

EXHIBIT "F"

3411 Creekside Lane,
Moab, UT 84532

January 18, 2021

Grand County Commission: council@grandcountyutah.net

Grand County Planning & Zoning: planning@grandcountyutah.net

Subject: Creekside PUD Amendment - Response to Interpretation

Dear Commissioners and Staff,

I have read the Interpretation document provided by Planning & Zoning staff in response to the request for interpretation by Christina Brinegar of Creekside, one of my neighbors. I have provided my comments below regarding the statements made in the Interpretation, and would I appreciate your time in considering them as you make your decision on whether to grant the proposed lot size minimum for the Creekside Estates Phase II PUD.

I compared the statements made by the applicant in the original rezoning application to those made by Planning & Zoning in the Interpretation and found there are several contradictions, including the items regarding open space, agricultural use, and rural residential development. In particular, the answers to question 4 "*Will there be benefits derived by the community or area by granting the proposed rezoning?*" are inconsistent and unconvincing. Agricultural use is not mentioned in the original proposal, but this word appears several times in the Interpretation as a justification for the rezoning, without any explanation as to how that would provide a long-term benefit to the whole community and be legally binding as part of the PUD.

It is my opinion that this change will negatively affect our neighborhood and will not provide any additional benefits that are not provided by the current RR1 zoning of 1 unit per 1 acre under which ALL development to-date (8 units out of a total 12) in the combined Creekside Estates PUD including Phase I and Phase II, has already occurred.

Sincerely,

Marian Boardley.

(435) 210 1199

Applicant Statement:

Creekside Manor Phase II of Creekside Estates is zoned RRI. Per plat notes, the one acre minimum was part of Phase I, established in 1996. The new Creekside Manor PUD (Phase II) allows for multiple size lots under the land use code. The revised lot layouts reflect a more efficient use of the land and placement of homes, while creating more open space.

In making its determination, the County Council shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented, and the following criteria:

Sec. 9.2.7 Issues for Consideration		Mr. White's Application as provided in the information packet to the Planning Commission	Grand County Planning Interpretation	My Comments
1	<i>Was the existing zone for the property adopted in error?</i>	1. To my knowledge, the intent of P&Z in 1996 was not to hold me to the one-acre lot minimum, but was meant to be used as a guide to the RRI zoning.	<i>The existing zone is Rural Residential with an existing PUD overlay applied. Neither were adopted in error.</i>	Development on Phase II has been occurring sporadically per the existing plat, with two dwellings currently built. Phase I is completely built (6 units) according to the original plat (1 unit per acre minimum)
2	<i>Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?</i>	2. No, the area has remained rural residential.	<i>Yes, there has been development in the area since the plat was approved in 1997, including on the lots approved by the original plat.</i>	The approved lots in Phase I Creekside Estates have all been developed at 1 unit per acre by private parties. The buildings that already exist in the proposed Phase II PUD were built by Mr. White, under the approved 1 unit per acre of the existing plat.

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<p>3</p> <p><i>Is there a need for the proposed use(s) within the area or community?</i></p>	<p>3. Lots under one-acre are more desirable to today's home owner.</p>	<p><i>The proposed use is an already entitled development right. Smaller lots can be beneficial to potential owners for many reasons, most notably providing additional housing stock in a more affordable configuration.</i></p>	<p>Affordable housing is defined in the Grand County Land Use Code and this proposal does not meet that definition. The Interpretation states "more affordable" - it is unclear if this means more affordable or less affordable than the definition of affordable. See also #4, which mentions "affordable development" again</p>

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<p>4 Will there be benefits derived by the community or area by granting the proposed rezoning?</p>	<p>4. Yes, the proposal provides building lots that also support open space.</p>	<p>The proposed larger lot would be preserved as an agricultural use, which can benefit the area as a small farm, as a visual buffer from development, and to preserve other uses in the area. Additionally any provision of housing helps relieve Grand County's lack of housing. And, smaller lot configurations provide the possibility for more affordable development</p>	<p>The applicant does not mention agricultural use, or a small farm in his application. What legally binding provision would be in place to ensure the agricultural use will remain solely agricultural?</p> <p>The application proposes "open space" which is defined in article 6.11 of the Grand County Land Use Code. The proposed PUD does not meet the open space definition, which includes: "Such land shall be legally and practically accessible to the residents of the development out of which the common area or open space is taken or to the public if public dedication is desired." See also the Applicant</p>

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5	Is the proposal in conformance with the policies, intents and requirements of Grand County General Plan, specifically Chapter 4: Future Land Use Plan.	5. Yes, the proposal conforms with land use code (PUD).	Yes, a Planned Unit Development is a tool codified in the Grand County Land Use Code and as such is supported by the General Plan.	One of the purposes and intents of the PUD is to "Promote a clustering development pattern in the interest of preserving rural character". However, in this proposal, the clustering of homes is less effective at preserving the rural character of the neighborhood, that is already provided by the original RR1 zone.	
6	Should the development be annexed to a city?	6. N/A	No	N/A	
7	Is the proposed density and intensity of use permitted in the proposed zoning district?	7. Yes, the proposal meets underlying zoning per land use code (PUD).	Yes. There is no additional density or intensity proposed in this application.	On the contrary, the proposal contains additional intensity due to smaller lot sizes and "clustering" of homes. Even though the underlying density may be preserved in Phase II as a whole, this will not be apparent to residents in the subdivision.	

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8 <i>Is the site suitable for rezoning based on a consideration of environmental and scenic quality impacts?</i>	8. Yes, the proposal is for single-family homes and provides lots that support open space, and provides lots that support open space.	Yes, the smaller lots would have a smaller development footprint and preserve agricultural land.	No commitment to preserve "agricultural land" has been made in writing for this proposal, see #4.
9 <i>Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?</i>	9. Yes, the proposed use is for single-family homes.	Yes, the proposed use is residential and agricultural, as are the surrounding uses. Any adverse impacts can be adequately mitigated.	Another reference in the Interpretation to "agricultural" which is not in the original proposal, see #4

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<p>10</p> <p><i>Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?</i></p>	<p><i>10. Yes, all utilities and services are available.</i></p>	<p><i>Yes, the developer will provide for all the required utilities.</i></p>	<p>The topic of road maintenance in the common area has not been addressed in the Interpretation, including why it must be as separate lot.</p>
<p>11</p> <p><i>Does the proposed change constitute "spot zoning"?</i></p>	<p>[No response to this item is provided in the proposal]</p>	<p><i>No, there is already an approved PUD for the property</i></p>	<p>Approved PUD is at 1 unit per 1 acre.</p> <p>The proposed clustered development may (or may not) meet the definition of Spot zoning as defined in the Grand County Land Use Code but this question is not addressed in the Interpretation.</p>