

Grand County Planning Commission Minutes

May 14, 2008

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

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

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

The Chair introduced the Boy Scouts and the Scout Master. They presented the flag and the pledge of allegiance.

The Chair asked that all cell phones be turned off; if one goes off during the meeting you will be asked to leave. Please if you need to have a conversation with persons in the room, other than when called on, step outside the chambers.

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.

Public Hearing - CNHA Commercial Subdivision - Preliminary – Staff read into the record the General Plan as amended to date the Land Use Code as amended to date and all attached required documents.

The Applicant is proposing to subdivide 2.4 acres of land into two commercial lots. The property is located at 3031 South U.S. Highway 191 and is zoned Highway Commercial (HC). Adjacent properties to north and south are zoned HC; the adjacent property to the east is zoned Rural Residential (RR). Utah Department of Transportation (UDOT) owns a 400 foot right-of-way (U.S. 191) to the west.

The proposed lots are approximately 1.65 acres and 0.75 acres. Lot one and two are fully developed with existing structures and utility service. Both lots have been developed in compliance with applicable County standards. A site plan, including drainage report, was approved by Planning Commission February 14, 2007 prior to the new CNHA office / warehouse construction on lot one.

The Chair opened the public hearing and asked the applicant's agent, Tim Keogh if there were any further additions to the presentation. Mr. Keogh had nothing more to add and with no public comment the Chair closed the public hearing.

Jean Binyon moved to approve without conditions, Dave Cozzens seconded.

The Chair asked if there was further discussion by the Commission, with none the Chair reread the motion and called for the vote. All voted in favor.

Public Hearing – Conditional Use Extraction of Sand and Gravel site located on Hastings Road – Staff read into the record the General Plan as amended to date the Land Use Code as amended to date, including Staffs report with related material.

This application is submitted by Frehner Construction on behalf of the property owners William Hatfield and Sandra Silliman (Applicants). The applicant proposes the extraction of sand and gravel from a section of land, Section 14, T22S R19E SLB&M, located approximately 1.8 miles north of the interstate on Hastings Road. The land is currently developed with as non-irrigated farm land with a single family residence. The site is zoned RG, Range and Grazing, and Mining on Private Land is allowable by Conditional Use Permit in the RG district.

The proposed operation is summarized as follows:

- Excavation of sand and gravel from the earth then it will be fed into a crusher in plan where it will be crushed and separated in to different sized product of rock and sand. Stockpiled for further use by the Hot Mix Asphalt plant.
- An area of approximately 2 acres will provide the needed material for the project. The resulting land will give the land owner a flat are for agricultural use.
- Reclamation of the mined area will be reseeded with native grasses or used agriculturally as directed by the land owner.
- The Extraction plan shows the extraction area, the crusher site and the stockpile site.
- A temporary use permit will be processed at the same time for the asphalt site (hot mix asphalt plant).
- The current contours and will not change, the County Engineer has reviewed the plans and has approved the site plan.
- Grand County Road Department Supervisor has signed an agreement with the applicants for use of the County roads.

A conditional use is a use that may be permitted subject to conditions imposed upon the approval of the use that are designed to reasonably mitigate any adverse impacts upon surrounding properties. Conditional use permits may be approved for the uses indicated in the use regulations of the zoning district of the property for which the conditional use permit is requested.

Asphalt or Concrete Batch Plant and Mining and Extractive uses are based on the conditions outlined in the Land Use Code as follows:

Asphalt or concrete batch plants shall comply with the standards of this section.

1. Minimum Lot Area: 5 acres –

FINDING = *the area of operation will be 40+acres*

2. Minimum Setbacks (All Sides): 600 feet

FINDING = *letters from surrounding property owners are provided and the applicant will adhere to County requirement*

3. The above minimum setback shall be from any residential zoning district or lot containing a residential use for all activity areas, including driveways and on-site roads.

4. The County may specify the times of operation.

FINDING = *hours of operation will be day light hours only and duration of the plant will be 6 months unless an extension is approved by the County.*

5. All internal roads shall be maintained in a dust-free condition. The access drive from the site shall be paved with a surface of asphalt or concrete for a distance of at least 100 feet from the rights-of-way of the public road from which access is taken. Provisions shall also be made to remove dust, dirt, mud or other debris from the vehicles before they leave the site.

FINDING = *A State Air Quality permit has been issued and the County Engineer has approved the fugitive dust plan.*

6. Provisions shall be made for the on-site reduction and containment of dust and other particulate matter.

FINDING = *provided in the State Air Quality permit and approved by the County Engineer.*

7. The site shall have frontage on and access to a collector or arterial street, provided the authority with jurisdiction over the subject road may approve alternative access.

FINDING = *the County Road Department is under contract with the applicant for use of Hastings Road.*

8. All such plants shall be subject to the limitations on noise, dust, fumes, odors, etc. **Error! Reference source not found.**, Operational Performance Standards.

FINDING = *The applicant has worked with surrounding property owners to make them aware of the project, mitigated fugitive dust, and will limit the hours of operation.*

The County may, in the interest of the public welfare and to assure compliance of this LUC, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing the location of any use listed as a conditional use permit, the County may impose such development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions.

The Chair opened the public hearing and asked the applicant if would like to make a comment.

Travis Wentz, Manager of Frehner Construction stated that all he would add is that the process for making sure the trucks leaving the site are “dust free” is done through gravel and cattle guards on the site prior to getting to the County Road so the trucks are essentially “shaken” by driving over the gravel and cattle guard to remove the surface dust.

The Chair opened the public hearing; with no comments from the public the hearing was closed. The Chair asked for a motion by the Commission.

Jean Binyon moved to recommend approval to the Council with the following conditions:

1. Limit hours of operation to day light hours only and duration of the plant will be 6 months unless an extension is approved by the County.
2. Mitigation of fugitive dust and provide all monitoring documents to the County.
3. Provide reclamation documents to the County after the plant has vacated the location.
4. Outdoor lighting on the site will be pursuant to Sec. 6.6 of the Land Use Code and permits will be required.

Dave Cozzens seconded.

The Chair asked if there are other questions or concerns from the Commission.

Chris Baird asked if staff reviewed section 3.2.4 D from the Land Use Code in reviewing this application. Staff did review the sections of the Land Use Code that are applicable to the application and summarized the review in the staff memo.

Dave Cozzens asked where on Hastings Road the plant would be. The Applicant explained that the lot is adjacent to LaGrande Johnsons gravel pit.

With no more discussion the Chair reread the motion and called for a vote. All voted in favor.

Public Hearing – rezone of Mesa Village from Large Lot Residential (LLR) and Highway Commercial (HC) to Multi-family Residential 14, (MFR-14) – Staff read into the record the General Plan as amended to date the Land Use Code as amended to date and all attached required documents.

This application is submitted by Larry Becknell, on behalf of the property owner, Millcreek Moab, LLC (Applicant) for 22.44 acres of vacant land zoned Large Lot Residential (LLR). On May 10, 2007, Planning Commissioners reviewed a sketch plan for this site, including 40 single family units and 200 multi-family units. The application before you today represents substantial changes in the project’s general use (replacement of single family homes with duplex and townhome units) and configuration (general project layout, including: streets, parking, and dwelling units). Additionally, because use, configuration, and density are not vested at sketch plan, the new submittal represents the introduction and application of new land use code regulations (as amended through April 2008).

The subject application seeks sketch plan, rezone, and master plan approval. The Applicant seeks a rezone to Multi-family 14 (MFR-14). MFR is an overlay district adopted by the County in 2005 (see MFR overlay map attached). The purpose of the MFR district is to provide locations where medium to high density residential neighborhoods may be established. The MFR district is intended to promote infill development and affordable housing. A rezone is a legislative act recorded by ordinance. A rezone to the MFR district requires a master plan to be recorded and filed as part of the ordinance.

Chris Baird moved to postpone the review of Mesa Village based on Staff's report that the application is incomplete.

The Chair stated that it is not appropriate to postpone, but to table and continue the public hearing to a date certain.

Chris Baird withdrew his motion.

The Chair opened the public hearing and asked if the applicant would like to make a presentation.

Paul Morris, representative for Mesa Village, gave a general review of the plan and feels that the project is bringing a need to the community with the affordable housing component and apartments.

The Chair asked if there were any comments from the public, being none the Chair closed the public hearing and asked for a motion from the Commission.

Chris Baird moved to postpone action on the application for Mesa Village until such time that the application is complete based on the concerns in the staff memo. Charley Every seconded

The Chair asked if there was further discussion by the Commission. Jean Binyon stated that she reviewed the current plan against the sketch plan for a year ago and commended the applicant for a much better plan and also for providing much needed affordable housing.

The Chair called for a vote – Charley Every, Jean Binyon, Chris Baird, and Marcus LaFrance voted in favor, Dave Cozzens voted against. Motion carries with 4 votes.

DISCUSSION ITEMS

Terry Sykes, Manager for GWSSA expressed the Districts plan to require a secondary water system on new construction.

GWSSA operates a pressurized irrigation system fed by Ken's Lake. Agency Engineers performed a study to address expanding the system and conserve culinary water sources. The Study suggested expanding the system in phases. Phase 1 is generally South of Spanish Trail Rd. and East of Hwy. 191. County Staff recommended discussing this change with the Planning Commission prior to proceeding.

The secondary water system shall meet all requirements and specifications as recommended by GWSSA & Grand County Construction Standards. Plans shall be submitted for review by GWSSA to determine adequacy of capacity and pressure.

Dan Pyatt – officer on GWSSA stated that as agricultural land is developed the board would like to use Ken's Lake water, which uses less water than the agricultural fields.

A secondary water system is needed in Spanish Valley for the following reasons;

- During the four warmest months of the year culinary water usage increases dramatically over the four coldest months of the year. Up to 75% of the water delivered during these months is used outdoors.
- The status of the USGS/WRDA study is uncertain at this time. The results of the USGS study may define how much water could be taken from the aquifer without doing damage to it.
- Current demand for culinary water could be reduced greatly if a secondary system was installed.

- If secondary water was made available to new development it would slow the rate of increase on demand for culinary water.

Marcus LaFrance is fully behind the process.

Dave Cozzens asked about the water that is available from the River for the secondary system. Terry stated that it is not practical that Kens Lake is more accessible.

Marcus LaFrance asked if individual lots will need to connect to the secondary water system. He was told that this will only pertain to new subdivisions.

Staff will work on an ordinance to implement this process.

The Chair thanked Terry Sykes and Dan Pyatt for their presentation.

Waste Water Ordinance discussion – Mark Wright, County Engineer discussed with the Commission the need for an ordinance to regulate liquid waste materials. There is one plant that has been processed through the County. There are companies inquiring to do the same, in order to have some compliance with federal and state regulators an ordinance needs to be written to address the problems. The County currently has a moratorium which will expire in June. Staff will bring a draft ordinance to the Planning Commission as a public hearing at the meeting in June.

Acceptance of Minutes – The April 23rd minutes were accepted with minor corrections.

Adjournment: The meeting was adjourned at 7:30 PM.

Marcus LaFrance, Chairman