

Grand County Planning Commission Minutes

December 10, 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: Chair Marcus LaFrance, D.L. Taylor, Dave Cozzens, Chris Baird, Charley Every, Jean Binyon, and Ed Bridges.
County liaison – Gene Ciarus.

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

The Chair gave a brief presentation in recognition of Richard Grice who has served Grand County for 18 years as the Contract Planner. Mr. Grice was in the audience for the evening meeting and there was some levity at Richard's expense.

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 also made a change in the agenda items in reversing the Sorrel River Replat first and the Conditional Use after since they are interrelated and the reverse of the arrangement will allow for less confusion of the projects presentations.

The Chair outlined the procedure for the public meeting and asked the Commission if there were any conflicts of interest or ex-parte communications that needed to be disclosed. Dave Cozzens stated that he has been working on the septic systems at Sorrel River.

Public Meeting Sorrel River Ranch – Replat review of Sorrel River Ranch

This application is submitted by Josh Hellewell (representative) on behalf of property owner SRR Properties L.L.C. (applicant). The applicant is the sole property owner minus one estate lot (owned by Robbie Levin). The 76 guest dwelling units and the 13 estate lots included in this Replat encompass 159.33 acres in the Sorrel River Ranch Subdivision.

The application is for a replat of the existing Sorrel River Ranch, which recorded the phase 6 and final plat in 1998. Replats of existing subdivisions are permitted to utilize an abbreviated review procedure requiring review and recommendation by the Planning Commission and final decision by the County Council. Replats are subject to Final Plat review requirements. A replat is for the purpose of vacation, alteration, or amendment of a subdivision plat, of any lot, street or alley contained in a plat, provided that the replat does not:

- remove any covenants or restrictions, or
- increase the number of lots.

All plats and subdivisions of land within the unincorporated portion of Grand County shall conform to Article 7 Subdivision Standards.

The subject property is located approximately 19 miles northeast of Moab on State Route 128. The property is zoned Planned Unit Development (PUD) with a Range and Grazing (RG) base zoning district. The highway bisects the property with most of the property located on the north side of the highway. Currently, a mix of single-family lots, employee housing, resort units, and resort accessory uses are dispersed north of the highway, while seven large single-family lots exist south of the highway.

Six single-family lots currently exist north of the highway. The applicant proposes moving these six lots south of the highway, separating them from the existing resort and putting them on the side of the road where there are existing single family residences for sale.

The Chair offered the applicant 5 minutes for a presentation.

The applicant gave a brief history of the project.

The Chair explained that there are a number of items that have not been resolved and a discrepancy on previous plans with the current plan and recommends that the decision be postponed due to the unresolved issues.

Jean Binyon moved to postpone the decision until the January 14th meeting due to the unresolved issues and the public hearing will be left open.

Chris Baird seconded.

Ms. Binyon had a number of questions on acreage, but will hold off until the next item since they are associated. Mr. Baird had the same concern.

The Chair called for a vote and all voted in favor of the motion.

Public Hearing – Staff read into the record the General Plan as amended to date the Land Use Code as amended to date and the staff memo and supporting material of today’s date.

Sorrell River Ranch Conditional Use Permit – The Chair explained that this was postponed from the November meeting.

This application is submitted by Josh Hellewell (representative) on behalf of property owner SRR Properties L.L.C. (applicant). The subject property is located approximately 19 miles northeast of Moab and consists of approximately 159.33 acres bisected by State Route 128. The subject property is zoned Planned Unit Development (PUD) with a Range and Grazing (RG) base zoning district.

In 1999 the land use code was updated to include a conditional use entitled “Dude Ranch or Destination Resort” to reflect changes in the Moab area economy. The applicant is requesting “Dude Ranch or Destination Resort” Conditional Use Permit approval to:

1. become a conforming use with the current land use code, and
2. increase the average lodge size from 600 square feet to 1,000 square feet.

Dude Ranch / Destination Resort is a conditional use in the RG zone district. Conditional Use Permits shall be approved where the County determines that there will not be a significant negative impact upon residents of surrounding property or upon the public. The following criteria shall be considered in the application review:

Effect on Environment

The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property, nor cause substantial or permanent interference with the right to peaceful enjoyment of property.

Staff Finding = The proposed increase in lodge size is not detrimental to the health, welfare, and safety of surrounding properties nor result in a decrease in the property taxes of the development or neighboring properties.

Compatible with Surrounding Area

The proposed site plan, circulation plan and schematic architectural designs shall be complementary with the character of the surrounding area with relationship to scale, height, landscaping and screening, building coverage, and density.

Staff Finding = Appropriate mitigation, such as architectural standards, lighting, landscaping / screening, and signage requirements run with prior approvals and already in place.

External Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the county through the creation of noise, glare, fumes and odors, dust, smoke, vibration, fire hazard, excessive light, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.

Staff Finding = *The proposal to increase the average size of Wilderness Lodge units from 600 square feet to 1,000 square feet is compatible with the land use of a Wilderness Lodge and the surrounding land uses in the RG District.*

Infrastructure Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the county through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

Staff Finding = *The proposed unit size increase will not negatively existing uses in the areas and will not place additional demands on the environment or public infrastructure. The applicant utilizes both a private water and private septic system. No additional units / increased intensity of use is being requested nor are additional accesses point to S.R. 128 being requested.*

Consistent with LUC and General Plan

The proposed use will be consistent with the purposes of this LUC, the General Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

Staff Finding = *The proposed unit size increase is consistent with prior approvals granted by the County and furthers the County's goal of promoting predictability and attractive developments. The proposed unit size increase will not lower property values on the development or on neighboring properties.*

Parcel Size

The proposed use may be required to have additional land area, in excess of the lot area otherwise allowed by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

Staff Finding = *No additional land area is required.*

All dude ranches or destination resorts shall comply with the Dude Ranch or Destination Resort standards of this section:

1. Accommodation units may be provided for temporary overnight occupants and/or for employees; **(Complies)**
2. Accessory facilities may include restaurants, gift shops, employee housing, equestrian facilities and health spas; **(Complies)**
3. Visual impacts of structures and parking as viewed from public rights-of-way and high use areas shall be substantially mitigated through use of building siting, screening, landscaping or increased setbacks; **(Complies)**
4. Utilize earth-tone colors with low light reflective values that minimize contrast with the surrounding landscape; **(Complies)**
5. The proposed project and accommodations density shall be compatible with the surrounding land uses and suitable for the proposed site; **(Density, use, open space, and the number of employee units remains unchanged.)**
6. Utilize indigenous, regional architecture styles and materials; **(Complies -all architectural standards, signing, landscaping, screening, and lighting requirements run with the land.)**
7. Provide adequate public facilities and services based on the type and scope of the development proposed; a private water and/or sewerage system may be required where the capacity of available public water system and/or sewage treatment system is insufficient to serve current zoned density; **(The conditional use permit application does not change density or intensity of use)**

8. Provide public trail and/or road rights-of-way dedications as necessary to maintain historic access to public lands; **(Complies)**
9. Limit the height of all accommodations units to 24 feet and the main lodge structure to 35 feet; **(Complies)**
10. Limit the number of primary structures on site to an average of one (1) per 5 acres; **(Complies)**
11. Incorporate varied roof lines and wall off-sets as necessary to break-up the perceived mass and scale of all structures larger than a typical single family home; **(Complies)**
12. Provide complete food service for all guests; **(Complies)**
13. Provide a recreational amenity package suitable for the scale of the project. **(Complies)**
14. Signs allowed on site shall comply with the requirements provided, however, that:
Maximum allowable signage, defined as the aggregate total square footage of signs on-site, shall be as determined by the Planning Commission up to a maximum of 192 square feet, provided that no individual sign shall be larger than 92 square feet; and
Signs that are not visible from off-site shall not be considered in the maximum allowable signage.
(Complies)
15. The density of accommodation units shall be limited to one (1) per 2.5 acres, and the average size of all accommodations units shall not exceed 600 square feet; provided, however, that the County may permit bonus density up to one (1) unit per acre and/or bonus average unit size **(No increase in density is proposed, requesting average lots size of 1,000 square feet)**, where the County specifically finds that a proposed development will provide significant and substantial public benefit, as compared to alternative uses for the subject property, by exceeding county standards with respect to:
 - Protection of sensitive lands on the site;
 - Dedication of view shed easements across the property from high public use areas;
 - Dedication of 80 percent or more of the site as open space;
 - Protection and enhancement of wildlife habitat; and
 - Diversification of the local economy. **(applicant provided a narrative to substantiate)**
16. Employee housing shall be provided and such housing shall be restricted in accordance with the requirements of the LUC. **(Complies)**

The Chair gave the applicant 10 minutes for additional presentation.

Robbie Levin and Josh Hellewell explained the concept of the plan and the reasons for the change in the arrangements. Essentially since the development has changed ownership the new owners would like to keep ownership of the resort and bring it in to compliance by processing the project as a conditional use Dude Ranch/Destination Resort pursuant to the Grand County Land Use Code. The residential lots on the south side of the highway will be separate from the Resort and sold separately. Additionally they are asking for additional square footage to get the 5 diamond rating.

The Chair opened the public hearing, there was no comment the public hearing was closed and asked for a motion for discussion.

Ed Bridges moved to recommend approval to the County Council with an increase in average lodge unit size from 600 to 2,200 square feet based on the following findings:

1. The additional proposed 20 lodge units at 2,200 square feet will maintain an average lodge unit size of less than 1,000 square feet;
2. The proposed unit size increase is not detrimental to public health, welfare, and safety nor will it result in a decrease in the property values of the development or neighboring properties;
3. Appropriate mitigation, such as architectural standards, lighting, landscaping / screening, and signage requirements run with the land and are already in place;
4. The proposed unit size increase is compatible with the land use of a Dude Ranch / Destination Resort and the surrounding land uses in the RG District;
5. The proposed unit size increase will not place additional demands on the environment or public

infrastructure;

6. The proposed unit size increase is consistent with prior approvals granted by the County and furthers the County's goal of promoting predictability and attractive developments; and
7. Parcel size is sufficient for the requested use.

Jean Binyon would not second because the unit size should be an average of 1,000 square feet, will Ed amend the motion to make it 1000 square feet average?

There was discussion on the motion and the Chair suggested that number 1 should read "The additional proposed lodge units will maintain an average lodge unit size of less than 1,000 square feet" and eliminate the rest of the sentence.

Mr. Bridges stated that he would accept that but asked if there was not a typo and it should read 2,200 square feet. Staff assured Mr. Bridges that the 2,200 for additional 20 units and an average of 1,000 square feet.

Mr. Bridges withdrew his motion because he thought the 2,200 square feet was the request.

There was discussion regarding the size of lodge units.

Charley Every moved to recommend for approval to the County Council of the Dude Ranch/Destination Resort Conditional Use Permit and an increase in average lodge unit size from 600 to 1,000 square feet based on the following findings;

1. The additional proposed 20 lodge units at 2,200 square feet will maintain an average lodge unit size of less than 1,000 square feet;
2. The proposed unit size increase is not detrimental to public health, welfare, and safety nor will it result in a decrease in the property values of the development or neighboring properties;
3. Appropriate mitigation, such as architectural standards, lighting, landscaping / screening, and signage requirements run with the land and are already in place;
4. The proposed unit size increase is compatible with the land use of a Dude Ranch / Destination Resort and the surrounding land uses in the RG District;
5. The proposed unit size increase will not place additional demands on the environment or public infrastructure;
6. The proposed unit size increase is consistent with prior approvals granted by the County and furthers the County's goal of promoting predictability and attractive developments; and
7. Parcel size is sufficient for the requested use.

Jean Binyon seconded.

The Chair opened the discussion on the motion.

Mr. Every stated that he is clear on the motion and as he understands the code for destination resorts the Council can increase the average unit size and density with findings and recommendation of the Planning Commission based on the criteria in the code.

Mr. Bridges agreed with the motion, but still had questions regarding the square footage of lodge units.

Ms. Binyon questioned the staff comments in the staff report regarding the use of "lots" rather than units in reference to density accommodations in Sec. 3.2.3.15, the staff report was hard to follow and evaluate.

The Chair stated that the staff report will be updated and made clearer before going to the Council.

Mr. Baird stated the density exceeds the requirements for overnight accommodations and would like the definition of the primary structures, also questioned the open space.

Staff and applicants explained the table and how the open space was calculated.

After a lengthy discussion regarding the density, an increase of density will need to be asked for by the applicant pursuant to the Dude Ranch/Destination Resort allowance in the code.

The Chair remarked that he had asked staff earlier in the week to start a code amendment to allow resort units in the Dude Ranch/Destination Resort section of the code to increase the average accommodation unit size to 1,200 square feet.

Mr. Every stated that the use of the current ranch will change and number of units for lodging will actually be less, but the current code only allows for 38 units unless there is request to allow more based on the additional open space provided.

Charley Every amended his motion to include increase the number of units to 72 as a number 8 to the motion.

Ed Bridges questioned the need to have 20 lodge units in the motion, and Charlie Every agreed to remove the number of units in the current motion.

There was discussion by the Commission that the Council needs to review these concurrently and the Commission could approve this tonight, but not take it to Council until the replat is ready to go to Council.

Mr. Every would like to amend the motion to add a #9 that these applications will not be forwarded to the Council until they replat is processed so they will be considered together at the Council level.

Jean Binyon has withdrawn her second, D.L. Taylor seconded the motion.

No further discussion.

The Chair reread the motion as follows; recommend for approval to the County Council of the Dude Ranch/Destination Resort Conditional Use Permit and an increase in average lodge unit size from 600 to 1,000 square feet based on the following findings;

1. The additional proposed lodge units will maintain an average lodge unit size of less than 1,000 square feet;
2. The proposed unit size increase is not detrimental to public health, welfare, and safety nor will it result in a decrease in the property values of the development or neighboring properties;
3. Appropriate mitigation, such as architectural standards, lighting, landscaping / screening, and signage requirements run with the land and are already in place;
4. The proposed unit size increase is compatible with the land use of a Dude Ranch / Destination Resort and the surrounding land uses in the RG District;
5. The proposed unit size increase will not place additional demands on the environment or public infrastructure;
6. The proposed unit size increase is consistent with prior approvals granted by the County and furthers the County's goal of promoting predictability and attractive developments; and
7. Parcel size is sufficient for the requested use.
8. Increase the total number of lodge units from 38 currently allowed to 72 total.
9. The application not be forwarded to Council until it can be forwarded with the replat so they will be

considered by the Council concurrently.

The Chair called for the vote; Marcus LaFrance, Jean Binyon, Ed Bridges, and Chris Baird voted “nay”; D.L. Taylor, Charley Every, and Dave Cozzens voted “yea”. Motion failed.

The Chair explained the reason for the failed motion was to make sure that the Council will get the Conditional Use and the Replat applications together and hear them concurrently.

The Chair called for a new motion.

Ed Bridges moved to postpone action on this Sorrel River Ranch Conditional Use Permit until the first meeting in January, and continue the public hearing to that date. Dave Cozzens seconded.

The Chair asked if there was further discussion.

Mr. Every stated that he won't be at the next meeting for a decision, but would like say that knowing who we are is very important and we are the benefactor of two National Parks, State Parks, and the Colorado River of which makes us a tourist destination and our industry. This project has much magnitude on this industry and would encourage keeping that in mind in making this decision.

Ed Bridges stated that he is not against the project but would like staff to review the process and make a cleaner presentation.

Staff was requested to start work on a code amendment to allow for an average accommodation unit size of 1,200 square feet in the Dude Ranch/Destination Resort section of the Land Use Code.

The Chair reread the motion and called for a vote. Marcus LaFrance, Jean Binyon, Ed Bridges, Chris Baird, D.L. Taylor, and Dave Cozzens voted “yea”. Charley Every abstained. Motion carried.

Public Hearing – Code Amendment to allow “telecommunication towers” and “Outfitters, Guide services and facilities” to the list of uses allowed by Conditional Use Permit in the GB General Business zone district.

Staff read into the record the Grand County Land Use Code as amended to date the General Plan as amended to date and the draft ordinance.

In 2006 Ordinance 427 was approved “telecommunication and outfitters, guide services and facilities” to the list of uses allowed by Conditional Use permit in the General Business zone district. After some research it appears this section was inadvertently omitted from the February 2008 Ordinance approving a major overhaul of the land use code.

Staff recommends consideration to readopt the language in the omitted ordinance so that both uses are allowed in GB and to make current uses conforming to the code.

The Chair opened the public hearing.

Jack Campbell - commented the allowance in the zone due to the height of towers in residential areas.

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

Ed Bridges move to forward a favorable recommendation to the Council, Dave Cozzens seconded.

Staff explained that towers would be allowed in the GB district, but the standards address heights adjacent to residential areas.

The Chair called for the vote and all voted in favor.

Administrative – Consideration and recommendation for potential Planning Commission members and interviewing the applicants. The Chair left the dais and sat in the audience since he is an applicant.

The Vice Chair explained that once the applicants are interviewed he would recommend that the formal motion for recommendation to the Council state explicitly who is recommended.

Ed Bridges asked if we would be filling Mr. Baird's position, Mr. Baird stated that he has not resigned and would be seated until he's sworn in as a Councilperson.

The consensus of the Commission was to send forward 2 names and they will seat Mr. Baird's position after January.

The Vice Chair explained to the applicants that they would have 3 minutes to give a brief introduction and then the Commission would ask questions.

The following people were interviewed by the Commission:

Marcus LaFrance – is the current Chairman and has served as a Commissioner for the last 4 years and previously served on the Planning Commission.

Bill Love – moved to Moab in 1998 and been deeply involved in the updates and revisions of the Land Use Code and the General Plan.

Charles Pipkin – experienced in real estate development, but has recently left that business. Has served in government positions in other communities before moving to Moab.

Rex Tanner – Has a long history of government involvement in Grand County, currently serves on the GWSSA board.

Mike Duncan – an aerospace engineer and currently working part time from home has time and energy to give back to the community. He and his wife have lived in Moab for 9 years.

Dave Stolfa – retired engineer from Motorola moved to Moab in 2000.

James Hofmann – retired from the Colorado Department of Corrections moved to Moab 2004.

The Vice Chair thanked the applicants for their participation in the process and asked the Commission if they had a preference for voting.

The Commission discussed giving the Council a strong recommendation to accept

Ed Bridges made the motion to postpone the recommendation to the Council until after the Commissions January 14th meeting. Charley Every asked if the reason for the postponement is due to recommending the Council Elects (Chris Baird) position also. Mr. Bridges explained that he would like the new Council to make the decision, besides that he would like some time to digest the comments. Mr. Every seconded the motion.

The Vice Chair asked if there was discussion on the motion.

Mr. Every stated that the pool of applicants are exceptional and is very impressed with the group and would be comfortable with any of the applicants.

Dave Cozzens asked if the decision is postponed will the application process still be open to the public for more applications.

Mr. Bridges read the code and concluded that the Commission can make the recommendation to close the application process.

Mr. Bridges amended the motion to include that the County close the application process.

Mr. Every withdrew his second because the process may go on for months and his term is up and may not even be in attendance.

Dave Cozzens seconded the motion.

The Vice Chair re stated the motion to postpone the recommendation of the two openings on the board until after the Commission's January 14th meeting, including the amendment to cease taking applications, the Vice Chair called for the vote.

All voted in favor of the motion with the exception of Charley Every who abstained.

With the interview process over the Chair took his position on the dais and asked the Commission to review the minutes.

Approval of Minutes – The November 12, 2008 minutes were accepted with minor changes.

County Council Update – Gene Ciarus gave a brief update on the letter to the BLM regarding the oil leases. Gene also invited the Commission to the Council to give their recommendations to the Council.

Mr. Ciarus also thanked the applicants for their participation in the government process it reflect well on the community.

With no other items on the Agenda the Chair called for adjournment.

Adjournment: The meeting was adjourned at 9:00 P.M.

Marcus LaFrance, Chairman