

# Grand County Planning Commission Minutes

March 24, 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:** Chair Kalen Jones, Ed Bridges, Dave Tubbs, Dave Cozzens, Dave Stolfa, and Pam Hackley. Mike Duncan was absent.

Council liaison – Gene Ciarus

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

The Chair called the meeting to order at 6:00 PM and asked that cell phones be turned off or silenced and introduced the County Staff.

The Chair asked the members if there were any conflicts of interest or exparte communication with any of the agenda items. There were none.

## Public Meeting:

### A&M Final Plat Application

Staff's report - This application is submitted by Michelle and Archie Walker. 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.

The Preliminary Plat for A&M subdivision has been approved by the Grand County Council by Resolution 2921 with the following conditions:

1. Roads. Private access tract improvements and road encroachment to be reviewed by the Road Supervisor and County Engineer. And
2. CC&Rs. County Attorney review and approval of CC&R documents.

The final plat shall conform substantially to the preliminary plat as approved. The Planning Commission shall determine that the final plat is in proper form, and that the arrangement of the development proposed for the property being subdivided is consistent with land use code regulations.

The final plat has been revised to indicate sole access for all lots to be from the private access tract.

The County Engineer has determined that a drainage plan is not necessary for the proposed subdivision. The cost estimates for the private road are adequate and approved.

The applicant has provided a draft improvements agreement and proposes a cash escrow account for collateral, staff finds these acceptable.

The applicant has paid all administrative fees.

Planning staff has reviewed the draft A&M CC&R documents, provided comment, and sent them to the Attorney for final review and approval.

The Chair asked if the applicant wanted to make a presentation. Ms. Walker was there and had nothing to add. The Chair asked the Commission if there were any questions.

Ed Bridges moved to recommend approval to the Council subject to the following conditions being met prior to being scheduled for the County Council Agenda.

1. Bond. Provide an improvements agreement and financial guarantee and collateral in conformance with Sec. 9.5.3 of the Land use Code. The County Engineer has approved the cost estimate in the amount of \$30,175.95.
2. Covenants, Conditions, and Restrictions (CC&Rs). County Attorney review and approval of CC&R documents.

Dave Cozzens seconded and all voted in favor.

## **Public Hearing-**

### **Conditional Use Permit for a Public Safety Telecommunication Tower**

Staff Report - This application is submitted by Corky Brewer (Emergency Management and Homeland Security Director) on behalf of Grand County (property owner). The application seeks conditional use permit and site plan review for a proposed 80 foot telecommunications tower to be located at 2600 South Highway 191 at the Grand County Emergency Operations Center (EOC) in the Highway Commercial (HC) zone district.

The applicant proposes construction of an 80 foot radio tower at the EOC of a galvanized, lattice tower with two dishes: one dish in alignment with the dispatch center at the Grand County courthouse and another dish in alignment with telecommunications equipment at Bald Mesa.

The proposed tower is 80 feet in height. The EOC property is approximately 104,500 square feet (~396' x ~264') and includes all lands within the diameter of the fall zone.

Equipment planned for the proposed tower cannot be located on existing towers due to line of sight restraints.

The tower is anticipated to have minimal effect on the surrounding area. No additional landscaping and/or screening is proposed.

The tower is being built behind a principal structure. Tower citing is consistent with ridge line stands. Major power lines exist to the rear of the property; the maximum height of the radio tower will remain lower than these power lines.

An existing residence is located adjacent to the proposed tower site to the south. The application has provided a 160 foot setback in accordance with the land use code.

No lighting is proposed.

The Grand County Emergency Management and Homeland Security official, Corky Brewery, is requesting the tower as part of seven-county grant funded project to address "interoperability" communication concerns.

After approval of a permit the applicant shall submit copies of all FCC inspection reports.

### **LUC SEC. 9.11.6 CONDITIONAL USE CRITERIA**

Telecommunication towers are a conditional use in the HC 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. 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.*

**Finding** = The proposed facility is a conditional use in the Highway Commercial zone district and is consistent with the purposes of the Emergency Operations Center to further support public safety. The facility will not be permanently injurious to neighbor property, nor cause permanent interference with the right to peaceful enjoyment of property. Anticipated negative impacts have been sufficiently mitigated per the use specific standards set forth in the land use code per fall zone and set back requirements. The tower will remain lower than existing power lines, shall be located behind the principal (EOC) building, and is consistent with ridgeline requirements.

**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.*

**Finding** = The surrounding area consists of commercially zoned property. A site plan for the EOC was previously approved addressing landscaping, architectural, and access requirements.

**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.*

**Finding** = Visual impacts have been minimized through citing and consistency with ridgeline requirements. No additional negative impacts are anticipated; the tower will not emit smoke, glare or noise.

**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.*

**Finding** = Infrastructure is currently in place to serve the EOC building.

**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.*

**Finding** = The project supports public health and safety. The tower is consistent with citing requirements for the EOC building, the HC zone district, and use-specific standards set forth in the land use code.

**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.*

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

The Chair asked the applicant if he would like to make a presentation. Corky Brewer, Fire Chief and Emergency Manager explained the need for the tower and the upgrade to the emergency services with the proposed tower.

The Chair opened the public hearing – with no comment the public hearing was closed and the Chair entertained a motion.

Ed Bridges moved to recommend approval to the Council subject to the findings and the following conditions:

1. Final plans to incorporate Section 3.2.3P.15 of the Land Use Code (p. 3-16).

Dave Stolfa seconded and all voted in favor.

## Public Hearing - Christie Preliminary Plat review:

Staff report - This application is submitted by Lance Christie. The Applicant proposes division of 6.34 acres into two lots for residential use, Parcel A is one acre, Parcel B is 4.94 acres and is currently a working organic farm for the production of vegetables. The property is located on Old City Park Road and is zoned Rural Residential (RR). Two existing residences and 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.

All plats and subdivisions of land shall conform to Article 7 Subdivision Standards. The applicant proposes to divide 6.34 acres into 2 lots for residential use.

Access for both lots is proposed off a private access tract. The County Engineer has been on site and provided the following comments in letter to applicant dated March 1, 2010:

A roadway design of the proposed private access tract will be required. Provide a roadway plan and profile sheet and include the slope limits on this sheet. A roadway typical with catch slopes designed to be stable in this location. Indicate all necessary roadway drainage on the roadway construction drawings.

A homeowners association or other entity with assessment authority shall be established through subdivision covenants or other document that will be responsible for the perpetual maintenance of the access tract.

Sidewalk improvements are not required.

The Preliminary Plat indicates utility easements along the proposed private access tract, in compliance with LUC requirements. All utility companies have provided letters of acceptance and approved proposed easements. All utilities shall be placed underground.

The County Engineer has not determined if a drainage report is required for the property.

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

The applicant has provided draft Covenants, Conditions, and Restrictions (CC&Rs) and draft Home Owners Association (HOA) documents. Staff will review these documents and provide comment prior to sending to the County Attorney for final review and approval in accordance with final plat requirements.

The Chair asked the applicant if he would like to make a presentation – Mr. Christie gave a brief explanation of his proposed plan.

The Chair opened the public hearing.

**Don Hamilton** a neighboring property owner didn't have any concerns about the subdivision, but asked about the "eye sore". Mr. Christie has an agricultural building that seems to have people staying in it and there are stacks of materials adjacent to the building.

Mr. Christie explained that there are guests that are helping with the orchard and have been using the potting shed on a regular basis to establish the new trees.

With no other comments the Chair closed the public hearing and called for a motion.

Pam Hackley questioned the acreage of the land as presented on the staff report. Staff explained that .40 of the acreage would be established as the road way and will make the changes before it goes to Council.

The Commission asked staff if the large lot could be subdivided further. It was explained that if the large lot complied with all subdivision regulations, including providing for a standard road, then yes it could be further subdivided, but with the circumstances of the current area it would be difficult to provide the right of way needed.

Dave Stolfa moved to recommend approval to the Council subject to the following conditions:

1. Submission of a road way design including both road profile and slope limit information for the private access tract.
2. Determination by the County Engineer if a drainage report is required.

Dave Tubbs seconded

Pam Hackely amended the motion to include the review of CCR's and HOA by the County Attorney

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

### **Continued Public Hearing for the Outdoor Recreation Conditional Use Permit – Open-Air Dinosaur Tracks Museum;**

This application is submitted by Kristie Whipple –applicant's realtor with Anasazi Realty. Gerard Gierlinski, the applicant, is currently holding the property under contract. The application is requesting site plan and conditional use permit approval for "outdoor recreational use" for an open-air dinosaur tracks museum. The subject property consists of 43.5 acres and is located approximately seven miles north of Moab adjacent at the juncture of US Highway 191 and State Road 313 at the turnoff for Dead Horse State Park and Canyonlands National Park.

The application is being processed in accordance with the use specific standards outlined in Sec. 3.2.3(J) of the land use code for "outdoor recreational use". Additional pertinent land use code provisions include the Resort Special (RS) building design, site design, signage, and general development standards adopted and designed specifically to implement the Highway 191 North Corridor Area Plan's goals, objectives, and policies. Planning Commission reviewed this application in a public hearing on October 14, 2009 and tabled the application, continuing the public hearing, until the following items could be provided for review:

1. **Parking Study and Plan.** Submission of a parking study and plan with supporting information regarding the number of spaces proposed and screening methods utilized.  
*Staff note: Incomplete*
2. **Project Screening.** Submission of an updated site plan demonstrating methods utilized (landscaping, berming, site planning choices, etc) for screening buildings and structures from off-site view.  
*Staff note: Incomplete*
3. **Landscaping.** Submission of an updated landscaping plan to include an underground irrigation system and landscaping along the undeveloped areas of the street yard and parking areas;  
*Staff note: Done*
4. **Structures.** Submission of an updated site plan to include the location and height of all proposed structures, including dinosaur exhibits (staff notes there is a 24 foot height limit in the RS zone district versus handout indicates exhibits between 9 and 60 ft.).  
*Staff note: Done*
5. **Signs.** Submission of an updated site plan to include the location and dimensions of all proposed signs.  
*Staff note: Done*
6. **Drainage, Floodplain, and Steep Slopes.** County Engineer to review;  
*Staff note: Done*
7. **Reclamation Plan, Cost Estimate, and Bond.** Submission of a reclamation plan, cost estimate, and bond sufficient to ensure restoration of the site to a reasonably natural or preconstruction state.  
*Staff note: Planning Commission discussion item regarding required timing / activation of bond.*

#### **Site Plan:**

##### **A. Parking**

Some uses have widely varying parking demands and therefore are not outlined in Sec. 6.1.4, Parking Requirements. Off-street parking requirements in these instances are to be established by the Zoning Administrator (LUC 6.1.5) based on the traffic engineering and planning data.

During the last review Planning Commission tabled the application and requested the applicant supply a parking study supporting the number of spaces proposed. The project engineer submitted a letter (dated November 12, 2009, see attached), however, did not supply supporting data. In the absence of this information, staff is requesting parking be limited to a maximum of 175 spaces based on the following local park off-season and peak visitation numbers:

**Dead Horse Point State Park**

Off season (February) = approximately 50 visitors per day or ~ 25 spaces

Peak season (June) = approximately 300 visitors per day or ~150 spaces

**Arches National Park**

Off season (February) = approximately 500 visitors per day or ~250 spaces

Peak season (June) = 4,600 visitors per day

**B. Driveways and Access**

Access is proposed from existing highways to include additional turn lanes. UDOT has provided preliminary approval of the access layout.

**C. Fences and Walls**

The project engineer proposes screening via a 6 foot high (stone-style) solid wall. Given the topography of the site this is most likely not the most effective screening method. Planning Commission may wish to discuss the possibility of waiving the stone-style wall in-lieu of alternative screening methods.

**D. Screening**

A meaningful screening plan has not yet been submitted. Sec. 2.12.4D requires developers to demonstrate how projects in the RS zone district protect the natural appearance of open desert views and Sec. 3.2.J requires that development in the RS zone district minimize visibility from high public use areas such as US Hwy 191 and scenic by-way 313. Planning Commission may wish to give specific direction to the project designer to return with a plan depicting topography, existing natural features, and other possible screening choices.

**E. Signage**

Information attached.

**F. Outdoor Lighting**

The revised site plan shows lighting types and placement.

**G. Drainage, Floodplain, and Steep Slopes**

Drainage Report reviewed and approved by the County Engineer.

The Chair stated that this is still the public hearing and asked the applicant if they would like to make a presentation - Ms. Whipple commented that they have reduced the parking lot, but left the open area for future parking if needed.

The Chair asked if there were any comments from the public.

**John Cowan** stated that he is a friend of the applicant and sees this as an asset and will be helping in the process of the project.

The Chair opened the discussion of the Commission. Items discussed;

- Resolution to the National Park letter of concern;
- Review of the plan for fencing;
- On site visit;
- Activation of the bond and resolution of what should be bonded.

After a lengthy discussion regarding concerns of the Commission the Chair called for a motion.

Dave Tubbs moved to table the application subject to the following:

1. On site visit to be scheduled for the next Planning Commission meeting on April 14, 6:00 PM, orientation markings on the ground to delineate the structures, parking lot, and larger dinosaurs.
2. Updated site plan indicating topographic and existing features on site,
3. Provide a screening plan that will give adequate screening of the structures proposed,
4. Resolution of the National Park Service's concerns in letter dated February 25, 2010 regarding protection of the springs at Arches, filter runoff containment from the site to protect water quality, fugitive light pollution from the site, and parking reduction.

Ed Bridges seconded.

Discussion of the motion – clarification of the orientation of the structures to include dinosaur structures and the public hearing will stay open.

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

The Commission will meet at the Courthouse at 6:00 PM for carpooling to the site for the next meeting on April 14<sup>th</sup>.

**Approval of Minutes** – The acceptance of the March 10th minutes as corrected Pam Hackley motioned to accept and Dave Stolfa seconded, all voted in favor.

**Community Development Update** – The County Attorney is reviewing the contract with RPI the firm that will be writing the General Plan.

**County Council Update** – gave a brief review of the recent Council meeting.

**Adjournment:** The meeting was adjourned at 8:00 P.M.