

**REGULAR PLANNING COMMISSION MEETING MINUTES**  
**September 28, 2020**

The Grand County Planning Commission held its regular meeting on the above date with all attendees participating remotely via Zoom.

YouTube recording of the meeting can be viewed at

<https://www.youtube.com/watch?v=tWzOQsdjAJY>

Recordings archived at [www.grandcountyutah.net/AgendaCenter](http://www.grandcountyutah.net/AgendaCenter)

***In attendance:*** Planning Commissioners Emily Campbell, Bryon Walston, Robert O'Brien, Josie Kovash, Kevin Walker and Gerrish Willis. County Commission Liaison Jaylyn Hawks. Grand County Staff Mila Dunbar-Irwin and Olivia Holmes.

***Commissioner Campbell officially calls the meeting to order at 4:02 pm***

***Citizens to be heard:***

None.

***Ex Parte Communications and Conflict of Interest Disclosures:***

No ex parte communications or disclosures from any Commissioners.

***Approval of Meeting Minutes from September 14, 2020 Regular Meeting Minutes - Approved (8 min)***

***Discussion:***

None

***Motion and Vote:*** Commissioner O'Brien moved to approve the minutes from the September 14, 2020 Planning Commission meeting. Commissioner Walker seconds. Motion passed 4-0 with Commissioners Kovash, Walker, O'Brien, and Campbell voting aye. Commissioner Walston, Nelson, and Willis are absent.

***Discussion: (12 min) Small Area Plan 313/191***

Discussion led by Commissioner Campbell and Staff

- Viewshed Standards
  - Staff outlines the development standards for the Overnight Accommodation Overlay and PC discusses what will be applied as viewshed standards. Additional standards to include are also determined and refined. Revisions to the standards are:
    - Turf grass was removed.
    - Off-street parking requirement to mitigate impact was removed.
    - Exceptions to design standards may be made for public art and solar usage.
    - Solar-stabilized materials was removed.

- Zones specified in Ridgeline Standards shall be removed.
- Locating development as far as feasible from the highway shall be included in Site Configuration.
- Removal of native vegetation must be minimized shall be added.
- Approved dust control measures shall be added and a list of these measures will be provided.
- Staff will confirm that “non-reflective materials” are the correct language when addressing lighting glare.
- The color requirements shall be changed from “complimentary” to “blend in.”
- “No building shall exceed 15 feet in height” shall be added. Commissioners Kovash, Walker, Willis support this language.
- Roof colors and materials shall be specified in development standards.
- Boundaries (53 min)
  - The boundary shall include the two SITLA parcels for legal review and further discussion.
- Resort Special Use Table and Vision Statement will be discussed after the public hearings.

***Citizens to be heard:***

***(1 hr 5 min)*** Reed Pendleton asks that native vegetation is further clarified in the development standards. He also states that “office use” does not need to be removed from the use table. Screening and development far from the property are contradictory. There is no language favoring campgrounds and RV parks which was previously mentioned by PC. Commissioner Campbell clarifies that this statement was made to gather citizen input.

***Public Hearing: Dalton Rezone. 1490 S Highway 191. Rezone RR portion of property to HC.***

***Discussion: (1 hr 10 min)*** See staff report for details.

The lot currently has an empty structure and is for sale.

***Applicant Statement: (1 hr 15 min)*** Mary Hofhine. The back parcel is divided diagonally between two zones. The only access to the parcel is from the highway.

***Public Hearing: (1 hr 19 min)*** Matt and Lisa Cenicerros and Kay and Judy Tangreen state that the parcel is not adjacent to the school, but next to a road owned by the state of Utah. They are concerned about the rezone occurring in the middle of a sale, not knowing what will be built on the property. With the need for housing in Grand County, it does not make sense to change the zone from Rural Residential (RR) to Highway Commercial (HC).

***Motion and Vote: (1 hr 27 min)*** Commissioner O’Brien moved to send a favorable recommendation to the County Commission to rezone on the property located at 1490 S Highway 191 shown in the boundary survey dated 5/2020 to HC. Motion seconded by Commissioner Willis.

***Discussion:*** The current zoning of this property likely makes it difficult to sell. There is concern about expanding commercial uses into residential areas. The property has previously been used

commercially. OAO is not a use by right and would not apply to this zone. This property is currently included on the City's annexation map. Approving this rezone has the potential to set a precedence for future applications.

**Vote: (1 hr 39 min)** Motion failed 3-2 with Commissioners Walston, O'Brien, and Campbell voting aye. Commissioners Willis and Walker voting nay. Commissioner Kovash abstains. Commissioner Nelson is absent.

***Public Hearing: Creekside PUD Amendment. 3373 S Creekside Lane. Change minimum lot size from 1 acre to 0.3 acres.***

***Discussion: (1 hr 36 min)*** See staff report for details.

The County does not general enforce CC&Rs and also does not typically approve applications that are in opposition to CC&R's. The CC&R's appear to only specify lots 1-6. This PUD amendment does not change any setbacks listed in the code. A PUD does not allow for an increase in density, it permits clustering developments. This application does not qualify for the affordable housing bonus or the open space bonus. The County Attorney will have to determine whether the setbacks in the CC&R or the plat will govern this PUD.

***Applicant Statement: (1 hr 59 min)*** Larry White. The current CC&R's do not apply to the proposed lots, according to a previous legal briefing. There is no public open space that will result from this PUD, only a larger lot. The intention is to keep Creekside Road private. Creekside Road will become public, only if and when East Bench Road becomes a public right of way.

***Public Hearing: (2 hr 6 min)***

- (2 hr 7 min) Marian Boardley is the president of the Homeowners Association stating that they did not receive ample notice of this proposal. Speaking as a citizen, she states that the proposed setbacks are being changed from what is required in RR. The cluster development does not benefit the neighborhood and is not following standards.
- (2 hr 12 min) Brian Parkin comments that the final plat of Creekside Estates clearly states that the minimum lot size is one unit per one acre. The setbacks on the proposed preliminary plat have all been reduced by five feet. Proper notice of this public hearing was not given.
- (2 hr 12 min) Scot Andersen states that the community is not opposed to one acre developments. There should be a deferment on this hearing as there is a lot of misinformation. Staff needs more assistance to be available to the public and the public needs more time to contact staff before hearings.
- (2 hr 21 min) Todd and Cathy Beeman state that this development does not provide public open space.
- (2 hr 22 min) Jack and Christina Winager did not receive any notice of this hearing and would like the hearing to be postponed.

***Applicant Statement: (2 hr 24 min)*** All posting requirements were fulfilled. The PUD amendment will change the minimum lot size. There will be no more subdivisions of the lot after these 6 lots are platted. Setbacks are not relevant to this PUD amendment and setbacks do not need to be discussed, as stated by Staff.

**Public Hearing: (2 hr 27 min)** Rick Davidson states the cluster design does not fit with the character of the neighborhood. There is concern over the precedents this will set. Due to improper noticing, he requests that this meeting be postponed so that he may have time to do his due diligence.

**Discussion: (2 hr 30 min)** Open Space is generally considered to have public access and there is not public access in this development. This PUD does preserve agricultural space on lot six. There would be no subdivision of lot six permitted in the future. Without knowing the configuration of the development, PC is hesitant to favor this amendment. Conversation ensues around the need to review a plat, maintaining setback standards for a PUD, and the most appropriate way to recommend this application to the County Commission. The mailed notices were not sent as certified mail and are not required to be sent certified.

**Motion: (3 hr 4 min)** Commissioner Walker moved to send a favorable recommendation to the County Commission for the PUD amendment located at 3373 S. Creekside Lane subject to the condition that the plat included in the September 28th, 2020 packet becomes the master plan for the PUD and the setbacks on the southern boundary match the setbacks stated in the CC&R for the HOA. Seconded by Commissioner O'Brien.

**Discussion:** The PC is not in favor of any configuration of .3 lots and is only recommending the plan currently being presented. It is important to understand how this will impact neighbors and the setbacks should be reviewed to help minimize impact on the development.

**Motion: (3 hr 10 min)** Commissioner Kovash moved to amend the motion to require all external setbacks match the 25 foot Rural Residential setback requirement. Seconded by commissioner Willis.

**Vote: (3 hr 12 min)** Motion to amend the condition that the southern boundary setbacks match the HOA setbacks and all external setbacks match the 25 foot RR setback requirement passed 6-0 with Commissioners Walston, Kovash, Walker, O'Brien, Willis and Campbell voting aye. Commissioner Nelson is absent.

**(3 hr 20 min)** Motion to forward a favorable recommendation to the County Commission to change the minimum lot size for Phase II of the Creekside PUD located at 3373 S Creekside Lane, Parcel number 02-OCRK-0008 to .3 acres subject to the following two conditions: the plat included in the PC packet on September 28, 2020 be considered the master plan for the PUD and that the setbacks along the southern boundary match the setbacks stated in the HOA adopted in 1997 and renewed in 2019 and that all external setbacks are 25 feet as subject to RR1 in the land use code. Motion passed 5-1 with Commissioners Walston, Campbell, Walker, Kovash, and O'Brien voting aye. Commissioner Willis voted nay. Commissioner Nelson is absent.

**Discussion: Small Area Plan 313/191 (3 hr 27 min)**

Discussion led by Commissioner Campbell and Staff

- Resort Special Use Table: PC discusses what will be included in the Resort Special Use Table. Any additional standards added to uses will classify those uses as a conditional use. Changes to the use table are as follows:
  - Household living, two-family duplex, and multi-family dwelling was added.
  - General daycare was removed, limited daycare was added.

- College or university was removed, field research centers and environmental education centers were added.
- All other government facilities was added as a conditional use.
- Bus station and train passenger terminal was added.
- Places of worship was removed as a conditional use.
- Telecommunication tower and facility on an existing tower or structure was added.
- Utility substation and transmission station is a conditional use.
- Major utilities was removed.
- Bar or lounge was added.
- Theatre was added.
- All other outdoor recreational use was removed.
- All uses for office was removed.
- Personal service oriented uses was removed.
- Fuel service was removed.
- Barn, coral, pen, coop, or machinery shed and farm, orchid, vineyard, or truck garden will be removed.
- Fruit or vegetable stand and grazing was added.

There is no use by right and this use table does not change anything that is currently in place in the County.

- Vision Statement (3 hr 38 min)
  - PC finalizes the vision statement and reaches a consensus on adopting the vision statement for the draft plan.
- The draft plan will go to legal review. The earliest that the public hearing will be noticed is October 12th. The earliest that the public hearing and recommendation will occur is October 26th.

***Future Considerations: (3 hr 53 min)***

- B&B residential zone.
- Continue review of land use code.
- Examine uses of overnight rentals for educational purposes.
- Create general language to further specify conditional uses.

***Discussion: (3 hr 59 min) Retail and Highway Commercial Update***

- The County Attorney will be reviewing this before the next PC meeting.

***Recent Building Permit Review (3 hr 54 min)***

- 1 mixed use addition and remodel
- 1 residential construction without a permit
- 1 commercial floodplain permit
- 5 manufactured homes
- 3 new residential construction

***County Commission Update - Jaylyn Hawks (4 hr)***

- CC is working on plans that reflect public input on the Book Cliffs Highway.
- Tax revenue for July of 2020 was over 100% compared to tax revenue in July 2019.

***County Commission Action Items Report (4 hr 4 min)***

- The Willow Spring RV Park was tabled indefinitely.
- Code amendments previously discussed were adapted.

**Adjournment: (4 hr 5 min)** Commissioner Walker moved to adjourn the meeting. Commissioner O'Brien seconded. Motion passed 6-0 with Commissioners Walston, Walker, O'Brien, Willis and Campbell voting aye. Commissioner Nelson is absent. Meeting adjourned at 8:03pm.