



**GRAND COUNTY  
COMMISSION SPECIAL MEETING**

**Grand County Commission Chambers  
Held virtually on Zoom  
Moab, Utah**

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**MINUTES  
10 MAR, 2021**

The Grand County Commission met in a special meeting on 10 March, 2021. The meeting was streamed/attended electronically. It was also broadcast and saved on YouTube. Commissioners in attendance were Evan Clapper, Jacques Hadler, Mary McGann, Sarah Stock, Kevin Walker, and Gabriel Woytek. Also present were County Commission Administrator Chris Baird, Associate County Commission Administrator Mallory Nassau, County Attorney Christina Sloan, Abby Scott from Planning and Zoning and Clerk/Auditor Quinn Hall.

**Call to Order**

**Chair McGann called the meeting to order at 9:02 am.**

**Appeal Hearing**

- A. Appeal Hearing of the Zoning Administrator's Interpretation Regarding the Creekside Planned Unit Development (PUD) Amendment

Chris Baird described the proceedings, noting this is not an appeal of the PUD decision, this is an appeal of the interpretation. The commission has the option to affirm or amend the interpretation.

Scott Anderson (appellant) commented that, in his view, the PUD was used outside the intended purpose. Scott suggested implementation of the PUD is should not increase density. Scott offered his opinion that the PUD in this case is poorly implemented. Scott suggested that the PUD as implemented does not offer more open space, and is used only as vehicle for the developer to create more lots. Scott offered his opinion that this increases density in the area. Scott suggested that allowing 6 homes on 4 acres increases density, and, in turn, violates use of the PUD.

Christina responded, noting the argument made by appellant counsel, and suggested that the PUD does not indicate that PUD's don't include infrastructure and do allow clustering. Christina noted the PUD may be used for affordable housing and open space, but noted the commission does not suggest that this development does.

Evan asked about property owner's rights regarding the final plat.

Christina responded that the application was approved using the land use code (LUC) at that time. A major amendment requires commission approval.

Scott commented that even with the roads being placed in a separate parcel, there is still an increase in density.

Christina noted that this still doesn't increase density, and noted the use of PUD's to offer flexibility. Christina noted this is not an increase in density.

Scott offered his opinion that this still increases density.

Christina Brinegar offered her opinion that this allows for no open space, as she suggested that was the original intent of the PUD.

Christina Sloan noted the county is exercising flexibility in accordance with County land use code.

Evan noted the PUD was never approved contingent on open space.

Mary asked about the total and developable acreage.

Chris noted that undevelopable acreage is often counted as part of the PUD and noted the general plan is not a legislative document, but for general guidance.

Kevin commented that in Grand County several lots have lines that often go to the center of the road even though that portion of acreage is technically undevelopable. Kevin noted there are several lots technically less than one acre when the road is excluded.

Scott offered his opinion that tract 2 should be developed in a similar manner as tract 1.

Christina Sloan commented that the PUD allows the County flexibility to separate roads into separate parcels. Christina noted that total acreage is in accordance with current zoning.

**Motion by** Evan Clapper to uphold the interpretation of Jan 11 2021

**Motion seconded by** Jacques Hadler

### **Discussion**

Evan suggested the commission followed existing LUC and acted appropriately with regard to residents and existing code, noting the vested rights of the property owner.

Kevin noted the inclusion of the road is consistent an in line with County code. Kevin suggested the PUD as interpreted does not increase the density and noted he does not feel like this misuses the PUD. Kevin suggested the benefits of using PUD's to allow for flexibility.

Christina Sloan suggested focusing on all the questions in the interpretation and noting either agreement or dissent with the prior interpretation.

Evan suggested he feels prior commission actions were well within existing LUC.

Kevin agreed.

Mary commented that she'd walked the area and appreciated the potential to keep areas undeveloped. Mary agrees with the interpretation.

Gabriel noted he agrees with the interpretation and application of LUC in this case.

Sarah agrees with the original interpretation.

Jacques noted he agrees with the County's original interpretation.

Kevin suggested that this does seem to be a clustering of the development.

Christina relayed the definition of "clustered" from existing LUC.

**Roll Call Vote:** Kevin Walker, yes. Jacques Hadler, yes. Gabriel Woytek, yes. Sarah Stock, yes. Mary McGann, yes. Evan Clapper, yes.

**Motion passes 6-0**

**Adjourn**

**Chair McGann Adjourned the meeting at 9:49 am**

GRAND COUNTY COMMISSION:

ATTEST:

  
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Mary McGann, Chair

  
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Quinn Hall, Clerk/Auditor