

Grand County Planning Commission Minutes

September 8, 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: Vice Chair, Dave Stolfa, Ed Bridges, Dave Tubbs, and Pam Hackley.

Members Absent: Kalen Jones, Mike Duncan, and Dave Cozzens.

Council liaison – Gene Ciarus

Staff Present: County staff Krissie Killoy, Mark Wright, and Mary Hofhine.

The Vice Chair Dave Stolfa was the acting Chair and called the meeting to order at 6:00 PM then introduced the Commission and staff. The Vice Chair asked that cell phones be turned off and then asked the Commission if there were any conflicts of interest or exparte that needed to be declared. Ed Bridges stated his declaration of discussion was still in effect.

Continued Public Hearing – Rezone from Small Lot Residential (SLR) to Multi-family residential (MFR) for property located on Mill Creek for the Housing Authority: Staff read into record the General Plan as amended to date, the Land Use Code as amended to date, and the staff report with related materials.

This application is submitted by Freemont Woodward, interim Director of the Housing Authority of Southeastern Utah (Applicant) for 5.17 acres of vacant land zoned Small Lot Residential (SLR). The subject application seeks a rezone to Multi-Family 14 (MFR-14) and master plan approval.

The Planning Commission postponed action in order for the applicant and staff to work out needed information regarding the rezone application at their meeting on August 25th. There are still two items of the six items that still need review:

1. Mark Wright, County Engineer explained that at this time review of the drainage is acceptable. A complete drainage plan will need to be in place at building permit.
2. The Fire Department will review the construction plans and make sure that the fire department concerns are addressed.

A letter from the City was included as required by the LUC. It was explained that a pre-annexation agreement is being processed by the City.

The applicant fielded questions regarding the tax credits associated with the affordable housing project.

The Chair called for a motion by the Commission to open up discussion.

Pam Hackley moved to forward a recommendation to the Council for approval of the Cinema Court MFR-14 rezone and master plan subject to the following:

1. DRAINAGE REVIEW. County Engineer review and approval of the drainage report.
2. FIRE DEPARTMENT APPROVAL. Fire Department review and approval of emergency access widths and hydrant locations.

3. RECORDATION. The master plan shall be recorded and filed in conjunction with the ordinance. The master plan shall be updated with text to include the affordable housing requirements summarized in condition 4 below.

4. AFFORDABLE HOUSING. At a minimum, the project shall adhere to the requirements of the LUC Section 6.14, Affordable Housing, including:

- A. Occupancy of such units shall be restricted to a minimum of 30 days.
- B. At a minimum, use and occupancy restrictions shall limit occupancy to persons who are employed within the boundaries of Grand County or, if retired, were previously employed in the county for at least 3 years; earn or earned (applicable only to retired persons) at least 80 percent of their household income from employment within Grand County during those three years; and occupy the unit as their primary residence;
- C. Net worth shall not exceed 150 percent of Grand County's average household income.
- D. The Housing Authority of Southeastern Utah is the County designee for this project for the purposes of qualifying or otherwise approving occupants and deed restrictions. In the event of a future change in property ownership, the project shall partner with a legally established affordable housing agency or 501c (3) nonprofit subject to Council approval.

The project shall include a mix of one, two, and three-bedroom apartments with a minimum of 25 percent of the units remaining affordable for tenants with incomes equal to or less than 80 percent of area median income.

Dave Tubbs seconded.

Discussion – Ed Bridges questioned that in the past the section of the LUC for rezones requires that the Commission consider 11 criteria and this application didn't provide that.

Staff explained the process for the overlay zone doesn't require the criteria due to the master plan that is mandatory in the MFR zone and is approved and filed with the ordinance as part of the approval. There are district standards, conditions of approval and compliance with a Master Plan. In a typical rezone there are generally a multitude of permitted uses in a zone district and the criteria are to identify suitability of the rezone due to the many permitted uses. With the overlay the master plan dictates the permitted use – if the master plan is altered, except for minor allowances, the application is void and the underlying zone district applies.

However, the criteria were reviewed by staff for the proposed rezone and it has met the criteria for approval.

Pam Hackley thanked Ed Bridges for his detail to research.

The Vice Chair closed the public hearing and asked for the vote.

Pam Hackley re-read the motion – Ed Bridges asked to make a statement prior to his vote for the record. Section 8.1.3 E. of the LUC describes a quorum and the voting process; Mr. Bridges explained that it is not a vote of the majority, but an affirmative vote of at least four of the members in attendance. If only four members are present all must vote in the affirmative to pass a motion.

The Chair recognized the statement and asked for a vote.

All members present voted in favor of the motion; motion passes.

Approval of Minutes – August 25, 2010 minutes were accepted as written.

Community Development Update –.The General Plan Working Group’s information including notes on passed meetings are available on the County website.

County Council Update – Gene Ciarus provided the Commission a report on the items discussed and acted on by the Council at their August 17th meeting.

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