

Grand County Planning Commission Minutes

September 10, 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, Dave Cozzens, Chris Baird, Jean Binyon, and D.L. Taylor.
Ed Bridges and Charley Every were absent.
County liaison – Gene Ciarus.

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

The Chair introduced the Commission and staff then requested that all cell phones be turned off; if one goes off during the meeting you will be asked to leave.

The Chair outlined the procedure for the public meeting and asked the Commission if there were any conflicts of interest or ex-parte communications that needed to be disclosed.

Evaporation Pond Facilities Amendment Continued – The Chair explained that the public hearing was closed at the August 13th Commission meeting. Staff was directed to edit the draft ordinance and provide the edited copy to the Commission for review on the 27th. Additional changes were made and the Commission directed staff to once again edit the draft and bring to this meeting for review.

Staff explained that the comments from the last meeting have been edited into the current draft.

The Commission discussed the cumulative emission section of the code, Mr. Baird will not vote for the draft if it stays at the 50 tons per year cumulative emission tonnage.

Dave Cozzens asked about the sole source aquifer section. It was decided it was redundant and could be removed.

The Chair called for a motion – Dave Cozzens moved to give a favorable recommendation to the Council, Jean Binyon seconded.

The Chair asked if there was any further discussion – being none the Chair called for a vote. Dave Cozzens, Jean Binyon, D.L. Taylor and Marcus LaFrance voted “aye”, Chris Baird votes against the motion.

Public Hearing - BOA Alternate code amendment – Staff read into the record the General Plan as amended to date, the Land Use Code as amended to date, and staff report of today's date. The Board of Adjustment (BOA) consists of five regular members appointed by the Council for four-year staggered terms. A quorum of the BOA is three members and is necessary to grant a variance or overturn a decision. Since three members of a panel of five must vote affirmatively to grant relief to an applicant, the process may be disadvantaged if fewer than five members are seated to hear an appeal or application.

Due to unexpected vacancies, scheduling conflicts and recusals the BOA has recommended approval of two alternate positions to help ensure a fully seated Board for all meetings.

Staff polled the other members of the BOA and asked if they would rather have a 7 member board instead of the 2 alternates. The members polled felt their decision for alternates should stay since it was decided at a regular meeting of the board.

The Chair opened the public hearing – with no comments from the public the Chair closed the public hearing and called for a motion.

Chris Baird moved to give a favorable recommendation to the County Council. D.L. Taylor seconded and all voted in favor.

Public Meeting – Final Plat Whitehorse PUD - The subject application is submitted by Marc Griffith, on behalf of the property owner Desert Spectrum LLC (Applicant). The project is located adjacent to All American Acres at the end of Heather Lane. The zone district is Rural Residential (RR) with a PUD overlay. The master plan and preliminary plat consists of 33 single-family residential lots on 35.22 acres. PUD project density may not be greater than that permitted by the underlining / base zoning district. RR maximum density is 1 unit per acre. The subject application seeks final plat approval for all 33 lots.

White Horse PUD preliminary plat approval (Ordinance 471, April 15, 2008) vested the project under the land use code as amended through January 2007.

Sole access to the subject property will be from Heather Lane, a County road with a 66 foot public right-of-way. The project includes two internal private lanes with 44 foot right-of-ways. Each lane ends in a cul-de-sac. Connectivity requirements, beyond the access tract dedication for GWSSA and the private land to the West (All American Acres), are waived due to the presence of escarpments to the northeast and the according termination of the grid pattern.

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

The property is currently a cultivated alfalfa field border to the northeast by 30% slopes. No construction has been proposed on the steep slope areas. The property is adjacent to Chapman well and a portion of the project is within the water source zone 2 protection area.

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 the County's open space requirements.

GWSSA and the county engineer have approved both the final plat and construction plans for compliance with zone 2 requirements and the drainage.

The conditions outlined in preliminary plat approval and ordinance 471 have been met, with the exception of the CC&Rs (item # 5) and the financial guarantee (item #3) The applicant submitted an application for final plat within 12 months of the preliminary plat approval and more than 30 days prior to being scheduled for review. Additionally, the final plat conforms substantially to the preliminary plat (and PUD master plan) as approved.

Staff submitted copies of application materials to all referral agencies, including: utility providers (gas, water and sewer, electric, and telephone), Moab City staff, Fire Department, County Attorney, County Road Department, and County Engineering Department, etc. The applicant has paid in full the cost of all prior reviews and current processing fees.

The Chair called for a motion for discussion on the proposal; Jean Binyon moved to recommend favorably to the County Council with the following conditions:

1. update of the final plat to include additional utility easements for lots 1 and 25;
2. update of the final plat to include building envelopes for lots 8, 9, 20, 21, 22, 26, and 27;
3. correction of the final plat to indicate accurate zoning;
4. approval of the Covenants, Conditions, and Restrictions (CC&R) documents by the County Attorney;
5. submission of a financial guarantee satisfactory to the County Clerk and County Attorney;
6. submit \$625.00 final plat processing fees if not paid already; and
7. no off street parking and no overnight rental units;

Seconded by D.L. Taylor.

The Commission had a lengthy discussion on the requirements of the zone 2 water shed protection zone and concluded that the entire project should build within that requirement although there is only a “swath” of property in the development that is in zone 2, it would provide a greater protection of the area.

Jean Binyon amended her motion to include: 8. The entire development will be designed for compliance with zone 2 requirements. D.L. accepts and seconds.

The Chair reread the motion and called for a vote. All voted in favor.

Approval of minutes – the August 6th minutes were approved with minor corrections, and the August 13th minutes were approved as corrected.

The Chair asked the Chairman of the Council if there was a report – Mr. Ciarus stated that the County Council rejected the new TRT tax resolution. They are currently looking at the CIB grant requests.

With no other items on the Agenda the Chair called for adjournment.

Adjournment: The meeting was adjourned at 6:53 PM.

Marcus LaFrance, Chairman