

DRAFT

Grand County Planning Commission Minutes

January 9, 2008

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 Marcus LaFrance, D.L. Taylor, Jean Binyon, Chris Baird, Dave Cozzens, Charley Every and Ed Bridges. County liaison – Gene Ciarus

Others Present: County Staff Mary Hoffine, Mark Wright and Krissie Killoy applicants and other concerned citizens.

The Chair asked the Commission if there were any conflicts of interest that needed to be disclosed on any of the agenda items; there were none.

The Chair asked that all cell phones be turned off; if one goes off during the meeting you will be asked to leave. Please if you need to have a conversation with persons in the room other than when called on step outside the chambers.

The Chair stated that he had received email from Mary Suarez and a phone call from Sarah Bauman regarding the discussion item on the agenda. Mr. LaFrance disclosed the discussion and that he had asked Ms. Bauman to bring her issue to the meeting for all to hear. Dave Cozzens, Ed Bridges, and D.L. Taylor also stated that Mike Suarez had contacted them regarding the discussion item on the agenda.

Acceptance of Minutes – The October 10, 2007 minutes were finally accepted with changes.

Public Hearing – Code Amendment; Improvements Agreements and Guarantee – Staff read into the record the General Plan as amended to date, the Land Use Code as amended to date and the draft ordinance.

The Council asked that the Planning Commission consider the changes outlined in this draft, essentially the Council would like to remove the allowance of letter of credit and require the Clerk and the Attorney to review and provide in writing their acceptance or rejection.

The Chair opened the public hearing – with no public comment the public hearing was closed and the Chair solicited a motion from the Commission.

Ed Bridges moved to recommend approval to the County Council. Chris Baird seconded and all voted in favor.

Final Plat Puesta del Sol - Ronald and Joyce Robertson (“applicant”) have submitted a request for final plat approval of Puesta del Sol PUD, final plat, phase 6, consisting of twenty (20) single-family lots. Puesta del Sol, which is located north of Westwater Drive and east of the Solana Vallejo single family development, is being developed in phases.

The lots in this phase range in size from 12,000 square feet to 26,500 square feet. The subject property is zoned SLR-1, small lot residential-1. The phase 6 plat is consistent with the Amended Puesta del Sol preliminary PUD.

Grand Water and Sewer Service agency has recently upgraded their system, Puesta del Sol has approval based on an older water and sewer system. Terry Sykes has asked that a new analysis of the project be reviewed by their engineer before accepting the final plat.

Grand Water and Sewer Service has requested that a new analysis of the current sewer system since the approval of the current subdivision was based on an older system.

The applicant has provided a Subdivision Improvement Agreement and a performance bond in the amount of \$543,237.00. The Clerk and the Attorney will need to review and approve the bonding method.

The County Engineer reviewed the plans and had concerns regarding the design that will need to be addressed prior to going to the Council for approval.

Ed Bridges moved to recommend approval to the County Council with the following subject to the following conditions being met prior to getting on the County Council Agenda;

1. Subsequent preparation and approval of the water and sewer system by GWSSA;
2. All applicable requirements of the County Engineer;
3. Letters of approval for bonding by the County Clerk and the County Attorney.

D.L. Taylor seconded.

The Chair asked for other concerns by the Commission – Jean Binyon asked questions regarding the Engineering and was told the Engineer will address all the issues prior to going to Council.

The Chair re-read the motion and called for the vote. All voted in favor.

WORKSHOP

~~**Discussion Items** – Amending the 0-1 resolution to include a customary 2 week period for consideration of public comment. The Chair explained to Mr. Baird that he will have 10 minutes to make his case for change of the resolution.~~

~~Chris Baird explained that by not voting on a public hearing the night of the meeting the Commission would have time to read all information provided including the information discussed at the meeting. There seems to be a short change in the public process by not giving the Commission time to review all documents provided. With the new resolution the public only has 5 days to get their information to the Commission for review.~~

~~The Chair opened the discussion to the public; Mike Suarez felt that the extension of time is a good suggestion there will be plenty of time for the Commission to consider the public's concerns.~~

~~The Chair asked the Commission and staff if they had concerns; the consensus of the Commission was that they didn't feel a need to prolong the process on the advisory side. The Council doesn't make their decision generally for two weeks after they hear it, which provides the additional time for the public information to be reviewed by the Council.~~

~~The Planning Commission's consensus was not to wait two weeks after a public hearing.~~

The following discussion was revised by Commissioner Chris Baird to be included in the minutes.

Discussion Items – Amending the 0-1 resolution to include a customary 2 week period for consideration of public comment. The Chair explained to Mr. Baird that he will have 10 minutes to make his case for change of the resolution.

Chris Baird stated that he liked having time to consider written comment, however, the planning commission was allowing themselves' that time by taking time away from the public with resolution 0-1. He felt that the public was being placed under duress to provide written comment because the time to draft such comment was being reduced by 4.5 days. Baird stated that he believed the solution was to lengthen the process to allow time for both the planning commission's review of public comment as well as the public's ability to research and draft comment. This would be achieved by customarily postponing action on a public hearing until the next meeting and leaving the public hearing open until the Thursday prior to the scheduled action. Baird felt that the planning commission as well as the public needs time to respectively review and draft comment, otherwise, an essential component of the public process is missing. Baird asked that this topic be placed on the next agenda as an action item.

The Chair opened the discussion to the public.

Mike Suarez felt that the extension of time is a good suggestion and it will provide adequate time for the commission to consider the public's concerns. He also expressed that it is important for public comment to be heard in the formative planning stages and that it is the planning commission's duty to consider that comment.

Chairman LaFrance explained that, although certain County Council members questioned the commission's ability to legally pass resolution 0-1, the land use code does give the planning commission the ability to draft its own rules and procedures. He expressed that the legality of the planning commission's actions are fine, however, the merits are a matter of disagreement. Chairman LaFrance also questioned why, simple, "cut and dry" agenda items which require a

public hearing but don't elicit public comment should be statutorily delayed for 2 weeks. He further stated that the commission always has the ability to postpone any agenda item if it is so warranted.

Ed Bridges stated that he feels that the 3 minutes the public has to speak is enough time for him to consider if he would want to table the action for the purposes of further consideration. Mr. Bridges stated that he likes the idea of postponing when needed but that we already have a procedure in place that gives us that ability.

Jean Binyon pointed out that only land use application submittals would be subject customary postponement. She expressed that she would like to have a public hearing at one meeting and at the next meeting vote on it.

Dave Cozzens would not like to see every item postponed for 2 weeks as some agenda items are time sensitive. He expressed that perhaps votes of 4-3 or even 5-2 may mean statutory postponement. Mr. Cozzens expressed that he feels that the notion that the public doesn't have time to make comment is errant because the people who make comment have little else to do but make comment on what people can do with their land.

D.L. Taylor doesn't think it is necessary to wait two weeks. Mr. Taylor feels that those who are not comfortable with the planning commission's decisions still have the Council to make comment to. He expressed 9 out of 10 applications are not controversial.

Charley Every expressed that some sensitivity needs to be shown to applicants as well as the public. Mr. Every stated that he can't think of a single decision that he didn't know coming in how he was going to vote based on staff recommendations and discussions amongst the commission. Most decisions are routine. Mr. Every expressed concern that we not unnecessarily take time away from applicants.

Mark Wright stated that postponement means 2 additional trips for the applicant. Mr. Wright also suggested that an alternative would be to lengthen the noticing period back to 14 days.

Krissie Killoy expressed that maintaining the way things are maintains the control that the planning commission has over their process. Ms. Killoy also expressed that the conversation was good because it illustrates that the planning commission shouldn't be afraid to postpone when then need to.

Mary Hofhine expressed that she doesn't have an issue one way or the other. Ms. Hofhine questioned how many decisions would come out different if they were postponed.

Chris Baird gave closing comments. Mr. Baird expressed that there may be some middle ground that could be attained such as only postponing actions on hearings that receive comment or taking Mr. Wrights advice to extend the noticing period. Mr. Baird expressed concern that the option to postpone has always been there and hasn't been used as it should have. Mr. Baird stated that the commission needs to be careful that they don't eliminate essential components of the public process for the purposes of streamlining.

Chairman LaFrance asked for a show of who would like to place this topic on as an action item. Chris Baird and Jean Binyon raised their hands. The remainder of the commission expressed that they would not like this to be an action item.

Adjournment: The meeting was adjourned at 7:30 PM.

Marcus LaFrance, Chairman