

Grand County Planning Commission Minutes

July 23, 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, Dave Cozzens, Jean Binyon, Chris Baird, and D.L. Taylor. Charley Every and Ed Bridges were absent.
County liaison – Gene Ciarus.

Others Present: County Staff Krissie Killoy, 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.

The Chair explained that he had contacted the Commission and told them they did not have to attend this meeting; it is only a workshop specifically to review the evaporation pond ordinance.

The Chair outlined the procedure for the meeting and asked the Commission if there were any conflicts of interest or ex-parte communications that needed to be disclosed. There were none.

Minutes were given to the Commission, but will not be approved until next meeting.

The Chairman explained that a new version of the proposed ordinance was given to the Commission and this will be the ordinance for discussion at this evenings meeting.

The comments from the public are to be limited, as many of the concerns may be addressed in the version that is no longer valid. Please keep comments to the evaporation ponds, anything to do with fracturing of wells or drilling will not be a concern in this particular ordinance, this is a very narrow issue – only evaporation ponds. Other waste water proposals will be addressed in future ordinances.

The Chair stated that he would like to have a special workshop meeting the first Wednesday in August since the ordinance in the current form is new to all parties. We will have our public hearing on the 13th of August to adopt this ordinance if ready.

Mark Wright made a presentation stating that this is focused on the evaporation pond only. Not being an expert in the field the ordinance has been revised to only evaporation ponds, clarification on definitions, and comments bullets to clarify the formulas.

The Chair called on the public and asked that they keep their comments concise and germane to the ordinance.

David Smuin – Pleased with the changes made to the ordinance and believes staff is on the right track.

Harold Shepherd – The meeting with Dr. Theo Colburn last week was very informative specifically to the health and safety issues. Staff is trying to find out how hazardous the product for the evaporation ponds is and is pleased that it is being taken so seriously. Mr. Shepherd applauds the County's efforts.

Sarah Fields – Ms. Fields was also at the seminar with Dr. Colburn and also wants to know what is in the water being taken to the ponds. The onsite employees may be at risk due to the potential toxicity of the chemicals. She understands there is proprietary interest of the oil companies.

The Chair stated that he had also been to the presentation made by Dr. Colburn it was informative, but The Chair explained that several of the Commission members have been to the site and were reassured that controls are in place to make the site as safe as possible.

Jim Bradish from Danish Flats Environmental Services stated that he appreciated the Commissions time in coming out to the site and see for yourselves what the process is and what it entails, hopefully many of the concerns were alleviated after the visit. The section in the ordinance regarding bonding may be redundant. Prior to applying to the County bonding is guaranteed by the permit from Department of Oil and Gas (DOGM).

The Chair opened the discussion to the Commission – please discard all other ordinance and use the one dated 7-28-08 as presented at this meeting.

Jean Binyon asked if Danish Flats would be getting a permit for the second phase and would they need to conform to the proposed ordinance? Staff explained that the notice in the Times Independent is for the second phase the facility, which will be across the road from the current site.

Staff and Commission discussed the letter from Danish Flats Engineer, Jerry Knutson in regards to the analytical analysis which is limited information and focuses on total suspended solids (TSS).

Ms. Binyon was not available to go on the site visit and would like to make arrangements to have another visit for those who didn't make it. Arrangements will be made with staff to go sometime before the next meeting.

Postponement of deed restriction document review - Staff suggested pending affordable housing projects be required to partner with affordable housing agencies subject to County approval. Staff and Planning Commission began looking at deed restriction documents as a tool for the County to ensure the implementation of affordable housing criteria as well as project longevity. Staff submitted that that Community Development Department is not now, nor will be in the foreseeable future, in a position to effectively administer these projects –more specifically to qualify applicants or track deed restrictions over the long term. Staff suggested that requiring pending projects such as Canyon Village, to be required to partner with an appropriate affordable housing agency or nonprofit will help ensure:

- (1) The administrative burden of affordable projects are placed with an agency or nonprofit with the necessary resources and structures already in place for effective long-term management,
- (2) County oversight and enforcement authority,
- (3) More accurate identification and efficient service of target populations, and
- (4) Encouragement of private/public partnership.

County Council Update - Gene Ciarus gave a brief update of the Council's agendas.

The Chair gave a recapped that the Commission will have a workshop on August 6th for the evaporation pond ordinance; then the public hearing should be scheduled for August 13th. The other ordinances for land farming are a different process and will not be considered as a part of the evaporation ponds.

Adjournment: The meeting was adjourned at 6:50 PM.

Marcus LaFrance, Chairman