

Grand County Planning Commission Minutes

May 9, 2007

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

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

Others Present: 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 April 11th, 2007 as written.

Commission Vacancy - Review of P&Z vacancy applications and recommendation to the Council; The Chair opened the interviews.

Ed Bridges moved to send the same recommendation for the vacancy to the Council as was recommended in March due to the lateness of the notice to the applicants many are not here. Applicants were not informed of the interviews until Monday the 7th of May. Dave Cozzens seconded; the Chair called for a vote; Ed Bridges, Dave Cozzens, and D.L. Taylor voted “aye”; Marcus LaFrance, Charley Every, and Jean Binyon voted “nay”. The motion died for lack of the majority vote.

Jean Binyon moved to interview the applicants in attendance and the others will be sent notice by mail, not email, and the applicants not here tonight can be interviewed at the next meeting; May 23rd. Charley Every seconded and all voted in favor.

The Chair asked the interviewees in attendance to step out and they would interview each person individually.

The Chair called on the first applicant;

Chad Beyer; Mr. Beyer gave a brief introduction stating that he owns a home in Moab; has been a participant of the Travel Council, the Chamber of Commerce, and the Humane Society. He works in the legal field and can bring to the Commission his ability of “legal ease”. Many of his clients are out of town, but he works at a satellite office through his computer and it doesn’t require a lot of away time. He is also works part-time with a local stone mason. The Chair thanked Mr. Beyer for his time and called on the next applicant.

Chris Baird; Mr. Baird explained that his motivation for applying was his desire to be involved in community service; has reviewed purposes of the General Plan and the Land Use Code. He plans on starting his own business and has lived in Moab for 10 years. The Chair thanked Mr. Baird for his time and called on the next applicant.

Bill Love; Mr. Love stated that he has lived in Grand County for eleven years and has been attending Planning Commission meetings and Council Meetings for as long. Mr. Love also goes to the Water and Sewer board meetings and feels that Grand County needs to be very concerned with the availability of water and sewer. He will be able to attend meetings except for the month of July since he goes out of town. The Chair thanked Mr. Love for his time.

Public Hearing – White Horse Ranch Subdivision PUD – Preliminary Plat; Staff read in to the record for reference the General Plan as amended to date, the Land Use Code as amended to date, and the staff memo of today’s date.

This application is submitted by Marc Griffith, on behalf of the property owner, Desert Spectrum, LLC (Applicant). The property is zoned RR, Rural Residential, and is located at the end of Heather Lane behind All American Acres Subdivision. There are 36.63 acres of real property, zoned Rural Residential (RR) – maximum allowable density is 36 units. The proposed use includes 36 single-family lots ranging in size from .50 acre to 4.6 acres. The Master Plan (preliminary plat) includes plans for the entire property. The plan also includes 10.0 acres of open space and 2.81

acres of common area, which includes the internal roads. A HOA will be formed to be responsible for maintenance of common and open space areas.

The property is currently a cultivated alfalfa field and at the base of the Johnson's-up-on-top Mesa. No construction has been proposed on the steep slope areas.

Open space restrictions will protect those areas with predominant slopes greater than 30 percent, which are found at the North East side of the property. This commitment satisfies County open space requirements for this property.

The Grand County Planning Commission reviewed this application at their regular meeting on December 13, 2006, and noted the following stipulations and issues of concern.

1. Submission of the required Master Plan with the Preliminary Plat application (Not Done);
2. Submission of the required Drainage Study with the Preliminary Plat application (Done);
3. There is a source well owned by GWSSA, Applicant to include reference to statutory language on the plat and actual language in the covenants (Plat Done, Draft covenants were submitted to the Attorney);
4. Street connectivity to the exterior are waived due to the unusual circumstance created by the presence of escarpments on the northeast, and to the southwest sides of the property due to existing subdivisions, which make it impossible to provide such access (Additional Access Tract Dedicated);
5. Recommend that the applicant submit a request for road design waivers for length of cul-de-sac and number of houses on to be served along the southern right-of-way (Done-Approval Recommended);
6. Commitment to form a Homeowners' Association to be responsible for maintenance of private roads, common area and open space, as well as any amenities to be provided (Done-noted on Plat);
7. Submission of a fire protection plan satisfactory to the Fire Chief (Done);
8. Include adequate access to GWSSA's facility (Done);
9. Include building envelopes on Lots 8, 9, 20, 21, 22, 16 and 27 (Done);
10. Add easement for the encroachment of the structure on the property line (Done); and
11. Submission of letters with the Preliminary Plat application demonstrating the availability of water and sewer service, gas and electric service, and the adequacy of easements proposed (Not Done).

The lot size, width, depth, shape and orientation, and the minimum building setback lines are generally appropriate for the location of the subdivision and for the type of development and use contemplated. However, the minimum lot areas and widths proposed are such that they can only be approved by PUD.

Sole access to the subject property will be from Heather Drive, a County road. The proposal shows a modified private lane with a 44-foot right-of-way, which splits into two lanes within the subdivision, each lane ends in a cul-de-sac. One cul-de-sac exceeds the County's 1,000 foot maximum length per LUC, Sec. 5.3.8 – the south lane has a proposed length of 1,290 feet and will serve 20 access points, including an access tract that will serve a GWSSA well head site and a land-locked adjacent parcel to the west.

Connectivity requirements, beyond the access tract dedication for GWSSA and the private land to the west, are waived due to the unusual circumstance created by the presence of escarpments on the north east, and to the south west sides of the property due to existing subdivisions, which make it impossible to provide such access.

Sidewalks are not required as the average lot area exceeds 0.5 acres (LUC, Sec. 5.4.1A). Internal trails are proposed around the perimeter of the development and through the open space.

Utility easements 10 feet in width are needed along all side and rear lot lines, unless the Planning Commission approves an alternative.

A Preliminary Drainage Report was submitted with the Preliminary Plat demonstrating that the difference between pre- and post-development flows will be detained onsite.

A service commitment letter is needed from GWSSA.

Fire hydrants depicted on the plat, and fire protection has been coordinated with the Fire Chief.

The County Engineer's comments were not available at the time of this writing.

Staff Comments

Staff recommends approval of the White Horse PUD Preliminary Plat, including approval of requested road design variations, subject to compliance with all other applicable requirements of the Land Use Code, including but not limited to the following stipulations:

1. Submission of the Master Plan required by Sec. 3.22.9, which must be recorded with the ordinance approving the Preliminary Plat, prior to scheduling this item for consideration by the County Council;
2. Submission of draft documents forming the mandatory homeowners' association with the Final Plat in accordance with the requirements of LUC, 7.6; to be approved by the County Attorney prior to approval and recording of the Final Plat; and to be recorded with the Final Plat; and
3. Submission of letters demonstrating the availability of water and sewer service, gas and electric service, and the adequacy of easements proposed, prior to scheduling this item for consideration by the County Council.
4. Correct the Development Stipulations Table to include the missing elements.

Jean Binyon asked about the access to the project and what protections are there on the Chapman well.

The Chair gave the floor to the applicant - The applicant stated that they have clustered the houses away from the well protection area. The applicant further explained the plan for the project.

The Chair opened up the public hearing and called on the public;

John Olshewski explained that he was raised on Heather Lane and for 30 years there wasn't a through road and he appreciates the current atmosphere of the neighborhood. This will bring more traffic and the current roads can't handle the added traffic.

Lucy Curtis – Is concerned about the safety –as she understands this will be overnight rentals and she wants the County to consider the safety of the neighborhood.

Tim Smith – Would like the County to consider the rural lifestyle of our community.

Lance Christie – Concerns about the consideration of the water protection in Zones 1 & 2.

Steve Olshewski – presented the Planning Commission with the existing plat and asked about the access to the proposed subdivision; also had concerns about the water rights in the area and protection of the existing wells.

Jonathan Olshewski – The zoning is Rural Residential in an existing subdivision the intent and purpose of the Master Plan is to keep the county rural, to allow this would be poor planning.

Marty Bauer – concerns about emergency access for the subdivision, there is only one road in and out and it serves more than 30 houses.

Tom Edwards – echoed the safety issues.

Stephanie Dahlstrom – feels this will change the rural character of the area.

Rex Tanner – gave some background on GWSSA's suspension of sewer permits; the district is evaluating the availability of sewer. The well protection area will be considered prior to getting water permits.

Renée Nobles – feels that the plan is catering to out of towners and the County needs to provide some protections to the property owners.

The Chair closed the public hearing and asked the applicant if he would like to make a closing remark. Mr. Griffith thanked the Commission for the opportunity to be heard. The plan they have will take into consideration all of GWSSA's concerns for water and sewer. They are currently working with GWSSA for a permit. All American Acres is a subdivision of 5 acre parcels, some have been re-subdivided into smaller lots, and their project is also one acre minimum within the PUD guidelines.

The Chair called for a motion – Marcus LaFrance moved to postpone action on the application for one month due to the incompleteness of the application and the issue regarding access, we need to resolve the access rather it be statutory or historic. Jean Binyon seconded and all voted in favor.

Navajo Vistas PUD Sketch Plan – The applicant asked that this be postponed until the next meeting.

Mesa Village PUD Sketch Plan - This application is submitted by Larry Becknell, on behalf of the property owner, Millcreek Moab, LLC (Applicant). The subject property includes 21.38 acres of real property; proposed use is 40 single-family lots ranging 6,000 square foot minimum in size; 10 buildings with 20 units per building for a total of 240 units.

Additionally, the applicant has proposed a rezone of the property to MFR, Multi-family Residential, to be developed with an MFR-20 sub-district and a Cluster II subdivision to accomplish the density. This property is within the MFR, Multi-family Residential district mapped areas adopted by the County in 2005.

Randy Day made additional comments regarding the County helping with affordable housing. They would love to provide the affordable housing, but would like the County to process the paper.

All development within the MFR District shall comply with the development plan as approved and adopted by the Planning Commission.

- The applicant has provided sufficient information for a sketch plan. Staff recommends approval of the sketch plan subject to compliance with all applicable requirements of the Land Use Code.

Concerns by staff and Commission;

- There are 30% slopes on the property;
- the property is partially in the MFR-14 area;
- there needs to be a 15 foot landscape plan along the parcel street frontage;
- an explanation on how this will be affordable housing, the MFR district was provided for affordable housing.

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

1. Submission of the required Master Plan for MFR 14 Sec. 3.10 of the Land Use Code with the Preliminary Plat application; including a stipulation chart showing parking, lots, roads, residential uses, commercial uses.
2. Submission of the required Drainage Study with the Preliminary Plat application.
3. Establishment of common area for the roads and detention pond; open space for the balance of the property not identified as lots.
4. Sidewalks are required along both sides of all roads.
5. Submission of draft HOA documents demonstrating the formation of the entity and covenants per County LUC requirements, the HOA is be responsible for maintenance of private roads, open space, and detention.
6. Submission of evidence of roads and dedicated right-of-way meeting private lane standards in all cases.
7. Submission of a fire protection plan satisfactory to the Fire Chief.
8. 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.
9. Submission of letters with the Preliminary Plat application demonstrating the availability of water and sewer service, gas and electric service, and the adequacy of easements proposed.

Finally; Utah Code Section 10-2-402, Annexation Limitations, requires that “the County may not approve urban development within a municipality’s expansion area unless:

- (a) The county notifies the municipality of the proposed development; and
- (b)(i) The municipality consents in writing to the development; or
- (ii)(A) within 90 days after the county’s notification of the proposed development, the municipality submits to the county a written objection to the county’s approval of the proposed development; and
- (B) the county responds in writing to the municipality’s objections.

Staff has sent a copy of the plan to the City officials; staff will not schedule a public hearing until the County gets approval from the City officials.

Please take note of the recommendation from staff on design of your project which included the following;

- Provide a playground – which can be in the common area.
- Perimeter screening or the use of the single family lots on the perimeter of the property and the multifamily on the interior of the project.

Public Hearing Code Amendment - Staff read into the record for reference the Land Use Code as amended to date, the General Plan as amended to date and the draft Ordinance.

The Utah Code Annotated requires that the Counties not approve urban development within a municipality’s expansion area unless:

- (a) The county notifies the municipality of the proposed development; and
- (b) (i) the municipality consents in writing to the development; or
 - (A) within 90 days after the county's notification of the proposed development, the municipality submits to the county a written objection to the county's approval of the proposed development; and
 - (B) the county responds in writing to the municipality's objections.

This Draft Ordinance will put this requirement in the code, the State has mandated this to the Counties.

Jean Binyon moved to recommend approval to the County Council, Ed Bridges seconded. The Chair called for a vote, all voted in favor except Dave Cozzens.

Adjournment: The meeting was adjourned at 9:30 PM.

D.L. Taylor, Vice Chairman