

Grand County Planning Commission Minutes

May 13, 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: Chair Jean Binyon, Ed Bridges, D.L. Taylor, Mike Duncan, Dave Stolfa, Kalen Jones and Dave Cozzens.

County liaison – Gene Ciarus.

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

The 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 Chair asked the Commission if there were any conflicts of interest or ex parte communication that needed to be disclosed in regards to the agenda; there were none offered.

The Chair explained the process for the public hearings; staff will give their presentation, the applicant will get 5 minutes to make a presentation and the public will have 3 minutes to speak on the subject.

Public Meeting: Proposed revision to the Land Use Code amendment defining 30 percent slope, clarifying open space and common area and identifying constrained lands.

Staff has noted concerns regarding the proposed amendment as previously presented with respect to consistency with the General Plan goals, specifically rural character, clustered development, and sensitive lands protection. Staff feels these concerns warrant review by the Planning Commission before going to the Council for approval. The current changes will enable greater flexibility with respect to project design and opens space requirements while remaining consistent with the General Plan goals. Lands that are constrained as defined in the Land Use Code are currently restricted from development.

The Commission discussed the amendment at length and concluded to take the amendment back to public hearing with changes discussed.

The Chair entertained a motion to consider the amendment at a public hearing on June 10th.

Mike Duncan moved to take the discussion of the amendment to the Land Use Code of, defining how steep slopes are measured, promote more usable open space, allow greater flexibility in project design to a public hearing to be set for June 10, 2009. Dave Stolfa seconded and all voted in favor.

Discussion – Proposed amendment to the Evaporation Pond Facilities Ordinance.

Staff explained that the County Council voted to remand the Evaporation Pond Facilities Ordinance to the Planning Commission in order to reconsider the following;

1. Evaluate the protective adequacy of the 50-ton cap on single emission elements,
2. Define and establish limits for hazardous emissions,
3. Evaluate and possibly require Best Available Control Technology (BACT),
4. Establish how testing will be used to determine emissions, and
5. Evaluate dust control mitigation.

Staff is also collecting background materials and working with the Department of Environmental Quality, Division of Air Quality to get the information. Presentations by these departments and information from other agencies within the community can be presented to the Commission at a later date if the Commission would like to request staff to provide an expert in the field of air quality to give a presentation.

Ed Bridges asked if the Commission should suggest that the Council set a moratorium on any new evaporation ponds until the proposed changes are approved. Mr. Bridges feels that these discussions can last for months and would like to see this ordinance worked out before a new application is submitted.

Staff stated that the Land Use Code has regulation that requires new applications subject to pending amendments to the LUC that are initiated prior to such certification.

Mike Duncan asked staff if there were any proposals on the door step. Staff stated that no new applications we have not heard or seen of an application for a new or any additions to the existing ponds.

The Chair asked that a motion be made to recognize the discussion.

Ed Bridges moved to recommend to Council that a moratorium be set in place for applications for Evaporation Pond Facilities, to provide the Commission time to get expert advice and review the changes asked for by the Council. Kalen Jones seconded.

The Commission discussed the rationale for the moratorium and the Chair called restated the motion and called for the vote.

Ed Bridges, Kalen Jones, and Jean Binyon voted for the motion; Dave Stolfa, Mike Duncan, and D.L. Taylor voted against the motion; Dave Cozzens abstained. Motion did not carry.

Discussion – Scoping Committee appointments to develop a County Air Quality and Water Quality Protection plan.

The Chair explained that the Council had formed a subcommittee to develop County Air Quality and Water Quality protection plans. The Council has suggested that three members from the Council, three members from the Commission and 3 members from the public at large comprise the committee. At the last Council meeting three members from the Council were appointed and the Commission needs to provide three members and then that group will pick three members from the Community. Ms. Binyon explained that there is nothing in the Land Use Code to address how these members are to be appointed so she went to Robert Rules of Order and found many different ways to accomplish the appointment. As Chair she can just appoint the members, which is how she plans to carry out the appointment. The members she has chosen for the positions, if they will accept, are; Kalen Jones, Mike Duncan, and Dave Stolfa. All three accepted the appointment.

Approval of Minutes - The Commission accepted the April 8, minutes with minor corrections.

Planning Department Updates – The Supervisor of the Planning Department explained that the Council did not recommend the reconstruction of the departments as was previously recommended by the County Council Administrator. The Council has put off the decision until a new County Council Administrator is hired.

There will be new carpet being put down during the summer so the Council Chambers will be used by the county offices that are being displaced during that time so the Planning Commission will be meeting in the Grand Center. Agenda's will show the change so watch for it, staff will also send reminders and keep you informed of the meeting places.

County Council Update – Gene Ciarus discussed the air and water quality committee and what the Council is looking for in the committee and what is regulated by the State.

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

Adjournment: The meeting was adjourned at 7:45 P.M.
Accepted at the May 27th meeting. Jean Binyon, Chair