

Grand County Planning Commission Minutes

February 14, 2007

A regular meeting of the Grand County Planning Commission convened on the above date at 6:00 PM in the Council Chambers of the Grand County Courthouse.

Members Present: Chairman Tom Shellenberger, D.L. Taylor, Ed Bridges, Marcus LaFrance, and Jean Binyon - Dave Cozzens arrived at 6:15 PM. Charley Every was excused.
County liaison – Gene Ciarus.

Others Present: Mary Hofhine, Richard Grice, applicants and other concerned citizens.

The meeting was called to order at 6:00 PM by the Chair, Tom Shellenberger.

Acceptance of Minutes – The Commission accepted the January 28, 2007 minutes with corrections.

Moab Springs PUD Final Plat Phase VI - The Moab Springs Ranch PUD Final Plat, Phase 6, is submitted by McKay Edwards of Club Utah Resort Group L.L.C. (Applicant). This final plat includes 3 “footprint” lots to be developed with attached dwelling units.

OVERALL PROJECT SUMMARY

The 16.75 acre, Moab Springs Ranch PUD is a mixed-use resort development that includes the following elements:

- 36 Condo Units (15 duplexes and 2 triplexes), with an average size of 1,200 sq. ft., on six (6) lots;
- Underlying land will be owned in common, undivided interest by the respective owners in each phase;
- Open Space and amenities (swimming pool, pond, spring, and picnic/playground area) occupy 11.73 acres (approximately 69 percent of the site), including the steep areas on the northeast side of the site, and will be owned and managed in common, undivided interest by the Resort Master Association;
- Support Commercial Structures will total 3,700 sq. ft. for the following uses: bicycle and recreational equipment storage, swimming pool support such as restrooms, showers, spas and lockers, meeting rooms, laundry, office, food service and equipment storage and maintenance; and
- Two (2) parking spaces are proposed per condo unit, plus space is available for on-street parking.

The Grand County Council approved the Moab Springs Ranch Preliminary PUD and rezoning on December 20, 1999, with Resolution No. 2462, with conditions.

A subdivision improvements agreement submitted with the application is in an acceptable form. Improvements are proposed to be guaranteed with a cash deposit of \$81,025, including the required 25% contingency. These numbers have not been verified by the County Engineer at the time of this writing.

Water and sewer services are provided by the City of Moab systems. The applicant will annex into the City once his plat is recorded; the City has reviewed and accepted the plats.

All required open space was dedicated as part of Phase I, in accordance with County requirements. Additionally, this plat includes a 16,406 square feet of common area.

D.L. Taylor moved to recommend approval to the County Council subject to any technical corrections to be made following the recommendations of the County Engineer. Dave Cozzens seconded. With no further discussion the Chair called for a vote. All voted in favor.

Spanish Trail Estates Final PUD Plat; This application is submitted by Jason C. Henderson and Laura Henderson (Applicants), owners of Phase II, Spanish Trail Estates PUD (formerly “Leismeister PUD”).

The Applicants’ are proposing a reduction of density in Phase II from 7 lots to 4 lots. All other requirements and commitments remain unchanged.

The Grand County Council approved Spanish Trail Estates PUD Phase II Preliminary Plat, as presented on November 21, 2006 with conditions.

Charlie Skewes points out that a large culvert is needed near where Creekside Road joins Spanish Trail Road. No other comments from the County Engineer are available at the time of this writing.

Ed Bridges moved to recommend approval of the Spanish Trail Estates PUD Final Plat to the County Council subject to the following conditions being completed prior to scheduling for Council;

1. Provide a Performance guarantee and collateral in conformance with Sec. 6.6 of the Land Use Code in the amount of 160,699.35; approved by the County Engineer.
2. Pay all Engineer costs as required by the Land Use Code fee schedule.
3. Amend the Construction Plans and Cost Estimate in accordance with the recommendations of the County Engineer.
4. Final Plat Mylar signed by the County Engineer.

Marcus LaFrance seconded and all voted in favor.

Canyonlands National History Assoc. site Plan - This application is submitted by Robert J. Eaton, Eaton Architects, on behalf of the Canyonlands Natural History Association (Applicant). The Applicant requests approval of a site plan for a new office/ warehouse complex – 2700 square feet of office space, 1760 square feet of working warehouse space and 1600 square feet of bulk warehouse space. The property is located on Highway 191 south, south of the service station at Spanish Trail Road. The subject property is zoned Highway Commercial (HC) and the office and warehouse uses are allowed in the HC district.

The applicant has provided a construction plan for the building, which includes the lighting of the exterior of the building and a wall sign, no dimensions are provided for the sign; no cut sheets for lighting fixtures are provided. All outdoor lighting shall be shielded pursuant to LUC Sec. 4.6; the wall shall meet the requirement of Sec. 4.5. No building permit will be issued until staff approves the outdoor lighting fixtures and the sign.

Marcus LaFrance moved to approve the Canyonlands National History Association Site Plan subject to the following conditions;

No building permit will be issued except in conformity with the approved site plan or in accordance with authorized minor changed, including all conditions of approval applied by the Planning Commission.

1. Outdoor lighting shall comply with the requirements of Sec. 4.6;
2. Signs shall comply with the sign standards Sec. 4.5;
3. The proposed business is adjacent to a protected zone, (RR, Rural Residential zone district); a site obscuring fence will need to be installed along the Northeast boundary of the property.
4. A 15 foot wide landscaping along the front and street sides in accordance with the requirements of Sec. 4.4.3E;
5. Thirteen parking spaces are required; one will need to be ADA accessible.

D.L. Taylor seconded and all voted in favor.

Ellis RV Park Conditional Use Permit – remanded back from the Council - The Grand County Planning Commission reviewed this application in a public hearing on January 10, 2007, and recommended approval subject to conditions.

The County Council remanded this back to the Planning Commission for further consideration of the following:

1. Occupancy limitations (long term vs short term rental or use) in the RR zone district relative to the use standards limitations applicable to RV Parks, and particularly where adjacent to existing parcels with single family residences.
2. The use of the easement for both the RV park and residential use.

In reconsideration of the application the Commission decided that the allowable Conditional Use may in fact be a Use on Review, the procedure for which was repealed in a public action in 2005 by Ordinance 407. The Commission asked staff to get a legal opinion to determine the status of uses designated as being allowable by Use of Review Permit, when the Use-on-review Permit procedure has been repealed.

Marcus LaFrance moved to postpone action and refer to the County Attorney for legal opinion; Jean Binyon seconded and all voted in favor.

PUBLIC HEARING - Conditional Use Permit for surface mining - Staff read into the record the Land Use Code as amended to date, the General Plan as amended to date and the staff memo of today's date. This application is submitted by James Byers, HB Mining on behalf of the property owner SITLA (Applicant). The applicant proposes the surface mining of a section of land, Section 14, T22S R19E SLB&M, located approximately 3 miles southeast of Crescent Junction for at least 10 years. Section 14 is described as non-irrigated or developed. The site is zoned RG, Range and Grazing, and Mining on Private Land is allowable by Conditional Use Permit in the RG district. The proposed operation is summarized as follows:

- Top soil is stockpiled on site and subsequently used for reclamation.
- Reclamation will follow all DOGM, (Department of Oil, Gas, and Mining) regulation and site inspection sheets provided to the County.
- Humic shale mineral will be excavated near the surface using hydraulic excavators, skid loaders, dump trucks, air compressor, and hammer drills. Humic shale is prehistoric plant life used in health supplements.
- The mining plan will be accomplished in 5-acre increments and is expected to yield approximately 9,000 tons per year. Mined material will be excavated from the site and trucked to Emery, Utah for crushing and processing during a few days each month. Approximately 3 trips a day to the site is all the applicant is proposing.
- Two stream channels which cross Section 14 are to be avoided and "significant buffer" is to be established presumably to protect the stream channels.
- The mine will comply with erosion and revegetation requirements of the Utah Department of Oil, Gas and Mining which is regulated by R647-3-107.

The applicant is proposing to use a shipping container on site and a porta-john for sanitary conditions.

The Chair opened the public hearing and asked the applicant if he would like to speak on the subject – the applicant gave a presentation.

Bill Love – commented that the proposed project is in a windy vicinity and dust is a problem across the road in that area.

Gene Ciarus - stated that open pit mining has very restrictive regulation from DOGMA and he doesn't see any problems with the proposal.

Chuck Henderson – commented that re-vegetation should happen as soon as possible to keep the dust down.

Kyle Kimmerle – Also commented on the dust in the area.

The Chair closed the public hearing and called for a motion.

Dave Cozzens moved to recommend approval of the Conditional Use subject to the following conditions:

1. Limit the mining operation to daylight hours only;
2. Security arrangements or other efforts shall be made to keep the public away from any hazards associated with the mine;
3. Arches National Park review and compliance with reasonable requests made the NPS (a full application was provided to Arches Personnel by County Staff); and
4. Acquire a UDOT encroachment permit (See Dale Stapley).
5. The storage container not be seen from the Highway and painted to reduce the glare.
6. The conditional use is only valid for 10 years from issuance of a business license.

Ed Bridges seconded and all voted in favor.

PUBLIC HEARING – Conditional Use Permit Impound lot - Staff read into the record the Land Use Code as amended to date, the General Plan as amended to date and the staff memo of today's date. This application is submitted by Jakob and Candis Zufelt (Applicants). The applicant proposes using an existing commercial lot for a fenced impound storage area. The site is zoned HC, Highway Commercial. Surrounding properties are zoned MFR-8, Multi family 8, the property to the rear is zoned RR, Rural Residential and is currently the overflow from Swinks Junk Yard.

A site plan submitted with the application identifies the location of the current residence and the out buildings for the residential use. The driveway will be used for the proposed impound lot with a gate for security. The driveway will also be used by the residence on the property.

The area at the back of the lot used for the impound yard has a perimeter 6 foot high wood fence as required by Sec. 3.3Q of the LUC.

Site Plan includes the required parking, accesses, lighting, buffering and screening.

The Chair opened the public hearing and asked the applicant if they would like to make a presentation. The applicant explained that they plan on using a lot with an existing residence and they will be using a fenced in space at the back of the commercial lot. A drive way will be used from the Highway to the back with no lights and the only signage is the required posted sign by the State.

There was no public comment the Chair closed the public hearing and called for a motion.

Marcus LaFrance moved to recommended approval to the County Council subject to the following conditions:

1. Landscape Plan per Sec. 4.4, (no street front landscaping has been provided on the plan).
2. Outdoor Lighting Plan with tear sheets if there is to be any such lighting (or approved by staff inspection).

Jean Binyon questioned the need for reclamation – it is currently on a residential lot and since the lot only stores vehicles long enough to be picked up by the owner there doesn't seem to be a need.

Dave Cozzens seconded and all voted in favor.

Public Hearing HC zone district Code Amendment to change the density to 8 units per acre – Staff read into the record the Land Use Code as amended to date, the General Plan as amended to date.

A 6-months moratorium was established on August 1, 2006, pursuant to Utah State Code, to give the County time to review the need to change the density in the HC, Highway Commercial zone district from 20 units an acre to 8 units per acre. Staff has drafted an Ordinance that reflects these changes.

The Chair opened the public hearing.

Rex Tanner, Jim Farrell, Rick McElhaney, Kyle Kimmerle and Randy Day all spoke in opposition of the change to the district stating that without the density there wouldn't be any incentive for affordable housing.

Bill Love stated that if the developers are in favor of the density to provide affordable housing then make it a requirement that the density is for affordable housing.

D.L. Taylor moved to recommend denial based on the Commission's goals and support of affordable housing and recommend the Council keep the density in the HC, district at 20 units per acre. Jean Binyon seconded and all voted in favor.

Adjournment: The meeting was adjourned at 8:15 PM.

D.L. Taylor, Vice Chairman