

Grand County Planning Commission Minutes

January 27, 2010

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: Kalen Jones, Interim Chair, Ed Bridges, Dave Tubbs, Dave Cozzens, Dave Stolfa, Mike Duncan and Pam Hackley.
Council liaison – Gene Ciarus

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

The Chair asked that cell phones be turned off; introduced the staff and members of the Planning Commission.

The Chair asked the Commission if there were any conflicts of interest or ex parte communication regarding the items on the agenda. There were none.

Public Hearing – A&M Subdivision – Combined Sketch and Preliminary Plat – Staff read into record the General Plan and Land Use Code as amended to date and the staff report with relevant information.

This application is submitted by Michelle and Archie Walker. The Applicant proposes division of 2.48 acres into three lots for residential use. The property is located on Spanish Valley Drive and zoned Large Lot Residential (LLR). An existing residence and detached garage is located on proposed lot two. An existing accessory structure is located on proposed lot three. Surrounding properties are also zoned LLR with existing residences.

Access for lots one and two are proposed off a private access tract. Access for lot one is proposed off Spanish Valley Drive.

The Spanish Valley Drive Transportation Plan recommends “access management” along arterial and collector roadways in Spanish Valley. Access management seeks to minimize the number of driveways along major-thoroughfares in order to minimize the number of potential conflict points and preserve road capacity. The Final Plat and HOA documents will need to be revised and incorporate the recommendations of the County Engineer and Road Department Supervisor to indicate sole access from the private access tract. Sidewalk improvements are not required.

The CCR’s and HOA documents have been provided and will be reviewed by the County Attorney prior to final plat.

The land use code recommends ten foot rear and five foot side utility easements. The Applicant is asking the Planning Commission to waive the side utility easements. The utility companies have provided letters of acceptance, including the current utility easements needed as depicted on the plat. All utilities shall be placed underground.

Mailbox clusters will need to be provided; the Post Office will not drive down a private street.

The Fire Chief has reviewed the application and signed the plat for acceptance of the private access tract and associated turnaround.

The Chair asked if the Applicant would like to make a presentation. Ms. Walker was present and requested that the Planning Commission waive the need for easements on the side property lines as there are no utilities there and the only utility lines on the property are in the access easement and in the ten foot easement that is shown on the preliminary plat.

The Chair asked if the Commission had comment. Mike Duncan asked about easements, specifically the requirement for water and sewer since they need 20 feet and the easements are only 10 feet at the widest. Staff explained that water and sewer easements are generally in the road rights of way, in this case the private access easement, which can provide the 20 feet. Other utility companies review the plats and write their acceptance based on the assurance that the easements meet or exceed their needs and that the utility can provide the service. There have been instances where a utility may need an easement to get to another property or there may be a utility line on the property that has not been platted and needs an easement, but that is not the case with this project. Staff expects that the utility company reviews the application and accepts the easements as drawn or requests additional easement and that the utility will provide the service requested.

Other clarifications were asked from the Commission regarding the plat and the easements.

After the discussion Ed Bridges moved to recommend approval to the Council subject to the following conditions:

1. **Easements.** Ten foot utility easement shall be provided on the back of all three lots; the five foot side easement has been waived by the Commission.
2. **Roads.** Private access tract improvements and road encroachment to be reviewed by the Road Supervisor and County Engineer.
3. **Plat Revision.** Access to Lot 1 shall be from the proposed private access tract.
4. **Covenants, Conditions, and Restrictions (CC&R's)** - County Attorney review and approval of documents.

Dave Stolfa seconded with no other discussion the Chair called for the vote; all voted in favor.

Public Hearing – Cutler Subdivision – Preliminary Plat – Staff read into record the General Plan and Land Use Code as amended to date and the staff report with relevant information.

This application is submitted by Robert and Michelle Cutler. The Applicant proposes division of 2.43 acres into two lots for residential use. The property is located on Rim Rock Road and is zoned Rural Residential (RR). Two existing residences and two accessory structures are located on the property. The application seeks to create separate lots for each residential unit. Surrounding properties are also zoned RR with existing residences.

The applicant proposes to divide 2.43 acres into 2 lots for residential use. Each lot shall be a minimum of one acre and meet the current set back standards of the Land Use Code.

Access for both lots is proposed off a private access tract. The County Engineer has been on site and will require a road profile view of the private access tract showing less than a 12 percent grade. Covenants and restrictions and a homeowners association will need to be provided in order to provide maintenance of the private access tract.

Sidewalk improvements are not required.

The Building Official informed staff that the carport was built without a permit and the applicant has been informed that a permit is required. .

The Preliminary Plat indicates utility easements along the proposed private access tract, in compliance with LUC requirements. The land use code recommends ten foot rear and five foot side utility easements. All utilities will be placed underground. The County Engineer will review the additional drainage prior to Final Plat.

The fire department has reviewed and approved the private access tract and associated turnaround.

The Chair asked if the applicant would like to make a presentation – Mr. Cutler did not have anything to add to the report.

The Commission discussed the need for easements on the plat and asked for clarification on how to determine the front and back property lines on triangle parcels. Staff explained the front of a property is generally associated with the bulb end of a cul-de-sac or a front of a house is the front of the property line back of the house is the back property line.

Dave Stolfa moved to recommend approval to the Council subject to the following conditions being met prior to Final Plat review:

1. **Carpport.** Issuance of a building permit for the carport.
2. **Covenants, Conditions, and Restrictions (CC&Rs).** County Attorney review and approval of CC&R documents.
3. **Questar.** Provision of a service commitment letter from Questar Gas Company.
4. **Road.** Submission of road profile information for the private access tract indicating less than 12 percent grades.
5. **Easements.** Provision of ten foot rear lot line and five foot side lot line utility easements.
6. **Drainage.** The applicant has submitted a drainage report; drainage report to be reviewed by the County Engineer.

Pam Hackley seconded.

The Chair asked for discussion on the motion – Commission asked about the differences in road widths. It was explained that the code only requires 24 feet, the Cutler project has proposed a wider width to accommodate the sewer and water lines. The Commission recommended that utility easements are required pursuant to the Land Use Code.

With no other discussion the Chair called for vote.

All voted in favor of the motion.

Workshop – Draft Grand County Construction Standards and the Land Use Code Amendments. The County Engineer presented a copy of the draft standards without the strikeout and underlined and reviewed the standards with the Commission. The following items were discussed:

- the standard are not applied to County B roads,
- Consistency in the charts,
- Typo's and clarifications,
- Definition of "Mountainous Terrain".

The Chair expressed the need to stop at this point (Page 7), due to the time constraints and go to the next item on the agenda. The public hearing is scheduled for February 10th.

Draft Production Water Disposal and Recycling Facilities Land Use Code Amendment. The County Engineer explained that this is the second workshop on the amendment and asked if there were questions. Review the Draft of the Production Water Disposal and Recycling Facilities Ordinance. Staff reviewed the draft with the Planning Commission. The public hearing will be in February.

Ed Bridges voiced a concern that the Commission was expressly requested to address the five items remanded back to them for reconsideration from the County Commission, which should be the main focus – the five criteria are:

1. Evaluate the protective adequacy of the 50-ton cap on single emission elements,
2. Define and establish limits for hazardous emissions,
3. Evaluate and possibly require Best Available Control Technology (BACT),
4. Establish how testing will be used to determine emissions, and
5. Evaluate dust control mitigation.

As for #1 the 50-ton cap – that's been addressed in Section 4.M of the current code amendment draft and as well as the established limits for hazardous emissions.

The Commission discussed the evaluations and state requirements for capping of the HAPs (Hazardous Air Pollutants). Also if the best practice for monitoring the HAPs is through air quality or water quality sampling.

It was suggested that staff have the County Attorney draft an opinion on the County's authority to draft regulation that is stricter than the State Code since there seems to be contradictory regulation.

The County Engineer explained that laws governing air quality are federal laws, (EPA) and the state has been given primacy by the EPA, or to my knowledge this has never been granted to a county. To have the Attorney draft an opinion would cost the department about two thousand dollars because we pay for Civil Attorney work. Mr. Wright asked that the Commission have consensus on that request by the entire Commission.

The Chair asked Ms. Hackley if she would request that in a form of a motion.

Pam Hackley moved to accept a request by the Commission for a written opinion from the County Attorney regarding the authority of the Planning Commission to evoke stricter regulation for air quality under and the Utah Code portion relative to the oil, gas and mineral Title 40 Section 6. The allowance for Planning Commission to evoke stricter regulation falls under the LUDMA section of the Utah Code. The Chair asked for those in favor of the request. Pam Hackley and Kalen Jones were in favor of the request, David Tubbs, Ed Bridges, Dave Cozzens, Dave Stolfa, and Mike Duncan voted against the request.

Dust control is mitigated through the conditions of the road agreements.

Other discussion items were:

- Section 3. b. the underground injection control permits – how much of this information is really needed in the ordinance since it's currently a part of the UIC permit process through UDOGM. Staff will rework this section.
- Netting of the ponds – this is currently being studied by DWR and will be reviewed again by the Commission when the report is available.
- Siting of injection wells only on I-70 to protect the traffic flow on Highway 191.
- Operators to be on site at all times.

Staff informed the Commission that the public hearing for the Construction Standards and the Production Water Disposal Ordinance has been scheduled for February 10th.

Minutes – The Commission will review the January 13th minutes at the next meeting.

Community Development Update – Request for Proposals for the General Plan dead line is January 27th.

County Council Update – The Council had a public review of the County Drainage Master Plan at their regular meeting of January 19th.

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