement with Dave Warner, Road Supervisor for the trail in the road R-O-W.

County Fire protection and the availability of adequate hydrants must be satisfactory to the Fire Chief. No comment from the Fire Chief was presented.

By letter of April 7, 2007, Charlie Skewes still had some outstanding issues with the plat, which will be addressed at subsequent phases. The cost estimate for this phase is adequate.

The Mandatory HOA and CCR's have been sent to the Attorney for review.

Ed Bridges moved to recommend approval to the County Council subject to the following conditions being met prior to getting on the County Council Agenda;

Submit an Improvements Agreement signed by the applicant, to include the exact amount of the improvements costs and collateral, and attach the cost estimate for on-site subdivision improvements to the improvements agreement as an Exhibit; and submit a Letter of Credit or other guarantee acceptable to the County in the amount approved by the County Engineer;

Submission of documents creating a Homeowners' Association in accordance with the requirements of Sec. 7.6;

Final Plat mylar signature ready for the County Engineer to review;

Payment of County Engineering fees generated by the development. (Staff will have that amount to the applicant before going to the County Council meeting for final approval).

Dave Cozzens seconded and all voted in favor.

Public Hearing – Red River Adventures; Staff read into the record the Land Use Code as amended to date the General Plan as amended to date and staff memo's of this date.

This application is submitted by Carl Dec (Applicant). The applicant proposes using an existing commercial lot for a river guide and outfitter operation, the lot is approximately one half acre. The site is zoned HC, Highway Commercial. Surrounding properties are zoned commercial to the North and South; to the rear, SLR-2 Small Lot Residential 2 with an existing church and facilities.

The lot currently has a single family dwelling on the lot, which will become the caretaker residence. A site plan submitted with the application identifies the location of the current residence and the proposed buildings for the guide service operation. There is one driveway that will serve both the house and the commercial building. The applicant is proposing a temporary building to get them through this season and will be building a more permanent structure in the future.

The Vice Chair opened the public hearing – no comments were expressed. The Vice Chair closed the public hearing.

Ed Bridges moved to recommend approval of the Conditional Use, River guide/outfitters to the Council subject to the following conditions;

1. Landscape Plan per Sec. 4.4, (no street front landscaping has been provided) a notation for xeriscape has been proposed.
2. Screening plan as required by Sec. 4.4 of the Land Use Code including perimeter fencing of the storage yard for the proposed yard.
3. Outdoor Lighting Plan with tear sheets if there is to be any such lighting.

4. The site is currently fronted with sidewalk, curb and gutter approved by UDOT. The applicant should still provide the County with a UDOT permit prior issuance of a building permit for the new structure.
5. The proposed temporary office structure will be replaced within a year of opening of business.

Dave Cozzens seconded.

Discussion - Ed Bridges stated that he has been on site and there is no sidewalk on the property. The applicant will need to provide sidewalk per code.

The Vice Chair called for the vote – all voted in favor.

Stone Crest PUD – Final - The Grand County Council approved the Kairn Ridge PUD Preliminary Plat at their regular meeting on January 16, 2007, subject to a reduction of the proposed density to a total of 99 units and other issues that have been reviewed by staff and City officials.

The County Engineer reviewed the Plat, Plans, and cost estimate submitted for the Stone Crest P.U.D and has given the applicant a list of needed changes as follows;

1. The interior streets are proposed to be Private Lanes. The minimum center line curve radius allowed by the Land Use Code for a Private Lane is 150 feet. Some of the curves are sharper than this. *[Applicant response: Indeed several of the horizontal street curves are less than the standard 150 foot radius for private lanes. This is justified under Grand County Ordinance 419-2006, paragraph 3.22.8., which allows variation from required road design standards if public health, safety, and general welfare needs are satisfied. Due to the complex topographical nature of the project, satisfying the minimum alignment radii would be nearly impossible. The health, safety, and welfare concerns are addressed by designing these streets for reduced speed limits, and as such, corresponding reduced speed, speed limits signs are specified and will be appropriately provided throughout the subdivision. No further response available from the County Engineer.]*
2. Offsite road improvements to Westwater Drive are needed between the Solano Vallejo subdivision and Stone Crest. Because there are no intersections or lots along this section of roadway, I believe a road designed using local street standards for alignment and grade, but with the cross section of a public Lane would meet the traffic needs. What I suggest is a 24 foot pavement section, with 8 foot shoulders, a 250 foot minimum centerline radius, 10% maximum grade, and 250 foot stopping sight distance. *[Applicant finds either a prorated participation in the above improvements acceptable or the CIP amendment recommended by the County Road Superintendent.]*
3. The cost estimate uses a 15% contingency. 25% is what the LUC requires. The cost estimate has been revised]
4. The County Engineer and the applicant's Engineer are working out the design issues regarding the roads.

There were some concerns by the Commission regarding blasting. The City's engineer will be working closely with the applicant's contractors.

Dave Cozzens moved to recommend approval to the County Council subject to the following conditions being met prior to getting on the County Council Agenda:

1. Submit an Improvements Agreement signed by the applicant, to include the exact amount of the improvements costs and collateral, and attach the cost estimate for on-site subdivision improvements to the improvements agreement as an Exhibit; and submit a Letter of Credit or other guarantee acceptable to the County in the amount approved by the County Engineer;
2. Submission of documents creating a Homeowners' Association in accordance with the requirements of Sec. 7.6 – the final documents are still in review by the County Attorney.
3. Final Plat mylar signature ready for the County Engineer to review;
4. Payment of County Engineering fees generated by the development
5. Resolution of any outstanding issues raised by the County Engineer.
6. All road names need to be reviewed to ensure there are no conflicts with existing road names.
7. In a DRT meeting held last month, the Applicant agreed to dedicate an easement to City for purpose of building and maintaining a detention pond, above #5 T-box in open space below project – we have not seen a plat illustrating such easement.

8. The power line across mesa needs to be under-grounded in Steelbender Road right-of-way, construction plans to show.

Ed Bridges seconded and all voted in favor except Jean Binyon who opposed.

Code Amendment – Public hearing was reopened from the March 28th meeting.

Ed Bridges moved to recommend approval of the amendment with the removal of the accessory dwelling section. Jean Binyon seconded and all voted in favor.

Marcus LaFrance asked staff to bring this section back to the Commission for review at the May 9th meeting.

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

D.L. Taylor, Vice Chairman