

## Grand County Planning Commission Minutes

September 26, 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:** Chairman Marcus LaFrance, Jean Binyon, Chris Baird, Dave Cozzens, and Ed Bridges – D.L. Taylor and Charley Every were absent.  
County liaison – Gene Ciarus.

**Others Present:** County Staff Mary Hofhine, Mark Wright and Krissie Killoy applicants and other concerned citizens.

### **Regular meeting was called to order at 6:00 PM**

The Chair asked the Commission if there were any conflicts of interest that needed to be disclosed on any of the agenda items; there were none.

The Chair asked that all cell phones be turned off; if one goes off during the meeting you will be asked to leave.

**Acceptance of Minutes** – There were no minutes for review.

**Public Hearing Continued from the September 4<sup>th</sup> meeting– Conditional Use** – San Arroyo Livestock LLC., waste water evaporation pit, a by product of oil and gas production.

Staff read into the record the General Plan as amended to date, the Land Use Code as amended to date and the Commission's packet of today's date.

This application is submitted by Gerald Knudson, PE on behalf of the property owner San Arroyo Livestock, LLC and leased to Danish Flats Environmental (Applicant). The applicant proposes to construct a surface evaporation pit with oil skimming and handling equipment for the disposal of produced water; located approximately 2.5 miles North of I-70 interchange # 214. Danish Flats Environmental Services The site is zoned RG, Range and Grazing, the code is silent on this type of facility, but staff has advertised it as a Conditional Use, Oil and gas drilling on private lands; material in the evaporation pit is a by-product of the oil and gas.

Oil and Gas drilling shall comply with all applicable Federal and State requirements and the County will be a referral agency on all state and federal permitting; this includes the reclamation bond, monitoring of the ponds, and testing of the water before it's used.

Prior to the issuance of a zoning development or building permit for nonresidential or multi-family uses, LUC, Sec. 6.20 requires that the site plan be reviewed and approved by the Planning Commission, as follows:

- A. **Parking, Loading and Refuse Areas – LUC Sec. 4.1** – No parking of vehicles will be needed.
- B. **Driveways and Access – LUC Sec. 4.2** -- There's an existing County R-O-W with the entrance off I- 70.
- C. **Fences and Walls – LUC Sec. 4.3** – N/A
- D. **Landscaping and Screening – LUC Sec. 4.4** – The site is four (4) miles off Highway 191 and not near any residential uses.
- E. **Signage – Sec. 4.5** – Minimum safety signage is proposed that meets the requirements of the Land Use Code.
- F. **Outdoor Lighting – Sec. 4.6** – Cut sheets of all lights on the property will need to be approved by the Zoning Administrator before.
- G. **Drainage and Floodplain –Sec. 4.7** – No drainage plan was submitted.
- H. **General Site Planning Standards – 4.9.9** – The project will comply with State requirements relative to erosion control and revegetation. Dust will be controlled by watering access roads and the site where equipment is in use "when necessary".

I. **Compatibility Standards – Sec. 4.10** – The property is not adjacent to a protected zone or are there any residences in the area.

J. **Operational Performance Standards – Sec. 4.12** -- These are a continuing obligation of all uses.

Staff explained to the Commission that they would like to defer all questions to the Engineer of the project.

The Chair asked the applicant if he would like to make an opening comment. Jerry Knudsen, the Engineer for the applicant explained the project and introduced the owners of the property, the Jim Brandish Attorney for Danish Environmental Services, Mark and Paula Hill the owners and ranchers of the property, Cindy Nickel Environmental Compliance officer.

Mr. Knudsen displayed maps of the area and explained how the project works, further explaining Danish Flats Environmental Services will have fencing around the leased parcel to keep out wild life and the cattle on the ranch.

The Chair opened the public hearing – with no comment from the community the public hearing was closed.

The Chair entertained a motion by the Commission to open up discussion.

Jean Binyon moved to recommend approval to the Council with staff's drafted recommendation. Dave Cozzens seconded.

The Chair opened up discussion with the Commission.

Jean Binyon questioned if the road was Cottonwood road and if it was a county road. The applicant and staff were unsure of the road name, but the road to the development is a county road. Also wanted to know where is the product coming from? Mr. Knudsen answered that this is a regional facility the trucks come from Western Colorado and Eastern Utah.

Chris Baird asked if it would be a 24 hour operation and the applicant stated that it is. Also if there would be someone on site at all times and is there anyway that a truck could dump product that was not suppose to be in the site.

Ed Bridges asked if there was a restriction to barbed wire in the code. Staff assured him that not in the RG zone district, but the applicant does not plan on using barb wire.

Mr. Knudsen deferred the answer to Ms. Cindy Nickel; she explained that there will be a pre-acceptance process, which works much like a fingerprint acceptance if it doesn't pass the test the product will be rejected.

The Chair thanked the applicants for providing a complete application for review it is terrific and worth noting. The Chair asked if Ms. Binyon would like to amend her motion to include the Engineer's note regarding the water for dust control for clarification; Ms. Binyon accepted the change.

The Chair re-read the motion; Jean Binyon moved to recommend approval to the Council with the following recommendation;

1. Continued obligations of the County Engineer's recommendations; including but not limited to the drainage plan, dust control measures, and final reports from the State of Utah.
2. An excavation and rehabilitation plan approved by the State authority shall be required.
3. Security arrangements or other efforts to keep the public away from any hazards associated with the facility.
4. Set backs shall be at least 50 feet from all property lines.
5. No requirements will be set for hours of operation.
6. The only signs acceptable on the project will be no trespassing signs and a sign to identify the facility, which will include emergency contact numbers.
7. The use of contaminated waters for dust control is not recommended without treatment or study demonstrating no potential harm by the proposed use.
8. Outdoor lighting will meet the requirements of the County Land Use Code.
9. The County Road Department shall be notified that there will be an increase of traffic on the right-of-way to the project and a maintenance agreement generated by the applicant with the County Road Department for maintenance of the access road.

Dave Cozzens seconded and all voted in favor.

**Public Hearing – Preliminary Plat** - T&A Commercial Subdivision 1401 Spanish Valley Drive. Staff read into the record the General Plan as amended to date, the Land Use Code as amended to date and the Commission's packet of today's date.

This application is submitted by property owner Tim Keogh and Alies Keogh (Applicants). The subject property is zoned according to the Highway Commercial (HC) District and includes a total of 1.2 acres located at 1401 Spanish Valley Drive. The Applicant proposes division of the subject property into 2 lots, each for commercial use.

Property to the west is zoned HC, to the properties to the west and north are zone LLR.

All utilities must be installed underground. Letters are submitted with the application to indicate the availability of water and sewer service, gas and electric service, and the adequacy of easements proposed.

Both lots will have frontage on Spanish Valley Drive. Lot 1 will be a flag lot with 21 feet of frontage, and lot two will have 219 feet of frontage.

Sidewalks are required along the in the HC district within one mile of Moab City. (LUC, Sec. 5.4). An encroachment permit from the Grand County Road Department will be needed if sidewalks are proposed in the Right-of-way.

The Fire Chief has provided a signature on the plat approving adequacy of applicable fire codes and that the Moab Valley Fire protection District will provide fire protection to this subdivision.

The Chair asked the applicant if he had anything further to state. Mr. Keogh stated that everything was correctly stated by staff unless the commission had questions.

The Chair opened the public hearing – with no public comment, the Chair closed the public hearing and entertained a motion by the Commission.

Dave Cozzens moved to recommend to the Council with staffs recommendation, Ed Bridges seconded.

Chris Baird asked what kind of commercial uses were planned; Mr. Keogh explained that they would be warehouses.

The Chair re-read the motion as follows;

1. Compliance with County Engineer's recommendations.
2. County Road encroachment permit for sidewalks, curb and gutter if they are built in the County Right-of-way.

The Chair called for a vote on the motion – all voted in favor.

**Council Report** – Gene Ciarus informed the Commission that the Ellis RV park was rejected by Council with a 4 against 2 in favor.

**Adjournment:** The meeting was adjourned at 6:37 PM.

---

Marcus LaFrance, Chairman