

Canyonlands Watershed Council

P. O. Box 344
Moab, Utah 84532
435-259-1063

September 8, 2009

Grand County Council
125 East Center
Moab, Utah 84532

RE: Application for Change to the Grand County Land Use Code

Dear Chairman Greenberg and Council Members:

Below please find an application for a change to the provisions of the Grand County Land Use Code (LUC), as Amended through April 2008, submitted on behalf of the Canyonlands Watershed Council of Moab, Utah. The Council is made up of citizens of Grand County, many who are landowners, and educates and advocates for the preservation of the quality of ground and surface water in Grand County. Part of that mission is the establishment of sound land-development standards and policies.

The LUC at Section 9.2.2 contains provisions for the initiation of a text amendment to the Grand County Land Use Code. That section states:

9.2.2 Initiation of text amendment

Any person having a proprietary interest in any property may submit an application to the County Council for a change or amendment to the provisions of this LUC, or the Planning Commission may on its own motion or on request from the County Council, institute study and proposal for changes and amendments in the public interest.

It is our understanding that a proposed change to the LUC is referred to the Planning Commission for an initial hearing, consideration, and recommendation to the Council, after proper notice.

PROPOSED CHANGE

1. Proposed Change to Title 16, Article 3. Use Regulations, Sec. 3.1 Use Table for Heavy Industrial (HI) (page 3-3) with respect certain uses permitted by right. Section 3.1 would be changed to require a Conditional Use Permit for the following used currently permitted by right in Nonresidential HI zones:

A. Industrial Uses (Section 3.4.10): railroad facilities, including shops; asphalt or concrete batch plant; power plant; fuel product storage; stockpiling of sand, gravel, or other aggregate materials; public land fill.

B. Other Uses (Section 3.4.11): oil and gas drilling on public land; ore refining or processing.

2. Proposed Change to Title 16, Article 3. Use Regulations, Sec. 3.1 Use Table for Range and Grazing (RG) Industrial (page 3-3) with respect certain uses permitted by right. Section 3.1 would be changed to require a Conditional Use Permit for the following currently permitted by right uses in Residential RG zones:

A. Other Uses (Section 3.4.11): oil and gas drilling on public land.

SUPPORT FOR PROPOSED CHANGE

1. Recently the Grand County Planning Commission and the Grand County Council rejected a request to zone an area of Grand County Heavy Industrial. One of the reasons for those rejections and citizen concerns were the many uses that are permitted by right in a Heavy Industrial zone. There was no guarantee that the zone would not be used for a by-right use other than the one proposed, should the area be rezoned as Heavy Industrial.

2. The Heavy Industrial District allows certain uses permitted by right; that is, without requiring a Condition Use Permit. There appears to be no logic or basis for requiring a conditional use permit or permitting a use by right for one or the other of the various uses in a Heavy Industrial District. The uses that should require a Condition Use Permit are uses having countywide impacts and uses that present issues specific to the use and location involved. Conditional Use Permits should also apply to situations where the interests and powers of other governmental and/or quasi-governmental entities require coordination or resolution of conflicts with the County's interests in regulating the proposed use.

3. The standards for many of the uses by right under this change proposal are minimal and do not appear to address the nature of those uses and the potential impacts to the community and environment for such uses. By requiring a Conditional Use Permit for additional uses that may be permitted in a Heavy Industrial District, Grand County will provide for additional review and consideration of Heavy Industrial uses that, by their very nature, should require additional scrutiny.

4. The uses that should require a Conditional Use Permit are those that can have adverse impacts on the environment and residential areas next to High Industrial Districts, will be or may be subject to other federal or state permitting processes, may result in the release of emissions off-site that may or may not be permitted by the Utah Division of Air Quality of Utah Division of Water Quality, and may result in the contamination of water, air, or land.

The Conditional Use Permit process would provide an opportunity for input from nearby residents, land users, and land owners that might be impacted by the proposed use and provide for an evaluation of any potential adverse impacts to the natural environment. It would allow for consideration of such impacts as odor, congestion, and noise.

5. A Conditional Use Permit process would allow the public and the County to develop limits and conditions to mitigate or eliminate undesirable effects of proposed uses and render the use compatible with the existing uses in the vicinity.

6. Stockpiling of sand, gravel, or other aggregate materials can result in large amounts of fugitive emissions, as has been the case in Spanish Valley. Last year our area had days where the wind blew dirt, sand, and dust all around the Moab Valley, even into the mountains. Therefore, proposed locations for the stockpiling of materials that can blow around should be carefully considered in the context of a Conditional Use Permit process.

7. The District Standards for High Industrial uses in (Section 2.14.4) are not compatible with some of the uses permitted by right.

8. The Standards for some of the High Industrial and Range and Grazing uses should be amended to be more specific and comprehensive. However, that should be the subject of another request and additional study by the County. For example, the LUC should require that industrial uses be in areas served by roads, power, water and other utilities and facilities or where such facilities can be readily provided.

9. Oil and gas drilling operations on public land in Grand County should require a Conditional Use Permit. There is no justification for requiring a Conditional Use Permit for oil and gas drilling on private land and not require one for public lands. The impacts will be similar and should be examined in a substantive way in a permit process. Emery County does not permit oil and gas drilling and oil and gas operations on private or public lands without a Conditional Use Permit. Emery County has a 3-level Condition Use Permit process and requires a Conditional Use Permit for almost all uses within the county. For some industrial uses, such as railroad projects, Emery County requires an environmental impact statement (in addition to the highest level of permit). See http://www.emerycounty.com/b&z/zoning_ordinance_amended_asof6-15-2004-clean.pdf

10. Ore refining and processing should require a Conditional Use Permit. Emery County requires a Conditional Use Permit for ore refining and processing. An ore refining

operations have a number of potential adverse impacts, particularly if the operation is a uranium ore refining operation. A uranium mill should not be sited in Grand County without a Conditional Use Permit process.

Thank you for your consideration of this request. Please feel free to contact us if you have any questions.

Sincerely,

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And on behalf of Canyonlands Watershed Council members:

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