

# Grand County Planning Commission

January 13 2020

A regular meeting of the Grand County Planning Commission convened on the above date at the Grand County Courthouse, 125 E. Center St., Moab, UT 84532

**Members Present:** Chair Gerrish Willis(GW), Emily Campbell (EC), Bryon Walston(BW), Robert O'Brien(RO), & Kevin Walker(KW).

**Members Absent:** Rachel Nelson (RN), Abby Scott (AS)

**Staff Present:** Zacharia Levine, and Kenny Gordon, & Mila Dunbar-Irwin

**Council Liaison:** Jaylyn Hawks

**Citizens to be heard:** See Below

**Ex Parte Communication:** Commissioner O'Brien: met with citizens on the Sheri Griffith property today at 2:15; and met at Rancho Nuevo Project Site. Told citizens interested in geographic area, did not hear anything not already in written comments.

Chair Willis: Received correspondence regarding Rancho Nuevo, sent to Kenny Gordon as well. Received phone calls, told them that was not appropriate.

Commissioner Campbell: met with citizens at Rancho Nuevo site, made no inappropriate comments, all material was in the existing packet.

Commissioner Walston: Also present today at Rancho Nuevo Site

Commissioner Walker: Sheri Griffith showed me around her property a few weeks ago. Everything said also in comment letters.

## **Approval of Minutes:**

Commissioner O'Brien moves to approve the minutes from October 8, 2019. Seconded by Gerrish Willis. Vote: 5 for, 0 against. Motion carries (5:40 Video).

## **Action Items:**

Rancho Nuevo (PUD Overlay & Preliminary Plat) 5 PM:

Chair Willis: Agenda shows election of officers as an action item before approval of minutes, bylaws state at the end of meeting. Entertain a motion to approve agenda as written

Commissioner Walker: Motion to accept the agenda as written. Second by Commissioner O'Brien. Vote: All (2:40 Video)

Commissioner Campbell: Nominate Abby Scott to Chair. Second by Commissioner O'Brien. Vote: All (4:35 Video)

Commissioner Walker: Nominate Emily Campbell to Vice Chair. Second by Commissioner O'Brien. Vote: All (4:45 Video)

Rancho Nuevo:

The subject property is 5.71 acres spread across three parcels located at 2775, 2753, & 2757 Nuevo Court. The Rancho Nuevo subdivision is proposed to include 13 lots. Because the applicant is seeking a 20% bonus density in return for providing 20% open space, as referred to in Grand County LUC Section 4.4.10, the subdivision is proposed as a planned unit development (PUD). To utilize the –PUD overlay, the Applicant must receive legislative approval of the overlay request and a master plan that would govern the preliminary and final plats. In this instance, the Applicant is seeking a combined approval of the –PUD overlay, master plan, and preliminary plat.

Zacharia Levine: (1:01 Video)

Questions for Staff:

Commissioner Willis did county issue an excavation permit, noticed disturbance on site already?

Zacharia Levine: No

Commissioner Campbell: Could the developer be allowed to develop a road off nuevo court.

Zacharia Levine: Unclear at this time

Commissioner Walker: Looks like areas of 30% slope not taken out, would decrease maximum to 12 units.

Commissioner Willis: What is the AE zone

Zacharia Levine: Denotes flood plain

Glen Lent (Developer): Frustrated with the situation, by getting density cut in half and getting a negative recommendation. Our cul-de-sac is a cul-de-sac. We are flexible. Have had geotechnical report, and never hit groundwater in test pits. Cannot figure out how we would affect flow. Willing to move detention pond toward road. Wanted to do ADU's, thought community wanted affordable housing. Will need to consider if only getting 8 units.

Commissioner Willis: postponed hearing as noticing requirements were not met. Noticing requirement still not met. Advise developer to follow Grand County rules.

Glen Lent: There are two signs on property.

Commissioner Campbell: comment on proposed cul-de-sac.

Glen Lent: Close to 500 feet.

LuDean Merritt: Sold property. Gone to meetings for 5 years to create overlay zone. Creating tax base and affordability. Regarding water, the property had a basement with no water in it. Developers have done proper testing. Public upset because change is hard. Give this development the opportunity the overlay zone would allow.

Elizabeth Nance: Back yard abuts Western Edge. Land sold by Betty Tibbits Family, a good friend, who owned much of the property in the area. Betty was old Moab, who believed land should be enjoyed by animals who lived there. Surprised by sound of earth moving equipment. Neighbors not alerted to digging, notified ZL, who mentioned no permit was given.

Robert Appleville: moved here for the LLR. Adequate for space and privacy. Proposed development does not fit. Page 3 of application states surrounding land uses are resident ion and compatible. 13 units in 5 acres is not compatible with existing neighborhood.

Bob Ratkey: Wife and I own property that shares two boundaries with proposal. Applications does not comply with storm water design, cul-de-sac, and number of design units as state din my letter. LUC allows discretionary latitude. Two story residences will be a detriment to rural character. Density bonus will not provide meaningful community open space.

Susan Bellagamba: Lived in the area for over 30 years, peaceful views, wildlife, and springs. Feel peace is at risk. Staff report is thoughtful and well done. There are at least 12 dwellings on Nuevo Ct. LUC restricts dwelling to 20 total. Concerned about fire danger with too many units. Mission of GC PC to protect human safety.

Rudy Muskglow: Subdivision does not fit in with character. This development does not fit in with original PUD intent to preserve open space. Recommend you deny the PUD, and do a 8 subdivision LLR.

Nancy Shocklaw: Not Supporting. Own property across from Mesa Verde, understand evacuation due to fire. Water, have seen fluctuations in the pond there. Want rural culture. Understand taxes and impact, developer needs to look at community voices when considering development.

Sheri Griffith: Water issue- does an easement need to be obtained. Property drains down to my hillside. Sheeting water percolates down to my property, and I will not grant an easement. Who is going to police drainage pond after developer is gone. Developer needs to look at small dam permit. I have three water rights on my property

Lynn Jackson: Historical flows- there are none, they flow underground. Aquifers 40-50 feet deep. Slopes are steep, they will not handle any water. Share a boundary with project. Pond on my property is few by springs. With out characterizing aquifer, do not know what will happen to water infiltration. NE corner cannot handle development, slope too steep. Agree with density, but not for this area. 26 homes is high for this area. Limit to one story.

Matt Giamon: LUC should limit overcrowding of buildings. Proposed development endangers health and wellbeing of residents. Developer should conduct additional investigations regarding impacts to residents. Please deny this request and any similar ones in Grand County. Negative impact to water sources.

Jennifer Wendzel: Concerned about fire. Maximum 20 units per cul-de-sac. No turnaround for fire truck. Other property owners cannot get ADUs if developer maximizing the number allowed.

Stephanie Williams: Own land in Spanish Valley. Affordable housing does not work here, as the cost will be a premium. Digging and grading with no permits. No flood plain development permits issues. Feels developer did not follow the law.

Austin Avery: How can the retention pond filter pollution from runoff on even just the 8 units. Not the best place for the development.

Jeff Edwards: This development does not fit rural character. Change works in the right place/time. Long term residents might move to more rural areas. Main concern with fire.

Jaime Edwards: Born and raised on neighboring property. Live there because it is rural, know neighbors. Concerned about water, historically wet. Worries about fire and people getting trapped.

Sue Batchelder: Worries no one else can subdivide if developer builds 8 units. Devalues other resident's property.

Carla Vanderzanden: Need for high density and affordable housing. Street is not in the high density overlay. Did not see ADU had affordable housing requirements. Would like to see increase in affordable housing. Worried would no longer be able to subdivide my property. Would like to maintain character of street. Concerned about fire.

Michelle Buzzbee: property borders development. Moving retaining dam would be a hazard to my property. Did not get required permit to clear land, shows disregard for county and landowners.

Reid Bachan: Found seasonal spring on my property. Water on the ground in my basement. Concerned about storm water. Would like to see better designs for water and housing itself.

Commissioner Campbell: Public Hearing Closed (2:23:11 Video)

Commissioner O'Brien: Master Plan as it stands cannot be approved as is. Maximum density on cul-de-sac is 20.

Zacharia Levine: Reminder to audience and planning commission- voting on a recommendation to the County Council

Commissioner Walston: Density, how many should be allowed according to cul-de-sac rule. Advocate of property rights; does development restrict development rights of other property owners. Recommend postponement.

Commissioner Willis: In submitted report, stated overflow from pond will flow into 100 year flood plain, overflow would cross neighboring property. Does acre feet of eater meet intent of what is allowed to flow across another's property

Zacharia Levine: 0.15 acre feet across neighboring property. Encourage storm water management on site. my understanding is historical flow is higher than 0.1m according to developers engineer and county engineer.

Commissioner Willis: Location of Test pits- locations approximate; could have located closer to where actual retention pond is to be. Would expect engineering report to be very accurate.

Commissioner Walker: Applicant's engineers recommend houses/basin be 50 back from crest of slope; how does recommendation fit in?

Zacharia Levine: County engineer will look at, will rely on the expertise of county and applicant's engineers.

KW: Open space offered is not great. More suitable areas for higher density that are closer to town and Hwy 191. Hydrology issues. Overall, not supportive. When we drive zoning maps, do not look at individual parcels. Feel land use code allows leeway.

Commissioner Willis: Appreciate public participation, however, challenging to separate clamor from facts is large public hearing. Need to weigh uncertain water, neighborhood cohesiveness, emphasis to provide more housing in county.

Commissioner O'Brien moves to forward an unfavorable recommendation to the Grand County council to apply a Planned Unit Development Overlay to 2753, 2757, 2775 Nuevo Court and disapprove the associated Nuevo Master Plan. Commissioner Willis Seconds.

#### Discussion

Commissioner O'Brien: The Master Plan and Preliminary Plat are not in conformity with the Land Use Code, which indicates you can only build 8 units.

Commissioner Willis: Open space was supposed to provide a benefit to the public with density bonus, and realized the HOA rules intention was to not allow public access.

Commissioner Campbell: Open space intent is a community benefit that goes with increased density. Agree with many of the comments made by neighbors regarding density.

Glen Lent: We love getting input from the neighbors, unfortunately not everyone is a land use specialist. Feel wrongly accused of stealing water and flooding people out. Would prefer facts left to the engineers, people with professional licenses. Grading- was to clean up the junk on the property. Cleared and grubbed future house location. Solely removed vegetation, less than 100 cubic yards as allowed. Did not mean offense.

Commissioner Willis: knowing there is an issue of flowage to neighboring property, would recommend additional engineering work to address this.

Glen Lent: Capturing more storm water than is created on the site. Oversized 20%. 100 year event excess goes to spillway. Willing to create retention pond.

Commissioner Walston: How many lots will the county allow- feel requested amount in out of compliance

Commissioner Campbell: Too much uncertainty regarding on length of cul-de- sac, number of properties, open space, PUDs.

Vote- 5 in favor (Commissioners Willis, Campbell, Walston, O'Brien, & Walker) None against. 2 Absent (Chair Scott, Commissioner Nelson) Motion Passes. (2:52:46 Video)

### **Discussion Items:**

#### Planning Commission Bylaws:

Commissioner Willis: Give Bryon an opportunity to read before meeting.

Commissioner O'Brien: Questions: Article 5- open meetings- field trips should be open to the public, should we have made a public announcement?

Zacharia Levine: Was on the agenda, should have had the address. Will provide more details in the future.

Commissioner Willis: Proponent of proposal should attend the field trip. Developer was not there.

Commissioner O'Brien: V.15/V.16 in bylaws. Need 4 people present, other members can participate remotely. Commissioner member cannot vote unless physically present.

Commissioner Willis: Trying to get bylaws to be consistent with county council bylaws. Intent people could vote remotely if there was a physical quorum present.

Commissioner Willis: Set as an agenda item to make revision to the bylaws. Straw poll: Commissioner Walker make the motion to remove V.16 Commissioner O'Brien second. All

Commissioner Campbell: Section V.5 Change to receive agenda 5 business days before meeting.

Commissioner Campbell: Section V.6 Change to receive packet material 3 business days before the meeting.

Commissioner Campbell: Section V.7 Change to receive public comments 3 business days before planning commission meeting date.

Commissioner Walker: Section 3.2.A Change to Elect officers at the first meeting

Commissioner Walker: 5.9 Robert's rules specify there should be no discussion if there is no motion on the floor. Consider making exception to allow Chair's discretion.

Zacharia Levine: Intent to not spend time discussing an item that does not have a chance of getting a motion.

Chairperson Hawks: Change to discussion prior to a motion may be permitted by the discretion of the Chair.

Commissioner Campbell: V.15/V.16 discuss potential overuse of telecommunications.

Commissioner O'Brien: V.1.6.6- addressed in faithful attendance of meetings. Commissioners should tell staff/chair if they cannot attend.

Commissioner Walston: also require notifying ahead of time if attending remotely

Commissioner Campbell: will draft language

Commissioner Willis: Address is bylaws commissioner who come to meeting unprepared, having not read packet

Zacharia Levine: Add "preparation" to faithful attendance. Consensus of items, will not include straw poll results in minutes

Commissioner Wills: Change to include date and signature line on last page of bylaws

Kenny Gordon: everything discussed was unanimous (42:00 Video)

#### Roberts Rules:

Zacharia Levine: Roberts rules training to county council and appointed boards/commissions. Cheat sheets cover the vast majority of situations we will encounter.

Commissioner Campbell: confusion around training, ask that staff revisit.

#### Work plan/up-coming efforts:

Zacharia Levine: Consider planning commission retreats to get commission members on the same page, and facilitate members taking on special projects. Make commission members aware of staff planning efforts. Funding available to zoning update/re-write; Regional Transportation plan; a Moab area transportation master plan. Intend to apply for a public transit study. For general plan re-write avoid esoteric visioning exercise. Instead focus on elements of most importance such as land use plan, land use plan, and transportation plan. The zoning code should perfectly reflect these goals. However, offset by several years in reality. Look for a firm specializing in code writing that also does long range planning.

Commissioner Willis: Would like a joint meeting with City/County Council officials as part of this. Would like to know how city plans to annex into the county, so that we do not allow development that does not fit their vision. Feel there is general agreement with other officials.

Commissioner Walker: Include email discussion ahead of time, save more substantial issues for retreat.

Commissioner Campbell: Someone from planning commission could work with other officials on this collaboration.

#### **Future Considerations:**

Include Bylaw changes on future agenda.

Scheduling Grand County Planning Commission Retreat

Consider Joint City/county council meeting

Concern over new applicants in residential zones able to apply for overnight accommodations overlay to residential zones. Include what was adopted by the County Council in the next meeting.

**Community Development Department Update:** None.

**County Council Liaison report:** Jaylyn Hawks Officially approved as liaison. New Chair and Vice chair were elected

Extending the deadline for applicants to clerk auditor position. Officially adopted development standards to overnight accommodations. Began public hearing on noticing requirements for land use code.

Zacharia Levine: staff recommend removing requirement regarding notifying 30 properties in noticing requirement. Recommend radius.

**Adjournment:** Commissioner Willis motioned to adjourn the meeting. Seconded by Commissioner O'Brien. Vote, unanimous. The meeting adjourned at 9:30 p.m. (3:21:50 Video).