

Grand County Planning Commission Minutes - as corrected

July 14, 2010

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

Members Present: Chair Kalen Jones, Ed Bridges, Dave Cozzens (arrived at 6:10), Dave Stolfa, Mike Duncan, and Pam Hackley. Dave Tubbs was absent.

Council liaison – Gene Ciarus

Others Present: County staff Krissie Killoy, [Mark Wright](#), and Mary Hofhine.

The Chair called the meeting to order at 6:00 PM then introduced the Commission and staff, asked that cell phones be turned off. The Chair asked the Commission if there were any conflicts of interest or exparte that needed to be declared, there was none.

The Chair moved the Accessory Dwelling discussion to the first item – the applicant for the public hearing is running late.

Public Hearing – Accessory Dwelling Land Use Code Amendment: Staff read into record the General Plan as amended to date the Land Use Code as amended to date and the staff report and related materials. Staff provided a copy of the draft code amendment and presented the changes as discussed from the last meeting.

The Chair opened the public hearing and asked if there was comment from the audience.

Laura Hagen - Would like to encourage the Commission to allow accessory dwellings and to be open-minded regarding the architectural standards for cosmetic reasons. There are an increasing number of people in the community that live on a limited income. Would also encourage the Commission to write allowances for allowing temporary structures.

The Chair left the public hearing open and asked for discussion from the Commission.

Discussion items:

- Limit lot square footage to 9,000 square feet, if the lots are smaller there is not enough room for additional accessory use; (staff will include a table to show the size of lot ratio and impacts)
- Design regulation;
- Inclusion that no RV's, boats, or temporary structures to be used as permanent structures;
- Setback clarifications;
- Remove "the maximum square footage of the accessory dwelling unit shall not exceed 50% of the gross square footage of the primary residence";
- Include that accessory structures be built no higher than existing structure or 15 feet whatever is less.
- Provide the restricted covenant document referred to in the draft.

The Chair asked for consensus for clarification; the following items had consensus of the Commission:

- Take out "*the maximum square footage of the accessory dwelling unit shall not exceed 50% of the gross square footage of the primary residence*";
- [Delete reference to](#) Require similar materials in the architecture of the accessory structure;
- Provide a restricted covenant and limit one accessory dwelling unit per lot;

- Accessory structures shall be built no higher than existing structures or 15 feet whichever is **lessmore**;
- Maximum size of an accessory structure is 800 square feet;
- Clarify the setbacks (allow accessory structures on side of existing residence).

Staff will provide another draft of the proposed ordinance at the next meeting with the changes as recommended by the Commission. The public hearing will be left open.

Action Item:

Citizens Working Group Formation

As part of the General Plan update process a 12–15 person Citizen Working Group (CWG) will be formed to participate in drafting goals and strategies and to act as a general sounding board for both educational forum / focus group issues and plan elements.

Participants will be selected to represent a broad cross-section of the community with multiple perspectives on such issues as: transportation, agriculture, trails, land development, local business, affordable housing, and water. Consideration will be given to such issues as gender balance and minority, young family, and senior participation.

Interested citizens may sign-up for consideration via the County website and at the check-in table during both the July 7th and July 22nd public meetings. Qualifications include county residency and willingness to actively participate in approximately 8 meetings. All meetings will be open to the public.

Staff called Andrew Klotz, Principle with RPI since he wasn't able to attend the meeting. Andrew gave a brief report on what has been done and what the next steps will be.

The Chair provided the Commission with a narrative on the process that has been on going to put together the working group. The group should be a well balanced, broad cross section of the community; they will need to commit to attend the core meetings and drafting of elements, policies, and strategies of the document.

Discussion:

- how much work will go on outside the meetings;
- time of the meetings (evening or afternoon);
- alternates to fill in for others;
- time-line for the meeting schedule.

Ed Bridges moved to appoint Dave Tubbs and Dave Stolfa. These two members will also be responsible to work with staff to review applications and select members to the Citizen Working Group from the interested citizens list. Mr. Bridges stated that he has spoken with Dave Tubbs and he agreed to the nomination. Dave Stolfa seconded to open the discussion.

Discussion - The Chair explained that he has decided that he would be asking for a vote by the Commission to select from the Commission people for the working group; would like the Commission decide if we want one person from the Commission or two.

The Chair asked if by a show of hands if one person should be on the citizens working group – two people voted yes. The Chair asked if by a show of hands two people should be on the committee to review with staff to select the working group – four voted yes.

There will be two members of the Commission on the Citizens Working Group.

The Chair asked by a show of hands to select the first person to be on the Citizen Working Group. Pam Hackley was chosen. The Chair asked by a show of hands for the second person to be on the Citizen Working Group Dave Tubbs was chosen.

Pam Hackley and Dave Tubbs will be the two members from the Commission selected to sit on the Citizens Working Group.

The Chair asked for volunteers to help staff pick the citizens working group Mike Duncan and Dave Cozzens volunteered and were accepted by the Commission.

Public Hearing – Frehner Construction Conditional Use Permit – Mining and Extractive Use (sand and gravel for use on a UDOT project) located in Green River.

Staff read into the record the General Plan as amended to date, the Land Use Code as amended to date, staff's report including the applicants application material.

This application is submitted by Frehner Construction on behalf of property owners Kenneth Blaine and Sandra Silliman. Applications are requesting continued use of the parcel for sand and gravel extraction and asphalt production (CUP Resolution 2853, 2008).

The property is located approximately 1.8 miles north of I-70 on Hastings Road. The property is zoned Range Grazing (RG) and is currently developed as a non-irrigated farmland with one single family residential dwelling.

The product will be used for local Utah Department of Transportation projects. The operation is summarized as follows:

- Excavation of sand and gravel on approximately 2 acres
- Temporary stationary equipment (crusher and hot-mix asphalt plant)
- The resulting land will be reseeded with native grasses or rehabilitated for agricultural use as directed by the land owner
- The Applicant has signed a Road Maintenance Agreement with the Grand County Road Department for use, maintenance, and dust control on Hastings Road
- A State Air Quality permit has been issued

III. CONDITIONAL USE APPROVAL

9.11.6 Conditional Use Criteria (LUC, p. 9-30)

Conditional Use Permits shall be approved where the County determines that there will be no significant negative impact upon residents of surrounding property or upon the public. The following criteria shall be considered in the application review:

A. *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 gravel pit and asphalt plant are allowable conditional uses in the RG zone district. The area is rural in nature with development limited to single family residences, agriculture, and existing sand and gravel operations. Operations will adhere to requirements set forth in permits issued by the State of Utah for air quality and storm water pollution prevention as well as requirements set forth by Grand County for use, maintenance, and dust control on Hastings Road.

B. 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 = The proposed use, design, and operational characteristics are consistent with existing and prior uses in the area. The plant and crusher site will be located on an existing plant site so as to limit disturbance. Structures will be limited to 25 ft. in height.

C. 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 Applicants have appropriately mitigated impacts as evidenced in the following: an air quality permit, fugitive dust plan, rehabilitation plan, storm water pollution prevention plan, and road maintenance agreement.

D. 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 primary impact on public infrastructure will occur on Hastings Road. The applicant has entered into a Road Maintenance Agreement to mitigate this.

E. 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 = This is an allowed conditional use in the RG zoning district. Approval of the use is consistent with previous uses in the area.

F. 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 = The proposed conditional use requires a minimum lot area of 5 acres. The applicant site plan includes 40 acres. Additional acreage is not required.

Article 3: Use Regulations

3.2.4 Industrial Use Standards (LUC, p. 3-16)

A. Asphalt or Concrete Batch Plant

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

1. Minimum Lot Area: 5 acres

Staff Finding = The area of operation will be 40+acres

2. *Minimum Setbacks (All Sides): 600 feet*
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.*

Staff Finding = The plant meets setback requirements.

4. *The County may specify the times of operation.*

Staff Finding = The hours of operation will be for daylight hours only and will be for a five year period unless 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.*
6. *Provisions shall be made for the on-site reduction and containment of dust and other particulate matter.*

Staff Finding = The state has issued an air quality permit addressing plant dust control. Additionally, the Applicants have entered into a Road Maintenance Agreement with Grand County for dust control on Hastings Road.

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.*

Staff Finding = See Road Maintenance Agreement

8. *All such plants shall be subject to the limitations on noise, dust, fumes, odors, etc. 6.12, Operational Performance Standards.*

Staff Finding = The applicant has sufficiently mitigated impacts associated with potential noise, particulate matter, odor, explosives material, toxic matter, vibration, glare, and refuse requirements set forth in Section 6.12 Operational Performance Standards.

3.2.4 Industrial Use Standards (LUC, p. 3-17)

D. Mining and Extractive Use

Mining and extractive uses shall comply with the following standards:

1. *An excavation and rehabilitation plan shall be required for any mining or extractive use*
Staff Finding = The applicant has submitted a site plan (showing topography, areas to be mined, location of stockpiles, processing equipment, etc.), description of operation, drainage plan, storm water pollution prevention plan, traffic analysis, and rehabilitation plan (including estimated cost, as well as type and density of revegetation).

2. *Excavation or deposit of overburden shall not be permitted within 30 feet of a boundary of adjacent property easement, irrigation ditch or rights-of-way unless by written agreement of the owner of such property, easement, irrigation ditch or rights-of-way.*

Staff Finding = The applicant has entered into a written agreement with the property owner.

3. *Excavation within 125 feet of a dwelling unit shall be prohibited unless by written agreement of the owner and occupant of the residence. No excavation involving the use of rock crushers, asphalt plant, cement batch plant and other similar equipment shall not take place within 600 feet of a dwelling unit. The County may require the installation of a Landscape Buffer when necessary to control dust and mitigate other adverse impacts on surrounding areas.*

Staff Finding = A single family residence exists on the parcel approximately 700 ft. from mining and plant operations.

4. *All excavation activities shall be set back at least 100 feet from road rights-of-way and watercourses. The watercourse setback may be varied, based on Utah Department of Wildlife comments concerning site-specific factors. Existing trees and ground cover along public road frontage and drainageways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against*

and reduce noise, dust and erosion. The decision-making body shall be authorized to require the installation of disturbance fencing per Section 4.9.9E., along roads and watercourses when necessary to control dust and mitigate other adverse impacts.

Staff Finding = The project meets required watercourse and road setbacks as well as applicable state environmental regulations.

5. *The operator shall submit a route plan (haul route) to the County Road Supervisor and receive permission to use for use of public rights-of-way not designated for such haulage by reason of load limit, dust, rights-of-way or pavement width or other relevant factors. The County Road Supervisor may place reasonable restrictions on such rights-of-way use. Alternative haul routes shall be developed where haul route impacts the health, safety and welfare of the local area.*
6. *Haul roads within the premises shall be maintained in a reasonably dust-free condition and shall be contained within the pit (after excavation allows) to the maximum extent feasible. This may include, depending on local conditions, watering, oiling, or paving.*

Staff Finding = The applicant previously submitted a traffic analysis and has updated the existing Road Maintenance Agreement with the Road Department. Additionally, this type of haul activity is consistent with the previous uses of Hasting Road.

7. *Operation shall be limited to the hours of 6AM to 7PM unless longer or shorter hours of operation are approved as part of a Conditional Use Permit.*

Staff Finding = The project is limited to daylight hours.

8. *The operator shall not excavate, store overburden, or excavate materials in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.*

Staff Finding = The applicant has addressed these concerns per the storm water pollution prevention plan.

9. *Prior to starting excavation, where the operation is adjacent to subdivided or developed commercial, residential, or industrial property, fencing may be required to prevent the visibility of the mining operation, and buffering and screening of the entire parcel or areas of excavation may be required. None of these shall be removed until rehabilitation has been completed.*

Staff Finding = Additional screening is not required, due to the property owner's involvement in the project, as well as a limited 5-year project duration.

10. *Where the operation is adjacent to subdivided property or to developed commercial or residential property, once mining has been completed, the site shall not to be used as an area to stockpile sand or gravel resources. The mining operator is to reclaim those areas as soon as possible.*

Staff Finding = the project occupies the site of a previous gravel pit (so as to minimize disturbance). Frehner has entered into an agreement with the property owners (Applicants) to reclaim disturbed areas with native seed and / or grade disturbed areas for agricultural use.

11. *Operations shall comply with air, noise, vibration, and other standards of Grand County and noise standards enumerated in Operational Performance Standards.*

Staff Finding = The applicant has sufficiently mitigated impacts associated with potential noise, particulate matter, odor, explosives material, toxic matter, vibration, glare, and refuse requirements set forth in Section 6.12 Operational Performance Standards.

12. *All air emissions shall comply with standards established by the Utah Department of Environmental Quality or other appropriate state agency.*

13. *All water uses and discharges shall conform to standards established by the Utah Department of Environmental Quality or other appropriate state agency.*

Staff Finding = The project is in compliance with all UT Department of Environmental Quality regulations and has supplied necessary documentation.

14. *All slopes shall be stabilized and re-vegetated in a manner compatible with the surrounding area*
Staff Finding = Complete
15. *A development schedule shall be submitted describing the life span of the plan in years (ranges are acceptable) and, if applicable, the years per phase. Diligence in meeting this schedule is required.*
Staff Finding = project life span is 5-years.

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

Ed Bridges moved to give a favorable recommendation to the County Council subject to the following conditions:

1. Hours of operation are limited to daylight hours only.
2. Project duration is limited to 5-years unless an extension is approved by the County.
3. Provision of updated reclamation documents.
4. Outdoor lighting on the site will be pursuant to Sec. 6.6.
5. County Engineer approval of the drainage plan.

Dave Cozzens seconded.

Discussion: Questions regarding the distance of houses on the property; staff explained that it does meet the requirement in the LUC.

The Chair called for a vote - All voted in favor.

Approval of Minutes – June 9th 2010 minutes were accepted as corrected.

Community Development Update – Staff gave a brief update of upcoming agenda items.

County Council Update – Gene Ciarus provided the Commission a report on the items discussed and acted on by the Council at their July 7th meeting. The council will be starting the budgeting process shortly and no tax increases have been discussed.

Adjournment: The meeting was adjourned at 8:15 P.M.