

# Grand County Planning Commission Minutes

February 25, 2009

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:** Interim Vice-Chair Ed Bridges, D.L. Taylor, Mike Duncan and Dave Stolfa. Jean Binyon and Dave Cozzens were absent.  
County liaison – Gene Ciarus.

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

The Interim Vice Chair called the meeting to order at 6:00 PM and introduced the Commission and staff then requested that all cell phones be turned off.

The Vice Chair asked the Commission if there were any conflicts of interest or ex-parte communications that needed to be disclosed. Ed Bridges declared that he had sold a tractor to Larry White who is developer of a project on the evening's agenda.

**Public Hearing** – Conditional Use Permit by Verizon Wireless for a telecommunications tower and accessory structure on Sand Flats Road. The Commission postponed the public hearing until a complete application is submitted.

**Public Meeting** – Creekside Estates Sketch Plan - The application is submitted by Larry White and is requesting sketch plan review for phase II of the Creekside Estates PUD.

The property is located off of Eastbench Road and Kerby Lane and is zoned Planned Unit Development (PUD) with a Rural Residential (RR) base zoning district. The Applicant proposes division of 6.48 acres into six lots. Surrounding properties are also zoned RR and consist of the Spears Ranch agriculture property to the west, single-family rural residential properties to the north and south, and a 40 acre SITLA parcel to the north.

With respect to project background vesting for this project is an important concept. Typically project vesting occurs at preliminary plat or depending on the process master plan approval. Creekside Estates PUD did not include subdivision plans for phase II. Phase II preliminary plat vesting was left –at the applicant's discretion --- to a future date. Original approvals were for the development of six single-family lots and "one large tract".

Access to the subject property is from East Bench Road and Kerby Lane. Phase one included partial construction of Creekside Lane to a county private lane standard with 24-foot surface width. The southern portion of this road was approved as a private lane and has since been gated to prevent public access.

Phase II sketch plan includes the northern half of Creekside Lane as well the development of an un-named private lane to the north. Staff notes that streets are required to bear a logical relationship to the location of existing streets. Where the layout of streets is not shown in the Transportation Plan, the arrangement of streets in a subdivision shall provide for the continuation of existing streets in the surrounding area. Planning Commission may waive this requirement to meet a particular situation where the physical conditions make continuance of existing streets impracticable.

The Grand County Construction Standards state:

*"All streets shall be dedicated to the public; provided, however, private streets may be permitted, at the sole discretion of the County, subject to the following condition: The Planning Commission determines that it is*

*not physically possible to provide for through street access to adjoining property (i.e. the subject property terminates at a waterway, escarpment or other reasonably insurmountable impediment to through access) in order to provide for the orderly development of a street system.”*

Staff noted that the following items are still outstanding:

1. Modification of the phase II road plan to include public access along both the northern portion of Creekside Lane and the unnamed road to the north. These roads should be dedicated as “public” right-of-ways (Sec. 7.3.2, Sec. 7.3.3, and Grand County Construction Standards p. 2);
2. As well as inclusion of the plan to show an updated development table recalculating open space as well as development stipulations and update of the plan to show ten foot wide driveways.

The Interim Vice Chair asked if the applicant had additional information to add.

Larry White and Tim Keogh explained that the current road that runs north-south (Creekside Lane) is private under a unique situation for the reason that the connector (East Bench Rd.) is unapproved and is an easement at this time and there are currently residences that utilize East Bench as their only access.

Creekside Lane is gated and closed at the northern end the southern end has a gate but is generally left open. There are currently 6 residences on Creekside that would object to the road become public.

The Commission discussed at length with the applicant the differences between a private and public roads and the connectivity issue within the Land Use Code.

Staff clarified that the County Road Department will not accept a road built to the private road standard for maintenance – the road department will only accept roads built to the public standard, which essentially is a 56 foot road width and better rate of construction. If the applicant proposes a private road and provides maintenance for the upper road section of the property there will be other property owners who will access this road and not be a part of the home owners association.

All streets shall be dedicated to the public; provided, however, Planning Commission may waive this requirement to meet a particular situation where the physical conditions make continuance of existing streets impracticable.

Other items of discussion were:

- Combining HOA from Phase I & II, the entire subdivision is a PUD and the HOA is for the entire subdivision.
- Detention facility will be addressed at Preliminary to make sure it is suitable for both subdivisions.
- Gardens are considered allowed uses in open space.

The Commission does not formally approve the sketch plan, but identified the following outstanding issues for this project:

1. **Driveways.** Ten foot wide, minimum, driveways shall be shown on the plat;
2. **Access.** All roads shall be dedicated to the public provided, however, private streets may be permitted at the sole discretion of the County, (County Council approval recommended by the Planning Commission) subject to conditions in the Grand Construction Standards;
3. **Development Table.** Submission of an updated development table; and
4. **Easements.** All existing and necessary easements on the land.

Additionally staff will inform the applicant of other issues needed before preliminary.

**Interviews and discussion of potential applicants** – There are five potential applicants to fill the resigned position of Chris Baird.

Rex Tanner, Bill Love, and Charles Pipkin had been interviewed previously; Steve Russell and Kalen Jones were available for interview at the evenings meeting.

The Vice Chair asked each applicant to give a brief introduction and the Commission could then ask questions of the applicant. The Chair called Mr. Russell.

**Steve Russell** stated that he has been an attorney for 25 years in the State of Utah. Has the ability to analyze situations and conclude with a simple solution. Has a sincere belief in good Planning and uniform code enforcement.

Questions asked by the Commission included private versus public property rights, availability to attend at least 2 meetings a month, what are the most important issues before the County in your opinion.

Mr. Russell explained that he would be able to attend most meetings, the most important issues before the county right now is protection of the water sources. Mr. Russell was asked about his many political letters to the editor and would he be discreet with information attained through the Planning Commission. Mr. Russell explained that he does understand and would be sensitive to Planning Commission information.

**Kalen Jones** explained that he had provided a brief written resume if the Commission would like he could talk about it or they could just go on with the interview. The Commission had read his resume and would like to continue with the interview.

Questions asked by the Commission included private versus public property rights, availability to attend at least 2 meetings a month, the most important issues before the County.

Mr. Jones explained that he leans towards public needs but understands the private sector – as a developer he is sympathetic to the bureaucracy of development. Could give good feed back to developers due to his experience with the process; will be able to attend meetings on a regular basis. Most important issue before the County right now is (chickens in your back yard☺) affordable housing.

The applicants were thanked for their time and consideration to serve the County.

The Vice Chair asked how the Commission would like to continue.

D.L. moved to recommend that we send the applicant names forward without rating them. This motion died for lack of second.

Mike Duncan moved to cast one vote for personal preference, by a public show of hands, seconded by Dave Stolfa and all voted in favor.

The Vice Chair asked that the Commission vote for one and the election would be by raising of the hand. Staff would then send this forward to the Council as the recommendation of the Commission.

The votes were as follows with the votes received by each candidate:

William Love - 0

Charles Pipkin - 0

Rex Tanner – 2

Kalen Jones – 2

Steve Russell - 0

The Chair modified the agenda by moving the approval of minutes until after the workshop.

## **WORKSHOP**

**Secondary Water System** - Mark Sovine explained to the Commission that the district (GWSSA) is looking at requiring a secondary water system for irrigation on all new subdivision. This is to protect the pristine culinary water for residential use and the Kens Lake system for outside irrigation. The valley doesn't have the irrigated farm land it had in years past due to the residential development in the valley on the irrigated land.

To accomplish the secondary water system requirement a new ordinance would be written and adopted by the County and GWSSA would then provide policy.

The Commission discussed this at length and advised Mark Sovine to provide an ordinance to staff for inclusion in the agenda packets for review.

**Code Amendment** - Land use code amendment defining 30 percent slope. Staff informed the Commission that this amendment has been advertized for public hearing on the 11<sup>th</sup> of March. The Commission questioned staff about the constrained lands being open space and if there were problems in the past. Staff explained that the LUC was revamped in February and the new section required that all constrained lands, including lands of 30% slopes, be required open space. The code amendment will give more flexibility to developers.

**Approval of Minutes** - The January 14<sup>th</sup> minutes were accepted with corrections. The January 28<sup>th</sup> minutes were accepted with correction.

**County Council Update** – Gene Ciarus gave a presentation on the Council's happenings.

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

**Adjournment:** The meeting was adjourned at 8:35 P.M.

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Jean Binyon, Interim Chair