

Grand County Planning Commission Minutes

June 25, 2008

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

Members Present: Chairman Marcus LaFrance, D.L. Taylor, Dave Cozzens (arriving at 6:15 PM), Chris Baird, Charley Every, and Ed Bridges. Jean Binyon was absent.
County liaison – Gene Ciarus.

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

The Chair introduced the Commission and Staff then requested that all cell phones be turned off; if one goes off during the meeting you will be asked to leave, if you are the applicant your item will be postponed.

The Chair asked the Commission if there were any conflicts of interest or ex-parte communications that needed to be disclosed.

The Chair disclosed an email from Sarah Fields sent to all the Commission, copies are available if anyone would like to read it.

The Chair explained that this is not a public hearing and public comment will not be accepted tonight. This is a technical review for compliance set forth at Preliminary Plat approval. Cloudrock uses the Land Use Code date 1999 amended through 2000 based on their vested rights of the development agreement, which was signed by the County and the developer.

Cloudrock, Final Plat for Phase 1A – Final Plat – The Chair asked staff to give the report:

This application is submitted by Cloudrock Land Company, LLC (applicant) and seeks final plat approval for phase 1A, consisting of 12 mesa lots. The applicant is the successor in rights and approvals on approximately 1,935 acres of SITLA property with a Range and Grazing (RG) base zoning district.

This application is vested under Ordinance 454 adopted May 8, 2007 including an amended project master plan, amended preliminary plat, and reinstated development agreement. This vests the applicant as to the project's general use configuration and density.

Approved project density is 408 units including: 73 wilderness lodging units, 156 village residential units, 180 mesa residential units, and 55 optional employee housing units.

Another important point worth mentioning with respect to general project background are the allowed dimensional variations for this project. These variations are described in detail in the Cloudrock design code are consistent with PUD allowances. Dimensional standards are provided for each housing type allowed in each zone on the Master Plan.

Use, Configuration, and Density

The amended Development Agreement shifts substantial density from the Wilderness Lodge to larger Mesa Lots. Additionally, the Development Agreement vests the applicant as to the project's general use, configuration, and density as shown on the project master plan. Approved project density is 372.5 Equivalent Residential Units (ERU), including: 73 wilderness lodging units, 156 village residential units, 180 mesa residential units, and 55 optional employee housing units. The Agreement allows the applicant to

modify the mixture and configuration of densities provided that overall densities and open space remain the same and that modifications are approved following the rules of the 1999 LUC.

The dimensional variations described in the Cloudrock design code are consistent with PUD requirements which provide for such changes as follows:

“In order to achieve the purpose and intent of the PUD District, variation may be permitted with respect to the minimum lot area, setbacks, lot width, and height. The maximum density shall be no greater than that permitted in the underlying zone district prior to PUD approval...” (1999 LUC p. 57).

In response to this issue the applicant submitted the Cloudrock design code providing specific development standards for the various zones within the PUD. Dimensional standards are provided for each housing type allowed in each zone.

Ordinance 454 approved the Development Agreement subject to certain conditions. Each item in the table was read as part of the record.

Table 2: Agreement Conditions

Condition	Timing	Compliance
One lodge unit per 2.5 acres (Wilderness Lodge)	Prior to Wilderness Lodge final plat(s). Note: part of overall 372.5 ERU density calculation.	Will comply
One residential unit per 5 acres (RG district)	Prior to Village Lots & Mesa Lots final plat(s). Note: part of overall 372.5 ERU density calculation.	Phase 1A, Yes
Phase 1A open space: 96.54 acres Phase 1A lots: 15.25 acres Phase 1A ROW: 8.8878 acres Total Phase 1A land: 120.6778 acres 1,545 acres of open space (80% to 20% ratio)	Prior to final plat(s)	Phase 1A, Yes
Detailed sewer lines shall be approved by Planning Commission	Prior to final plat(s)	Outstanding. In Planning Commission packets for review
Updated GWSSA service commitment letter	Prior to final plat(s)	Phase 1A, Yes
Improvements Agreement Financial Guarantee	Prior to final plat(s)	Improvement Agreement -Phase 1A, Yes Outstanding. Financial Guarantee -Phase 1A, prior to Council
Follow “Best Management Practices” for potential contamination sources	All phases and applications	Phase 1A, Yes (County Engineer approved)
Infrastructure compliance with applicable requirements from: GWSSA, UT Division of Drinking Water, and UT Division of Water Quality	Prior to final plat(s)	Outstanding. GWSSA -Phase 1A, received preliminary approval, technical corrections required before final approval. Outstanding. UT agencies - Phase 1A, requires GWSSA approval prior to submitting for state agency approvals.
Compliance with Zone 2 standards	All phases and applications	Phase 1A, Yes.
Provide fire protection measures to maintain County ISO	Prior to final plats(s) Construction	Phase 1A, Yes. (Fire Chief approval) Will comply. At building permit all lots will have fire sprinklers.
Improve primary access road	Phase 1A final plat	Phase 1A, Yes. Approved by County Engineer
Pay impact fees	Construction	At building permit
Pay extraordinary fees	Construction	At building permit
Lot area standards (Cloudrock design code)	Prior to final plat(s)	Phase 1A, Yes
Setback standards (Cloudrock design code)	Construction	At building permit
Building height maximums (Cloudrock design code)	Construction	At building permit
Internal road design standards (Cloudrock design code)	Prior to final plat(s)	Later phases, will comply.
Architectural standards (Cloudrock design code)	Construction	At building permit

Incorporate all conditions into the CCRs	Prior to Phase 1A	Outstanding. Phase 1A, awaiting approval by County Attorney and GWSSA.
Screen parking	Prior to final plat(s)	Later phases, will comply.
Planning Commission pavilion design approval	Prior to construction / applicable Village plat	Will comply
Accessory Uses and services Art.III.C.2.h	All phases and applications	Will comply
377 acre Mesa Rim Conservation Zone	Prior to further final plat approvals	Will comply
Public Trails Dedication	Prior to Phase 2 final plat	Will comply, Phase 2

Staff finds that the applicant meets or will meet all requirements as per the 1999 Land Use Code and the reinstated Development Agreement, and recommends approval subject to the following conditions being met prior to scheduling review before Council:

1. submission of a financial guarantee satisfactory to the County Clerk, County Attorney, and County Council;
2. approval of the CC&R documents by the County Attorney;
3. approval of the CC&R documents as they relate to drinking water source protection by GWSSA;
4. approval of final engineering and infrastructure improvements by GWSSA;
5. submission of final letters of approval by UT Division of Water Quality and UT Division of Drinking Water;
6. legal vacation of main access RS2477 road and dedication of new public right-of-way for proposed realignment;
7. submission of all required federal and state construction permits prior to the issuance of County zoning development and/or building permits;
8. inclusion of note on the construction plans that access road closure shall be kept to a minimum and approved in advance by the County Engineer. Access road closure shall include provisions for maintenance and emergency access as well as alternative trail access.
9. dedication of the Mesa Rim Conservation Zone as shown on the master plan prior to further final plat approvals;
10. submission of a comprehensive trails plan consistent with the concepts of new urbanism providing for both on and off mesa connectivity simultaneous to final plat recording for phase 2.

The Chair stated that before he calls for the motion he would like the Commission members to ask questions.

Chris Baird asked why Cloudrock was given a letter certifying a complete application from the County Planning Department when the State Division of Water Quality and State Division of Drinking Water had not approved the water and sewer systems as per the development agreement's requirement to be fulfilled prior to final plat. He had concerns about the incompleteness of the application and would like to have had the majority of conditions fulfilled prior to scheduling with the Planning Commission. Baird indicated that the development agreement required a "Mesa Rim conservation zone" be established and asked why it wasn't established. He also had concerns about the state of the Home Owners Association and whether GWSSA had reviewed the CCRs with regard to water source protection and whether there were riparian areas present in the development.

Ms. Killoy explained that the letter from GWSSA had concerns, but that they were minimal and GWSSA didn't feel it needed to hold up the project since it didn't affect the overall system set up. The applicant has started the process for State approval and they (State) are waiting on GWSSA approval before they will send the acceptance letter.

The County Engineer stated that the majority of the issues regarding GWSSA are in the pump station, essentially preference of the brands of the pump by GWSSA, sizing of the pipe, and things of that nature there are no gray areas. Water shed protection communication with Dan Stenta, City Engineer is clear there are no issues from Sunrise Engineering.

The Chair stated that it is perfectly normal for this body to send any number of conditions as a recommendation to the Council, but these conditions need to be met prior to scheduling review by the Council, except the conditions that are required at building permit. The Council is the final approval agency. The Conservation zone will be designated at the next phase. The HOA documents have been in the County Attorney's office for some time. We need to have confidence in staff to make sure that these conditions are met.

Mr. Baird asked if we have the ability to create a condition for approval that states perpetual compliance with Moab City and GWSSA drinking water source protection plan, as well as compliance with the drinking water source protection guidelines for Cloudrock dated February 5, 2008 as a condition.

Ms. Killoy relayed that the CCR's and the Laughlin report have addressed the concerns of water protection on the mesa. These documents were not a part of the packet and typically are not, a copy was brought to the meeting and a copy is available for review in the office.

The Chair questioned Mr. Wright, County Engineer as to the protections that are being required. Mr. Wright stated that in the letter given to the Commission are in the packet; Mr. Stenta, (City Engineer) and myself are very comfortable with the water protections and Mr. Stenta is vested in protecting the City's interest. State Law gives considerable teeth to the drinking water sources and if they don't comply they give City/County the ability to enforce the regulation. It would be redundant as a condition, but if the Commission feels it is necessary - it is not an unreasonable request.

The Chair asked for a motion as the discussion was leading to additional conditions; Ed Bridges moved to forward a recommendation for approval subject to the following conditions being satisfied prior to being scheduled for review by the County Council:

Based on findings of fact as outlined in the Staff Report and Table 2: Development Agreement Conditions, Planning Commission finds that Cloudrock final plat for phase 1A meets or will meet all requirements as per the 1999 Land Use Code and the Amended Development Agreement and the following conditions being satisfied prior to scheduling on the County Council Agenda:

1. submission of a financial guarantee satisfactory to the County Clerk and County Attorney;
2. approval of the CC&R documents by the County Attorney;
3. approval of the CC&R documents as they relate to drinking water source protection by GWSSA;
4. approval of final engineering and infrastructure improvements by GWSSA;
5. submission of final letters of approval by UT Division of Water Quality and UT Division of Drinking Water;
6. inclusion of note on the construction plans that access road closure shall be kept to a minimum and approved in advance by the County Engineer. Access road closure shall include provisions for maintenance and emergency access as well as alternative trail access.
7. legal vacation of main access RS2477 road to be completed by the applicant after construction and acceptance of the proposed new road;
8. that submission of all required federal and state construction permits will be required prior to the issuance of County zoning development and/or building permits;
9. dedication of the Mesa Rim Conservation Zone as shown on the master plan will be required prior to any further final plat reviews; and
10. submission of a comprehensive trails plan consistent with the concepts of new urbanism providing for both on and off mesa connectivity will be required concurrent with final plat phase 2 review.

D.L. Taylor seconded.

Further discussion by the Commission – Chris Baird recommended an amendment to the motion to add the following as an additional condition to the motion; Perpetual compliance with Moab City and GWSSA drinking

water source protection plans, as well as compliance with the drinking water source protection guidelines for Cloudrock dated February 5, 2008.

Also would like to add on to condition #8 that a UPDES certification is required prior to issuance of development permits or building permits.

The UPDES condition was a result of discussions Mr. Baird had with the City Engineer.

The Chair asked if Mr. Bridges was in agreement with the amendment to his motion, Mr. Bridges said he was in agreement with the addition to #8, but not to add any additional conditions that are redundant. Mr. Taylor was also in agreement to the amendment to motion.

The Chair reread the motion with the amendment, to read as follows:

Based on findings of fact as outlined in the Staff Report and Table 2: Development Agreement Conditions, Planning Commission finds that Cloudrock final plat for phase 1A meets or will meet all requirements as per the 1999 Land Use Code and the Amended Development Agreement, and therefore moves to forward a recommendation for approval subject to the following conditions being satisfied prior to being scheduled for review by the County Council:

1. submission of a financial guarantee satisfactory to the County Clerk and County Attorney;
2. approval of the CC&R documents by the County Attorney;
3. approval of the CC&R documents as they relate to drinking water source protection by GWSSA;
4. approval of final engineering and infrastructure improvements by GWSSA;
5. submission of final letters of approval by UT Division of Water Quality and UT Division of Drinking Water;
6. inclusion of a note on the construction plans that access road closure shall be kept to a minimum and approved in advance by the County Engineer. Access road closures shall include provisions for maintenance and emergency access as well as alternative trail access.
7. legal vacation of main access RS2477 road to be completed by the applicant after construction and acceptance of the proposed new road;
8. that submission of all required federal and state construction permits will be required prior to the issuance of County zoning development and/or building permits, including a UPDES certification;
9. dedication of the Mesa Rim Conservation Zone as shown on the master plan will be required prior to any further final plat reviews; and
10. submission of a comprehensive trails plan consistent with the concepts of new urbanism providing for both on and off mesa connectivity will be required concurrent with final plat phase 2 review.

The Chair called the question on the motion – D.L. Taylor, Marcus LaFrance, Charley Every, Ed Bridges, Dave Cozzens voted “aye”. Chris Baird voted “nay”.

County Council Update – Mr. Ciarus told the Commission that they (Council) will be having a business retreat Friday, at the Park Service. No business will be transpired.

Had meetings with UDOT regarding roads and bridge projects in process.

The Hospital proposal is going forward.

The Swimming Pool is in the City hands.

Budgets are getting eaten up with gas prices high.

Working on an agreement with Castle Valley to give them back the Castle Valley Road.

City is going through the process to annex the North side of the County. (City limits to River Bridge)

The Atlas tailings pile was discussed at the

Mr. Ciarus thanked the Commission for their work.

Ed Bridges asked what was happening with the tailings pile. Mr. Ciarus said in a recent meeting with DOE a straw vote on whether to move by truck or rail and it was overwhelming vote move it by rail.

The Chair reminded the Commission about the field trip to Danish Flats evaporation pond on Wednesday July 8, only 3 members in a car load. Check with staff to get on the list. We should have a revised first draft of the proposed ordinance by our next scheduled meeting, July 9.

Adjournment: The meeting was adjourned at 7:15 PM.

Marcus LaFrance, Chairman