

# Grand County Planning Commission Minutes

January 28, 2009

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:** Interim Chair Jean Binyon, D.L. Taylor, Dave Stolfa, and Ed Bridges. Mike Duncan and Dave Cozzens were absent.  
County liaison – Gene Ciarus.

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

The Chair introduced the Commission and staff then requested that all cell phones be turned off.

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

The Chair gave an acknowledgment of work done by Marcus LaFrance who has served the County for 8 years as a very well-informed and qualified Commissioner. Marcus was instrumental in working up the overlay zone for increased density specifically designed for affordable housing. Marcus worked on the 2002 General Plan and the update in 2004 and many of the Area Plans and the implementation of these plans. A debt of gratitude is owed Marcus for his community involvement since he has also served in other capacities in the City and County.

The Chair asked Ed Bridges if he would serve as interim Vice Chair until the election of officers in March. Mr. Bridges accepted.

The Chair asked if staff would put a Planning Commission packet in the Library at the main desk on Mondays before regular meetings.

**Public Hearing** – Conditional Use permit for a telecommunications tower in Cisco. Staff read into Record the General Plan and Land Use code as amended to date.

The application is requesting conditional use permit and site plan review for a 30 foot monopole telecommunications tower and accessory structure. The proposed site is located in the Heavy Industrial (HI) zone district in Cisco, UT. The application is submitted by Joseph Serrao of Verizon Wireless on behalf of private property owners Tariq Ahmad and Wayne Stout.

The applicant proposes construction of a 30 foot microwave “shot” tower. Microwave shot towers utilize line of sight to RE-lay information to other microwave towers. Existing microwave towers in the vicinity include: UT5 Cisco SBA Tower (approximately 5.3 miles away) and Harley Tower (approximately 16 miles away).

Communication towers require both telephone and power access. The proposed site is adjacent to an existing Emory Telecom facility, allowing telephone access.

Staff notes that safety communication and microwave towers operate within different ranges. The microwave tower will be operating in a licensed band of which they will have exclusive use.

The UT5 Emory POP (point of perspective) tower frequency engineering is being conducted by Comsearch, and will be licensed through the Federal Communications Commission (FCC). Documentation is in progress and anticipated to take approximately 30 days.

Due to line of sight issues, provision for additional platforms less than 30 feet is impractical. Accordingly, no future mounting, co-located antennas are proposed. Prior to proceeding to Council, site plan and construction drawings must include an engineer's stamp and registration number.

Telecommunication towers are a conditional use in the HI zone district. Conditional Use Permits shall be approved where the County determines that there will be no significant negative impact upon residents of surrounding property or upon the public.

Ed Bridges moved to give a favorable recommendation to the Council for the Conditional Use Permit for the Verizon cell tower at Cisco with the following conditions:

1. Documentation evidencing that the proposed tower complies with federal regulations and will not interfere with public safety communications; and
2. Final site plan and construction plans to include an engineer's stamp and registration number.
3. With the requirement that the tower be painted canary yellow knowing that the Council will overturn the request.

D.L. Taylor seconded with an amendment that condition number 3 be removed. Mr. Bridges agreed. All voted in favor.

**Public Hearing – Conditional Use Permit review for an evaporation pond facility postponed from the January 14<sup>th</sup> meeting** - Staff read into Record the General Plan and Land Use code as amended to date and all related documents in the staff report to the Commission.

This application is submitted by Gerald Knutson, on behalf of the property owner San Arroyo Livestock and leasee Danish Flats Environmental.

The application was reviewed at the last meeting and postponed for additional information and documents.

The facility includes pretreatment of the water to remove free oil. This process includes 6 concrete receiving tanks, a sludge pond, and 12 five-acre evaporation ponds.

The site has been designed on a gravity feed system. Light hydrocarbons and heavy sediments and sludges will be recovered in the receiving tanks.

Lighter sludges and sediments will be collected from the sludge pond. Additionally, the ponds are located over Mancos Shale and will be double lined with a leak detection system.

Staff has reviewed the submittal and concluded that the additional needed information has been provided.

The Chair re-opened the public hearing and asked speakers to give their name for the record.

**Bill Love** stated that Phase I must meet the Land Use Code and that there should not be any toxic chemicals across property lines. Phase II is premature and should wait until 85% of first phase is full. There is no documentation showing that phase II is needed. The documents that have been provided for the preliminary air quality study and it looks good. Don't consider Phase II until Phase I is 85% full and they provide documentation showing that it is needed. Phase I is very limited in regulation and Phase II is regulated fully by the current ordinance – it seems that since they are the same plant under the same name both phases should be regulated by the same ordinance. We should get this in writing and the owners should be required to operate both phases under the same ordinance.

The Chair asked if Phase I is at capacity.

Neal Robinson commented that they are very close to their operational limits.

The Chair asked that when water evaporates from Phase I will you then add more water? Mr. Robinson stated that “yes they will, it works as a total system and additions to Phase I will adhere to the current ordinance.”

Ed Bridges questioned if they will be paying the monitoring fee of 10 cents a barrel for Phase I and II? This led to a discussion regarding how and when the tipping fees will be paid for both phases. Mr. Robinson commented that once the current contracts run out on the trucks coming in would be easier to document the tipping fee on both phases, this is about 30 months out. But there was no commitment to do so at this time.

Dave Stolfa questioned VOC content. Mr. Robinson stated that the State air permit is the regulatory department and there is a larger air surface area on phase 2 and also a higher standard. Phase one is well above the standard and phase two will be built to match.

D. L. Taylor congratulated the applicant on a complete application and will be in favor due to the oil revenue.

With no other comments the Chair called for a motion.

Ed Bridges moved to give a favorable recommendation to the Council for the Conditional Use Permit for Danish Flats Phase II with the following conditions:

1. Referral Agencies. Agency approval and referral letters from: Division of Oil, Gas, and Mining (UT DOGM), Division of Air Quality (UT DAQ), Division of Water Quality (UT DWQ), and Division of Wildlife Resources (3.2.4.B.9); and
2. Monitoring Fee. Timing of monitoring fee collection to be reviewed and approved by County Clerk, County Attorney, and County Council.
3. County Inspection Program. Review and approval of a County inspection program by the County Council.
4. A certification from the State of Utah Division of Environmental Quality for use of potable water on site.
5. Notation on the site plan to include compliance with operation and access requirements.
6. No less than 75% of all produced water received from Danish Flats phases I and II is subject to the established and applicable County fees beginning with the operation of Danish Flats phase II.

D.L. Taylor seconded

The Chair asked if there was further discussion – with none she called for a vote.

All voted in favor.

The Chair stated that Ed Bridges had something he wanted to discuss.

Ed Bridges commented that the Commission has given recommendations to the Council and they have not paid any attention to our recommendations, we provide our time and they don't consider our input as important. With that rationale would like to make the following motion;

Pursuant to Section 8.1.3C, of the Grand County Land Use Code “Method of Appoint to the Grand County Planning And Zoning commission: I move to forego the interviewing of any and all applicants to the vacated seat, and further recommend any and all applicants equally qualified for the vacated seat. A letter should be sent to all applicants indicating that no interviews will be held February 11, and that all applicants have been equally recommended to the Grand County Council.

D.L. Taylor seconded.

The Chair commented that the staff has advertized and we should plan to go forward with the interviews and called for the question.

D.L. Taylor and Ed Bridges voted for the motion, Jean Binyon and Dave Stolfa against. Motion did not carry.

**Community Development Update** – Staff passed out a binder with training materials and reminded the new members of the new board training on the 9<sup>th</sup> of February in the Council Chambers.

Mark Wright updated the Commission on the Lions Park Engineering firm that was selected and the process they went through for interview.

Staff explained that the Board of Adjustment will be reviewing their by-laws and that board is still in need of alternates. An application has been provided in the packet if you know of someone that would like to be considered please have them fill it out and drop it off at the Council office.

Ed Bridges asked if the Commission needed to change the section of the code that currently is in conflict with the Council's requirements for appointing members to the Commission. Staff explained that it would be as simple as replacing the current code with the requirements from the Council's ordinance.

The Chair suggested that the Commission make a list of changes that they feel necessary for the code book and we will review it the first meeting in March.

**County Council Update** – Gene Ciarus welcomed Dave Stolfa to the Planning Commission and gave a presentation on the Council's happenings.

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

**Adjournment:** The meeting was adjourned at 7:45 P.M.

---

Jean Binyon, Interim Chair