

# Grand County Planning Commission Minutes

September 9, 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, Dave Stolfa, Dave Cozzens, and Kalen Jones. Mike Duncan was absent.

Council liaison – Gene Ciarus was absent.

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

The Chair called the meeting to order at 6:00 PM 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.

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

## **Public Hearing – General Plan Amendment incorporating the Grand County/City of Moab Affordable Housing Plan.**

Staff read into the record the General Plan as amended to date, the Land Use Code as amended to date and staff report and all the supporting material.

The Plan contains several elements important in understanding the magnitude of the housing problem in Moab City and Grand County. The first is a history of the process by which the Plan was created. This history outlines the efforts of Grand County, the City of Moab, the Housing Authority of Southeastern Utah (HASU), and Rural Community Assistance Corporation (RCAC) to identify critical issues, collect data, define the extent of the problem, form a working group, and create a five-year action plan.

The Plan includes a comprehensive glossary to provide clarity and an understanding of terms used throughout the document. This section provides clarity about many of the terms used in the development and funding of housing projects.

The housing overview utilizes local demographics, employment data, population, housing types and costs information to demonstrate local community trends.

The Needs Analysis is a critical component of the Plan and justifies the effort the County will need to put forth in order to make affordable housing available for Moab area residents. This assessment uses income, market demand, condition of the available housing inventory, rental and ownership housing needs/deficit and current housing availability and trends.

Barriers and impediments to affordable housing are briefly discussed in general terms. This identification will prompt what is expected to be a series of land use code amendments to allow affordable housing development.

The recommendations made by RCAC are included as a springboard for a more in-depth review and discussion about a commitment to the implementation of the plan from the legislative bodies, improved land use, increasing available housing resources, developing new housing, and maintaining existing affordable housing.

The five-year action plan provides the possible tools for the generation of housing. It contains a wide variety of potential funding mechanisms, as well as possible public/private partnerships and a lead agency that would be responsible for completing the indicated action. It is not anticipated that all of the tools will be used but they are presented as a menu from which specific actions may be chosen. This will lead to a tailored set of processes best suited for our community.

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

Ed Bridges requested that the resolution change to read that the current section of the General Plan regarding the affordable housing plan stay intact. This is the history of the process and feels it is an intricate part of the current plan and made a motion to have the resolution read; Now therefore be it resolved by the Grand County that Section 4.2.12 of the General Plan be amended to include Affordable Housing Policy 2...and not repeal the existing language. Dave Cozzens seconded.

The Commission discussed the wording of the draft resolution that eliminates the language that is duplicative or inconsistent with the task force's recommended plan.

Dave Stolfa questioned putting in two different sections and how would a person follow the changes.

Kalen Jones remarked that the current General Plan is fine; the new section adds more information and covers implementation actions. Since we are so near to an update there is no reason to have the format changes.

The Chair re-read the motion and called for a vote. Ed Bridges, Dave Cozzens, Jean Binyon, D.L. Taylor, and Kalen Jones voted "aye". Dave Stolfa voted "nay" – Motion carries.

**Public Hearing** – Conditional Use Permit for a gas well on Wilcox private property six miles east of Green River.

Staff read into the record the General Plan as amended to date, the Land Use Code as amended to date and staff report and all the supporting material.

The application is submitted by Don Hamilton on behalf of the property owner Jon L. Wilcox. The applicant is requesting site plan and conditional use permit approval for an exploratory gas well project. The project site is approximately six miles northeast of Green River. The proposal includes the construction of one well pad that may contain up to two wells per pad, as well as (if deemed productive) the installation of well pad facilities and a 16 inch or less buried steel pipeline. Total project acreage, including well pad, access road, and pipeline, is approximately 21 acres.

Oil and gas drilling on private land is a conditional use in the Range and Grazing zoning district. LUC 3.2.4(E) states: "Oil and gas drilling shall comply will applicable Federal and State requirements and the County will be a referral agency on all state and federal permitting.

Conditional Use Permits shall be approved where the County determines that there will not be a significant negative impact upon residents of surrounding property or upon the public. The following criteria shall be considered in the application review:

**Effect on Environment**

*The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property, nor cause substantial or permanent interference with the right to peaceful enjoyment of property.*

Staff Finding = The proposed use is compatible with uses otherwise permitted in the Range and Grazing zone district. The applicant has met with the City of Green River to discuss the proposed use and received permission for use of a road in their Industrial Park. Review and approval of a reclamation plan and cost estimate to be reviewed and approved by the County Engineer is required as a condition of approval.

**Compatible with Surrounding Area**

*The proposed site plan, circulation plan and schematic architectural designs shall be complementary with the character of the surrounding area with relationship to scale, height, landscaping and screening, building coverage, and density.*

Staff Finding = Additional Site Plan information, including lighting cut-sheets, fencing, structures, proposed pits, refuse areas, physical constraints, and signage is required as a condition of approval.

**External Impacts Minimized**

*The proposed use shall not have negative impacts on existing uses in the area and in the county through the creation of noise, glare, fumes and odors, dust, smoke, vibration, fire hazard, excessive light, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.*

Staff Finding = The proposed use is not anticipated to have negative impacts on existing uses in the area.

**Infrastructure Impacts Minimized**

*The proposed use shall not have negative impacts on existing uses in the area and in the county through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.*

Staff Finding = The application anticipates approximately 2.45 miles of new road construction, as well as approximately 20 roundtrips per day during construction and 2 daily roundtrips during production. Staff has scheduled a Development Review Team meeting for the morning of September 9<sup>th</sup> to review road access and maintenance issues. Submission of a Road Agreement to be reviewed and approved by the County Road Supervisor may be required. Notification of potential emergency service needs to appropriate providers is required as a condition of approval.

**Consistent with LUC and General Plan**

*The proposed use will be consistent with the purposes of this LUC, the General Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.*

Staff Finding = The proposed use and location are consistent with uses otherwise permitted in the RG zone district. Use-specific standards for oil and gas drilling on private land include compliance with all applicable Federal and State requirements and for the County to be included as referral agency on all state and federal permitting.

**Parcel Size**

*The proposed use may be required to have additional land area, in excess of the lot area otherwise allowed by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.*

Staff Finding = No additional land area is necessary.

After the staff report the Chair asked if the applicant had anything to add.

Mr. Don Hamilton representative of Fidelity Exploration and Production Company gave a brief explanation of the proposed project. If the well is productive the pipeline will run along the existing Coal Canyon County road right of way. There may be up to two well pads the surface owner of the property is the Wilcox family.

The Chair opened the public hearing and asked for comment - with no public comment the public hearing was closed.

The Chair asked for comments from the Commission.

Kalen Jones asked about the bonding requirement and if the bond required by UDOGM was adequate. Staff assured him that it was. The reclamation of the surface would be at the discretion of the property owner and many times the property owner wants the pad as a building site so reclamation is minimal at that point.

The Chair commented that the property would no longer qualify for a greenbelt designation and that the owner will pay a rollback tax when the property is reassessed.

With no other comment the Chair called for the vote.

Kalen Jones moved to recommend approval to the Council of the Conditional Use permit for an exploration gas well subject to the following conditions:

1. **Referral Agency Letters.** Submission of Agency approval from the Utah Division of Oil, Gas, and Mining.
2. **Site Plan.** Submission of an updated Site Plan including lighting cut-sheets, fencing, structures, proposed pits, refuse areas, physical constraints, and signage.
3. **Building Permits.** Issuance of building permits for any new structures, alterations to existing structures, and utilities.
4. **Emergency Services.** Notification of potential emergency service needs to appropriate providers.
5. **Operational Status.** Notification within 30 days of any changes in ownership, operation, or permit provisions. If well is deemed productive, submission of all necessary right-of-ways and continued compliance with County Engineer and Road Department Supervisor recommendations for pipeline construction.
6. **Reclamation Costs.** Submission of a cost estimate for project reclamation to be approved by the County Engineer.
7. **Permit Review.** At the County Council's request the conditional use permit may be subject to annual review (LUC 9.11.7C). If the facility has not been in operation within one year of obtaining the conditional use permit and a request for extension has not been received and approved by the County Council the conditional use permit shall expire.

Dave Stolfa seconded and all voted in favor.

**Approval of Minutes** - there were no minutes available.

**Community Development Updates** – A Westwater tour is planned for September 24<sup>th</sup>, will meet at the Courthouse at 9:00 AM. The meeting has been advertised as required.

**County Council Update** – Gene was not in attendance.

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

**Adjournment:** The meeting was adjourned at 6:45 P.M.