

# Agenda

# GRAND COUNTY Planning Commission

**Tuesday, April 10, 2018**  
**5:00 P.M. Regular Meeting**  
Grand County Courthouse  
Council Chambers  
125 E. Center St., Moab, Utah

<b>Type of Meeting:</b>	Regular Meeting
<b>Facilitator:</b>	Gerrish Willis, Chair
<b>Attendees:</b>	Planning Commissioners, interested citizens, and staff

<b>5:00 PM</b>	Citizens to be heard	<i>Chair</i>
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<b>Workshop</b>	Discussion on Use Regulations and Use Specific Standards for Section 3.4.11 of the Land Use Code	<i>Staff</i>
	Discussion of the High Density Development overlay	<i>Staff</i>

<b>Action Item</b>	Approval of March 27, 2018 Meeting Minutes	<i>Chair</i>
	Future Considerations	<i>Chair</i>
	Community & Economic Development Updates/Future Considerations	<i>Staff</i>
	County Council Update – Mary McGann/Evan Clapper	<i>Council Liaison</i>

**ADJOURN**

## DEFINITIONS:

**Public hearing** = a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

**Public meeting** = a meeting required to be open to the public pursuant to the requirements of Title 52, Chapter 4, Open and Public Meetings; the public may or may not be invited to participate.

**Legislative act** = action taken by the County Council or Planning Commission; amending ordinances, adopting general plan, Annexations, zoning and rezoning; a reasonable debatable action that could promote the general welfare of the community.

**Administrative act** = action taken by the Planning Commission, County Council or staff interpreting ordinances and regulations, conditional uses, approving subdivision, site plans, issuing building permits; an administrative decision must satisfy the requirements prescribed under state law or the County Land Use Code, whichever is stricter.

**Agenda Summary**  
**GRAND COUNTY PLANNING COMMISSION**  
**April 10, 2018**

<b>TITLE:</b>	Discussion on Use Regulations and Use Specific Standards
<b>FISCAL IMPACT:</b>	TBD
<b>PRESENTER(S):</b>	Zacharia Levine, Community and Economic Development Director

**Prepared By:**  
**MARY HOFHINE**

**FOR OFFICE USE ONLY:**  
**Attorney Review:**  
  
N/A

**BACKGROUND:**  
At the Planning Commission retreat on February 13, one of the priorities was to review and update the LUC Use Table.

The first section chosen for discussion is Other Uses and the Use Specific Standards pertaining to the Conditional Uses. Discuss Permitted uses vs. Conditional and updating Use Specific Standards to accommodate the updated changes.

A. Agriculture section is characterized by uses that create and preserve areas intended primarily for the raising of crops.

B. Resource Extraction section is characterized by uses that extract minerals and other solids and liquids from the ground, does not including gravel pits.

**ATTACHMENT(S):** Other Uses Section and Resource Extraction and Use Specific Standards

Use Category	Specific Use	RESIDENTIAL					NONRESIDENTIAL							Use-Specific Standards	
		SLR	LLR	RR	MFR	RG	NC	GB	RC	RS	HC	LI	HI		
<b>Other Uses (Section 3.4.11)</b>															
Agriculture	Animal raising		C	P		P									3.2.5A
	Kennel			C		P						C	C		3.2.30
	Animal feed lot					C									
	Barn, corral, pen, coop or machinery shed		C	P		P									3.2.5B
	Farm, orchard, vineyard or truck garden			P		P									
	Feed mill												P		
	Fruit and vegetable stand			C			P	P			P				
	Grazing			P		P									
	Winery			C		C					C	P	P		
	All other agricultural uses			P		P									
Resource Extraction	Mining					C									3.2.4D
	Oil and gas drilling on private land					C							C		3.2.4E
	Oil and gas drilling on public land					P							P		3.2.4E
	Ore refining or processing					C							P		3.2.4F
	All other resource extraction uses					C							C		

### **3.2.5 Other Use Standards**

#### **A. Animal Raising**

The keeping of domestic, agricultural animals and livestock shall be considered a permitted use, provided that no more than 4 animal units (as defined in Article [10](#)) per acre shall be allowed on parcels

with more than one-half acre and less than 5 acres. These standards shall not be applicable to parcels larger than 5 acres.

#### **B. Apiculture**

1. The keeping of honey bees shall be considered a permitted use in accordance with Sections 3.2.5(B)(2) and 3.2.5(B)(3).
2. Migratory beekeeping operations of any size, south of Interstate-70, either permanent or temporary, will be prohibited.
3. No parcel of land, South of Interstate-70, shall have in excess of 25 established bee colonies at any given time.

#### **C. Barn, Stable, Coop, Animal Shed**

Barns, stable, coops, animal sheds or similar structures shall comply with the following standards:

1. A setback shall be maintained of at least 100 feet from existing dwellings, 20 feet from any open waterway; and
2. Surface drainage from such structures shall not be permitted to drain into a natural stream or into a drainage way that drains into a natural stream.

### **3.2.3 – Commercial Uses**

#### **O. Kennel**

Dog kennels shall comply with the standards of this section.

1. No outdoor kennel shall be permitted in any zoning district.
2. The kennel shall be located not less than 300 feet from a residential structure that is located on any property in separate ownership. For the purpose of this section, measurement of the 300-foot distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of an existing habitation to the nearest portion of the kennel.
3. No outdoor exercise run area shall be permitted less than 50 feet from any land zoned residential.
4. All cages, pens, grooming areas shall be maintained with a completely enclosed, soundproof building; the facility shall conform to the noise restrictions of Section [6.12.3](#).
5. All facilities shall be designed and constructed in a manner that eliminates any emission of odor offensive to persons owning, occupying or patronizing properties adjacent to the use.

### **3.2.5 Other Use Standards**

#### **C. Barn, Stable, Coop, Animal Shed**

Barns, stable, coops, animal sheds or similar structures shall comply with the following standards:

1. A setback shall be maintained of at least 100 feet from existing dwellings, 20 feet from any open waterway; and
2. Surface drainage from such structures shall not be permitted to drain into a natural stream or into a drainage way that drains into a natural stream.

### **3.2.4 Industrial Use Standards**

#### **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. Such plans shall contain the following information:

- a. A detailed description of the method of operation of extraction and rehabilitation to be employed, including any necessary accessory uses such as, but not limited to, crushers, batch plants and asphalt plants;
  - b. An extraction plan showing the areas to be mined, location of stockpile area, location of structures, general location of processing equipment, with accompanying time schedules, fencing if applicable, depth of deposit, tons in the deposit, and other pertinent factors;
  - c. A detailed rehabilitation plan showing proposed rehabilitation with time schedules including, but not limited to, finish contours, grading, sloping, types, placement, and amount of vegetation, after use plans, and any other proposed factors;
  - d. Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application;
  - e. Type, character, and density of proposed revegetation;
  - f. The operator's estimated cost at each of the following segments of the rehabilitation process, including where applicable, backfilling, grading, re-establishing topsoil, planting, revegetation management, and protection prior to vegetation establishment and administrative cost;
  - g. A drainage report and drainage plan prepared by a Utah-registered engineer with consideration of natural drainage, drainage during excavation and drainage after rehabilitation such that the proposed rehabilitation and excavation will have no adverse effect in excess of natural conditions;
  - h. A traffic analysis that reviews road and safety conditions in the pit area and in the vicinity of the pit area -- such analysis shall also include ingress/egress, parking and loading areas, on site circulation, estimate of number of trucks per day on the average and maximum number of trucks per day (ranges are acceptable);
  - i. Additional information as may be requested by the Zoning Administrator, and
  - j. Upon approval, the excavation and rehabilitation plans shall be filed with the County Clerk and Recorder and any subsequent change in excavation and rehabilitation plan shall be prohibited unless approved by the County Council.
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.
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.
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 drainage ways 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.
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.
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.

8. The operator shall not excavate, store overburden, or excavate materials or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.
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.
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.
11. Operations shall comply with air, noise, vibration, and other standards of Grand County and noise standards enumerated 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.
14. All slopes shall be stabilized and re-vegetated in a manner compatible with the surrounding area.
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.
  - a. Up to a 2-year extension may be granted by the Zoning Administrator if a written request is submitted outlining the factors and reasons for the extension. New conditions, if any, will be considered.
  - b. Requests for extensions up to 5 years and appeals of the Zoning Administrator's decision will be submitted to the County Council at a public hearing.
16. If the use has not operated or if no material has been extracted within 3 years 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. Extension requests shall provide information concerning the factors and reasons for the request. The County Council will consider these factors and reasons as well as the extent conditions have changed in the area, if any, in granting extensions.

#### **E. Oil and Gas Drilling**

Oil and gas drilling shall comply with all applicable Federal and State requirements and the County will be a referral agency on all state and federal permitting.

#### **F. Ore Refining or Processing**

Ore refining or processing shall comply with the following standards:

1. A site plan prepared in accordance with the requirements of Section [9.17](#) shall be approved and filed with the findings of fact as part of the approval.
2. Development plans shall comply with the applicable requirements of Article [6](#), General Development Standards.